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YUKON TERRITORIAL COUNCIL

THIRD SESSION 1970

Votes and Proceedings

VOLUME 1

(Sessional Papers)

I N D E X

1970 (Third Session)

N.B. - The first 166 pages were recorded at Watson Lake. These pages are indicated in the index by brackets.

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Session Dates - Monday, June 22, 1970 to Friday, July 3, 1970

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3. An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum Not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto	(9)	(16 - 17)	(36)	(165)
4. An Ordinance to Amend the Taxation Ordinance	(9)	(17 - 23) (116 - 120)	(124)	(165)
5. An Ordinance to Amend the Legal Professions Ordinance	(9)	(23 - 31)	(37)	(165)
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ERRATUM

Page (83)	Marginal Note - S.P. No. 1 should be S.P. No. 21
Page (91)	Date - Friday should be Wednesday
Page 1	Line 6 - S.P. No. 24 should be included as being Tabled
Page 110	Line 33 - "with a charter" should be "without a charter"
Page 120	Date - June should be July
Page 125	Lines 55 and 67 - "distruct" should be "distrust"
Pages 143-144	Marginal Note - S.P. No. 17 should be S.P. No. 18
Page 144	Marginal Note - S.P. No. 18 should be S.P. No. 17

VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1.
Monday, June 22nd, 1970.
10:00 a.m.

The Third Session of the Council for the year 1970, being the Eleventh Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Centennial Centre at Watson Lake at 10:00 a.m. on Monday, June 22nd, 1970.

The Members present were:

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

Mr. Clerk read the Proclamation.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Eleventh 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 House is now prepared to hear his Opening Address?

Mr. Clerk leaves the Chamber to advise Mr. Commissioner, and returns.

Mr. Clerk: Mr. Speaker, the Commissioner is now prepared to give his Opening Address.

Mr. Speaker: Please proceed.

The Commissioner of the Yukon Territory, Mr. James Smith, was escorted into the Chamber by his Aide-de-Camp.

Mr. Speaker: The House now stands adjourned in order that we may hear the Commissioner's Opening Address.

* The Commissioner gives his Opening Address. (Set out as Sessional Paper No. 23)

Mr. Speaker: I will now call the House to order. I would like to thank the Commissioner for his Opening Address and promise that the Council will give every consideration to those matters which he has brought to our attention.

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

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

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse West, that the Commissioner's Opening Address be considered on a day following. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

BILL #1
INTRODUCED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 1, An Ordinance Respecting Securities, be introduced.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I believe, gentlemen, the Honourable Member for Watson Lake, since we are having our Session here for the first time, has a few words to say with respect to the opening of this Session at Watson Lake. The Honourable Member for Watson Lake?

Mr. Taylor: Thank you, Mr. Speaker. I would just like to say that it gives me a great deal of pleasure to welcome, on behalf of the Settlement of Watson Lake and the area, to the area the Honourable Members and the members of the Administration alike. It seems very fitting, Mr. Speaker, that this Session should be held in the southeast Yukon at a time when the area exhibits the rigors and so forth of the new frontier. It is interesting to note that this is the first time that the Legislative Council of the Territory has ever sat outside of the former capitol of Dawson City and the current capitol of the Territory, being Whitehorse, and we are indeed both pleased and proud to not only have this Session here in the experiment in government, in bringing government to the people I should say, Mr. Speaker, and I'd just like to say that on behalf of all the people in the area, we extend to all Members and all members of the Administration our hospitality and we hope and trust that this Session will be a rewarding one for all concerned.

Mr. Speaker: I thank the Honourable Member for Watson Lake. Is there any further business?

Mrs. Gordon: Mr. Speaker, may I rise on a point of privilege?

Mr. Speaker: Please proceed.

Mrs. Gordon: Today I would like to pay tribute to a man who served three terms on Territorial Council and died unexpectedly while on holidays in England. He is R. Gordon Lee. He came to the Yukon in the late twenties or early thirties, married into a Yukon family, represented the Mayo Area in Territorial Council for one term, if memory serves me correctly, and two terms in Whitehorse, where he owned and operated one of the largest businesses there today. After selling his business there, he moved to Vancouver Island in the area of Saanich where he continued in public life as a reeve on the Saanich Council. Mr. Lee was a true Yukoner, and I believe the Territory has lost a good friend. I would ask that Council extend the sympathy, their sympathy and the sympathy of the Yukon Territory to his wife and two daughters. Thank you, Mr. Speaker.

Mr. Speaker: I thank the Honourable Member for Mayo. Is there any further business.

Mr. Shaw: Mr. Speaker, at this time I would move that Council adjourn until 2:00 this afternoon.

Mr. Speaker: Are we agreed?

Some Members: Agreed.

Mr. Speaker: The House now stands adjourned until 2:00 p.m. this afternoon.

Mr. Speaker: I will now call the House to order. I have some correspondence for tabling. The first one, addressed to the Speaker, "As provided by the Regulations Ordinance, those Regulations made subsequent to the last Session of Council are available on the Clerk's desk for tabling", and are so tabled. "As required by the Yukon Lands Ordinance, all transactions made during the period April 3rd, 1970, to June 18th, 1970, with respect to Yukon lands under the control of the Commissioner, are hereby tabled", and are so tabled. I would also like to draw to your attention the tabling of Sessional Papers No. 1 through 23, excluding No. 18. Are there any Reports of Committee? Introduction of Bills? For introduction at this moment, there are Bills No. 2, 3, 4, 5 and 6.

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced. BILL #2
INTRODUCED

MOTION CARRIED MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 3, An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada, and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be introduced. BILL #3
INTRODUCED

MOTION CARRIED MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 4, An Ordinance to Amend the Taxation Ordinance, be introduced. BILL #4
INTRODUCED

MOTION CARRIED MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance, be introduced. BILL #5
INTRODUCED

MOTION CARRIED MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor that Bill No. 6, An Ordinance to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be introduced. BILL #6
INTRODUCED

MOTION CARRIED MOTION
CARRIED

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

Mr. Shaw: Mr. Speaker, I would give Notice of Motion in relation to the naming of the new Nursing Station at Dawson City. MOTION #1

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? This being the first day of business, we have nothing under Daily Routine under Motions for the Production of Papers or Motions for the Production of Papers Passed. We are now at the Question Period. Are there any questions?

Mr. Dumas: Yes, Mr. Speaker. I wonder if the Commissioner could tell us what has been done, if anything, to help alleviate or try to solve the water problem in the area of Greater Whitehorse? Have meetings been held between various government departments, etc., etc.? I wonder if we could be brought up to date? QUESTION RE
WATER PROBLE
IN GREATER
WHITEHORSE

Mr. Commissioner: Mr. Speaker, I cannot enumerate the exact number of meetings that have taken place on the subject. I can say, for Council's information, that two aspects of this are under active study at the moment; one concerns the disposition of the sewage that is going into

Mr. Commissioner continued ...

the Yukon River as a consequence of the lack of a treatment plant in the area, and Mr. Wishard of the Federal Department of Health, who is in the Regional Office in Vancouver, is at the present time, in co-operation with other government agencies, working on a presentation which I trust will at least outline what has to be done in the way of either a primary or secondary treatment plant to bring this about. In the same context, the question of a water supply, I think the Councillors are all aware that the City of Whitehorse is not adverse to being the supplier of this water, and certain aspects of their system at the present time are undergoing modifications which will permit them the capacity to provide the water, and I am hopeful that if further conversations can be carried on with regard to the extension of the City boundaries, that one of the conditions that prevailed the last time the question was put to the voters, which consisted of the implementation of a report, which we term the Newton Report, and I believe that the Honourable Members are aware that this report suggests that the City of Whitehorse water supply, with certain modifications to it, would be the source of water for the close-in aspects of the Metropolitan Area, that this will have the blessings of the Federal Government at this time as it did approximately four or five years ago. Now, further questions with regard to details on either of these, I would be most happy to answer, Mr. Speaker, but in a general situation in answer to the Honourable Member's question, these are the two forces which are actively at work at this time with regard to solving this problem in the Metropolitan Area.

QUESTION RE
TAKEOVER OF
ALASKA
HIGHWAY

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner this morning, and ask if Mr. Commissioner could enlighten Council as to what progress is being made in relation to the takeover of the Alaska Highway by the Yukon Territorial Government.

Mr. Commissioner: Mr. Speaker, such preliminary work as can be done at the administrative level has either been accomplished or is in the process of being done, however, before the matter can be brought to a position where we will be seeking Council's approval for this, we are awaiting a Treasury Board Minute that would effectively give the Federal Government's blessing to the suggestions.

QUESTION RE
CURTAILMENT
OF MUSIC
CLASSES

Mr. Chamberlist: Mr. Speaker, Mr. Commissioner, music classes in our schools are being dispensed with or curtailed by the Superintendent of Schools for next year's school program. Is the Administration reviewing this decision so that our music training program will be continued with?

Mr. Commissioner: Mr. Speaker, this is a very similar question to that which the Honourable Member posed at a prior Session of Council, and this has come under very close scrutiny as far as myself and my senior officers are concerned. We are quite satisfied that the approach that is being taken at the present time is the proper one in view of all the circumstances that surround this question.

QUESTION RE
CURTAILMENT
OF MUSIC
CLASSES

Mr. Chamberlist: Supplementary, Mr. Speaker, Mr. Commissioner, do you not realize that the parents of children in the Yukon in all areas are much concerned that this program is being curtailed?

Mr. Commissioner: Yes, Mr. Speaker, we have had representations from various groups and individuals in this regard, and their concern I think is a real one, but there are many other overriding considerations which at this time I think have to be given more consideration, and I am afraid that I cannot give any encouragement that the program as outlined at the present time by the Department of Education can undergo any significant change for the term that begins on the eighth or ninth of September, Mr. Speaker.

QUESTION RE
CURTAILMENT
OF MUSIC
CLASSES

Mr. Chamberlist: Another supplementary, Mr. Speaker, I wonder if Mr. Commissioner could indicate whether the program changes were the result of recommendations of the Superintendent of Schools?

Mr. Commissioner: Mr. Speaker, the answer is yes, and not only on his own recommendations, but I think that this has been the subject of considerable review within the Department of Education in conjunction with the school principals, who are very closely associated with the implementation of this particular program.

Mr. Chamberlist: I wonder if Mr. Commissioner could indicate why the subject matter has not been brought to Territorial Council for them to make remarks on the situation?

QUESTION RE
CURTAILMENT
OF MUSIC
CLASSES

Mr. Commissioner: Mr. Speaker, very few things escape the attention of Territorial Council, and I am quite confident that under the circumstances, we have not only had the question that is raised by the Honourable Member at this time, but what was raised before, we are well aware of Council's interest in this particular matter, but insofar as the actual impact of the changes are concerned, I think that Council would agree with me that they are very, very small in the light of the total school program, and certainly are not of a permanent and everlasting nature.

Mr. Taylor: Mr. Speaker, I have another question I would like to direct to Mr. Commissioner this afternoon. I would like to ask Mr. Commissioner if the Administration at this time is prepared to advise Council as to what progress is being made in relation to the takeover by the Yukon of the Freshwater Fisheries?

QUESTION RE
TAKEOVER OF
FRESHWATER
FISHERIES

Mr. Commissioner: Mr. Speaker, I'm afraid I have nothing further to report at this time. Our efforts continue, but there is nothing we can report at this time.

Mr. Chamberlist: Mr. Speaker, further to Mr. Commissioner, once again, Mr. Commissioner, you suggested that the Council would agree with you about the policy that has been entered into by the Department of Education. Would Mr. Commissioner give the opportunity for Council Members to agree or disagree with you?

QUESTION RE
CURTAILMENT
OF MUSIC
CLASSES

Mr. Commissioner: Mr. Speaker, I think that that is a privilege that would not be accorded me. I am quite confident that Council will let me know in no uncertain terms if they agree or if they do not agree, and I am sure that I will hear from them in due time.

Mr. Speaker: Are there any further questions?

Mrs. Gordon: I would like to ask a question of the Commissioner, Mr. Speaker. Is the Administration aware that the water in the Mayo River is contaminated and is unfit for human consumption? If so, how soon will steps be taken to eliminate the contamination, and what will be done to ensure that the entire water table in Mayo does not become infected?

QUESTION RE
CONTAMINATED
WATER IN
MAYO RIVER

Mr. Commissioner: Mr. Speaker, I am sorry that when I answered the Honourable Member's question concerning the sewer and water problems in the City of Whitehorse that I did not elaborate further to say that the whole water supply and sewage disposal situation as it applies to all settled communities in the Territory are under review by Mr. Wishard and his officers at this time. It will be in the context of a total report in this regard, it will not only be for the City of Whitehorse. I'm sorry, but I was answering the one question directly, and to the Honourable Member from Mayo, I would say that a similar examination as is being conducted with regard to the Whitehorse sewage disposal, is being conducted on behalf of all settled communities in the Territory.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I would like to address an oral question to the Commissioner at this time. Some of my constituents along the Alaska Highway are getting quite worried. They hear there's a blanket form of investigation going on as far as business people are concerned and private homes along the Alaska Highway under the power of the Customs Act, and I'm not particularly concerned, Mr. Speaker, with individual investigations, but blanket investigations without warrant -- I wonder if Mr. Commissioner can inform me on this point?

QUESTION RE
INVESTIGA-
TIONS ALONG
ALASKA HIGH
WAY

Mr. Commissioner: Mr. Speaker, this information that is brought in this regard, I'm afraid, is something that I do not have the ability to answer a question on at this time. Investigations that would be carried on under a federal statute, there would be no particular necessity of the officers involved to seek any further authority, and all I can suggest is that I will be pleased to have my officers check and find out what information that we have, and bring it forward to answer the Honourable Member's question, but I must confess that I do not have that information available to give at this time.

Mr. Speaker: I wonder if the Honourable Member would provide the Administration with further information?

QUESTION RE
U.S. CITIZENS
PROSPECTING
IN YUKON

Mr. Livesey: That would be agreeable, Mr. Speaker. I have another question, Mr. Speaker, in relation to the U.S. citizens entering Canada to prospect in the Yukon Territory. I understand these people are prospecting, and I know of certain individuals who are citizens of the United States, who are prospecting in the Yukon at the moment. I am wondering if they actually do prospect without either licence or permission, or any other form of obligation, and if it is made known to them in any way, Mr. Speaker, that they must follow the laws of the Yukon Territory, and the laws of Canada, especially in relation to wildlife and other sources -- my question is, are these people contacted, do they ask permission and notify the Government of the Yukon Territory that they are entering and do wish to prospect in certain areas and are prepared to follow the laws of the Yukon and the Federal Government of Canada?

Mr. Commissioner: Mr. Speaker, I cannot answer on behalf of the individual as to whether or not they are seeking answers to these questions, but certainly anyone who comes to the Yukon Territory is subject to the laws of Yukon and the laws of Canada, notwithstanding any national source, unless he happens to be here under a treaty, such as the North Atlantic Treaty or something of this nature, under certain diplomatic types of immunity -- possibly that is the incorrect word, Mr. Speaker -- accorded to him. But, there is no one that I am aware of who would be prospecting in the Territory, regardless of his national origin, who is exempt from any of the laws of the Territory, and any infractions thereof should be so reported to the nearest law enforcement agency.

Mr. Livesey: Thank you, Mr. Speaker.

Mr. Speaker: Would the Honourable Member from Carmacks-Kluane resume the Chair?

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further questions?

QUESTION RE
U.S. BUSINESS
IN TERRITORY

Mrs. Gordon: I have an almost supplementary question to the last one. Are there any rules and regulations which need to apply to any American citizens who operate a business out of Alaskan territory or other Territory within our boundaries, as a business without licences or restrictions of any sort?

Mr. Commissioner: Mr. Speaker, I wonder if the Honourable Member would be kind enough to give an example? I'll tell you why. The person or individual or corporation referred to is say conducting a business through mail order; there would be limitations on what restrictions there would be as long as the products that they were selling met with Canadian law, whereas if they were actually setting up a business in Canada, this would be another set of rules. Perhaps if the Honourable Member might give us an example, Mr. Speaker ...

Mrs. Gordon: To enlarge on this question, this summer there is a business concern out of Alaska which advertises in other parts of the United States for river trips on our Yukon waterways. They have no business licence; they left Mayo here a couple weeks ago with not one person on the three boats wearing a life jacket, none of the motor launches were licenced, their vehicles all carried American licence plates and were brought up from Alaska. The boats are put in our waterways and if there were a tragedy on the river, I don't know of anyone in the Territory who would possibly have knowledge of what is going on

Mrs. Gordon continued ...

until they were advised by some source in Alaska, and we would be paying Canadian tax money to hunt for these people.

Mr. Commissioner: Mr. Speaker, I think the question as related here by the Honourable Member falls into two parts. First and foremost, as far as the conduct of the business in the Yukon is concerned, I am not aware of any exemption which would be available to such a business under our Business Licence Ordinance requirements. Secondly, as far as travelling on our waterways is concerned, this is not a Territorial matter but would come under the jurisdiction of the Federal Government and the requirements of the people travelling on those rivers come under the federal statutes. Now, as to how we can apply Territorial licencing laws, I think that this is quite simple. I am sure that checking up with the various government agents in these locations should take care of this. As far as the enforcement of federal laws with regard to travel on the waterways, this is a matter for the R.C.M.P. and the particular instance referred to, I am advised by the Clerk of the Council that the particular party referred to here was stopped by the R.C.M.P. in Dawson. But, I do think that there are two aspects to the question, Mr. Speaker, and I think the Honourable Member would agree with me that it is up to us at the Territorial level to enforce business licencing laws, which we apparently do not know whether we have done or not. It is up to the R.C.M.P. to enforce the water safety provisions or the water safety laws, and this they apparently they have seen fit to do this, although several hundred miles away from the origin of this trip.

Mrs. Gordon: May I say at this point that they did not do their duty until it was brought to their attention that there was something definitely wrong.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether the terms of the Low Cost Housing Ordinance passed at the Spring Session of Council, raising the first mortgage from \$8,000 to \$12,000 under this Ordinance, is now in effect in the Yukon Territory.

QUESTION RE
LOW COST
HOUSING
LOANS

Mr. Commissioner: Mr. Speaker, the answer to the Honourable Member's question is yes.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner when this went into effect, and why the long delay in putting it into effect?

QUESTION RE
LOW COST
HOUSING
LOANS

Mr. Commissioner: Mr. Speaker, it went into effect on the Friday past, and the long delay was occasioned by a series of events which I do not disclaim entirely the responsibility for, but it was no one individual or no one segment of the government's fault. I think the Councillors are aware that we act as an agency of the Federal Government in the handling of this money, and there was a certain amount of misunderstanding with regard to the timing of the implementation of this I personally must bear responsibility for the time that the Ordinance was tabled and was assented to at the last Session of Council. The delay has been a very regrettable one and all I can say is that I am pleased that it has been clarified at least before the building season has gone further than what is has at this time.

Mr. Chamberlist: Supplementary, Mr, Speaker, I wonder if the Commissioner could indicate whether the \$12,000 mortgages that would be available are only available on new mortgages or whether any sums of money would be available to those who have an \$8,000 mortgage and are unable to finish their homes or pay for that outstanding amount on the homes that they have already built as a result of having the low amount of \$8,000 made available to them.

QUESTION RE
LOW COST
HOUSING
LOANS

Mr. Commissioner: Mr. Speaker, this question was asked at the last Session of Council when the Bill was up for discussion, and I don't think that there is a clear-cut straight-forward answer, Mr. Speaker. I think the Councillors all realize that we only have effectively \$300,000 left in the total package up to the limits of \$2,000,000,

Mr. Commissioner continued ...

which would indicate in round figures that we have the availability of about twenty-five loans at the \$12,000 figure. I think that very much of the answer to the question raised by the Honourable Member is going to be dependent upon the number of new applications that come in. As of Friday, I believe we had nine applications, but now that the money has been freed, it is a reasonable anticipation that we will have considerably more. While there are many instances where the \$8,000 loans have been approved and no actual draws -- Councillor Dumas, is that the correct terminology -- no actual draws against this authorization have been made, it would be quite in order if funds are available to reconsider these applications. In other words, the application would be revised to read \$12,000 instead of reading \$8,000. But, I would ask that the Council see fit to trust the Administration with regard to the administration of this particular -- the handling of this particular problem because we are limited in our capabilities and are not about to either impede anyone who is already underway, nor do we want to discourage anyone who wants to get a fresh start.

QUESTION RE
LOW COST
HOUSING LOANS

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner could indicate what the percentage of interest is on these new loans, and whether the interest will decrease if the interest from the bank is decreased?

Mr. Commissioner: Mr. Speaker, I have been asked a technical question that I do not have the capability of answering. I believe that there is a firm interest rate quoted at the time the loan is made, and this interest rate is something which was already agreed to around this table here a couple of years ago. I believe it's a certain fraction of a percentage more than what the going rate on long-term Federal Government financial requirements are as of the day the loan was made. Now, the second part of the question, will these loan rates decrease in the future, I'm sorry, I cannot answer that question, Mr. Speaker, but I will bring back the answer to Council, but I'm sorry I cannot answer it right now.

Mr. Speaker: Are there any further questions?

QUESTION RE
RECOVERY FROM
N.C.P.C.

Mr. Taylor: Mr. Speaker, I have a final question this afternoon I would like to direct to the Commissioner. I would like to ask Mr. Commissioner as to whether, in light of the fact that we've brought power equalization to the Yukon at our last Session, and also in light of the fact that we have asked the Administration to negotiate with the Northern Canada Power Commission for a recovery on the subsidy factor related to N.C.P.C.'s operation, I wonder if such discussions or negotiations have taken place, and indeed if they have, what progress can be reported in this matter.

Mr. Commissioner: Mr. Speaker, these discussions have not taken place, but we have indicated to the Northern Canada Power Commission that we do want to have them take place. I believe that some of their senior officials will be in the Territory in the course of the next few weeks, and at that time we will be starting the discussions. I would like to assure you, Mr. Speaker, that the Administration has not lost track of the instructions that we have on this.

QUESTION RE
TERMINATING
TEACHERS

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner could indicate at this time what is the percentage of teachers who have terminated or have terminated their contract this year, and how many replacement teachers will be required in the Territorial Education Department?

Mr. Commissioner: Mr. Speaker, I would have to have permission to bring that forward in written form.

Mr. Speaker: Yes, this is more a question for the Order Paper.

Mr. Chamberlist: I wonder, Mr. Speaker, if Mr. Commissioner could indicate whether the Superintendent of Schools has tendered his resignation and if he hasn't, when will the Commissioner be requested the Superintendent's resignation.

Mr. Commissioner: Mr. Speaker, I am not prepared to answer that question at this time.

Mr. Speaker: I'll have to rule that question out of order. Are there any further questions? If not, may we move on to Public Bills and Orders.

Mr. Taylor: Mr. Speaker, at this time I would like to move that we suspend Standing Order 41 in order that we may proceed with First and Second Reading of the Bills now presently before us.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

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

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson, that we suspend Standing Order 41 in order that we may proceed with the Second Reading of the Bills presently before us. Is the House prepared for the question on the motion?

Mr. Taylor: Mr. Speaker, one correction -- First and Second Reading.

Mr. Speaker: I will make that correction to the motion -- First and Second Reading. 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: You may now proceed.

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 1, An Ordinance Respecting Securities, be given First Reading.

MOTION CARRIED

BILL #1
FIRST
READING
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 1, An Ordinance Respecting Securities, be given Second Reading.

MOTION CARRIED

BILL #1
SECOND
READING
MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be given First Reading.

MOTION CARRIED

BILL #2
FIRST
READING
MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading.

MOTION CARRIED

BILL #2
SECOND
READING
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Bill No. 3, An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be given First Reading.

MOTION CARRIED

BILL #3
FIRST
READING
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Bill No. 3, An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be given Second Reading.

MOTION CARRIED

BILL #3
SECOND
READING
MOTION
CARRIED

MOTION
CARRIED

BILL #4
FIRST
READING

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 4, An Ordinance to Amend the Taxation Ordinance, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, I move that Second Reading be given to Bill No. 4, An Ordinance to Amend the Taxation Ordinance.

Mr. Dumas: I'll second the motion.

BILL #4
SECOND
READING

Mr. Speaker: Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse West, that Second Reading be given to Bill No. 4, An Ordinance to Amend the Taxation Ordinance. Is the House prepared for the question on the motion?

Mr. Taylor: Question, Mr. Speaker. I have a question at Second Reading in relation to the principle of the Bill, and having seen the Bill for the first time a very short time ago, I'm wondering if the Honourable mover of the motion, the Honourable Member for Whitehorse East, could explain to me what the principle is relating to this Bill?

Mr. Chamberlist: Mr. Speaker, I take much pleasure in advising the Honourable Member from Watson Lake that I am like him and all Members here. We don't understand the principle of a Taxation Bill that is presented to the Territorial Council. We are here to do our duty, and unfortunately, our duty is just to get it through the Second Reading. We'll argue about it later on.

Mr. Taylor: Mr. Speaker, then in speaking on the principle of the Bill, I'm not clear on the principle of this Bill, and I would like to say that I will concur with the Second Reading on the agreement that we may get into this in Committee of the Whole.

Mr. Dumas: Mr. Speaker, as seconder of the motion, I would like to point out that the principle of the Bill is to raise money to run the Government of the Territory.

Mr. Taylor: There being no fiscal agreement ...

Mr. Speaker: Order, please. Is there any further discussion on the principle on Second Reading of Bill No. 4?

Mr. Shaw: Yes, Mr. Speaker, all we are doing with this Bill as far as I can see is to ask the mining companies to pay taxes in the same way the rest of the people pay in the Yukon to contribute to the tax dollar. That is the principle as far as I can see.

Mr. Speaker: Is there any further discussion? Is the House prepared for the question on the motion that Second Reading be given to Bill No. 4, An Ordinance to Amend the Taxation Ordinance? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #5
FIRST
READING

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #5
SECOND
READING

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 6, An Ordinance to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be given First Reading.

BILL #6
FIRST
READING

MOTION CARRIED

MOTION
CARRIED

Mr. Dumas: I would move Second Reading to Bill No. 6, An Ordinance to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse.

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

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Watson Lake, that Second Reading be given to Bill No. 6, An Ordinance to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse. Is the House prepared for the question on the motion?

BILL #6
SECOND
READING

Mr. Chamberlist: I have a question, Mr. Speaker. Mr. Speaker, speaking on the principle of this Bill, I would say that the Bill itself is without principle. It is obvious what the Administration is attempting to do by presenting this Bill to Council. They are attempting to weave around a judgement offered by a competent Court of Jurisdiction, and I believe that even if the Bill was not prepared by the Territorial Administration, it was prepared by the behest of the Federal Government to get away from Section 45 of the Yukon Act. It is obvious to me, Mr. Speaker, that -- and I'm hoping that Members of this Council will see what the attempt is, and I hope it will be recognized by the Members, because I'm speaking on the principle, that the principle that really is being followed is one of covering up the eyes of this Council so that the Federal Government can in turn do something that it knows that it cannot do without having changes in the Yukon Act. It has had the opportunity to change the Yukon Act while Bill C-212 was before the Federal Parliament, and it has not done so. I will, because of the principle that's involved, fight very hard that this Ordinance which is simply to try to overcome what cannot be done by the Territorial Administration -- it's being put there so that we can satisfy just a few people. Now, I am in favour of what it is hoped to do for the City of Whitehorse, but not this way. It has to be done properly by the Parliament of Canada, and I will oppose this Ordinance.

Mr. Speaker: Is there any further discussion?

Mr. Taylor: Is it proper within our rules to direct a question to our Legal Adviser at this time, discussing the principle of this Bill?

Mr. Speaker: I would consider it correct.

Mr. Chamberlist: I rise on a point of privilege, Mr. Speaker. Mr. Speaker, the question that was asked, was it proper to put a question to our Legal Department -- I don't know who the Honourable Member from Watson Lake is referring to, but I would draw your attention to May 15th Hansard, where the Minister of Justice referred to Mr. Legal Adviser as the Legal Adviser to the Commissioner of the Yukon Territory, and therefore we are unable to have any question put to a Legal Department that is not existent on behalf of the Territorial Council.

Mr. Taylor: Mr. Speaker, I will then rephrase my question and ask if it might be permissible to place a question before the Commissioner's Legal Adviser?

Mr. Speaker: If you want to know the opinion of the Chair, I don't think any particular definition is necessary. I think we do have a Legal Adviser at the table, and it's quite permissible, as far as the Chair is concerned, to ask him any questions.

Mr. Taylor: Thank you, Mr. Speaker. My question in relation to the principle at the Second Reading of the Bill would be this: Would I be correct in assuming, judging from curious inspection of the decision rendered in this regard some time ago in the Supreme Court, one of the higher courts, would I be right in assuming that this Ordinance would

Mr. Taylor continued ...

correct the error that has been made and was properly brought to light by the Honourable Member for Whitehorse East? In other words, if this Ordinance is amended, will it settle the problem?

Mr. Legal Adviser: Mr. Speaker, when some Honourable Members have got problems, they never have a solution. This is our attempt to settle the problem. We can't guarantee its success; all we can guarantee is that if this Ordinance is passed, it will be our intention to give the streets and lanes to the City of Whitehorse and hopefully this would solve the problem. But, we could not prevent anybody from taking a law case to dispute it. We think they would lose, but that's just a matter of opinion.

Mr. Speaker: I might advise the House that any questions now directed to the Legal Adviser must relate specifically to the principle of the Bill.

Mr. Shaw: Mr. Speaker, one part does seem a little hard to understand. The Honourable Member from Whitehorse East has stated that he does agree that the City should have the right of being able to do whatever is contained in this Bill. I haven't gone through the Bill so I have just a rough idea of what it's all about. But, he agrees with the objectives of the Bill and then he says he does not agree with the legal maneuver. Is a legal maneuver not legal?

Mr. Chamberlist: An illegal maneuver ...

Mr. Shaw: I said a legal maneuver. An illegal maneuver is a matter of opinion, Mr. Speaker, so I would say a maneuver in legal matters that is up to somebody to make a decision.

Mr. Dumas: Mr. Speaker, as mover of the Bill, it seems to me that if the Bill is ultra vires of this House, it should be tested in court and probably will be tested in court, but I think we all agree with the idea behind the Bill and I suggest, Mr. Speaker, that we get on with it.

Mr. Chamberlist: This same idea about we should test it in court, you know, it's happened before but of course the Honourable Member for Whitehorse West didn't put his hand in his pocket to test it in court. I did, my own pocket. What I'm concerned about, and speaking on the principle, is whether the intent of this Bill is to bypass the judgement of the court. If we attempt to legislate on a local level to bypass the judgement of the Yukon Appeal Court, then in fact we would be in error. Now, I would wonder whether Mr. Commissioner's Legal Adviser would make that clear now as to whether this is the intent of the legislation being presented.

Mr. Speaker: If I might add from the Chair, it doesn't seem to me that these questions are related to the principle at all. They are related to other things than principle, and I fully believe, gentlemen, that these matters would be classed as debate. Is the House prepared for the question on the Second Reading? Are we agreed?

Some Members: Agreed.

Mr. Chamberlist: I disagree. I would ask that my vote be recorded.

Mr. Speaker: The Chair is not sure as to how the House agreed or disagreed on this particular Bill.

Some Members: Agreed.

Mr. Chamberlist: Disagreed.

Mr. Speaker: I'll declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure? Order, please.

Mr. Shaw: Mr. Speaker, I would move that Council do now resolve itself in Committee of the Whole to discuss Bills.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

Mrs. Gordon: I will second that, Mr. Speaker.

Mr. Speaker: I'll rephrase the motion. Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Mayo, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: The only business before Committee today is Public Bills. I believe it was the express intent of Members individually to defer Bill No. 1, being An Ordinance Respecting Securities, until later in this Session. Is this correct?

Some Members: Agreed.

Mr. Chairman: The first Bill for discussion will be Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance. I will proceed with the reading of the Bill. (Reads Bill No. 2)

BILL #2

Mr. Chamberlist: Mr. Chairman, I would like to ask a question here. You know, we passed an amendment at the last Session incorporating blue lights for news media trucks and vehicles. I wonder whether there would be any possibility that a tractor with two trailers might be representative of a news truck that has a blue light that flashes intermittently because this is the same description that has been given for the radio station trucks. Should it not be a different colour?

Mr. Chairman: Mr. Legal Adviser, could you give us some background?

Mr. Legal Adviser: This particular section is inserted at the request of the people who operate this particular equipment. There is only one group of people, as I understand it, operating them at the moment, and they wish this to be done for safety purposes. We're very short of colours. You've only got green, red, amber and blue as standard colours. No, we don't have any black lights. So, you've just got to use blue as the only one available.

Mr. Chamberlist: It is not available, Mr. Chairman. I suggest that we have already given permission for it to be used on a different type of vehicle.

Mr. Chairman: A further question from the Chair; I'm wondering if Mr. Legal Adviser can find any precedent here in relation to provincial legislation. Is this done in the provinces?

Mr. Legal Adviser: Not so far as I'm aware. It's not done in the provinces, but in view of our roads and bringing in these trains -- this is not for an ordinary truck-tractor, this is where there is a truck-tractor and a trailer moving, which makes a very long vehicle, and this gives advance notice to the people who are coming from behind of the extreme length of the vehicle in relation to the dust conditions and the road.

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

Mr. Chamberlist takes the Chair.

BILL #2

Mr. Taylor: Mr. Chairman, I'm just wondering -- I'm not so concerned about the lights as I am now concerned about the -- is this an attempt to remove the requirement for a pilot car, for instance, or is it anticipated that these things would run alone without pilot cars, or just what is really intended here?

Mr. Legal Adviser: A truck-tractor and two trailers -- this has nothing at all to do with a pilot car. It is basically to cover the truck-tractor and two trailer pieces of equipment that are moving up and down to Faro. When they are linked together, they will have to have this blue light; it's that simple. A truck-tractor and one trailer will not have to have the blue light working.

Mr. Dumas: Mr. Chairman, what in the world is the difference whether it's pink, blue or psychedelic? It's a warning light to go on these trucks when they're running on the road. I think it's a good thing and there's no need to go into a long dissipation about colours.

Mrs. Gordon: I'm wondering where this light is going to be put. There are supposed to be some red lights put on the top of the back end of the vehicles and at this point in time I haven't seen them on the back of any of them on our Territorial roads. I'm wondering whether this is going on for halting traffic, passing or coming up behind. Where are you going to put the thing?

Mr. Chairman: Would you like to answer that, Mr. Legal Adviser?

Mr. Legal Adviser: On the top of the cab of the tractor.

Mr. Chairman: That's where you have news lights.

Mr. Shaw: Mr. Chairman, I think that perhaps it goes a little bit further than this, just having a light on a truck. Now, it doesn't matter what colour the light is, but what it will do, the effect that it can make is this, that the average person driving on the highway, not being aware of what all these colours designate, will perhaps feel that is an emergency vehicle with this thing going around. It's like a police light and that would slow just about all the traffic on the road. Certainly it would be wonderful for these truck-tractors because they'll have lots of room then to navigate for sure when these are operating. I think that that is something to consider to. A revolving light on a vehicle is usually an emergency vehicle of some sort or other, and I think that if these trucks are permitted to have this new light, that is what -- the actual net result of it would be to make sure that all the other traffic slows down. It doesn't state whether that's the object of it, but I think that that would be the result. Now, is that necessary? That's another point.

Mr. Taylor: Mr. Chairman, I just rise to point out that as I stated before, I have no question about the light, I was just wondering about the involvement as to whether this would be a pilot car system, and I am quite satisfied with the answer I received from the Administration. I'm just wondering though if this is to be of any benefit whatsoever to anybody, mostly the trucker. I think that some consideration should be given to regulations or indeed to talking about intensity of this light as it should be, and all other lights in the Territory if they're to be seen. A dim little light flashing around in the day time isn't often seen, so some consideration should be given at some future date as to insisting on a certain intensity of these lights, otherwise it is kind of pointless in even using them.

Mr. Dumas: Mr. Chairman, the Honourable Member from Dawson City suggested that the people might misconstrue this flashing light. That's why the light is blue. It's merely a caution signal. A flashing red light, which you'll find on fire trucks, police vehicles and ambulances, is a warning light whereby traffic is to pull over. The blue light and the amber light are caution lights, asking people to slow down and proceed with caution.

Mr. Shaw: Mr. Chairman, I agree with this warning light business on BILL #2 these big trucks because I do a lot of travelling on that road where these trucks are. I think you should have them on all of them to warn people, but at the same time, perhaps you should slow down these trucks a little bit, and put the flashing lights on the passenger vehicles to give them a little more safety rather than the big ones.

Mr. Livesey: Mr. Chairman, all I'm going to say is that I might suggest that the only reason the newsmen have got blue is to keep in tune with the type of news that they are giving, especially about Council activities. It certainly is blue, there's no doubt about that. As far as blue on a truck or yellow on a truck, I think the only colour you need to get away from is red. Anything else will work as long as you are warning the public, and I certainly don't see any problem in relation to having the flashing blue light on these vehicles. Thank you, Mr. Chairman.

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

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, the only point I raised this really for was because we went through a debate as to why there was a necessity for a radio station to have on its station wagon a blue light, a blue flashing light. Now, we go through a whole rigamarole of giving them a special colour and now we're saying, "Well, we'll have to give the same condition to all vehicles; let's dispense with this; let's dispense with the other Session just passed; and anybody who wants to put some flashing lights on their truck, go ahead, it's a warning light". Quite frankly, I think there is no necessity for this piece of legislation. It was just put in here so that we could have a little bit more work to do in this Session that was not really required in the first place.

Mr. Chairman: Order, please. Is there any further discussion on this Bill? Might I have your further direction?

Mr. Shaw: Mr. Chairman, I think that the Honourable Member from Whitehorse East has come up with a good idea, anybody who wants can put flashing lights on their vehicle, on a large vehicle, weighing over so much, can put one on as a warning. I'm sure that these great big trucks that are packing the maximum 96,000 are just as dangerous as those other trucks with the trailers on.

Mr. Dumas: Mr. Chairman, as a step towards accomplishing what the Honourable Members have just requested I'd like to move that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be passed out of Committee without amendment.

Mr. Chairman: Is there a seconder? Is there no seconder for this motion? I must declare then that there is no motion.

Mr. Chamberlist: Mr. Chairman, I would move that this Bill No. 2 be allowed to die in Committee.

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

Mr. Dumas: There's one point I'd like to make, Mr. Chairman. I'm very happy to see that this Committee is lending the truth to the report that came over C.B.C. last Friday night as to just what might happen at this Session.

Mr. Chairman: I have a motion, moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 2 be allowed to die in Committee. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

RECESS

RECESS

Mr. Chairman: At this time, we will call Committee back to order and the next matter of business before Committee is Bill No. 3, namely, an Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto. Now, we will proceed with the reading of the Bill. (Reads Bill No. 3)

BILL #3

Mr. Legal Adviser: Mr. Chairman, in the last Session of Council, we commenced the Session with this particular Bill, passing this Loan Agreement under the National Housing Act and then we dealt with the C.M.H.C. and it turns out now that one of those Bills was unnecessary. So, rather than have two sums of money, we thought it better to repeal this and strike it from the books.

Mr. Chamberlist: Well, why not have two sums of money? Why not have two sums of money?

Mr. Legal Adviser: This is another kettle of fish.

Mr. Chamberlist: I'm still not getting an answer. I want to know why, now that we have the legislation there, dispense with the legislation? Why not leave it there in case there is an opportunity to get some more funds and then we have the legislation to cover it?

Mr. Legal Adviser: This would be a bad principle Mr. Chairman. We just make the legislation to get the money that is available to us. We have that legislation, now, and this is unnecessary.

Mr. Chairman: Is there anything further on this Bill?

Mr. Livesey: Yes, Mr. Chairman. I wonder if the Commissioner could inform Committee as to how many of these National Act Loans or any other form of name attached to this type of loan are being used by areas and people living in areas outside of the Whitehorse area.

Mr. Commissioner: Mr. Chairman, I am not in any position to give you that detailed information but we will gladly have it tabled for Council's information. In fact, the--all the second mortgage loans that go through our hands, I think, are matters of interest to Council and it would be a good idea, I think, to have them, for the past several years, brought forward for information purposes.

Mr. Dumas: I would just like to point out, Mr. Chairman, that in the last Session of Council, I pointed out that C.M.H.C. is more than anxious to put loans in outside of the Whitehorse area in the Territory if they are requested. I know of three loans that have been placed outside of the Whitehorse area in the last year.

Mr. Livesey: Mr. Chairman, I wonder if any effort has been made by the Administration to provide information to people outside the Whitehorse area in order to make sure that they know that this Act is available and the contents of the Act are available?

Mr. Commissioner: Mr. Chairman, we have asked Central Mortgage and Housing to undertake some kind of a formal publicity campaign within the Territory to relate this information that is available. I have had no indication from them to the contrary and I would expect that they would be proceeding to do so. It is hardly the Territorial Administration's prerogative in this matter to usurp a function that is not rightfully ours and I am sure that Central Mortgage and Housing Corporation will be doing as we have asked them in this regard.

Mr. Livesey: One more supplementary question, Mr. Chairman. I wonder

BILL #3

Mr. Livesey continues.....

if the Administration could advise Committee as to the percentage of interest on this loan and if there is any possibility, in view of certain acts now taking place in the Government of Canada, that this rate will come down.

Mr. Chairman: Is that question directed at Mr. Commissioner?

Mr. Livesey: Yes.

Mr. Commissioner: Mr. Chairman, the money markets are the ones that determine Central Mortgage and Housing Loan rates and Councillor Dumas is directly involved in the business. So, I wonder, Mr. Chairman, if he could be asked if he could give a more detailed answer than I am able to give to the Honourable Member on this subject.

Mr. Dumas: Mr. Chairman, the rate of interest on a second mortgage loan is the same as on C.M.H.C. first mortgages, presently nine and three-quarter percent. It is my feeling that, in view of the prime rates being dropped in the banks by half a percentage point, it is quite likely that the C.M.H.C. loan interest will be dropped by a half a percentage point and therefore, the Central Mortgage Loan will be dropped accordingly.

Mr. Chairman: Have we anything further on this Bill?

Mr. Shaw: I would move, Mr. Chairman, that Bill No. 4--Bill No. 3 rather, be passed out of Committee without amendment.

Mr. Chamberlist: I will second that.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 3 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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Mr. Chairman: The next Bill is Bill No. 4.

Mr. McKinnon: Mr. Chairman, I have asked the Administration for quite some extensive information for background on this Taxation Ordinance Bill and I don't know whether it will be available to Council at this sitting in Watson Lake or not. I wonder if I could ask Mr. Clerk whether the information that I have requested will be available for us here in Watson Lake or not.

Mr. Chairman: Well, I wonder if I could proceed with the reading of the Bill and then we could..... Would this be agreeable with Committee? This is Bill No. 4, namely an Ordinance to Amend the Taxation Ordinance. (Reads Bill No. 4) Mr. Legal Adviser, did you have a remark on this Bill?

Mr. Legal Adviser: On the drafting, Mr. Chairman, what I attempted to do was to produce a Bill that would have the effect of allowing mining property to be taxed up to the rate of the school tax, but not necessarily to the full rate of twenty-two mills which is imposed on property throughout the Territory. It was necessary to use two or three sections to achieve this purpose. First of all, in section 1, we knocked out the amendment which was put in in 1961 and at that time had the effect of giving an exemption to a concentrate at mill property used for processing minerals entirely from local taxation. Then, I substituted in section 3 of the Bill, the power in the Commissioner to vary the rate of tax according to the use of the property to be taxed, and I have prepared for circulation a draft order which I can circulate to the Members so that they can see the form of order that will be made in relation to this particular section, assuming that it is going to be passed, next year. The way in which taxation is imposed at the present, is that the Commissioner picks a rate of tax. He doesn't say in his

Mr. Legal Adviser continues.....

order that it is school tax and general rate, he just says it is tax. BILL #4
 The extension of school tax comes from the Municipal Ordinance, with which we are not dealing at the moment. Now, the form of the order will be that, in section 1 he will impose a rate of taxation of, assuming the taxation rate is the same as in previous years, twenty-two mills, except as provided in section 2 of the order. In section 2 of the order, then, he would impose a tax of sixteen mills on property which is described here is subsection (2), that is, property which is used for mines. Again, and I am getting more complicated as I go on, mining property would still be not liable to tax of any description until the mine had been in production for a year. So the net effect--go to an example--the net effect would be, if a mine, such as the Hudson Bay Mine, or Venus, went into production this summer, they wouldn't have to pay any money in taxation until the end of March in 1972. So it gives them, roughly speaking, a year and a half free run on taxation. At that time, the taxation that would be imposed on them would be the sixteen mills, which we commonly call the school tax portion of the tax and that would be effective if the group of sections is.

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

Mr. Chamberlist: Yes. Councillor Taylor.

Mr. Taylor: Mr. Chairman, just before we get into debate on this thing, I think I would like to, at this time, state my objection to this Bill and state the reason why I object, basically, to this Bill. That is that it has been a jealously guarded right of the people of the Yukon to levy the taxes upon their own people. This is something that we have always denied the Administration. We have always denied the Administration the right to arbitrarily decide on a tax and levy it. This is something that we do by means of thought-out legislation. Now, it must be noted here, Mr. Chairman, that in Bill No. 4, section 3 provides that the Commissioner may vary the rate of tax levied under this section according to the location and the use of the real property to be taxed. I feel that it is repugnant, to me at least, and should be to other Members of Council, when the Commissioner is given the right to decide the rate of tax. We have had distributed to us a draft of a proposed regulation. This is also repugnant. I can see no reason at all why tax can't be set or should not be set in this piece of legislation rather than by Commissioner's Order. For that basic reason alone, I must personally, were I to have a vote on this Bill, certainly and most absolutely, turn it down, would vote in the negative. I feel that the principle is good. Since a similar Bill to this was introduced in Council some Sessions ago,--well, it wasn't introduced, it was presented for introduction, I must say--and having a chance to look into this situation, to discuss this both with industry and with people involved, I have come to find out that it wasn't really as bad a piece of legislation as I originally thought it was. But I turned it down, at that time, for one very good reason, Mr. Chairman, and I think a reason that all Members would tend to agree with me on, I would hope. That is the fact that someday we are going to have to go back to Ottawa, and that's between now and next April, either ourselves or, of course, our successors. In this case it will be our successors. We are going to have to sit down with the Federal Government and decide what taxes are going to be levied upon the people of the Yukon. Now, if we go through year by year by year, slowly levying this tax on this and this tax on that, and increasing Fuel Tax here and something else there which forms no part of our existing fiscal agreement, what are we going to have left to bargain with Ottawa with when they say okay, fellows, as they have done before. You go and raise an additional, not six hundred thousand dollars, next time it will probably be a million two, a million three. You raise that in local revenues; increase your revenues, and what have you got left to bargain with. We are being bled, slowly but surely, until the day when we have to--the Territory must face this new fiscal agreement. So, that is why I personally felt that the other Bill should not be discussed at that time until we discussed matters fiscal. Mr. Chairman, I will resume my chair at this time, but I did want to say this at the outset, that for these reasons--the reasons that I feel that the people of the Territory are the people

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Mr. Taylor continues.....

charged with the responsibility of levying taxes upon themselves and I don't feel that the Administration should be given this carte blanche by regulation method of taxing the people of the Yukon Territory.

Mr. Dumas: Mr. Chairman, a couple of points. The Honourable Member from Watson Lake has suggested that the Commissioner being allowed to vary the rate of taxes, etc. is not a good way to have this done. Now, this is already in the ordinance, so we are not really changing anything. The only amendment in that particular section--subsection is the words "or use" are added after location, so that it now reads "the Commissioner may vary the rate of tax levied under this section according to the location or use of the real property to be taxed." Therefore, we are not adding particularly to legislation that is already there, nor taking away from that legislation. I feel that some flexibility is necessary under this Ordinance to allow the government the amount of flexibility that we are always talking about should be in government, so that in special cases taxes may not be levied and in special cases they will--in most cases they will, of course. The other point that was made by the Honourable Member, Mr. Chairman, was that the next time we start negotiating with Ottawa, we have to have something left to negotiate with. I think that this, in essence, was what the Honourable Member was saying. This suggestion first came forward in the First Session, 1968; the suggestion for levying taxes on mining industries in some way and in some form. We have held off since then time and time again, Mr. Chairman, and I think, rightly so, because we were hoping for some changes in the Yukon Act. Now, in all fairness, we know now that the changes in the Yukon Act have, in fact, been brought about by the last Session of Parliament completed just last week, and I think that the quick pro quo, as we knew it would be, is embodied partially at least in this amendment as presented by the Commissioner and by the Administration, Mr. Chairman. I think, in all fairness, that we should go ahead and approve this Bill to show our good faith to Ottawa, in turn, for that which we have asked of Ottawa and that which we have received, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I have always made the point that this legislative body is unlike any other legislative body in the world, to my knowledge. I think it is the only legislative body that, in an election year, would bring up piece of taxation that would amount to raising a revenue of pretty close to seven hundred seventy thousand dollars over the course of the next fiscal year. Of course, the reason for necessity for the increase in taxation at this time is because of the pay classification that has just been forwarded to the Yukon Territorial Government and also, the contract that has just been negotiated with the Yukon Teachers' Association. Together, they amount to an increase next year to the territorial expenditures of some two hundred fifteen thousand dollars. Eighty thousand dollars of this is included in the teachers' pay increase on the contract that has just been negotiated between the Salary Negotiating Committee and the Teachers' Association. Now, I have always been an extremely strong proponent of the no taxation without representation school of philosophy and when this Taxation Ordinance has been before us at previous Sessions of Councils, I have said that the day that there are amendments to the Yukon Act to involve the Members of the Yukon Legislative Council intrinsically in the execution and the administration of government, was the day that I would be willing to see about putting legislation to the public that would call for an increase in taxation. I believe that the Federal Government has lived up to its word and the advent of elected members into the administrative and executive branches of government is now a fact and that we are going to be involved in decisions of government. It has been brought to my attention that in areas such as Cassiar in B.C., where the Cassiar mining companies pay the ordinary school taxation to the B.C. Government, in 1969, they paid some one hundred and forty thousand, eight hundred and sixty-one dollars to the B.C. Government for the school and the operational maintenance of that school. The same company which operates the Clinton Creek Asbestos Corporation at Clinton Creek, north of Dawson, last year paid the sum total of five thousand, nine hundred and twenty-six dollars towards the operation and maintenance and construction costs of that new school at

Mr. McKinnon continues.....

Clinton Creek. It seems to me only fair and equitable, Mr. Chairman, that if the Yukon Territorial Government is going to continue to build some of the finest educational plans in the Dominion of Canada, that those companies that are extracting our resources and are benefiting and profiting from that extraction should pay towards the cost of the construction, the operation/maintenance and the payment of the teachers' salaries for the children who will be attending those schools. We thought that there should be incentives over and above those that are normally given in provincial areas, so that, the whole twenty-two mills that is normally put on mill sites, concentrator sites or the normal provincial site taxations that are put on mining companies anywhere else across the country, should not be put on mining companies in the Yukon Territory, at this time. We thought the Yukon Territorial Government should maintain incentives that are not incentives given in so far as we know to other jurisdictions across the country, but, we did feel that with the increase and the escalation of costs of operation and maintenance, construction and teachers' salaries, the mining companies in the Yukon should be willing and should accept the educational costs that are attributed to the Yukon Territorial Government because of the presence of that mine and the necessity of a school being there. As I say, the monies are necessary at this time because of the pay classification increases in the Yukon Territorial Government Civil Service and because of the salaries just negotiated with the Yukon Teachers' Association. I think that it shows a certain amount of political courage, and I say that I think we are one of the only legislative bodies in the world that would attempt to raise taxation in an election year; however, the money is necessary; it is needed and I think that this an equitable way of finding the money to pay the salaries of the teachers that is necessary for the fiscal year 1971-1972. Thank you, Mr. Chairman.

Mr. Taylor: Well, Mr. Chairman, I would like to thank the Honourable Member who is also Chairman of the Financial Advisory Committee to Council for his very enlightening remarks. It is unfortunate that we are faced with an Ordinance and a decision prior to learning of the predicament and these decisions made by the Committee, having received no reports. I might say this. I am not in total disagreement with the principle behind this Bill and I might also say, that for the first time, and I am sure that there are other Members at this table who for the very first time have learned of this foreseen deficit position of two hundred and fifteen thousand dollars in the forthcoming year. I might also say, though, that having had some experience on the Budget Review Committee and the Financial Advisory Committee of Council in the past, that we also considered other areas for picking up revenue and one area that I would draw the attention, Mr. Chairman, of Committee to is the possible overprojection on Fuel Tax revenue. We learned that when we increased our Fuel Tax and when these new mines started into operation, Faro, etc. that indeed there was more fuel being consumed and there was a higher amount of revenue from this particular source than was anticipated. But, I say to you this, be very, very careful when you talk about levying additional taxes. I am for levying this tax at this time for the reasons stated by the Honourable Member. It only makes logical, good common sense. I am opposed, however, to the manner of leaving the Commissioner the right to vary the rates. I think I would tend to give some consideration to voting for this Bill if the Commissioner was not permitted to increase the rates beyond the norm, beyond the sixteen mills or the twenty-two mill level. But, any piece of legislation that open ends this power which is in excess of this agreement, the fiscal agreement by which we are still bound to the Federal Government, in my opinion, would not be wise legislation and would have a tendency to take the control of taxation from the people. It is for this reason that I look at this piece of legislation and I say, well, the Commissioner may vary the rate of tax levels; it doesn't say he can put it up; it doesn't say he can put it down but it would infer that he can and if this Bill were amended to assure the people of the Yukon that the Commissioner did not have any right to raise the tax level beyond what has been agreed in the agreement, then I would certainly buy the argument.

Mr. McKinnon: Mr. Chairman, I have to agree whole-heartedly with the

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Mr. McKinnon continues.....

Honourable Member's remarks but the information that I was looking for when I raised the question at the beginning is exactly the information that he was seeking. I didn't think that the Bill would be coming to the table at this moment, before the information which I as Chairman of the Financial Advisory Committee would have liked to have placed before Committee before examining the Taxation Ordinance. What I made was a statement which I had hoped would help to clarify the position that I saw myself in at this time. Now, the Clerk says that he can probably have this information available to Council for tomorrow if he gets a telex out tonight. I think that it is only right that the information of the financial situation of the Yukon Territory should be before Members of Council before they vote on this Taxation Ordinance to see why the increase is necessary and where the money is going. The other point that I would like to make to the Honourable Member is that the present subsection is already in the Ordinance that allows the Commissioner the flexibility and the reason it was put in the Ordinance, if the Honourable Member will recall, is that when the community of Hillcrest was taken over as a Territorial Subdivision, there was no indication whatsoever what the cost would be and all of the Council said that there was no way that that would be taken over as a Territorial Subdivision if it did not pay the same rate of taxation to cover the cost of municipal services. The only way that this was possible was to leave it flexible for the Commissioner to set the mill rate. That is why it was in there, and I think it is a good principle that it remain in there, in case this happens in the future. If an instant town should develop, the Commissioner should have ability of recovering the cost of municipal services in that instant town or that instant Territorial Subdivision. I think really that the advent of an Executive Committee and knowing that the tenacity of the Honourable Members, if the Commissioner tried to do something that was over and above what we felt his powers were under the Yukon Act or over and above the wishes of the Yukon Legislative Council, that we would use the usual recourses that we do with the bureaucrats who overstep the bounds of good jurisdictional legislation or regulation. I don't think that we really have to worry on that count. We hope that Mr. Clerk will be able to get the information that the Honourable Member has asked for, by tomorrow.

Mr. Livesey: Now, Mr. Chairman, one point I didn't understand about the remarks of the Honourable Member for Whitehorse North was that it was the Council that was bringing this piece of taxation legislation before Committee. I am afraid that I cannot go along with this, because it is more than obvious that the Council has done no such thing. That is the way I see it. The Council doesn't originate the Taxation Ordinance. Council doesn't originate any of these Bills. I don't understand how the Council has brought this piece of legislation before this table. This piece of legislation is obviously brought to our attention by the Administration and the Administration of the Government of the Yukon Territory. However, on another point, I certainly would agree with him that if we had a party system of government in the Yukon Territory, I can practically guarantee that no party, in the year that they are going to put up for election, will certainly bring up any taxation legislation. I've never heard of one doing it and this is one of the reasons why we are being brought up here. We have got the tail wagging the dog rather than the other way around and we certainly are assured now that we are going to have a certain amount of welcome change after the next election. We still haven't got that change in this body. We haven't got it, and, yet, it is this body that is being asked to pass this Taxation Legislation. This point is as clear as can be. We didn't bring it up and I don't understand this point that was brought to our attention at all. If you want to go back into the history of Parliament and find out--the House of Commons, you are going to find out that the reason for a House of Commons in the first instance is the fact that the King couldn't probably collect taxation from the subjects unless he had a House of Commons or the people to make the decision. Well, we haven't even got around to that yet. We haven't got the people making these decisions whatever, certainly not during the life of this Council body. We don't have that power at all. So, any of this foolishness about the fact that we have brought this legislation before Committee, Mr. Chairman, in my own personal view, is

Mr. Livesey continues.....

entirely wrong. We are not doing anything of the kind. We are still at the tail wagging the dog stage with the hope that we can bark. That is about the size of it. Thank you, Mr. Chairman.

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Mr. Shaw: I was going to move that, in view of the discussion and we are not particularly getting any place, the pertinent information and clarification that Council requires not available, this particular Bill be held in abeyance pending further information which may be here tomorrow. You don't have to second it if you don't like it.

Mr. Chamberlist: Would you take the Chair back please?

Mr. Taylor: I will resume the Chair.

Mr. Chairman: It is not necessary to have a motion. A direction from Committee would be sufficient in this respect.

Mr. McKinnon: One final remark. I take it that this Bill did have the approbation and concurrence of the Financial Advisory Committee and my decision may have been coloured by the fact that the two other Members of Council have already stated that they are not running for re-election.

Mr. Chamberlist: Mr. Chairman, firstly I would like to remark on the remarks made by the Honourable Member for Carmacks-Kluane with reference to the common situation. Surely, he is not looking forward to us having an Oliver Cromwell here because that is a bit too late in our years. I think that we should thank the Administration for a little piece of sensible legislation. For the first time in a long time, the Administration has wakened to the fact that there is a necessity to make taxation for everybody, so that even the large companies should be subject to taxation for the benefit of all the people of the Territory. I find nothing wrong with this. Now, the suggestion that section 3, where we will be giving to the Commissioner the power to vary the rate of tax levied under this section according to the location and use of the property to be taxed--well, it is obvious why that is there. We may have, as Councillor McKinnon has put it an instant townsite somewhere out in the bush where the tax structure would have to be higher because of the cost of doing the very things that will be required to make townsites. I see nothing wrong in giving it to the Commissioner because he only gets this in word. If the Territorial Council continues with the strength that they have in the past few years, to let the Administration know when we are unhappy with what they do and how they do things, then surely the Commissioner, whether it be the Commissioner we have now or some other party, will be prepared to understand and listen to the requirements of the Territorial Council. I find no problems with this piece of legislation, and, once again, I think that the Administration has done the right thing in bringing it forward.

Mr. Livesey: Mr. Chairman, I would like to make one correction of statement by the Honourable Member for Whitehorse East. It wasn't Oliver Cromwell I was thinking about. It was Guy Fawkes.

Mr. Shaw: Referring to the persons that are on the Financial Advisory Committee, or perhaps, I should say, not running in the next election, that is quite correct. But, I would like to bring to this Committee's attention that in 1961 when this privilege was given to these mining companies, at that time, I objected to them being given this exemption. When you consider that a corporation such as the Cassiar Asbestos Corporation in the Dawson area, paying about six thousand dollars taxes a year, the United Keno Hill Mines paying about six--seven thousand dollars in property taxes, or something in that nature, it certainly is about time that we did make this a little more equitable. Further to that, since that period of time, we have provided quite a number more services to these different corporations than what it was even in 1968 when they did pay for it. So, this is something that is just and right and I don't think that whether a person is running for election or whether he is not running for election is the point. The point is something right or is

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Mr. Shaw continues.....

something not right and in passing this Bill, all we are doing is something that is right.

Mr. Livesey: Mr. Chairman, may I ask a question? Supposing we pass this piece of legislation, Mr. Chairman, I wonder if the Administration could inform Committee as to what effect it will have on the taxation system in relation to mines, and when will it commence?

Mr. Commissioner: Mr. Chairman, the effect that it will have on the situation with mines is that the concentrators of mines will no longer be exempt from school taxes. The time it will start to be collected, it will be imposed on the taxation notices that go out, I believe, in the coming month of February and are due and payable on April 1st, 1971.

Mr. Livesey: In other words, Mr. Chairman, we are talking about taxation next year not this year.

Mr. Commissioner: Mr. Chairman, you can vary the words to suit the condition but the actual time of the imposition of the tax is the assessment that is available and I believe it to be recognized as of December 31st. The date for the appeals and everything is December. The taxation notices have to be in the hands of the taxpayers sometime in the month of February and they become due and payable as of April 1st. I believe that there is a period of approximately ninety days in the Taxation Ordinance during which they are receivable and then they start to carry a penalty.

Mr. Shaw: There is one thing to consider in this that, though the mining companies will be paying these taxes in an equitable manner actually, and in fact, I think you will find if you went down to the accounting that the Federal Government will be paying about half of it. This would be a matter of the amount of money that they would normally pay in corporation tax. Instead of it going to Ottawa and us having a heck of a time to get it out, we can get it out first hand. There is no middle-man in between.

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Mr. Chairman: Well, is it your wish that I report progress on this Bill? Mr. Clerk will have information for us tomorrow, I am sure. The next Bill is Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance. (Reads Bill No. 5)

Mr. Dumas: Just one small point, Mr. Chairman, before the question. The word "the" is left out in my copy in subsection (3) of section 2; "time to time holds the office of Legal Adviser"? Is that how it should read?

Mr. Legal Adviser: Yes, that is how it should read.

Mr. Chamberlist: Mr. Chairman, I have a few questions that I would like to put to Mr. Legal Adviser at this time. On the first point, the reference to Crown Attorney, isn't that unusual? Is not the word Crown Prosecutor? Is this not the intent? I wonder if Mr. Legal Adviser could answer that first.

Mr. Legal Adviser: This is an appointment that is made by the Department of Justice. It is not really for us to suggest by what name their official should be called. It is a new appointment and bears no relation to older appointments at all. They have picked the name which is in common use in the province of Ontario and in Ontario, people know what they mean when they speak of the Crown Attorney. This is the expression they have chosen.

Mr. Chamberlist: This might be so, Mr. Chairman, but I am not wondering-- I am wondering at this time whether there is a different intent between a Crown Attorney and a Crown Prosecutor. A Crown Attorney, surely, is an agent of the Attorney-General of Canada. Now, is it that this man will be both the Crown Prosecutor and the agent of the Attorney-General of Canada?

Mr. Legal Adviser: I think so, yes.

Mr. Chamberlist: This is the intent. Right. Now, the other question with reference to Legal Adviser, now the way this reads is the Secretary shall also cause the name of the person who from time to time holds the office of the Legal Adviser; Legal Adviser to what? Legal Adviser to John Smith and Company Limited, Legal Adviser to the Territorial Government, Legal Adviser to Jack Green? What Legal Adviser?

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Mr. Legal Adviser: In the definition section of the Ordinance, which is not before the Members at the moment, the Legal Adviser is defined as being the Legal Adviser for the Council of the Territory.

Mr. Chamberlist: This is where I am pleased that the Commissioner's Legal Adviser brought this forward, because I don't know now whether to accept the Minister's of Justice definition of the Legal Adviser, or whether to accept the definition of the Interpretation Ordinance. Now, perhaps we can get it clear from the Federal Government, indeed from the Honourable John Turner as to what he intended when he made this remark in the House, whether the office of Legal Adviser that Mr. O'Donoghue holds is that of Legal Adviser to the Commissioner, or Legal Adviser to the Territorial Council, so that we know in this amendment what we are talking about. Now, I think that there is a necessity at a later date for something like this to happen. I would like to know and I would like to have it recorded before this is passed so that perhaps, a telex could be sent out to the Minister of Justice ascertaining from him what he meant when he said in the House of Commons that he had spoken to the Legal Adviser to the Commissioner of the Yukon Territory. I want to know whether the intent in here, in this specific ordinance is that it is the Legal Adviser to the Commissioner that this refers to, when the interpretation section of the Interpretation Ordinance, defines Legal Adviser as the Legal Adviser of the Territorial Council. Now, it might not appear to be important at this stage, at this table but at some later date there will be a question arising and I think it should be answered now, before this piece of legislation is passed. I wonder whether the body that we have here as Legal Adviser will be prepared to ask for a definition of the intention.

Mr. Legal Adviser: I don't think it necessary to have any more than one definition. The definition in the Ordinance itself, not the Interpretation Ordinance is that the Legal Adviser is the Legal Adviser to the Council of the Territory. People can often hold different forms of office. It is possible for a person to be a father and a brother at the same time. He is still the same person.

Mr. Chamberlist: You can have three fathers with one child.

Mr. Legal Adviser: Or you can be a brother, a son and a father at the same time and still be the same person. In this situation, I am Legal Adviser to the Council of the Territory and when the Council isn't sitting and the Commissioner wants to know something, I happen to be conveniently situated at the end of the corridor. As a brother, he asks me.

Mr. McKinnon: Mr Chairman, notwithstanding the Legal Adviser's remarks, one of the interesting things about sitting at this end of the table is you get the interplay between the Commissioner's Legal Adviser and the Commissioner. The remark when the Commissioner saw this Bill and I will repeat it verbatim, was "What the hell is this?" Mr. Legal Adviser's remark was "The Department of Justice wants it." I will tell you why the Department of Justice wants it--because they want to save two hundred and fifty bucks, which is the normal process that a person has to pay to be accepted into the Yukon Bar Association and start practicing before the courts of the Yukon Territory. Now, Mr. Chairman, with respect, if the Department of Justice and Mr. Turner's department and the new Crown Attorney cannot go through the normal process of being accepted into the Yukon Bar, being introduced to the Bar, paying the two hundred and fifty bucks or whatever it is to the Territorial coffers, not the Federal coffers, then holy smokes, they are in a worse situation down east than we thought they were. There is no reason whatsoever why Mr. Legal Adviser shouldn't have been presented to the Yukon Bar, why the

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Mr. McKinnon continues.....

Territorial Government shouldn't have paid--it is just an exchange of money--that the Federal Government and the Minister shouldn't have paid the money into the Territorial coffers for Mr. Legal Adviser to be able to act as a member of the Yukon Bar. There is another, I think odious section, section of the Legal Professions Ordinance, where any journeying law practitioner from Ottawa can come up to act on behalf of the Crown at any time and any private lawyer has to go through the process, which is a right process, of applying for admittance to the Yukon Bar, being accepted to the Yukon Bar, paying his Yukon Bar fees and then being entitled to practice before the Yukon Bar. Why, in heaven's name, should the bureaucrats have this exception and why should it be different for them than anyone else? I say, no, remove all the areas of the Ordinance which allow Crown Attorneys, which allow Legal Advisers, which allow travelling lawyers who can appear on behalf of the Crown to be able to just walk into a Yukon court room and start practicing. I don't think it is necessary. I think that admittance to the Yukon Bar is obtained easily enough and we do it with the money from the Federal Government.

Mr. Legal Adviser: Mr. Chairman, it is not a question of money. It's a question of the status of the officer concerned. The Department of Justice has been very fair with the Council of the Territory. The Minister of Justice came down and had discussions and promised that he would appoint this officer. For our part, we want to see that he is given the same status in his own field as the officer of the Commissioner or any other officer is. He shall be entered on the Roll from the time of his appointment as Crown Attorney. He requires this status and it is not normal for government to pay taxes either to themselves or to another government.

Mr. Dumas: Mr. Chairman, I think we have to be careful here. We could be cutting off our noses to spite our faces. The establishment of the Crown Attorney's office in the Territory is a very desirable thing for the people of the Territory and I think it is going to save a lot of money for the taxpayers of Canada as a whole and the Yukon in particular. To have this added legal beagle in the Territory for purposes of expediting Crown affairs and Federal matters, I think, is going to be advantageous to the whole Territory. If they want to be chintzy about it and get around paying two hundred and fifty dollars, well, okay, let's not worry about that. I think, however, that some legal status must be given him. This Bill does so, and I think we should proceed with it and pass it, Mr. Chairman.

Mr. Livesey: The point that is bothering me and always has bothered me for many years and I've asked questions on it on numerous occasions, addressed to numerous places, not only here but further east, is that, as far as the Legal Adviser to the Council is concerned or the Legal Adviser to the Administration is concerned, supposing that there is a difference of opinion between them. Upon what seat does the Legal Adviser sit? No man can serve two masters. There is no question about that in my mind. This has always been a problem and I think that the Committee is trying to get a clarification on a very important plane. There is no question in my mind as to whether establishing the Crown Attorney in the Yukon Territory is an important matter. It most certainly is. We couldn't help but benefit. Nevertheless, as long as that doubt is there, or we are not clear, or we don't know exactly what the position is, naturally, we are going to ask questions on it. I have raised that question just now. Where do we sit in the event of any difference of opinion where the Legal Adviser sits in the middle? I mean he is only a human being, like the rest of us. I want to know what understanding we have. How would the Legal Adviser approach a problem of this nature? Naturally, under the law of numbers, it is going to come up.

Mr. Legal Adviser: I doubt that the problem is going to arise in moving our present system to a more involvement of the Council itself in the executive acts of government. I am surprised, myself, that it has not been a problem in the past number of years where this situation existed, where the officer was acting as Legal Adviser to the Council and was

Mr. Legal Adviser continues.....

also Legal Adviser to the Administration. Where the interests of the two were not identical there must have been clashes in the past whether people knew about them or not. I don't think, however, that clashes will arise in the future, because the office of Legal Adviser will be more identified, I am sorry to say in some ways, with the Executive than it will be with the actual Council itself. I think it has become an academic problem.

BILL #5

Mr. Shaw: Yes, Mr. Chairman. This particular Bill is only one page, but to me, if it is what I think it is, it is an extremely important Bill. It is where the Yukon Territory would have a Crown Prosecutor, whether you call it a Crown Attorney or a Crown Prosecutor is academic. This is a funny thing to me that any government work and all government work, the Canadian public jealously guards the fact that this should be put up to public tender and the one that gives the best service or the best price should get the job. However, when we come to law, nobody seems to worry about who gets the grading, who gets the job as the Crown Prosecutor. It goes from one party to the other and it depends on who is in power and two years ago, I think, it cost forty-five thousand dollars for that in the Territory. Now, in two years, God knows, it might be seventy thousand by this time; I don't know. But, certainly, it is just about time that this practice was discontinued. Now, it may not be discontinued in other parts of Canada, but, perhaps it is a good thing to discontinue it in the Yukon Territory, if we can. The fact that this has been proposed by the Department of Justice, I think, is one of the best pieces of legislation we have had for quite some time. What do you call the man? You can call him anything you want as long as he does the job. He can be answerable to--as long as he answers to justice. That is the main thing. I think ---- for the amount of money that the Government of Canada and, of course, they pay the cost of justice. There will come a time very soon when possibly the people in the Yukon Territory with a responsible form of government will be asked for these things or take a considerable part in them. This is one measure in which I think a great deal of economy can be effected, but the most important thing is a real matter of principle. I am all for this Bill, absolutely.

Mr. Chamberlist: Mr. Chairman, I don't think that anybody at this table is objecting to there being a Crown Attorney--Crown Prosecutor--for the Yukon Territory. I don't think anybody is raising an objection. As a matter of fact, it is something that the Justice Committee asked for; it is something that was received and we are very pleased with it. The matter of two hundred and fifty dollars or not, I sympathize with what the Honourable Member from Whitehorse North said about it. It just seems, to use another Member's remarks, pretty chintzy not to come up with the two hundred and fifty dollars. What I am concerned about is the clear definition of the Legal Adviser's function. Now, if the Legal Adviser's function is to be Legal Adviser to the Commissioner and the Territorial Council, if I can receive some assurance from the Administration, Mr. Chairman, that there would be an amendment to the Interpretation Ordinance showing that the Legal Adviser means the Legal Adviser to the Commissioner or the Territorial Council, that would make me content. But, as it is now, it is specifically defined in one area that it is the Legal Adviser to the Territorial Council, but there is no suggestion that although the Legal Adviser is paid by the Administration, no where in any piece of legislation does it actually say that he is the Legal Adviser to the Commissioner. Now this is what I want clarified. The words from the Honourable Member for Carmacks-Kluane, Councillor Livesey, are quite right. In case of a conflict, although, Mr. Legal Adviser, there have been conflicts at times and perhaps we Members of Council didn't know anything about these conflicts that happened behind closed doors, this might possibly be, but we have a right to know quite clearly who the Legal Adviser actually represents according to law. Now, when I say according to law, this is based on the legislation which defines who the Legal Adviser is. Now, I want that position clarified and I think that all Members of this Committee should be concerned with that clarification. I think it can be overcome because of the, as the Legal Adviser has said, very, very

BILL #5

Mr. Chamberlist continues.....

near when both Administrative and Legislative bodies are going to be working much closer together. This is fine, but it still doesn't solve what is decided in the legislation and everybody knows that it has often been said around the table that what is not written is not inferred. Now, the Legal Adviser has given very valuable advice to Members of Council, both privately, I am sure, and at this table. We value his advice, but I'm sure he must agree with me as well that there is no doubt that he hasn't got the legislative authority to act for the Commissioner. If Mr. Legal Adviser can show me where, within the legislation, he has the authority to act for the Commissioner when actually the legislation just clearly defines him to act for the Territorial Council, I say that this section should not be dealt with. When an amendment to the Interpretation Ordinance showing that the Legal Adviser means Legal Adviser to the Commissioner and the Territorial Council, then I would be prepared to go along with that section. The reference to the Crown Attorney, there is no problem at all as far as I am concerned.

Mr. Legal Adviser: Mr. Chairman, might I say this, to cut short the debate. I have been preparing a group of Bills to take account of the fact of the projected transfer of some of the justice functions to the Territorial direction. One of the things which we can bear in mind at that time is how we create this new frame-work of legislation and whether the office of Legal Adviser, as such, perhaps has become outmoded. At any rate, it will be given consideration in the group of Bills which will be coming forth to effect the changes which are reflected in the Yukon Bill.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser would then indicate that this Bill, if passed, the intent is that what is referred to as the Legal Adviser here means the Legal Adviser of the Territorial Council. Would Mr. Legal Adviser give that advocacy?

Mr. Legal Adviser: That is the person mentioned here, the Legal Adviser to the Territorial Council.

Mr. McKinnon: Mr. Chairman, I don't think that there is anyone more admirably suited to explain his dual function than the present incumbent in the Legal Adviser's position and everytime he gets up to explain his status, I always think of the story that was reported in the local press not too long ago about a trial that was taking place at Faro, I believe. They were trying to get someone to explain the status of the people that were involved. They asked, was he an Indian? The person on the stand said no. Was he a white man? The person on the stand said no. So, the attorney asked, what was he then? He said he was an Irishman. I think, Mr. Chairman, with this facility, Mr. Legal Adviser has no problem serving two masters. The Yukon Bar Association which lay dormant for some very many years has become extremely active in the Yukon within the course of the last year. There are three new practices that started in the Yukon. The people who are engaged in these practices are, I think, a credit to the Bar Profession, and as far as I know, they were not consulted towards the changes in this Ordinance. Now, the people at this Yukon Legislative Council table are always talking about things being shoved down throats without consultation. I believe that the members of the Yukon Bar Association have approached both Mr. Samuels, who is directly responsible for the administration of justice in the north and also the Minister of Justice, Mr. Turner, in direct consultation about this change to the Legal Professions Ordinance. As far as I know, they would like to be able to appear before Committee, if possible, with a representation from them to explain their objections to this as it is presently drafted. They were not given the courtesy and consideration of being able to look at the legislation up to this moment. I think it is only right because it has only been put before Council at this moment. I think it would be wise for Council to ask for a representation from the Yukon Bar Association to explain their objections and also their meetings with Mr. Samuels and Mr. Turner on these very amendments that are coming before the Yukon Legislative Council at this time. I would propose that we report progress on this Bill until such representations from the Yukon Bar Association can be made, Mr. Chairman.

Mr. Chairman: Will Councillor Chamberlist take the Chair a moment.

Mr. Chamberlist: Yes, Mr. Chairman. Proceed Councillor Taylor.

BILL #5

Mr. Taylor: Mr. Chairman, I only passed the Chair to say that I have a tendency to concur with the remarks that have just been made by the Honourable Member from Whitehorse East. Also, being cognizant with the remarks of the Legal Adviser made a few short moments ago, Mr. Chairman, I look again at section 3 of the Bill where we are talking about the Legal Adviser and the Crown Attorney and in addition to this, any person mentioned in section 26. Mr. Clerk has found me the section which states--the people mentioned in section 26 were, anyway, a barrister, a solicitor who in the course of his duties as an employee of the Government of Canada or the Government of the Yukon Territory is required to practice law in the Territory shall be deemed to have complied with these requirements. As Mr. Legal Adviser pointed out, there are changes coming transferring the judicial function or some major portion of the judicial function to the Yukon Territory from the Federal Government. It would seem to me that the proper thing to do with this Bill would be to have the Administration withdraw the Bill or ask it to die in Committee and attend to the matters raised by other Members, the remarks of Councillor McKinnon, consult with the Bar Association, get their opinions and place this before the new Council as a total package, including all the involvements of Justice rather than doing this piecemeal.

Mr. Shaw: Mr. Chairman, I can see a lot of merit in one sense to the Honourable Member from Whitehorse North. They want to know what it is all about or something to that effect. But, all we are doing in this is an appointed Crown Attorney shall or can be entered on the--can be properly qualified as a barrister and solicitor. The same applies to the Legal Adviser. I cannot see any objections--I've never heard of any lawyers who had the correct qualifications, being refused to the Yukon Bar when they wanted to practice, of course upon payment of a fee. Now, I don't know whether this fee is applicable or not, and really it doesn't make that much difference because it is just a case of putting it in one pocket and taking it out of the other one. I wonder what possible implications it could have as far as the Yukon Bar Association is concerned, unless they object to having a Crown Prosecutor.

Mr. Taylor: One point, Mr. Chairman. Obviously there is a conflict. Some Members have raised the point that some members of the Bar Association are not in agreement with this amendment and have not been consulted on it. I think it behooves us as legislators on behalf of the people of the Territory to ensure that the legislation that we produce is good and sound and reasonable legislation and this indeed gives rise to conflict. Should we not then properly hear both sides of the story here at the table before agreeing to a piece of legislation?

Mr. Dumas: Mr. Chairman, I tend to go along with that, but I would like to remind Committee to keep the overall picture in mind. We have asked for the transfer of administration of Justice to the Yukon Territory. The Department of Justice has asked us to pass this legislation so that they can have a Crown Attorney in the Yukon. Let's keep both of these facts in mind because we might be throwing out the baby with the bath water if we do away with this Ordinance. The idea of having the Bar send --Legal Profession send a representation to Committee is probably a good idea. I am not saying that it is definitely a good idea because of course, if we go back through the ordinances we could have KARA Speedway wanting to send a representation on the Motor Vehicle changes; we could have somebody from the local stock market wanting to be represented on one of them; somebody from the House Builders' Association on second mortgages. This could be carried to extremes. The Honourable Member from Whitehorse North says good. He knows that it is not good, knowing the fact that there are votes among all of these groups, Mr. Chairman.

Mr. Shaw: Mr. Chairman, it is my belief and has been for years and I've stated it that when it comes to matters such as this, that this should be--there should be an office of a Crown Prosecutor or a Crown Attorney or whatever you call it. I don't go for this system of political patronage because that is what these things have been in the past. It is very blunt, but that is exactly how it is. Now, if there were any other matters related to this, I am quite prepared to listen, and I have never

BILL #5

Mr. Shaw continues.....

at any time, tried to pull a Bill through without giving every consideration to every Member's request to have any witnesses here. I am prepared to do this at this time. I haven't changed my attitude in respect to what I see here, that is a Crown Prosecutor.

Mr. McKinnon: Mr. Chairman, I don't know why we should be so emotional about this consultation between the Yukon Bar Association and this Committee. There is a recent judgement in the Yukon Territorial Court on a case that was as I say quite recently, where this matter was raised and the Crown employed a solicitor from Vancouver and because of the Ordinance that now is, he didn't have to be introduced to the Yukon Bar which he wanted to be; he didn't have to pay the money to the Yukon Bar, which he wanted to. There was a case made before Justice Morrow about the ability of anybody acting for the Crown just to walk into the jurisdiction and start practicing and Justice Morrow came down very strongly in favour of the person from the Yukon Bar Association who made the point that this shouldn't be allowed to happen. I think these facts should be raised before Council and these facts should be made known before we decide on the legislation. That is all I am saying. Let's consult and find out what the opinion of the Yukon Bar Association is.

Mr. Chairman: Will you take the Chair, Councillor Taylor?

Mr. Taylor: I have just one question. I would like to direct this question to Mr. Legal Adviser just to go a little further on this. What happens to the person who comes up in government employ who, for some reason, is unsatisfactory to his employer and is released, yet, who is practicing for possibly a couple of months in the Yukon Court? What then happens to him and where in the Ordinance do we find the process that places him in the position where he has to register on his own with the Bar Association? In other words, what position is he in when he leaves the employment of the Yukon Government?

Mr. Legal Adviser: Persons in government employment, I am not talking about the Legal Adviser or the Crown Attorney, would then have to pay their fee to continue to practice and I think they would have to be called to the Bar. A person who had been a Legal Adviser would not have to; this apparently has come up at some point in time. I think it came up in relation to Mr. Bickle. He left the government service and he got involved in some kind of a law case and this point was raised. Judge Parker ruled that he didn't actually have to be called to the Bar but of course, he would have to pay the fee, just like anyone else.

Mr. Taylor: I will resume the Chair. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, there is an area that I think those Members who have suggested there be members of the Bar appear in Committee that I don't agree with. This isn't a question of whether or not there is some matter of administration within the Legal Professions Ordinance that has to be dealt with by other lawyers. When the time comes along that the Legislative body has to go and ask for people to come into Committee on every little object, we would be indeed failing in our duties that make the decisions on behalf of the people. I have-- I see, as I have already said, no problem at all with reference to the Crown Attorney, now that I have had Mr. Legal Adviser's assurance that there are going to be some amendments made, that the intent of the Legal Adviser as it is written now means the Legal Adviser for the Territorial Council. I find that there should be no objection. Quite frankly, I don't think that the members of the Legal Profession would object too strongly and too fiercely against these members being appointed for the purpose of prosecuting in matters in which the government is involved. I think that their only objection could be if the lawyers who were employed by government, either Territorial or Federal, would be acting in matters that were outside of government cases. I think, certainly, if that was the case, they shouldn't have to be called to the Bar and pay the money. What difference does it make if the Territorial Government pays the two hundred and fifty dollars for the Legal Adviser to be a member of the Bar? Who does the Territorial Government pay it to? It pays it to the Yukon Consolidated Revenue Fund. Where does the money

Mr. Chamberlist continues.....

come from? It comes from the Yukon Consolidated Revenue Fund. So what is the point in having that. I don't think that there is any necessity in having that at all. BILL #5

Mr. Shaw: I would, Mr. Chairman, at this time, like to direct a question to Mr. Legal Adviser. I would like to say what I think is the interpretation of this Bill. We are getting a person, a Legal Adviser, who will be called a Crown Attorney employed by either the Territorial or Federal Government and he will attend or his officer, he may have a helper or two helpers, to all the prosecutions under the Crown, be living in the Yukon Territory and a part of or annex to the Territorial Government. Is that correct? That is my interpretation.

Mr. Legal Adviser: Yes, except that I must make it clear. The Crown Attorney is appointed by the Minister of Justice and employed by the Minister of Justice, not by the Territorial Government. He would be a court official in the sense that he would be prosecuting some of our cases, hopefully, as well as Federal cases in which he would be acting for us. He would be a permanent official here. He already has an office--temporary office pending permanent accommodations. He is already in the Territory and working in the court at the moment.

Mr. Shaw: Supplementary question, Mr. Chairman. That doesn't mean then that there is going to be a person from Vancouver this time, one from Edmonton next and so on for every case. He will be steadily employed?

Mr. Legal Adviser: He may have to be released or something like that for a special case. A tax lawyer may come in for something or other, but, apart from that, there will be just the one, as I understand it, Crown Attorney who will be here full time.

Mr. Dumas: Mr. Chairman, if it is required, I would like to move that representatives of the Yukon Bar Association be asked to appear as witnesses before Committee to discuss Bill No. 5 and that progress be reported on said Bill.

Mr. McKinnon: I will second the motion, Mr. Chairman.

Mr. Shaw: Talking of the motion, are we asking for trouble or are we asking to extend this Session with a battery of lawyers? It may do pretty good for the Session.....

Mr. McKinnon: Mr. Chairman, the Crown Attorney is already in Whitehorse; he is already practicing and already established. The only thing this Ordinance does is save two hundred and fifty bucks for the Department of Justice so that he doesn't have to pay the Consolidated Revenue Fund. That's all it does. Nothing else. By holding up this red herring that we won't get the Crown Attorney if we don't pass this Bill is ludicrous because he is practicing already. If the Federal Government pulls him out because we don't pass this ordinance because they have to pay two hundred and fifty dollars, that is even more ridiculous.

Mr. Shaw: Mr. Chairman, I don't quite see the thing as ridiculous. In the first place, until we put it down here and make provisions for a Crown Attorney, we haven't got one. We have a Legal Adviser to the Commissioner or to the Council.

Mr. McKinnon: He is there and practicing on the directions of the Minister of Justice who writes the justice in the Yukon Territory.

Mr. Shaw: But he is not officially the Crown Attorney. Let's make it official. We can thank him cordially and he can go after whatever it is he is supposed to go after.

Mr. Chairman: There is a motion before the Chair at this time. Moved by Councillor Dumas, seconded by Councillor McKinnon that representation from the Yukon Bar Association be asked to appear as witnesses before Committee to discuss Bill No. 5 and that progress be reported on said Bill. Anything further on this motion? Are you prepared for the question?

Mr. Chairman continues.....

BILL #5

Are you agreed? Are there any contrary? Division. I wonder, Mr. Clerk, if you could make note of the votes. Would those agreed kindly signify. Would those contrary kindly signify. Tied. We seem to be in that position again. Of course, I am contrary to the motion and so I will declare the motion defeated.

MOTION
DEFEATED

MOTION DEFEATED

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

Mr. Shaw: I move that the Bill be reported out of Committee without amendment, Mr. Chairman.

Mr. Livesey: I will second that motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Livesey that Bill No. 5 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? To the contrary?

Mr. McKinnon: Disagree, Mr. Chairman, as a proponent of participatory democracy I would like my vote recorded.

Mr. Chairman: I will declare that the motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: I would draw you attention to the time.

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

Mr. Chairman: Order please. Is there a seconder?

Mr. Shaw: I will second the motion, Mr. Chairman.

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

MOTION
CARRIED

MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 2:50 p.m. this afternoon to discuss Bills. It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 2 be allowed to die in Committee and this motion carried. 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. I can report progress on Bill No. 4. It was moved by Councillor Dumas, seconded by Councillor McKinnon that representatives of the Yukon Bar Association be asked to appear as witnesses before Committee to discuss Bill No. 5 and that progress be reported on said Bill and this motion was defeated. It was then moved by Councillor Shaw, seconded by Councillor Livesey that Bill No. 5 be reported out of Committee without amendment and this motion carried. It was then moved by Councillor Chamberlist and seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: Order, please. You have heard the report from the Chairman of Committee. Are there any amendments? Are we agreed? May I have further indications of your pleasure with regard to the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, with respect to the agenda, we have before us for tomorrow Bills, I believe, Motions and possibly Sessional Papers. I would suggest that we deal with Bills, Sessional Papers and Motions.

Mr. Speaker: Are we agreed with the agenda? Is there any further business?

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

Mr. Speaker: Motion for adjournment has been made. Are we agreed? The House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

Mr. Speaker read the daily prayer (Rule No. 1 was dispensed with). All Councillors were present.

Mr. Speaker: Order, please. I will now call Council to order. Is there a quorum present, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I wonder if I could inquire from Mr. Clerk if we have an Order Paper this morning? Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: I would like to give Notice of Motion that Sessional Papers Nos. 5, 7, 14, 15, 16, 21 and 22 be discussed in Committee of the Whole and further Notice of Motion that schools' music program be discussed in Committee of the Whole.

MOTION #2
& #3

Mr. Dumas: Mr. Speaker, I wish to give Notice of Motion that Sessional Paper No. 6 be discussed in Committee of the Whole.

MOTION #4

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

Mrs. Gordon: Yes, Mr. Speaker, I would like to give Notice of Motion that Sessional Papers No. 1, 3 and 17 be discussed in Committee of the Whole.

MOTION #5

Mr. Speaker: Are there any further Notices? Notices of Motion for the Production of Papers? Under Daily Routine we have Motion #1, moved by the Honourable Member from Dawson, seconded by the Honourable Member from Mayo that the new nursing home at Dawson City be named in honour of Alexander McDonald who was one of the early day pioneers for that area. Would the Honourable Member for Dawson be prepared to move Motion #1 at this time? Question?

MOTION #1

Mr. Shaw: Yes, Mr. Speaker, I take great pleasure in discussing this motion in a very short manner. This gentleman, one of the early day pioneers, was a very enterprising type of a person who came from Nova Scotia. He was known as the King of the Klondike for quite some period of time. He, at one time was reputed to have been worth seven million dollars and he did a great deal of good work with his money, in fact, he contributed largely to building a hospital in Dawson in the early days after the original one was burnt down. I think that it is something that in the past has not been done in commemorating many of the old timers and pioneers of the area. We have now and have been these last few years endeavouring to do that. This particular name is in reference to what is known as the Sunset Home in Dawson and it is the desired object of this motion to call it the Alex McDonald Lodge which sounds, I think possibly more appropriate. When we talk about sunset for old folks' homes, or nursing homes, it sounds kind of permanent and I would very much appreciate, Mr. Speaker, that Council would concur with this particular motion.

Mr. Speaker: Are there any further comments or discussions on Motion #1? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: That being our only business under Daily Routine this morning gentlemen, we'll now move to the Question Period. Are there any questions?

QUESTION RE
STREETS &
LANES OF
WHITEHORSE

Mr. Chamberlist: Yes, Mr. Speaker. A question I've got for Mr. Commissioner. Could the Commissioner indicate that there is a Governor General's Order-in-Council transferring the streets and lanes to the City of Whitehorse?

Mr. Commissioner: Mr. Speaker, do I assume the question is in the present tense, does this Order exist at the present time?

Mr. Chamberlist: That is the question, Mr. Speaker.

Mr. Commissioner: I would have to research this matter and bring forth an answer. I am not personally aware of its existence, but I think in all fairness that the matter should be researched.

Mr. Chamberlist: Perhaps, Mr. Speaker, Mr. Legal Adviser could answer whether this is so or not.

Mr. Legal Adviser: Mr. Speaker, I am in the same position, I'll have to research the subject. I presume it's in relation to one of the bills here, but I have to check back further on that.

QUESTION RE
TRANSFER OF
LANDS

Mr. Chamberlist: With respect, Mr. Speaker, supplementary question. I wonder whether it is not necessary, Mr. Commissioner could answer this, not necessary for a Governor's Order-in-Council transferring lands before any Territorial Ordinances can be brought forward relating to those lands?

Mr. Commissioner: Mr. Speaker, I think the particular detail of the land in question would be the point here. I think that we are legislating continuously with regard to land, and the matter in which the land may be disposed, the use to which it may be put without Governor General's Orders-in-Council, and I think in the particular instance that is referred to here, I think I must go back to the first question that the Honourable Member asked and that is until it is researched it would not be right and proper that I should be called upon for a definite answer.

Mr. Chamberlist: Supplementary. Is the Administration now suggesting that they are not aware of whether a Governor General's Order-in-Council exists in relation to the streets and lanes of the City of Whitehorse?

Mr. Commissioner: Mr. Speaker, there is an Order-in-Council which exists at the present time with regard to the land in the metropolitan area. As to whether or not this particular Order-in-Council does cover what we refer to as the streets and lanes in Whitehorse, I cannot answer that question.

Mr. Speaker: Are there any further questions?

QUESTION RE
YUKON ACT

Mr. Taylor: Yes, Mr. Speaker. The local press report of this morning that the House of Commons had dealt with the ominous bill respecting the Yukon Act last evening, and in it they say that there were two amendments to that bill repealed. I'm wonder if Mr. Commissioner received as yet today any information as to just what the status of this bill is at the present time?

Mr. Commissioner: Mr. Speaker, the information presented by the Honourable Member is the only information that I have at this time.

QUESTION RE
SUGGESTIONS
PUT FORWARD

Mr. McKinnon: Supplementary question, Mr. Speaker. I wonder if Mr. Commissioner has been in contact with his Minister as to why the suggestions put forward by the Honourable Member from Whitehorse East and myself and unanimously accepted by the Committee on Indian Affairs and Northern Development, were rejected by the Minister of Indian Affairs and Northern Development and the Government of Canada?

Mr. Commissioner: Mr. Speaker, I'm afraid the Federal Government policy is something that my Minister does not consult with me on.

Mr. Dumas: Mr. Speaker, it is in regard to sale of lots at Carcross. I

Mr. Dumas continued....

wonder if the Commissioner could tell us if there are any lots available at Carcross for purchase by individuals?

QUESTION RE
SALE OF LOTS
AT CARCROSS

Mr. Commissioner: Mr. Speaker, I would have to ask the opportunity of bringing forward that information. I'm sorry, I cannot answer it.

Mr. Dumas: Supplementary, Mr. Speaker. I wonder if the Commissioner, when he is looking for this information might also follow up on the information as given to me that in fact when the lots were surveyed in the Carcross area, Mr. Speaker, and were sold to Venus Mines, yet no lots were made available for individuals, and also one lot, and one lot alone was sold to an individual who works for the Territorial Government.

Mr. Speaker: Is that a question?

Mr. Dumas: Yes, I'm asking that this information be looked into also, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner this morning and ask him if he could give me any details as to the proposed date for the establishment of the village of Faro, Yukon.

QUESTION RE
ESTABLISH-
MENT OF FARO

Mr. Commissioner: Mr. Speaker, the establishment of the village of Faro will be the prerogative of the Legislature and I am hopeful that subject to some technical details being worked out that we will have a very short ordinance available for Council's consideration at this Session which will give them the opportunity to say whether or not Faro is indeed to be established as a village at this time.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, while the debate was progressing on Bill C 212 in the House of Commons, did the Territorial Administration request that there be amendments made to Section 45 of the Act so that the lands can be transferred to the City of Whitehorse.

QUESTION RE
AMENDMENTS
TO SEC.45 OF
THE YUKON
ACT

Mr. Commissioner: Mr. Speaker, the direct answer to the Honourable Members question is no, but the full answer to the question is that the whole subject of the streets and lanes and the wishes of the City of Whitehorse to have control of them so that they may install parking meters was presented to the Department at a prior date.

Mr. Chamberlist: Supplementary, Mr. Speaker. Is it the intention of the Administration then only to consider reference to parking meters but not the proper transfer of lands?

QUESTION RE
PARKING
METERS

Mr. Commissioner: Mr. Speaker, the question will be held by the Legislature not by the Administration.

Mr. Speaker: I must rule that any further questions on this subject are out of order that appear to be questions for debate. Are there any further questions?

Mr. McKinnon: Mr. Speaker, I had the misfortune of walking into the Council Chambers about a week ago when the Legislative Programming Committee was meeting in session and at that time they were discussing the formation of the Executive Committee with Members from the Council involved, and I wonder if Mr. Commissioner is prepared to table this information as to the formation of the Executive Council with elected Members involved to the Members of the Legislative Council at this time?

QUESTION RE
FORMATION
EXECUTIVE
COUNCIL

Mr. Commissioner: Mr. Speaker, this, I trust, will take the form of a Sessional Paper which will be made available to Council in the course of this Session.

QUESTION RE
LAND REGU-
LATIONS

Mr. Taylor: Yes, Mr. Speaker, I have a further question directed to Mr. Commissioner this morning, and I would ask, Mr. Speaker, if Mr. Commissioner could advise me as to what progress has been made in relation to land regulations as they effect the areas outside of Whitehorse in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I wonder if I could refer this to the Legal Adviser. I think that he may be closer to the actual progress of these regulations than I am. I'm sorry, I can't answer the question.

Mr. Legal Adviser: Mr. Speaker, land regulations are still in the process of consideration and not finalized for circulation yet.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Supplementary, Mr. Speaker. I'm wondering if the Administration could advise me as to when these will be in circulation and when this Legislature may see the draft of these regulations?

Mr. Legal Adviser: Mr. Speaker, the Honourable Members on the Committee which was considering the regulations said there would be need for a further meeting of that Committee before regulations were sent forth for any further enactment or advice to the Commissioner.

Mr. Taylor: Well, Mr. Speaker, further supplementary question. Am I then assured that the draft copies of this regulation are here and we could sit in Committee and discuss this matter.

Mr. Legal Adviser: No.

Mr. Speaker: Did I understand the answer to be no?

Mr. Legal Adviser: No, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE
ALASKA
HIGHWAY

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner whether there have been any further discussions or negotiations as to a proposed take-over date by the Yukon Territorial Government of the Alaska Highway?

Mr. Commissioner: Mr. Speaker, I'm afraid I cannot add anything further to what I intimated yesterday and the answer is that we have dealt with as much of the detail as we have the capability of doing at our level and at the working level with the Department of Public Works and we are awaiting a Treasury Board Minute which will clear the policy lines to permit us to proceed further.

Mr. Chamberlist: Mr. Speaker, question to Mr. Commissioner.

QUESTION RE
CARCROSS
CEMETERY
ROAD

Mr. Commissioner the Carcross cemetery area has no road going around the cemetery, consequently there is a traffic tie up at funerals. What consideration will the Administration give to putting in a road around the cemetery using the lower road to return?

Mr. Commissioner: Mr. Speaker, I am aware of this through information that has come from my officers and I cannot promise that this matter will be taken care of or dealt with in the course of this construction season, but as soon as we have the bridge building finished and the approach roads finished to the Carcross Bridge the problem as related by the Honourable Member will be capable of solving and we will endeavor to solve it at that time.

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

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I have a question for the Commissioner and it's related to attempts by members of the Club Kluane Athletic Association to obtain land. I wonder if Mr. Commissioner has any information for the House this morning in relation to any application by the Kluane Athletic Association in regard to land and buildings in the area from which they can provide a skating rink?

QUESTION RE
OBTAINING
LAND

Mr. Commissioner: Mr. Speaker, the only land application that I am aware of in connection with the area referred to by the Honourable Member has to do with the acquisition of a private piece of property and I am not aware of any application for public lands but if such an application exists and it is within our capabilities of doing this, we will be most happy to co-operate. I was told that there was to be a building in the area referred to by the Honourable Member that might possibly be coming up for Crown Assets Disposal and I asked the people concerned to advise me promptly on this and I would have been told leaving my office on Friday, had I had any communication. This is the only two things that I am aware of now. If there should be something further, Mr. Speaker, I would appreciate your help.

Mr. Livesey: I would like to thank the Commissioner for the information, Mr. Speaker. I have one more question in relation to the meetings held on the Alaska Highway at Beaver Creek, Destruction Bay and Haines Junction in relation to the advancement of high school grades on the North Alaska Highway, and I would like to ask the Commissioner if he is able to provide the House with any information as to the progress made, being made now by the Director of Education along this line?

QUESTION RE
HIGH SCHOOL
GRADES

Mr. Commissioner: Mr. Speaker, a paper will be available for Council at this Session outlining in considerable detail the findings and the recommendations from the parents in the North Alaska Highway and containing a recommendation which, if Council agrees to, will permit us to undertake the start of a program in September 1971 along these lines and I would suggest that the Honourable Member's question will, I am sure, be fully answered to his satisfaction and permit Council to give advice to the Administration on this subject before this Session is over.

Mr. Livesey: Thank you, Mr. Speaker.

Mr. Livesey resumes the chair.

Mr. Speaker: May we now pass to Public Bills and Orders?

Mr. Shaw: Mr. Speaker, I would move Third Reading to Bill No. 3, An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

Mr. Taylor: I will second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake, that Third Reading be given to Bill No. 3 an Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

BILL #3
THIRD
READING

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Is the House prepared to adopt the title to Bill No. 3?

Mr. Shaw: Mr. Speaker, I would move the title to Bill No. 3, namely An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be adopted as written.

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

BILL #3
TITLE
ADOPTED

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake that the title for Bill No. 3, namely An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance Authorizing the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be adopted as written. Is the House prepared for the question on the motion? Are we Agreed? I will declare the motion carried and that Bill No. 3 has passed this House.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

Mr. Taylor: Mr. Speaker, I would move that Bill No. 5, namely An Ordinance to Amend the Legal Professions Ordinance, be given Third Reading at this time.

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

BILL #5
THIRD
READING

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson that Third Reading be given to Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance. 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: Is the House prepared to adopt the title to Bill No. 5?

Mr. Taylor: Yes, Mr. Speaker. I would move that the title to Bill No. 5, namely An Ordinance to Amend the Legal Professions Ordinance, be adopted as written.

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

BILL #5
TITLE
ADOPTED

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson that the title to Bill No. 5, An Ordinance to Amend the Legal Professions Ordinance, be adopted as written. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried and that Bill No. 5 has passed this House.

MOTION
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder on the Honourable Member's motion?

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question? Are we agreed? I will declare the motion

Mr. Speaker continued....
as carried, and the Honourable Member for Watson Lake will please
take the Chair in Committee.

Mr. Taylor takes the Chair.

Mr. Chairman: The first item of business in Committee today will be
Bill No. 6, namely An Ordinance to Transfer all the Streets and Lanes
in the City of Whitehorse to the City of Whitehorse.

BILL #6

Mr. Chamberlist: Mr. Chairman, I would ask that this Bill be left in
abeyance until we return to Whitehorse as I have all my files
relating to this matter in Whitehorse. I wasn't informed that this
Bill was forthcoming, in fact I didn't see it until I came to
Watson Lake yesterday.

Mr. McKinnon: What the Honourable Member has just said is probably
the strongest reason for us to go ahead with the Bill now, Mr.
Chairman, but I would concur with the Honourable Member who wants
to speak, I know, at length on the Bill and I'm sure that we could
give him the consideration that he asks for.

Mr. Chairman: Committee concur?

All: Concur.

Mr. Chairman: Well the only other piece of business that we have at
the moment, gentlemen is back to the Securities Bill, Bill No. 1.
Are you prepared to deal with it at this time?

All: Agreed.

Mr. Chairman: We will take this Bill section by section as we
normally do with large Bills. (Reads Bill No. 1, Section 1 and two
parts of Section 2).

BILL #1

Mr. Chamberlist: Mr. Chairman, as this is a very long section and
there are various questions I wish to ask Mr. Legal Adviser relative
to this section, is it all right for me to interject during the reading
of this section? Mr. Chairman, the section shows the Interpretation
Ordinance has some contradictions which I feel questions must be
answered on. We read the words "individual" means a natural person
but does not include a trustee, partnership, unincorporated association,
unincorporated organization, etc., and then when we look at the
interpretation section further on and we make reference then to a
person and it says a "person" means an individual, partnership, any
unincorporated association. So in one area it says an individual is
not a person, rather in one area it says an individual means a person
and then in another area it says a person means an individual but
excludes unincorporated corporation. Now isn't there a conflict there?

Mr. Legal Adviser: There is not intended to be, Mr. Chairman. The
distinction here is being a person you can put in prison and a person
you cannot. Basically this would be the thing. A physical human
person is an individual, the others are people who are representative
of something or are legal personalities or something like that. It's
intended to mean a person as we know a person in the street not a
person as the law knows it which includes a corporation.

Mr. Chairman: Possibly if we are going to discuss these sections or
subsections maybe we should read them. (Reads Bill No. 1, Section 2
parts 3, 4 and 5).

Mr. Legal Adviser: Just one spot before you turn over the page. It
should be a small "c" in "investment Counsel".

Mrs. Gordon: Just as a point of interest, I noticed in this
interpretation these definitions are not set out in an itemized way.

BILL #1

Mr. Chairman: So note, Mr. Clerk. (Reads Bill No. 1, Section 2, Parts 6, 7 and 8).

Mr. Chamberlist: There again there seems to be a problem. You have the section that gives an interpretation of "individual" and leaves out "salesman". Now we have "salesman" who means an individual

Mr. Legal Adviser: It doesn't appear to me to be a conflict.

Mr. Chamberlist: Would it not be right to say under "individual" also a salesman registered under it.

Mr. Legal Adviser: It could be done that way but it wouldn't be a very appropriate way to do it, because you may have to take him out of the "person".

Mr. Chamberlist: Oh, I see, yes.

Mr. Chairman: (Reads Section 2, Subsections (i) and (ii))

Mr. Chamberlist: Question. Now would a title to real property, real estate, be a security within this means? Because if we are talking about titles to property, we refer to a title registered under the Lands Title Act as a title to proxy. Would that be included in this particular....

Mr. Legal Adviser: Only a certain section of it certainly if it is in reference to a company. It's a very broad definition and it's intended to include everything that you can possibly bring into it and a lot of things that would be unexpectedly be found in it.

Mr. Chairman: (Reads Section 2, Subsection (iii) to (xv) inclusive) .

Mrs. Gordon: Under the definition of securities, item (ix), in reading this section, I would say that one type of mineral claim which comes under the Lands Act is omitted in the lack of the word placer being included in this section and this comes under definite act and the exclusion would.....no it's not a mineral claim.

Mr. Chamberlist: Perhaps a mining claim, mineral claim.

Mrs. Gordon: Not when it comes to legality.

Mr. Chamberlist: You have a quartz mining claim or placer mining claim.

Mr. Chairman: Order. Anybody who wishes to speak rise please. (Reads Section 2, Part 9).

Mr. Chamberlist: The "Securities Adviser" advising the buying and selling of property and the titles to property, would this person with a real estate operator come within that particular sphere because, if as has been said, the title to property may, in some cases, be title of real estate, would not then a realtor who is selling and buying property become a securities adviser? I don't think this should be the intention there. Does it mean that a person selling property, his own securities or securities of others if he has bought the third party? This may be in the case of a real estate man who is acting for an agent for somebody to sell the title for somebody else's property. Would that take that particular sphere as well?

Mr. Legal Adviser: He might well be covered by the terms of the definition but he may not be covered by the things that the Securities Adviser is permitted or forbidden to do. We won't see that until we come to the point and see what Securities Advisers can do and or not do or how they are controlled.

Mr. Chamberlist: Perhaps come back to this later if....

BILL #1

Mr. Chairman: (Reads Section 2, Part 10, Section 3(a))

Mr. Chamberlist: I come back to this again. I'm worried, very worried about this title for property. You see, these last two lines made by a personal company whose usual business is trading in securities. Now, it is the usual business of the real estate operator to trade in securities if title to a property is referred to as a security. It would appear to me then that he would be exempt under this particular section, because Part I of this Ordinance shall not apply to. Now, if it shall not apply to, is he exempt from all areas where he, for instance, trades a property which belongs to a company whose assets have been seized? Is he exempt or should the exemption only pertain to those people whose property has not been seized.

Mr. Legal Adviser: If it is a single isolated sale of the type mentioned by the Member, this business does not attempt to cover it. But there is no question that the land is an asset; it may be an asset of the company. It's an everyday method of dealing with land and in mining companies; it's familiar as here. If it becomes a succession of transactions, then it will be cut; if it is certainly for a company, it will be cut.

Mr. Chairman: (Reads Section 3(b), (c))

Mr. Chamberlist: I wonder if Mr. Legal Adviser could indicate why there is an exemption being made for chartered banks and trust companies and insurance companies because all these three organizations all deal with the sale and purchase of stocks and securities. Why should they be exempted from any prosecution if they interfere with the public trade?

Mr. Legal Adviser: Mr. Chairman, this is not a question of interfering with public rights. This is a particular section which says, "Part I of this Ordinance does not apply to a trade in a security by a chartered bank". Now, it may come in with the Ordinance in another way, I don't know, but this is just dealing with Part I of the Ordinance and deeming it in effect not to be a trade for that purpose.

Mr. Chamberlist: Surely with a trust company we often have letters written by trust companies those people who buy shares, they are advised that the trust company is holding in trust certain shares and they sell on behalf of their clients those shares or other shares. Now they are trading, you can't say it is not a trade because it is a trade. Banks, I can understand the banks because the banks are acting for their specific clients when they are ordering purchase of stock or sale of the stock, but I can't see why we can exempt a trust company and an insurance company. I can't see where we can exempt an insurance company. Is this the standard procedure in other jurisdictions, I wonder if Mr. Legal Adviser can....

Mr. Legal Adviser: These people are not, well they are not suppose to be trading securities; they are selling securities on behalf of a client. This is the type of transaction that is mentioned here. You have got to take the matter up in more detail with Mr. Taylor when he comes in next week.

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

RECESS

RECESS

Mr. Chairman: Order, please. At this time we will call Committee back to order. We are now on page 4, subsection (d). (Reads subsection (d) of Bill No. 1) BILL #1

Mr. Chamberlist: Well, Mr. Chairman, I didn't get a satisfactory answer to (c). I am thinking of trust companies being exempted when we already know of trust companies that have been prosecuted and have had tremendous losses to the detriment of the public. I don't think that we should exclude the trust company from Part 1 of this Ordinance, but I see no objection to the exclusion of chartered banks or insurance companies.

Mr. Legal Adviser: Mr. Chairman, the operative word in this subsection is "by". That's where one of the parties is a chartered bank, or a trust company or an insurance company. It is not a trade in the security of the trust company. That is not in there. It is where the party of the trust company buys or sells a security as part of its own business. That is exempt. Then it will be a trustee or a customer; they are dealing for a customer. The broker to whom they dealt would be trading and the trade would be covered in that manner.

Mr. Shaw: Mr. Chairman, just one little question. The trust company or chartered bank, are they not under strict Federal jurisdiction? In other words, a person in the Yukon couldn't decide to start up a trust company without getting a Federal Charter to so do. Is that not correct?

Mr. Legal Adviser: I don't think that is correct as a short statement of the law. A chartered bank is not subject to our control; insurance companies, for the most part, are not subject to our control; trust companies are subject to provincial control and we would have the same provincial control as say, the province of Alberta, or the province of B.C.

Mr. Chamberlist: This is the point that I am making, Mr. Chairman, because, take Commonwealth Trust as an example; Commonwealth Trust was involved, as we know, in some large scale conniving amongst the various persons. It was at the behest of the Attorney-General of British Columbia that the prosecution had commenced. I feel that, and this I would like to have clarified, perhaps Mr. Legal Adviser could say whether this specific section was exactly as is written in the B.C. Securities Legislation at the time the Commonwealth Trust was prosecuted.

Mr. Legal Adviser: I can't say for certain but I think so. The facts in the Commonwealth Trust case are completely different from anything we are trying to control here. In the Commonwealth Trust case the companies were alleged to have been misusing their own funds and the funds of their investors in a wrongful manner. This is where covering or exempting trades and securities, not in Commonwealth Trust Funds, for instance, but in ordinary company funds which would be bought or sold by the trust company on behalf of the customers. It is where the trust company is a party, not where it is misusing its own funds. That is separate legislation and we don't have legislation sufficiently detailed to control this type of operation of which the Honourable Member speaks.

Mr. Chairman: (Reads subsections (e) and (f) of Bill No. 1)

Mr. Legal Adviser: Mr. Chairman, the large "c" in court in the second line of that paragraph would have the effect of limiting this to the Territorial Court by definition. That is the court with a capital "c" should have a small "c" to cover any court, either the appeal court or the magistrate's court.

Mr. Chamberlist: Well, with respect, Mr. Chairman, my understanding now is that as a result of the proposed amendments to the Yukon Act,

BILL #1

Mr. Chamberlist continues.....

the Territorial Court, as such, no longer exists. There is no reference to a Territorial Court in Bill C212 which amends the word court to deal with any court in the Yukon Territory. It wouldn't, therefore, apply in any event, this suggestion that Mr. Legal Adviser has made.

Mr. Legal Adviser: The Territorial Court exists and will continue to exist. It may not continue to exist under that name, but it will continue to exist. Until that time--court with a capital "c" means Territorial Court--when legislation is passed by this House, after legislation is passed through the Council.

Mr. Chairman: Mr. Clerk, would you so note. (Reads subsection (g), Bill No. 1)

Mr. Chamberlist: Mr. Chairman, here is a question I would like to put to Mr. Legal Adviser. When a company is registered by a securities commission, is it not then a public company and should not its shares be subject to the same scrutiny. When circumstances will make regulations, or rather, when the Commissioner makes regulations providing that the company will be exempted under this, isn't this a danger involved?

Mr. Legal Adviser: With this question I wouldn't think so, Mr. Chairman. A Companies Ordinance, in common with Companies Acts throughout Canada and all countries using a British type law, has a private company and a public company. In the private company, you may not offer shares on the open market. The public may not be asked to subscribe to these shares and the number of shareholders is usually limited to twenty or fifty, depending on the jurisdiction you are dealing with. So, this exempts private companies provided that they comply with the terms of the Companies Ordinance in the normal way and do not offer shares to the public. If they do, it is an offence against the Companies Ordinance. But, there would be some private companies which would be sufficiently important to need control even though they were complying with the exact usage of the Company Law. So, they can be brought into the operations of the Securities Ordinance but, unless they are specially brought in, they would be exempt.

Mr. Chamberlist: But, would it not be--could not it be said that the private--let's say, take a mining company which starts off as a private company and sells sufficient shares so that it can get itself registered under Securities Commission, the only purpose it would get registered under Securities Commission is to become a public company. Where does the division take place between it being a private company and a public company? Is it after it is accepted by the Securities Commission, or before it is accepted by the Securities Commission?

Mr. Legal Adviser: Mr. Chairman, there is no division in growth from being a private company to growing up and becoming a public company. You either started as a private company, or you started as a public company, but, if, in relation to a private company, you do things which only a public company can do, then you are either committing an offence under the Companies Ordinance or you automatically become a public company and subject to control of this Act. The system of the Yukon is not that you start a private company with the view to putting shares on the market, but you actually start it as a public company, in most cases.

Mr. Chamberlist: Well, I beg to differ. Companies, especially mining companies, start off as a private company because they are only permitted, especially under the B.C. legislation, to sell shares to their friends and relations. Afterwards, if they wish to make a public company of it, then they must go to the Securities Commission and have it accepted as a company going through certain areas of statements and assets which are provided for in here. The question that I am concerned with, however, is that a private company which intends to form itself, to expand rather, into a public company, must have its shares under scrutiny, either prior or after the registration of the company with, in this case, say the Registrar of the Securities Commission or the Securities Commission official that the Commissioner will be appointing. Now, would there not be a conflict in our particular interest here, if a private company

Mr. Chamberlist continues.....

that did not get past a Securities Commission--would not be accepted by our own Securities Grant--then is placed in a position of being neither fish nor fowl. What is the position there with reference to its shares?

BILL #1

Mr. Legal Adviser: Mr. Chairman, a private company is not permitted under any circumstances, neither here nor in B.C., to market its shares. If it does so then, it either commits an offence or becomes a public company. Then, once it offers even one share on the market, it is subject to this Ordinance, and the same in B.C.

Mr. Chamberlist: Mr. Chairman, with respect, Mr. Legal Adviser is not directing his attention to the point I am making. I am sure that I have made it quite clear that when a private company that has been properly incorporated under our Companies Ordinance, wishes to sell its shares on the public market, it has to register under the Securities Commission under the Securities Ordinance. It doesn't have to do that as a company registered under the Companies Ordinance, because it is going to remain a private company. There is no necessity for it to register under the Securities Ordinance because it is a private company and its shares will be traded, if it does trade, privately, amongst its own members. There is no necessity to disclose to the Securities branch what it is doing with its shares, although there are requirements under the Companies Ordinance to show a transfer of shares in the company's files. I, again, repeat, what is the position when a company wishes to expand into the public share-selling field, from a private company to a public company? Should not its shares then come under scrutiny? This is the question that I am asking.

Mr. Legal Adviser: If it attempts to sell shares on the market, it comes under scrutiny.

Mr. Chamberlist: It does come under scrutiny. But it is not an offence?

Mr. Legal Adviser: Yes, it would be an offence.

Mr. Chamberlist: But how could it be an offence if the company had properly gone to the Securities Commission, has gone to the Registrar, and said we wish to become a public company and the Registrar has said yes, you can become a public company. How can it be an offence, if he has done what the regulations have been asking him to do?

Mr. Legal Adviser: Because at that time, they would have failed to comply with the Companies Ordinance.

Mr. Chamberlist: I am not concerned with the Companies Ordinance now and this is where there is going to be a ball-up. If a company wishes to become a public company, and it has carried the wishes of the Ordinance out by proceeding in the manner in which the Ordinance has requested, and registered with the Registrar that it wishes to become a public company, how can it be an offence? You would get a company into squeeze. To me, it just doesn't seem proper that a company should be placed in this position and Mr. Legal Adviser is suggesting that notwithstanding that they go and make the right request, that it would be an offence.

Mr. Legal Adviser: Mr. Chairman, there is a Companies Ordinance and a Securities Ordinance. Every company that is doing something, must comply with all aspects of those ordinances. A private company that wishes to issue shares to the public must comply with both ordinances. If they don't comply, they commit an offence under one or the other. They must keep their records straight. A private company which wishes to go to the public has got to file a prospectus in the Companies Office, has got to make application to Mr. Taylor, the Registrar of Companies and comply with his Ordinance. They also have got to comply with the Securities Ordinance. In other words, they are all the time under the Companies Ordinance. It is only when they become public that they come under the Securities Ordinance.

Mr. Commissioner: Mr. Chairman, could I ask a question here? I think, really, what we are after here is, at what point in time do the requirements

BILL #1

Mr. Commissioner continues.....

of one ordinance--at what point in time do your adherents to one ordinance give way and the other one become effective?

Mr. Chamberlist: This is my point entirely.

Mr. Legal Adviser: Mr. Chairman, at no point of time. A company is always under the Companies Ordinance, no matter what it does, whether it is a private company or a public company or any other kind of company, if it is the kind of company which is defined. It can be an extra-territorial company, a foreign company, a licenced company, a hundred different things; it must always comply with the Companies Ordinance. The Securities Ordinance is only applying to trading in shares of companies and the company which sets out to do that is going into a special type of business and must comply with this particular ordinance.

Mr. Commissioner: Companies which are public companies?

Mr. Legal Adviser: Yes, any companies, public or otherwise, which are selling shares to the public. Now, by the charter of the Companies Ordinance, a private company may not sell its own shares to the public.

Mr. Chamberlist: Is it the suggestion, Mr. Chairman, of the Legal Adviser, then,--this is what I want to get clear--that before a private company can become a public company, it must file its prospectus with the Companies Registrar and then, file the same prospectus with the securities legislation under the Securities Ordinance? But, the person who is the Companies Registrar is also the registrar for the Securities Ordinance. So, all this one man does--he wants two copies. He takes one in his left hand and one in his right hand and says I've got you all; now I am satisfied. Is that the idea? Why can't this be tied together?

Mr. Legal Adviser: We are attempting here to control the state of securities and to control in a much wider fashion than anything within the Companies Ordinance. The Companies Ordinance is not being repealed. It continues in force. It is a coincidence in this territory that the same person would probably hold the dual function of being Registrar of Securities and Registrar of Companies. That is a coincidence which happens here; it does not happen in any other jurisdiction in Canada, to my knowledge. There may come a time when there will be two different offices and naturally, both ordinances are in force and both must be obeyed.

Mr. Shaw: The way I have it, it seems to be quite simple. I can't see anything complicated about any of it. We have the Companies Ordinance in which you have various categories of companies. Some are private companies, some are public companies. Private companies are not permitted to sell to the public any of their shares. They bicker back and forth within their own company. I think that is outlined here. When the company becomes public and selling shares to Joe Doe, and so on, then, when they do this, they can get that right under the Companies Ordinance to be a public company and sell shares to the public and sell it as money. As soon as they do that, they come under the jurisdictions of how they should sell money in this ordinance, what they can do and what they can't do, as referred to public money. Now that is the way it appears to me. Is that--have I got that right, Mr. Legal Adviser?

Mr. Legal Adviser: Could the Honourable Member repeat the last part of the question.

Mr. Shaw: The last part was, Mr. Chairman, that as soon as you become a public company and are selling money, selling shares for tax considerations, to the public, you come under the jurisdiction of selling securities under this ordinance. How can you do it?

Mr. Legal Adviser: You do in addition to the Companies Ordinance.

Mr. Shaw: Well, of course, I understand--I think, Mr. Chairman, I place the company in this entirely differently. These are two different categories entirely. A company is a company you register as a certain type

Mr. Shaw continues.....

of company and when you are registered in a certain category, then you have restrictions placed upon you and the restrictions are contained in this document we have right here, in this ordinance.

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Mr. Legal Adviser: This would be a happy way of explaining it, Mr. Chairman.

Mr. Chamberlist: Well, I am very unhappy about the situation because Mr. Legal Adviser hadn't, at this time, explained his answers. Now, I have asked what I consider to be a very simple question. The question, I repeat, is this. If a company, a private company, properly registered under the Companies Ordinance of the Yukon Territory, has made application to the Securities Commission to increase their position from a private company to a public company and have followed the requirements of the ordinance, does it commit an offence? Mr. Legal Adviser has said yes, it commits an offence. I cannot see how a company by complying with the Securities Ordinance can commit an offence, if it has complied. I would suggest that somewhere in this Ordinance, which I haven't passed, there should be written in the Securities Ordinance that every company shall be registered under the Companies Ordinance of the Yukon Territory as a prior condition. Now, if this was done, then I can follow what Mr. Legal Adviser is saying, but if it isn't done, then I cannot see how an offence can be committed if the ordinance is being complied with.

Mr. Legal Adviser: Mr. Chairman, it is very difficult to give a definite answer to the Honourable Member's question, because it takes a long time. It is like a wedding ring. People give a simple yes or no to a wedding ring and it leads to a life-time of complications. Some companies which are covered by the Companies Ordinance will not be covered by this, and visa versa. There are different categories of companies. There are, at least, four or five or six categories of companies in the Companies Ordinance, some of which have to comply with some sections and not others and so on through each category. It is just too deceptively simple a solution. The best thing to do, I would suggest, is to leave the Companies Ordinance alone and deal with this ordinance. When I was asked the question, do they do certain things to commit an offence, the answer is yes. They must always comply with the Companies Ordinance. So, one of the first things I would expect a Registrar of Securities would do is to check or ask for certificates that they had, so far, complied to the Companies Ordinance registration and all the other small things they have to do.

Mr. Livesey: Thank you, Mr. Chairman. I would like to ask a question of the Legal Adviser. My question is this. Has the securities legislation presently before Committee been reviewed by the law officers of the Crown and considered by them to provide full public protection?

Mr. Legal Adviser: Well, as the Commissioner points out, I am the law of the Crown and I have reviewed it and find it satisfactory protection.

Mr. Livesey: That is not what I am talking about, Mr. Chairman. I am talking about, not the law officers of the Crown as they may be considered in the Yukon, but the law officers of the Crown as they may be considered in Ottawa.

Mr. Legal Adviser: With respect, Mr. Chairman. I am not sure if it is necessary in each individual case. I think it may be a retrograde step if I had to answer the question, in each case, as to whether this has or has not been submitted to the law officers of the Crown in Ottawa, speaking of the Federal Government, when it is something within our own jurisdiction.

Mr. Livesey: That is not the point, Mr. Chairman. I have a long-standing memory on questions of legislation in the last twelve years in the Yukon Territory, and I know perfectly well that a good many years, practically nothing had arrived here unless it had been passed by the law officers of the Crown, federally. This is why I am asking the question. Has it or has it not, I'm not saying it should be; I am not adding any tails to

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Mr. Livesey continues.....

it; I am merely asking whether it has or has not been.

Mr. Legal Adviser: I would rather not answer the question because then it would lead to other questions on every Bill that comes to the House.

Mr. Chamberlist: Well, Mr. Chairman, I know what Mr. Legal Adviser is suggesting when he says that the Registrar of Securities will ask whether the Companies Ordinance has been complied with before dealing with any matter relating to securities. But, I suggest that it should be in the registration. This is all that I am asking for. It would appear to me that because it is not written in the legislation, it cannot be assumed by somebody that it must be done. Now, I asked whether it would be an offence under the Securities Legislation and Mr. Legal Adviser, Mr. Chairman, said yes. I would suggest that what Mr. Legal Adviser means is that it would be an offence under the Companies Ordinance. But, we are not dealing with the Companies Ordinance today; we are dealing with the Securities Legislation. What I want to know is why, and that there be a clause installed within this legislation that gives a clear subject to the compliance with the Companies Ordinance, such and such a thing shall be. Is there any objection to that?

Mr. Legal Adviser: There is no real objection...

Mr. Chamberlist: Well, then, put it in.

Mr. Legal Adviser: ...except that you have to put it for every section and you have to be very, very cautious about what you are doing in doing it section by section. As I understand the law, every company must comply with every law to which they are subject. They are subject to the Companies Ordinance and it is unnecessary in this particular ordinance to say they are subject to the Companies Ordinance. If they don't know that then they shouldn't issuing shares to the public.

Mr. Chamberlist: I think here is a matter of where there is stubbornness on the part of the Administration. Now, Mr. Legal Adviser, Mr. Chairman, has given no sound reason why it should not be put in except that it would mean putting it in a number of areas. I don't think that is necessary, to put it in a number of areas. But, I think there is a necessity that it should be put in. I don't think that anybody should be placed in the position having an offence registered against them unknowingly. This might happen, because somebody might come along and say, this company wishes to come under the jurisdiction of the Securities Commission; what do you require? Now, if the Registrar says, I want requirements with the Companies Ordinance, he could still say, and Mr. Legal Adviser knows full well that an opposing counsel can say that there is no requirements within this piece of legislation that this be done. How, then, is an offence committed? I will agree that it could be said nobody is supposed to know this, but isn't this a responsibility on our part as legislators to make sure that the legislation is clear to everybody, not only to the Administration of the government? I think that the Administration should give way on this particular point.

Mr. Livesey: To assist the Honourable Member from Whitehorse East, I wonder if I could suggest that all you need to do is add to this piece of legislation that Companies Ordinance shall apply in all those...

Mr. Chamberlist: This is what I am asking for...

Mr. Chairman: Order, order please.

Mr. Legal Adviser: This piece of legislation, Mr. Chairman, applies to a lot of companies, by definition, which are not subject to our Companies Ordinance at all. It has only a casual relationship, a common-law marriage if you like, between the Companies Ordinance and this. Company in the definition section applies to an incorporated company, an incorporated association, a syndicate, an incorporated organization. It also applies to individuals. It applies to persons.

Mr. Legal Adviser continues.....

A whole shaft of people are covered. So, why should we--and they are subject to the normal law, like business licences, business tax, income tax, and everything else--it is not necessary to give a statement of law, like companies otherwise subject to the Companies Ordinance are not, by virtue of this Ordinance, freed from any of the obligations imposed on them by the Companies Ordinance. Then, you do the same with societies, a similar formula of words, and so on.

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Mr. Chamberlist: Mr. Chairman, because it says this ordinance applies to incorporated companies, this is why I am asking that it should be clearly defined that where there is a requirement under the Companies Ordinance that it has been fulfilled prior to certain things happening. I can't see the objection. I get suspicious when I hear the Administration objecting to something like that. A simple request that is being aired just to make this a good sound piece of legislation without any holes in it.

Mr. Livesey: One more question, Mr. Chairman. I wonder if I could ask the Legal Adviser if B.C. legislation on securities incorporates the suggestion which I just made in reference to the Companies Ordinance or the Companies Act in British Columbia?

Mr. Legal Adviser: I don't think so. I don't have the actual ordinance in front of me to tell--rather the Act--to tell you. I don't know.

Mr. Chairman: Is there anything further on this subsection (g)?

Mr. Chamberlist: I wonder, Mr. Chairman, if perhaps now there is an necessity for the gentleman from the Securities Commission from B.C., to come and help us on this point. I think it is a very, very important point and I think perhaps, we should leave it in abeyance, this particular section.

Mr. Chairman: (Reads subsection (h), Bill No. 1)

Mr. Chamberlist: I wonder why it is necessary to give notice to the Registrar when shares are being sold privately amongst the members of a private company. Why should the Registrar be advised? Not because he is advised under the Companies Ordinance, but why should he be advised under this ordinance, if Mr. Legal Adviser says it is just a matter of circumstances that the same head is the same head--both Registrar of Securities and Registrar of Companies. Why is it necessary? This was there for the purpose of separation. Why is it necessary now in a private company?

Mr. Legal Adviser: Mr. Chairman, this trade referred to here in paragraph (h) does not apply to private company. It is a dividend distribution made by a public company to its own members of which, in due course, would probably come on the market. So, the Registrar needs to be notified about it.

Mr. Chamberlist: It doesn't say that. It doesn't say that this relates to dividends from a public company. The way it is expressed is that it applies to all companies where there are dividends paid. Why should Mr. Smith, who is a director of a company and is going to distribute dividends to Mrs. Smith, who is a director of the same private company, why should they have to go and advise the Registrar what they are doing with their own private company? This is not the intent, surely.

Mr. Legal Adviser: Mr. Chairman, they would be operating under paragraph (g) not paragraph (h). They wouldn't have to notify the Registrar.

Mr. Chairman: Is this clear?

Mr. Chamberlist: No, it is not clear. Hold it until we get further questions on it.

Mr. Chairman: (Reads subsection (h), Bill No. 1)

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Mr. Chamberlist: My same remarks there, Mr. Chairman.

Mr. Chairman: (Reads subsection (j), Bill No. 1)

Mr. Chamberlist: Why shouldn't that apply here? Here we are exempting something like that. Why are we exempting that?

Mr. Legal Adviser: We are exempting this because it is customary for one company to exchange shares or issue common shares in a common company on the occasion of amalgamation. But, there is no trade here. It has been given away for nothing in direct proportion to the shares already held by the member. So, they are not offering something for sale. They are saying, hand in your five shares of so and so and we will give you two shares in our company or ten shares. There is no trade.

Mr. Chamberlist: No purchase at all? Alright.

Mr. Chairman: (Reads subsections (k) to (o), Bill No. 1)

Mr. Chamberlist: Mr. Chairman, this section I find very objectionable and I think it should be deleted and I will give you my reasons for it. Under the Conditional Bills of Sale Ordinance, there is a section here, and this has been happening to quite a number of people living in the Territory, they were then in indebtedness and a collections company has taken over the collection of the indebtedness. They have been in the habit of suing the Territorial Court for this indebtedness. After going through the certain various procedures of suing, they then, in one particular case that was brought to my attention a few weeks ago, a local law firm then obtained, I beg your pardon, issued a notice for examination of the debtor. The notice of examination of the debtor suggested that if he did not appear for examination, then the judge would be asked for an order committing him to jail for the indebtedness. This is something--committed him to jail for the indebtedness--this is a local law firm. This person brought this to me and it was written under the auspices of the Conditional Bills of Sale Ordinance. Then I found in that Conditional Sales Ordinance that this could not be carried out unless the conditional sales contract was entered into in the Yukon Territory. I referred that to the Collections Ordinance which prohibited the judge of the court from making an order--just bear with me for one moment.

Mr. Chairman: Order, please. It seems that this will take some time. We will stand Committee in recess until two o'clock.

RECESS

RECESS

Mr. Chairman: At this time, we will call Committee back to order. We are discussing Bill No. 1 and Councillor Chamberlist has the floor.

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Mr. Chamberlist: Mr. Chairman, the Corrections Ordinance which deals specifically with the correction of judgments and especially those that surround the conditional sales contracts, specifically objects a charge of the Territorial Court making a judgment against any debtor where the debts in the conditional sales contract were incurred outside of the Territory. That is section 12 (2), whereupon examination it appears to the satisfaction of the judge that the debt was incurred outside the Territory, no order shall be made against the judgment debtor. It is because of that I would hope that this particular section (o) would be removed from the exemptions. I wonder if Mr. Legal Adviser would like to comment on that particular suggestion that I have made.

Mr. Legal Adviser: Mr. Chairman, a contract evidencing indebtedness under the Conditional Sales Ordinance has to be registered to be enforceable in accordance with the terms of the Conditional Sales Ordinance itself. There is no necessity to control it, as securities have to be controlled in this ordinance. Conditional sales contracts have a whole set of rules attached to it for its own enforcement. There is a lot of law on it; there is a lot of law in the various provinces on it. I don't think it is necessary to control that type of contract by using a Securities Ordinance. It is an inappropriate method, in my opinion.

Mr. Chamberlist: Well, this might be so, but would Mr. Legal Adviser indicate as to whether or not the exclusion is damaging to the people in the Territory who have moved into the Territory from outside the Territory where collection agencies are using the fact that they are in the Territory to abuse local people via the course here. Now, this is what I am afraid of and this is where I think there should be some extra protection given to people in the Territory. I don't know--perhaps I am being too cautious in this thing and if Mr. Legal Adviser feels that it wouldn't in any way effect any area that can be objected to under the Conditional Sales Ordinance, then I would have no objection. But, there is quite a danger involved there, I feel.

Mr. Legal Adviser: Mr. Chairman, I think the protection given in the Conditional Sales Ordinance, our own ordinance, is quite adequate. It would only mean a lot of complications if we didn't have this paragraph in. The protection is adequate at the moment. This adds nothing.

Mr. Chairman: (Reads subsections (p) and (q), and Part I, title)

Mr. Chamberlist: Might I ask just a question I have. Where it has (q), under (q), "any class of trade in a security exempted by the regulations", my question is, what other securities are visualized that the regulations will exempt other than is in this section now? I mean, why have it there? What is the reason behind it?

Mr. Legal Adviser: People who are borrowing money have a capacity to invent new ways of doing it and there may be types of security which are not marketable, which may have been forgotten about here or may be invented after this Bill is passed. The type of security we are wanting to control is a security where there is a possibility of gain accruing to the owner of that security and we are trying to control it in relation to the sales of the security to members of the public. Unless it comes within that general class, we don't want to control it. We don't want to control a business where you are buying and selling cheques, commercial paper business. Something may come up where they want exemptions. For instance, take the example of paragraph (p) where when a club or a society raising money have founders' shares issued and everybody buys a share in the club, there is no income coming over. They are merely using this as a guarantee to float the club. There may be other things, however, invented like this which we don't want to control or have anything

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Mr. Legal Adviser continues.....
to do with. Once the point is raised and is clear, the Commissioner will be able to make regulations exempting it, unless they are being marketed and sold.

Mr. Chamberlist: Mr. Chairman, I wonder why then, it would be necessary for the Registrar to know of securities if they are exempt as in (p). Next to what the Legal Adviser has said, why does the Registrar have to know? They are exempted. This is why I am a little bit worried about (q). Does it mean, then, that we have two pieces of legislation in one. This is where we have the regulations legislating and the legislation legislating. Why cannot other types of securities come up? Why can't we amend the legislation to include the other types of legislation?

Mr. Legal Adviser: We could do that. This just happens to be in small cases, in small items it may be necessary to give an exemption to the regulations, but, I don't imagine it happens very often, if at all. It does waste a certain amount of time in the House, bringing back an amendment to a Bill merely because one particular instance that happened and may never recur. It is just a case of precaution, a time-saver.

Mr. Chairman: (Reads Part 1, sections 4 to 7, Bill No. 1)

Mr. Chamberlist: Why must this date be the 30th of April? Why can't it be the end of our fiscal year, 31st of March? Why has this date been put in there? Why can't we have our--it should be either our annual year or the fiscal year, surely. What is the date, the 30th of April; why is it there?

Mr. Legal Adviser: It's partly to let the work be done of checking after the start of the financial year, because all the registrations have to be done in Mr. Taylor's office. All the other ones are at the 1st of April. It is one way of shifting the work load. The second reason is, it continues after the 30th of April but it has to apply during that month. There is no big policy attached to it. It is merely a matter of administrative convenience. It is a choice, an arbitrary choice if you like. We have no objection to changing it.

Mr. Chamberlist: Well, I would move, Mr. Chairman, that the date be the 31st of March and the 1st of March be the other date in that particular section.

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

Mr. McKinnon: I will second it to hear the Commissioner's objection.

Mr. Commissioner: Mr. Chairman, the objections are strictly from an administrative and work load point of view. The 31st of March is being used with a reckless abandon by the government these days, which would indicate that everybody in connection with government or business with government has got this anniversary date coming up and we have people clamouring at our doorstep in every department looking for instant action on the 31st of March. Unless there is going to be some harm done that I am not aware of to the people to whom the registration of being as a broker or as indicated in this part here, is going to accrue as a consequence of using the 30th of April, I would ask that this date be allowed to stand on that basis alone. If there was some harm that was going to come to the people as a consequence of this, why then, this is another matter altogether. I am not aware of it.

Mr. Chamberlist: Mr. Chairman, we have discussed dates before and I would be afraid that there would be a precedence set here and we would finish up with everytime something came forward, we would be told that it is an administrative convenience. We could finish up with having a hundred and fifty different dates. We have three hundred and sixty-five dates in a year, so we are going to have three hundred and sixty-five dates. There is the case of spreading the work load. This is nothing at all. I think it is a case, that if we are going to alter or make any amendments to the Bill at all, where we should keep our

Mr. Chamberlist continues.....

dates, as far as government is concerned, either on an annual basis or a fiscal basis, one or the other.

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Mr. Dumas: Mr. Chairman, I think that is very poor management suggested on the part of the Honourable Member from Whitehorse East. We have a large corporation, an operation if we can spread the work load over the whole year. I suggest that the dates not only in this, but in a lot of other legislation like it, have the year end sometime other than March 31st; spread that work load over the year.

Mr. Shaw: Mr. Chairman, the person who is going to be charged with this, in all probability, will be the Territorial Secretary. On the 31st of March, he has all these licences, automobile licences, business licences, you name it. This department is one of the most diversified departments, I think, that we have in relation to matters like this. In my opinion, to spread the load over a period of time is just good management, instead of everything having to always come on the 31st of March. That has been necessary, as far as the government is concerned, in all probabilities, because you had to have something or other. But a company, all these companies, file their returns to the Federal Government if they happen to pay income tax and are subject to returns, on the time that the company is formed--at any time. I know, myself, I file on one company, one small private company, some time in July because that is the year end of the company. To have everything coming on the 31st of March, I don't see the point. I think it is a very sensible idea to spread the work load around, particularly as this one department is so diversified for so many things.

Mr. Chairman: I wonder if the Chair could have a copy of the motion. It has been moved by Councillor Chamberlist, seconded by Councillor McKinnon that section 7 be amended to read "31st of March", and "1st of March". Are you prepared for the question? Are you agreed? Contrary? Would those in favour of the motion kindly signify please. Would those contrary to the motion kindly signify. I will declare that the motion has been defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Chairman: The next section is section 8. (Reads sections 8 and 9(1), Bill No. 1)

Mr. Chamberlist: Would Mr. Legal Adviser object to the following words being added to that section? "Except for technical error in the application".

Mr. Legal Adviser: No, I wouldn't object.

Mr. Chamberlist: May we make a note of that Mr. Chairman? The words "except for technical errors in the application form".

Mr. Legal Adviser: Could I drop the extra wording?

Mr. Chamberlist: Well, I will leave that to you.

Mr. Chairman: (Reads section 9(2), Bill No. 1)

Mr. Chamberlist: Mr. Chairman, I wonder if, again in this area, we cannot use the word "may" suspend. If the Registrar shall suspend, he must suspend. There might be reason for him to have to consider whether he could or not. In other words, we are not giving any discretion at all to the Registrar.

Mr. Legal Adviser: On the top of page 7, Mr. Chairman, you will see "where in his opinion such action is in the public interest". That is where his discretion lies. If he forms the opinion that this is in the public interest, then he must give it. But his discretion is in forming his opinion.

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Mr. Chairman: (Reads sections 10 to 12(1), Bill No. 1)

Mr. Chamberlist: Mr. Chairman, in the whole of this section, reference has been made to experts. The interpretation section, that is section 3, does not interpret what an expert is. I wonder if we could not say, "the Registrar may appoint one or more persons to assist him". Without the expert being defined, who can agree with the choice of the Registrar?

Mr. Legal Adviser: The term expert defies definition, because everybody is an expert at something. The reason they use it in this fashion is to allow the Registrar to make a temporary appointment of an accountant, a geologist, or an engineer to come in, advise him and go away again. We don't want these appointments to be Civil Service appointments. Those appointments must be made by the Commissioner in the normal way. The Registrar can see that their expenses are paid by the people for whom the investigation is made. I have no objections to the word "person", but people reading the ordinance know what is intended to be meant by the word "expert", even though it does defy description. If it is "person", it may be giving the Registrar too wide a power, an invasion of the power of the Executive.

Mr. Chamberlist: Well, I think that there is a basic principle involved here if you don't define what an expert is. Why can't we, say if we want the word expert in here, in the interpretation section say for the purpose of this ordinance, an expert shall be deemed to mean (a) geologist, accountant, or whatever the case may be. As it is now, there is no definition of an expert and if it ever came to the court matter, there may well be a discussion which would destroy the subject of the prosecution because there is no definition of an expert being used. This is the thought that I have.

Mr. Livesey: Mr. Chairman, there is a definition of an expert. It is a person who everyday learns more and more about less and less, until he finally knows everything about nothing. That is an expert.

Mr. Legal Adviser: I have no objections to putting in Mr. Livesey's definition. I think it would go very well in the ordinance. We can re-draft this and take out the word expert and use persons, but you would have to say persons in particular, professional persons, qualified persons. We are solving nothing by doing it. It's really only semantic.

Mr. Chamberlist: If you are solving nothing, well, don't do it.

Mr. Legal Adviser: I don't want the Registrar to be able to appoint people who are--to have a permanent appointment in general under this ordinance. That must come from the Commissioner of the Government.

Mr. Chamberlist: That is not defined, an expert is not defined.

Mr. Chairman: (Reads section 12(2), Bill No. 1)

Mr. Chamberlist: You see, Mr. Chairman, this is something that I am concerned about. Here you are compelling somebody to appear before an expert who cannot be questioned as to his qualifications as an expert. Yet, he is going to be the one that is going to be able to make the decisions to the Registrar, advise the Registrar. Yet, the person who comes before him hasn't got the opportunity to say, who says you're an expert? The Registrar? I think there is a necessity to take a look at that particular section, and I wonder if Mr. Legal Adviser will just read this over for when we discuss it again.

Mr. Legal Adviser: I am quite willing to leave it open and re-draft it to take out the word expert. I am trying to find a substitute, and, in any event whoever is appointed by the Registrar, will be making an investigation into books, papers, and documents the same as Commonwealth Trust and he has got to have authority.

Mr. Chairman: (Reads sections 12(3) to 14(1), Bill No. 1)

Mr. Chamberlist: Mr. Chairman, here is a situation which must be corrected. The regulations which will say that the bond of x dollars must be put up, then, the Registrar will come along and say, notwithstanding the

Mr. Chamberlist continues.....

regulations, the bond has to be twice as much. This is the way I read this section because it says "upon such condition and in such amount as the regulations or the Registrar shall require." Now, let's keep it to the regulations and let's put it in the regulations and leave it at that. But, here there appears to be a double decision made. The regulations which the Commissioner will be putting into effect say that the bond must be x dollars. Notwithstanding that the Commissioner has said this, the Registrar comes around and he says no, it will be twice as much. Now, why can't we leave this just as the regulations? Is there any objection to that, Mr. Legal Adviser?

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Mr. Legal Adviser: Mr. Chairman, this cuts both ways; he can reduce the bond and he can increase the bond in a special case. We don't know how the cat is going to jump, but, if a person refuses a bond because it is too much or too little, and registration is refused because of that, he can appeal to the court and he gets his case heard. He gets his day in court. That only stands to reason.

Mr. Chamberlist: I know there is the right of appeal to the court, but there would be no necessity to appeal if the regulations spoke in the same way as the legislation speaks, that the payment should be by the regulations. I think this "or the Registrar shall require" could be cut out and that it should be "such amount as the regulations shall require". Let's leave it at that. You set up the regulations, you can set the amount as well in the regulations. There is no reason why this can't be done.

Mr. Legal Adviser: Mr. Chairman, I will think about it.

Mr. Shaw: Well, Mr. Chairman, in discussing this particular thing, I can see where possibly this does come from British Columbia and it is one that they used for quite some time, and it has a certain amount of flexibility. I can see where sometimes, in regulations, it may be something of a minor nature and it is necessary to modify the normal demands. I can hardly see a Registrar, if the deposit would be two hundred or two thousand dollars, increasing it above the regulations without having very, very good reason for it. But, I can see, where there may be many instances, perhaps, where little latitudes could be given. Sometimes if you make things too rigorous, they may apply in one particular section but in something else it doesn't. I can hardly see the Registrar, who is under the direction of the Commissioner or the government, whatever it is at that time, will go further than what is outlined in the regulations. I can hardly see this. It might take exceptional circumstances and I would assume, Mr. Chairman, that this person would certainly have to have a very, very good reason for so doing. That is the way it would look to me and I think that, by having certain latitudes, it has good points in many respects and possibly would in this.

Mr. Chamberlist: Mr. Chairman, I think we ought to agree that legislation is only as good as the people who put legislation into effect. As far as I am concerned, it is bad legislation if we extend beyond the legislation and we do this by having extensive regulations. We do this already. We extend the legislation by having regulations, and, now, we are going to extend the regulations by giving the right to the Registrar to do or alter whatever he thinks fit in the regulations. To me, that is bad legislation. We must make up our minds that we recognize that there is a necessity for regulations and what is not in the legislation should be in the regulations and what is not in the regulations shouldn't go any further than that. These are the feelings I have, and I am satisfied that Mr. Legal Adviser said that he would take another look at it. We'll leave it at that at this time.

Mr. Chairman: May I proceed? (Reads section 14(2), Bill No. 1)

Mr. Chamberlist: Now, you see what I mean here. A further thought for Mr. Legal Adviser, that notwithstanding the regulations, the Registrar can ask for something outside of the regulations, and I don't think he should be able to do that. We are legislating and the Registrar has a function to perform and that is to be guided by the legislation

Mr. Chamberlist continues.....
 BILL #1 and the regulations attached to it. He shouldn't be allowed to go any further.

Mr. Chairman: May I proceed? (Reads sections 15 and 16)
 What is the Winding-up Act? Is this a Federal Act, Mr. Legal Adviser?

Mr. Legal Adviser: Yes, it comes off the bankruptcy.

Mr. Chairman: (Reads sections 17 and 18)

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser can indicate why the words "whenever he deems it advisable". Surely, it should be a compulsion on the Registrar to notify when a refusal or a suspension or a cancellation takes place. Why should it be left to the Registrar to make up his mind whether he deems it necessary to do this. I think it should be absolutely necessary that a person, an individual or a company or anybody be notified that there has been one of these three things taken place. Otherwise, how can a person say, well, I'm sorry, I didn't know I was suspended or the matter is suspended? How can he say that? I wonder if Mr. Legal Adviser will object to the words "whenever he deems it advisable", to be removed from here.

Mr. Legal Adviser: This is mainly to protect the Registrar from the laws of liable. This has nothing to do with the notification of the individual concerned or a company of their refusal of application. This is when an application is made by company A, the Registrar may write letters to people who he thinks are interested, or may have an interest in this saying this particular application was refused. Or, he can put it in the newspaper, telling the public in general that an application in respect of so and so was made and it has been refused. It is to protect him from liable.

Mr. Chamberlist: Or he doesn't have to say it at all, if he doesn't want to. Now, this is the point that I am making. Here, he doesn't have to do it, but I think it is necessary that there should be--that the Registrar shall give notice. I don't think that there is any way that Mr. Legal Adviser can get away from the subject that there is a necessity for people knowing if a thing like this happens. The Registrar has a responsibility to advise, otherwise, how would the parties know?

Mr. Legal Adviser: The people that he is notifying in section 18, are not parties, they are strangers to the whole application. He is just giving public notice.

Mr. Chamberlist: But, the public must know, so that the public could be made aware of who they may not or should not have any dealings with. Here is a case where we have to let the public know. The section clearly says that the Registrar may give notice of any refusal, suspension or cancellation to the public. Now, what we are doing is, we are saying, and after all this has been put in here for the benefit of the public, this is what this legislation is for primarily, to protect the public, that the public doesn't need to be informed if the Registrar doesn't deem it to be advisable. When is it advisable that the public should not be informed? This is why--what is the objection? This is what I want to know and this, I think, Members of Committee should be told, what the Administration's objection is to having it certain that the public is advised in a matter of this description.

Mr. Legal Adviser: Mr. Chairman, an application for various things under this ordinance are no different from any other ordinance. If the Registrar has to give notice of every single refusal, every single suspension, every cancellation, a public notice, we want another thirty or forty thousand dollars in the budget. We would have to take space in the papers every day. The Registrar of Companies is continually refusing applications for one technical reason or one particular reason; it is not in time, or technically not doing various things. To give public notice of refusal for them, he is just running a private news service. This is to enable him, on the very occasional instance, when he will need to make sure that it gets across to the public, to let him do it

Mr. Legal Adviser continues.....

without fear of being sued or to write to interested people who are involved in the application, not necessarily the applicant, to say such and such a thing was refused, what are you going to do or are you involved.

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Mr. Chamberlist: Mr. Chairman, I will just write a motion, one moment, please.

Mr. Shaw: Mr. Chairman, this particular section where we have "shall or may", I can see very good reasons for putting in may. The simple reason is, as the Legal Adviser has stated, there are many such refusals and if, at a later date, say we put in "shall", the thing goes to court and someone has lost a lot of money as a result of this. Then, they can say the government was a fault because this person was supposed to notify the public. You are putting an onus upon the Registrar to do something, to force him to do something, on many occasions not necessary, and if he doesn't do it somebody can be liable or an action can be thrown out on account of a Registrar not doing a certain thing at a certain time. I think that "may" fits in pretty well. If it is not necessary that the public be advised or persons, that can be done. To put "shall" in when you could get hundreds of applications and if you miss one, you are right up in the soup as far as this legal ramifications are concerned, I can't see it.

Mr. Chamberlist: Mr. Chairman, obviously the Honourable Member from Dawson City doesn't follow the basis of this argument not one iota. I am not referring to the word may or shall inasmuch as the words at the end are the most important words, which he ignored completely when he stood up and spoke Latin. Sometimes one gets annoyed with one's own colleague for not even recognizing pure, plain English. At this time, Mr. Chairman, I move the following motion. The word "may" be changed to "shall" and that the words "whenever he deems it advisable" be removed in section 18.

Mr. Chairman: Is there a seconder? Is there a seconder for this motion? I must declare that there is no motion.

Mr. McKinnon: Mr. Chairman, a certain point I would like to make here. We are still talking about the registration of brokers, securities issuers and salesmen? Alright, now, I can't see there being any more than about ten applications in, at least, the first year to the Registrar's office to be issued a licence as a broker, a security issuer or a salesman of stocks and bonds. I don't think they will be flooded with applicants for this certain area. I don't think that it is really going to be that much of an onus upon the Territorial Secretary's office. I think that that is a red herring that is being thrown in here. I don't think that when a person goes and applies for a licence to be a broker or a salesman of stocks in the Yukon, that, if for some reason in his background, the Registrar sees fit to refuse him a licence, that this should become a matter of public knowledge, be issued in the paper. Mr. So and So, because he has a criminal record in the past, was not issued a licence to be a stock broker in the Territory, is none of the public's business. When a person is a bona fide salesman in the Yukon, has been cleared by the Registrar and then his licence, for some reason or another is cancelled or suspended by the Registrar, that is the time when the public should be made aware, and, it should be mandatory upon the Registrar's office in this instance, to make it known by public advertisement that this person is no longer an authorized salesman or broker, and the public made aware that they are no longer to deal with him. I don't know how this can be worked out in terms of the ordinance. I think it would be a rather simple amendment. I think it would take the objection of the Honourable Member from Whitehorse East and I would certainly be a lot happier with it.

Mr. Chairman: Order, gentlemen.

Mr. Legal Adviser: Mr. Chairman, I can see that it is news and it may be of public interest, The public should be able to get the news that a licence has been suspended because some fellow has misbehaved,

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Mr. Legal Adviser continues.....
 but the next stage, of the government taking advertisement space and paying for it in the paper to tell the people that people have been found guilty of a malpractice--if you want to be fair, you've got to do the same for the lawyers and the doctors every time one of them is censured, take space in the papers and publish it to the world at large and let the government pay for the news in the future.

Mr. Chamberlist: This isn't the idea at all.

Mr. Chairman: Is there anything further in this section?

Mr. Chamberlist: It is not clear. I put this motion forward and there doesn't appear to be a seconder because of the one word, Councillor McKinnon pointed out, that may give notice of any "refusal". I wasn't thinking in terms of refusal. I was thinking in terms of suspension or cancellation. Now, the only reason why there would be a suspension or cancellation, would be because of a breach of the ordinance. It is because of that, I think that the public should be notified. I view with misgivings when power like "whenever he deems it advisable" is placed in the hands on one individual. It always comes back to the time when "if in the opinion of the Commissioner"--somebody isn't any good, he can make the opinion and decide that he can't have a liquor licence, and that type of nonsense. This is why I don't want to see anything like that. I have been one of the people who has suffered under that type of legislation and I don't want to see anybody else suffer. I want to see legislation that benefits the public, not benefits the Administration. Now, this is quite frank. This is what I am saying. I want to see public benefit in any piece of legislation and any piece of legislation that is put forward just as a convenience just for the Administration, should not be considered by any Member of Council. I say that we should give consideration to the simple fact that the public should be notified in any area where there is a suspension or a cancellation. With these points, I agree with Councillor McKinnon and I am sorry that the word "refusal" is in there because, refusal can be refusal on the basis of a new application. I agree with what Councillor McKinnon has pointed out in this particular regard. My concern is not so much for the refusal, as for the cancellation or suspension. Now, surely, if Mr. Legal Adviser can find a way to overcome that which is a justifiable reason, he can oppose it.

Mr. Legal Adviser: Mr. Chairman, I am not trying to find a way to oppose that. It's just that it is a complete departure in the policy of dealing with people who have their licences suspended by administrative process. The courts suspend driving licences everyday but they don't publish an advertisement with a list of people who had their driving licence suspended. Business licences are suspended all over the place for various reasons; lawyers get hauled over the coals; doctors get hauled over the coals, but they are so protected by the legislation that is presently in existence that you cannot even publish their names. It must be published in the matter of a "doctor" and it is an offence to publish a lawyer's or a doctor's name as a rule after the proceedings have been terminated and the permission of the judge has been given to publish a person's name. It is just, I feel, treating people in a slightly different way than the ordinary person is being treated. There is no particular reason apart from policy, that's all. There is no legal objection to doing it.

Mr. Chamberlist: With respect, Mr. Chairman, and so they should be treated in a different way. I say that, where people who are in the securities business have conducted themselves in such a manner that there is a suspension or cancellation of their licences, the public should be informed. Now, this is the idea of the legislation. This is what I want to see done. I want to see this done because if you don't do it, you might as well throw all the legislation away because you are trying to cover up for something that might happen. The public will then say to the legislators around it, why didn't you protect us by letting us know and you have no argument for it. We should let the public know and that is what I want to see done. I want the public to be placed in the position of being informed. Now, can we get some assurance, Mr. Chairman,

Mr. Chamberlist continues.....

that consideration will be given to this point?

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Mr. Legal Adviser: I thought that the section allows the Registrar to inform the public. This is the purpose of the section. The Registrar may give notice of any refusal, suspension or cancellation to the public--this is what the section says. He is then, given the additional power to make an advertisement to the public if he wishes, if he thinks it advisable and he can also write to any person whom, he feels, may possibly be affected by it. This is a very wide power to have in the first place but it is a different thing from turning the power to inform people to the duty that the Registrar must inform everybody all the time about every single suspension or cancellation. That is the only objection I have. It cuts the cost of taking advertisement space.

Mr. Chamberlist: Well, Mr. Chairman, I note how Mr. Legal Adviser goes through the points very carefully where he may do this, where he can do this, where he can advertise, where he might be able to publish, where he can get an advertisement in, but he makes no comment on those words, "whenever he deems it advisable", so that the onus is left upon the Registrar to make up his mind as to whether he deems it advisable. I don't care whether the Registrar deems it advisable. I think it is advisable that the public should know. Now, this is what has to be considered first. The public must be kept informed. How do you keep the public informed? You keep the public informed by legislating so that the public is kept informed, by removing those words, as I have suggested. And as I was saying, because of that word, of any refusal, which brings into being, unfortunately, where a new application is made. I am not concerned with that. I am concerned with those areas where there are suspensions and cancellations, not refusals of a new applicant. This is where I agree with Councillor McKinnon's remarks. This is what I wanted and I'm sorry I didn't bring this forward. That is what I want.

Mr. Legal Adviser: Mr. Chairman, I perfectly agree with taking out the words "whenever he deems it advisable".

Mr. Chamberlist: Fine. But then, you still have the word "may" in there and I want that out, too. I want that changed to "shall" because it still gives him--and this is where Mr. Legal Adviser smiles because he thought suddenly, well, it doesn't matter; it's because he's got the word "may" in there, you see, but, I caught on to that pretty quickly.

Mr. Dumas: He's a ruddy genius. Mr. Chairman, I wonder if we could have some assurance from the Administration that in the case of suspension and cancellation, that there will be notice under this section given. I think it should be.

Mr. Legal Adviser: Mr. Chairman, I think the position would be that when there is a suspension or cancellation, a press release would be issued and it would be news. The facts are there. We can do this. The only real case is if a person is in practice, is actually working in the Territory selling securities or is in business. Applications come from outside, people who want to come to join us or maybe they have gone away and they are no longer in business, it may not be necessary to do much about it. But, wherever the public is in the positions where they may suffer loss through lack of knowledge of the status of the person or firm they may be dealing with, then, they should be notified.

Mr. Chamberlist: I tell you I don't like these words and I know what I am talking about. I visualize what might happen. Could we not say, then, could not thought be given to, where suspension or cancellation is brought about by reason of a possible prosecution, then, the public will be notified. Would you go as far as that, Mr. Legal Adviser.

Mr. Legal Adviser: If it is a prosecution, it should be prosecuted. Let the court decide then, not the Registrar. He may have to give a suspension rather than a cancellation, so let the court case proceed. You don't necessarily want to prejudicate in advance when the prosecution is adequate publicity.

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Mr. McKinnon: What would be wrong with the section reading "the Registrar shall give notice of any suspension or cancellation to the public by advertisement or otherwise or to any individual by letter or otherwise"? It seems so simple to put a piece in the Yukon Gazette, take notice that the licence of such and such has been hereby suspended by the Registrar of Securities. I see these long lists of companies in the Yukon Gazette time after time. That is required by statute, where they come off the Roll, to put that company when it ceases to do business in the Yukon Territory, so the public is knowledgeable that these companies are no longer in existence. It seems so much more important to me than knowing that a company has gone belly-up, or out of existence, or they have left the Territory, to know that a person who has been dealing in securities or is a broker has been suspended or cancelled. I just, for the life of me, can't see this great administrative problem when a licence has been suspended or cancelled and a little piece in the Yukon Gazette can't be taken to tell the public that this person's licence has been suspended or cancelled. Why we are going around and around on this, I just fail to see the argument.

Mr. Legal Adviser: There is no objection whatsoever to putting in a subsection here saying that suspension or cancellation of any licence held here shall be notified to the public. There is no objection whatsoever. But it needs a subsection of its own, not to be tinkering around with this one which is giving power to the Registrar to give notices to people or to the public and to avoid actions for liable if he happens to be technically wrong. This applies to protect him. The second one is making it a duty in certain circumstances to absolutely notify the public. There is no objection to that provided it is limited to the suspension and cancellation of people who actually hold licences at that time. You can publish a notice every so often that so many licences have been cancelled.

Mr. Shaw: Mr. Chairman, I do not understand the thinking of some Members of this Council. Wherever we hear at this table that a man is not guilty until the judge or the court determines he is guilty, now, it is desired in some quarters to give the Registrar the power to announce to the public that a man is guilty and he hasn't been before court to establish whether he is guilty or not, or that he has been suspended, or things like this. This is absolute diametrically opposite to the thinking that I have listened to for months and months and months, for hours and hours and hours, and for days and days and days--and weeks, in fact.

Mr. Chairman: Order, gentlemen.

Mr. Shaw: I have heard at this table "No civil servant has the right to do this or do that or do something else until the court has decided this". Now, all of a sudden, we shift the power to a civil servant to say this man in effect, is a crook and we have suspended his operations. Now, that is absolute different thinking from what I have been listening to for the last, almost, three years. If a person is determined by the court to have done something wrong, surely, a man dealing in securities or dealing in anything, he has got a right to appeal to somebody before he is labelled a criminal. At least, that has always been my understanding of this. And, yet, here it seems that when somebody does something that may be wrong, allegedly is wrong, possibly it is and I would say in most cases it probably is, before it has been determined, before a man has had an appeal to a court, we label him as practically a crook by advertising that his business has been suspended. Now, I am quite in agreement with the suspension. I am quite in agreement if the person wishes to advertise it, the Registrar, and it is correct and he has a lot of facts to go on, it is fine. But for every one that he refuses that he is obliged to advertise this to the public in general, I don't think that is right. Possibly in seventy-five percent of the cases it may be, but how about the other twenty-five percent? Then, isn't the man, or any person, or any company, entitled to go to the court to determine whether his licence has been taken away in a just manner or not? When you suspend a company that is trading in securities, when that is advertised, it doesn't matter what you get after that. That man, that person, or that company has got a black eye in their face now, regardless of whether they win their appeal or otherwise. Surely, they should get the same consideration as any-

Mr. Shaw continues.....

one else, or, if not, let us do the same to every profession in the Territory and there are many of them that could well stand it, a little advertising. That is my feeling on this, Mr. Chairman. The Honourable Member on my left obviously does not agree with that. He seems to agree-- he is terribly impatient too--I'm just up here for ten minutes. BILL #1

Mr. Chamberlist: I could sit here for hours.

Mr. Shaw: It is something that is worthy of a level of consideration, just what we do and what we don't do. You can't make fish of one and fowl of the other. If we are going to start this advertising on all these malpractice things, I think the circulation of a local newspaper should go up considerably and the profits accordingly. Let us determine this in a sensible manner. Give a little latitude here and let the court decide some of these things first. Don't just force someone to advertise something where there may be slight discrepancies here that possibly can be explained and they are suspended temporarily. So what then? Do you advertise it? No, I can't go for that.

Mr. Chamberlist: I don't know what the Honourable Member from Dawson City was talking about. I was trying to get together his thoughts to put them where the subject matter as discussed in section 18 applied. I was unable to find any loop in between the lines where I can put it. That is unfortunate. As he said, he has been sitting down most of the time and he stands up for ten minutes. One needs to allow him to stretch his legs occasionally. However, my concern is that the public must be informed, whether it's done before or after the notice is already served, I am not concerned. I am not going to talk any further on this point, except to say that I ask that the Administration take another look at this section, follow up on the thoughts of both Councillor McKinnon and myself in relation to this and place either a subsection in or amend the section that will take away from the Registrar that position which he must find himself in when you say to him, do this if you deem it advisable. I don't think it is right in any event to place the onus upon him. The need of this legislative body is to keep the public informed and I hope that it is the wish of this body be informed. Even Council. Councillor for Dawson, occasionally like to keep the public informed. I know that. But it is very rare. He doesn't want the public to be informed in this matter, Mr. Chairman. So, I take it that he will support the idea of at least keeping the public informed. I hope he doesn't, at this twilight period of his time on Territorial Council, remove the position that he is no longer interested in keeping the public of the Yukon informed upon matters. So, I would ask, Mr. Chairman, that we leave it with Mr. Legal Adviser and proceed. We might have an amendment made to it when we come to this next time around.

Mr. Shaw: Well, Mr. Chairman, there is one matter I would like to bring to the attention of the Honourable Members at this time. As you know, it won't be very long before the Council itself will be a part of the Executive. It will certainly be represented in very strong force and at that time, there will be two Members of this Council or the succeeding Council that will be continually in the Federal Building, at least they had better be if they have these jobs and wish to retain them, and they will be knowledgeable in all facets of government and be involved in the processes of government. At that time, I am assuming, I'm hoping and I see no reason why it should be otherwise, they will have a direct, and I mean a direct, hand in government. So that, abuses or lack of abuses and so on should be pretty well ironed out. In that way, we have a different ball game entirely. That is why when we had these things, and we have a certain amount of flexibility in them, this flexibility will also be in the hands of the people to a great extent. I think it is a good thing, perhaps, to keep it that way. This is a very poor time to start making too hard and fast rules. That might have been applicable a number of years ago, but it no longer fits into that category. The Council Members themselves are not going to be involved in this and surely, that is the time when they can watch these things, make necessary changes from time to time. Very likely, the Honourable Member on my

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Mr. Shaw continues.....
left may be in one of those capacities.

Mr. Dumas: Heaven forbid!

Mr. Shaw: When that time comes, I am sure that he will look back on some of these meetings and say, doggone it, why did I make such hard and fast rules, and surely, he will. So, now is the time, perhaps, to have this flexibility here. It is going to be administered to a great extent by the people and can be changed from time to time, as it fits in. That is something that I hope the Honourable Member from Whitehorse East will think about when he is raising objections about every paragraph in this particular Bill.

Mr. Chamberlist: Because I have studied it; you haven't.

Mr. Shaw: The Honourable Member has said he has studied it. I think he did. He decided that he had better look at it last night so he told me he stayed up until 1:30 this morning looking at it. I looked at it two weeks ago when I received it and it seemed to be quite alright to me. It has been used in British Columbia until they got the large set-up they have for many, many years. It has been found most satisfactory and I think, as a trial, this will be very good. Seven years ago, as some Honourable Members are well aware, I had been asking for securities legislation to protect the public. I still want that, very much so. But, at the same time, I don't want to bind everything to a hard and fast rule where you can't move any place.

Mr. Livesey: The point I would like raise, Mr. Chairman, is simply this, that if we make these suspensions mandatory, obviously the Registrar is not the court, the individual concerned is not yet guilty. He hasn't been proved guilty so the Registrar, by mandatory act, if it is put into this ordinance, will make a suspension. He will, therefore, have to advertise that suspension. Supposing the individual, if he takes his case to court, is proved then innocent. It will be obvious, then, that a member of the Territorial Government has made an error, and that the company concerned can sue the government for loss of business. Right?

Mr. Chamberlist: No.

Mr. Livesey: Well, if he can't sue the government for loss of business, he certainly is in a position to sue somebody for causing something with an effect to him which was not justified. Not only that, but I would think that if you make it mandatory on the part of the individual concerned, as far as suspension of any licence for instance, then I would say the more you make it mandatory, the less suspensions there are going to be for the simple reason, if you put the employee of the Territorial Government in that position, he certainly is not going to stick his neck out. Therefore, he will coil it in and there won't be any suspensions. The simple reason is he isn't going to take any chances. Quite obviously, no one can turn around and say that the final judgment is going to be by any Territorial Government employee. The final judgment obviously, is going to be by the court. When that suspension is made and once you advertise it, that man's business is down the drain. Right now. He is going to lose a certain amount of business. Now, if he is proved innocent, who pays the shot? Well, certainly, I would think it is the person who caused the suspension which was improper. An improper suspension, as far as I am concerned, is grounds for liable action on the part of the person who receives that suspension. Mr. Chairman, I think the government will be taking a serious chance and I think that the Legal Adviser has stated right now, quite clearly, that this is to protect individuals from liable suits. There is the whole set-up right there. I think it is quite obvious. I know if it were my business and somebody took away my licence and it was an illegal suspension advertised in the newspaper to my detriment, I would certainly have grounds for suit. There is no question about that, Mr. Chairman. I certainly think that puts the employee in a very awkward position

Mr. Dumas: Mr. Chairman, in my business, I, from time to time, get involved in security transactions. It seems to me that a person who is selling securities in the Yukon and his licence is suspended, notice should be put in the paper, for the very simple reason that if it is not made public, he can carry on with what may be an illegal activity of selling securities, taking their money--money which they may never get back--therefore, we are protecting the public. At the same time, Mr. Chairman, keeping in mind what the Honourable Member from Dawson has said, I believe that the legislation as presented to us will be satisfactory. I think we should give it a try and if it doesn't work, the next Council can certainly come forward and say, look, you fellows aren't doing this right, let's get that change in there and let's get it in now.

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Mr. Chairman: At this time we will stand Committee in recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. (Reads Bill #1, 19(1),(2).

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Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could indicate that the inclusion of the provisions of the Evidence Ordinance would be satisfactory to this particular area, would not a bank or officer be covered by the Federal Evidence Act?

Mr. Legal Adviser: In some cases, yes, Mr. Chairman and in some cases no. We are not attempting to deal with the provisions of the Evidence Act, only with the Evidence Ordinance. Under our Evidence Ordinance you cannot, under certain circumstances compel a bank to give evidence. This takes away that protection.

Mr. Shaw: I note that we have the court with a large "C". Do you wish the same on this particular section?

Mr. Legal Adviser: Mr. Chairman, I know this is odd. Sometimes it is spelled with a large "C" and sometimes it is not. Court with a large "C" is defined as being the Territorial Court, so when you use a small "c" you are talking about a magistrate's court or otherwise. When you are using a capital "C" it is the Territorial Court.

Mr. Shaw: I understand that, Mr. Chairman, I merely comment on this because when the court was in a large "C" before the Legal Adviser wished to have it changed to a small "c". I wonder if he wishes to continue the same, be consistent about it.

Mr. Legal Adviser: The consistency sometimes requires a large and sometimes a small "c". Here we require a large "C".

Mr. Chamberlist: Mr. Chairman, if Mr. Legal Adviser would take note of paragraph (1) in Bill C212 it reads "paragraph "c" of Section (2) of the Yukon Act is repealed and paragraph "d" is the interpretation section which repeals, reference to the Territorial Court".

Mr. Legal Adviser: That section, Mr. Chairman, will only come into operation on an Order-in-Council to be made by the Federal Government, so although the Yukon Act becomes law in the sense that it is law, it doesn't come into force until an Order is made by the Minister of Justice or the Federal Government. What we are talking about here is paragraph (f) of subsection (1) of Section 20 of the Interpretation Ordinance, where it says "Court means the Territorial Court of the Yukon Territory", and it uses the capital "C". So, once we mean the Territorial Court we use the capital "C".

Mr. Commissioner: Mr. Chairman, something I am quite interested in here, every time we come up with one of these investigations, or at least every time we come up with one, not as it applies to Securities but to other matters, we are continually being told that although we have the power to call on witnesses, we cannot extend our laws beyond our boundaries. We find that most of the time the offences have been committed by people who do not reside in the Yukon but who have come here and obtained licences or done something in order to make it possible for them to practice their profession which is under investigation and I would like to know if at this time, does this Section (2) have any extra-provincial status; in other words does it go beyond our boundaries so that we can procure witnesses and if it doesn't, what do we do to make it

BILL #1

Mr. Commissioner continues....
because quite frankly I don't consider the thing to be worth the paper it is written on unless we can give our courts powers to secure people who have, for one reason or another, are not in the Yukon at the time we want to question them.

Mr. Legal Adviser: We have to have an arrangement with the provinces concerned but possibly we might be able to make our own arrangements by using - we would use the Federal Government and the Provincial Government would use its government. We can get better reciprocity with foreign countries, very often than we can with other provinces.

Mr. Commissioner: Mr. Chairman, my question is, what is there in here that says we are going to do this because after the fact, you know this is the normal story of the Yukon Territorial Government, we are trying to say that hind sight is like 20-20 vision and what I want to know is what are we doing here, or what can we do here which is going to give this thing something worthwhile in the way of enforcement in other parts of Canada, the world, so to speak than what we have in front of us.

Mr. Legal Adviser: We need an arrangement with other provinces.

Mr. Commissioner: How do we get it?

Mr. Legal Adviser: We are doing nothing about it and other provinces have from time to time made motions to try and have reciprocity but it is only in a few fields they have every succeeded in getting it done. The Criminal Code of Canada operates throughout Canada but that is only in relation to criminal law made by the Canadian government itself. In the typical enforcement maintenance orders there are provisions for typical enforcement and there is typical enforcement of judgement ordinance where we have typical arrangements made with all the other provinces but this is a judgement, it is not a court order to compel him to attend and I am sure there must have been moves made from time to time between the provinces; I am not aware of the time the last one was made, but there are no arrangements in force whereby court orders to people to give evidence or to transport them back to this Territory for breach of a Territorial offencebut in the Statutes, when we are looking for another purpose at the New Brunswick schedule they have arrangements in their Statutes that a person who is charged with a Territorial offence would be transported back but it would be very hard to get a direct air flight across. Other provinces may have this; I am not aware of any.

Mr. Chamberlist: Mr. Chairman, I am still concerned about this interpretation of the "court". I will wait until Mr. Legal Adviser can take notice of my remarks. I am concerned about the interpretation of "court" because I understand that last night Bill C212 passed the House and that it is expected that by Friday it will be through the Senate and that then it would become law. Now, we will not be completing this piece of legislation, the Securities Legislation, until next week and we have to have reference to "court" in there. Now, the House of Commons has passed Bill C212 deleting 2(d) of the Yukon Act, which says Court capital "C" means the Territorial Court of the Yukon Territory. Now, because it has deleted that surely we cannot go to the interpretation section and say notwithstanding the legislative assembly of Canada has deleted the section, that it still means the Territorial Court. I would like to know whether there is really any difference in a capital "C" or a small "c" as long as we know that court means one of the courts in the Yukon Territory. Now, is this the intent after next Friday, when the new Yukon Act and Amendments is law?

Mr. Legal Adviser: No, Mr. Chairman, this is quite technical. Section 2(d) of the Yukon Act defines Court with a capital "C" as meaning the Territorial Court but that interpretation section only governs the Yukon Act and does not govern any other legislation.

Mr. Legal Adviser continues...

The Federal government would not have the required authority to define matters in our legislation because we have the power to define them. We have defined Court with a capital "C" to mean the Territorial Court. That interpretation governs all of our Ordinances including this one. The Territorial Court will continue in existence until an Order-in-Council is made by the Federal Government and new legislation is introduced into this House, to set up a new Territorial Court which will take over the functions of the old one, so until all this has been done, including a change in the definition of the Interpretations Ordinance, for the required justice legislation, the correct word here should be Court with a capital "C". Only a court of records has got the power to commit people for contempt of court. It is not a power which is vested in the magistrate's court or a Justice of the Peace court, only in the Territorial Court, so we are giving to this board the same power as the High Court of Justice in England had in 1870 to commit people for contempt of Court, and we must use a capital "C" to do this.

Mr. Chamberlist: Well, Mr. Chairman, isn't it so that the Ordinances that we have all came from the powers that the Yukon Act gave us and in the inception of the Yukon Act in 1898 Court was then defined as the Territorial Court and this is why our Ordinances and our Interpretation Ordinance interprets court as the Territorial Court but now that that section is repealed and now that the amendment is still C212, says in fact that we can have all sorts of courts in the Territory; we can have a Superior Court, District Court, and a County Court arranged, it says, does it not mean that it applies to any of these Courts where we are using the word Court. Why should we just leave it for one court; why should we not interpret it as any court.

Mr. Legal Adviser: Mr. Chairman, ...in the repeal in the Yukon Act, the original section was read in Court says "in this Act Court means so forth". That interpretation only governs that Act, the Yukon Act. It does not govern our Ordinance. It does not pretend to or purport to. We have in ours, in any enactment the expression "Court" means the Territorial Court of the Yukon Territory. This is the correct word, with a capital "C".

Mr. Shaw: Mr. Chairman, the Commissioner has brought up a very good point in relation to..... We have arrangements with the province of British Columbia, and possibly the province of Alberta; I'm not sure, but certainly with the province of British Columbia. In relation to certain acts of welfare we have arrangements with British Columbia regarding hospitalization. Now, when we come to such matters as what we are now discussing, it would appear to me that perhaps it would be an excellent idea to have an arrangement with British Columbia in respect to the matters pertaining to this extradition proceedings or whatever you may call it. I don't know how far you, exactly you would go with such a proposition, how far you could go or what it would entail, but it would appear to me that perhaps this would be an excellent time to have communications with the Government of British Columbia to see if in fact some kind of arrangement could be entered into in relation to matters such as this. People do come up into the Yukon and they are after a fast buck and as soon as they have made it they are out and by the time the complaints come in this person has left the Territory, he is safely ensconced in British Columbia and we do not have a law here, or haven't had the law to do anything. I was wondering just what process we would go through, if it would require a motion of Council, would the Commissioner have the power to start communications and then put it before Council. I feel something should be done in respect of this. I wonder if any other Member would have ideas on this subject as I think it quite important. The Province of British Columbia and the Yukon Territory are closely related in many fields, but particularly in the matter of securities and such things. Perhaps this is a good time when something should be started to find out what kind of co-operation we could expect

BILL #1

Mr. Shaw continues...
and in return give to the other party.

Mr. Legal Adviser: Mr. Chairman, in Section 50, sub-sections 1 and 2 we have taken the power here to arrest a person in the Territory and send him back to a province for a breach in a statute of a province similar to this Ordinance, but if the particular province had a similar section in their statutes, then they could send them back here. It would be basically a question, I suppose, of first of all a search being made through the Statutes of the other provinces to see if they have similar sections and if they haven't, making a request, unofficial or otherwise, to enact a similar statute, or amend similar in terms to our subsection 1, Section 50 of this particular Act. We also have a section here that when a prisoner is being transported through the Territory, on a warrant from elsewhere, he may legally be held in custody during the period of detention and this would save him from being able to get a habeas corpus from one of our courts to get release. So, there is nothing that we have to do in our legislation; we would have it if this session is passed. It is a question of getting them to pass statutes similar in terms to ours and how exactly it is going to be put on foot, I don't know.

Mr. Shaw: That is what I'm getting at. We can do this and we can do that, I would suggest that we start doing; that we write to the government of British Columbia and to the government of Alberta and say, now let us get together on these things and would you be willing to co-operate. We are willing, and if they are then the details could be worked out and it could be presented to the Council and concurrence or otherwise obtained and we are in business, but I think if we had to provide the initiative and obviously it has to come from the Administration because a Member of Council himself would find it quite difficult to make communications regarding that. I would like to see this gone ahead with.

Mr. McKinnon: Mr. Chairman, I agree wholeheartedly with the Commissioner's remarks that there is no use in even continuing with the subject if we are not going to have any kind of reciprocal enforcement with the provinces, particularly B.C. and Alberta, and I would ask if Mr. Commissioner would be willing to instruct his Legal Adviser, or over his signature, to begin proceedings with the provinces of Alberta and British Columbia, for a start, to see whether a reciprocal arrangement apropos of Section 50 of our Ordinance can be worked out with the governments of these two provinces at this particular time, because we are just wasting our time if we don't have some sort of an arrangement.

Mr. Commissioner: Mr. Chairman, I am very happy to hear this, and coming from the Honourable Member. Whether we like it or we don't, as we get into more sophisticated fields of legislation of this nature, on which we are dependent, the movement of people back and forth across inter-provincial boundaries and the availability of these people to answer on behalf of their actions under our laws, if we cannot get this kind of reciprocal understanding with the provinces, there is no point to half of the laws we have in our books and this is a glaring example in front of us right now. I am certainly most happy to give Members of Committee assurances and I will instruct my officers to undertake immediately negotiations with the two neighbouring provinces, the Province of British Columbia and the Province of Alberta, to see what reciprocal enforcement arrangements we can arrive at regarding this Statute in particular, and many other similar ones in general. Well, with my undertaking as stated, that we will start with B.C. and Alberta suffice at this time and we will see where we get on that point because many, much of

Mr. Commissioner continues....

our laws - now Mr. Legal Adviser attends a special conference each year which deals with the uniformity of legislation and the whole idea being that there will be uniformity of legislation between province to province and province to Territory, so that there can be reciprocity or reciprocal enforcement. We are talking about the same thing in the Motor Vehicles Ordinance; Mr. Taylor attends special conferences on this. If we are not going to get anything out of these things, I suggest we might as well stay at home and go fishing or something and spend the taxpayers money in the Yukon because we are arriving at absolutely zero unless we get some positive results from these things.

Mr. Chairman: Will the Committee agree with the suggestion as put forth?

All: Agreed.

Mr. Chairman: I will proceed: (Reads Section 3).

Mr. Chamberlist: Will Mr. Legal Adviser object to adding the words "or agent"?

Mr. Legal Adviser: Well, I don't know, this is not a person who is accused, this is a person who is being investigated. If he wants to be represented by Counsel for the purpose of pointing out points of evidence at that time, if it is a question of being accused of something that is a different thing. It is an invasion of the rights of the legal profession to represent people. In the case of a criminal offence this is certainly justifiable, but when it is a civil enquiry into highly technical things there doesn't seem to be much purpose in having an agent.

Mr. Chamberlist: For the first time I have heard Mr. Legal Adviser talk like a Legal Adviser, like a lawyer; I'm not concerned about the invasion of the closed shop of the legal profession, no way at all. I am more concerned about public protection and if there might be a poor salesman who is given a hard time and cannot afford the costs of a member of the legal profession and he has a friend who wishes to speak for him, there should be no objection for him to have that friend appear for him. I see no reason why an agent to speak on his behalf. I would prefer to place myself in the position of an ombudsman. I would ask Mr. Chairman that we add the word "or agent". We have done this in most legislation and I think Mr. Legal Adviser should not talk as a lawyer, as an invasion of the legal profession because if I want to pull my own tooth out or somebody else's tooth don't you tell me I'm invading the dental profession because if there is a necessity to go and help people we should be only too pleased to go forth and help them, never mind the legal profession.

Mr. Legal Adviser: Mr. Chairman, I will think about it. If a person is definitely on a charge then I think he should be represented by anybody. If it is a question that has three or four companies in the middle of an investigation and hundreds of thousands of dollars worth of shares then they should employ, for the benefit of the court, a qualified person.

Mr. Chamberlist: Well, Mr. Chairman, I object most strongly that you should be able to tell anybody that he must employ counsel. Now, I don't see that because if Mr. Legal Adviser suggests that now the Territorial legislature are acting as agents for the legal profession to find them work, this is what is being suggested now. If I am going to talk now for two hours over a simple thing like this that there should be objection, no way, as far as I am concerned; any person is entitled and should be given the right to have somebody speak on his or her behalf. This should be a conception of our whole democratic system that anybody should be heard; doesn't matter how that person should be heard in any matter, whether it is criminal or civil and to deprive any person of that right I think would be the worst wrong

BILL #1

Mr. Chamberlist continues....
that can be committed just simply because there might be some technical matters that might be involved. If the agent cannot deal with the technical matters he will say so, if the person can afford counsel, certainly he should obtain counsel, but the right should not be taken away from him that he can have somebody to speak for him if he finds somebody to do it and I don't see how Mr. Legal Adviser can object to that. And I move at this time that the words "or agent" be added after the words "by counsel" in Section 19(3).

Mr. McKinnon: Mr. Chairman, being overwhelmed by the emotion of the Honourable Member and intimidated that he might speak for two hours, I'll second the motion.

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

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order and we have before the Chair the Motion, moved by Councillor Chamberlist seconded by Councillor McKinnon that the words "or agent" be added after the word "by Counsel" in Section 19(3). Are you agreed? Any contrary? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: May I proceed? (Reads Section 4, 5, 6, 7, 8).

Mr. Chamberlist: I take it that the words "or agent" will be included after the word "counsel".

Mr. Legal Adviser: It is not quite as easy as that Mr. Chairman, because when you put in "or agent" that means anyone and it has to be tied down a little more closely than that. I think you would have to say through his counsel or the agent appointed under Section

Mr. Chamberlist: As long as we will be putting it in, the agent who will be acting for him.

Mr. Chairman: Does Committee agree to the proposed amendment?

All: Agreed.

Mr. Chairman: (Reads Section 20(1),(2)).

Mr. Chamberlist: I wonder if Mr. Legal Adviser, Mr. Chairman, could indicate, it says "is a necessity for an ex parte application" in this particular area because there is always a danger, and I am sure Mr. Legal Adviser will agree, that ex parte applications are sometimes made against a person and the person doesn't know anything about it at the time. Now, is there a reason for it.

Mr. Legal Adviser: Yes, it is done here now, and ex parte means... but it is always a condition that an ex parte order is granted on two conditions, one is that it expires and two, that notice must be served on the other party to enable him to come in four days later to get the injunction; this is by the rules of court so it about four days. Under the court rules you can get four days' notice to come in and he can, if he likes, make an ex parte application himself the following day to set it aside.

Mr. Chairman: (Reads Section 20 (2)(b), 3).

Mr. Chamberlist: Isn't there danger involved in this, a danger to the individual, the individual must be protected where he cannot plead the evidence.... It would appear to me that if we put into effect legislation, and I must interject here that I found objection to the area where a bank official, or bank clerk is involved, I think there should be consideration given as to whether or not we would be doing the right thing if we say that notwithstanding anything in the Evidence Ordinance, that evidence of a witness may be used against him. Surely this is a person incriminating himself and surely this is not the right thing.

Mr. Legal Adviser: Mr. Chairman, these are proceedings for injunction or for an application being granted by the Court to have some kind of an operation shut down here and now, or at least a temporary order, shut down temporarily and then a final order. It is for the public good as a whole. The evidence is not being used against him in a criminal charge. It is being used for the purpose of enabling the court to make an order that the business stop. So he is within the protection of the Evidence Ordinance so far as the crime or the charge against him is concerned but he cannot have it both ways. I would think this is not an unreasonable section.

Mr. Chamberlist: One further question. Does this mean then, Mr. Legal Adviser indicating, Mr. Chairman, that notwithstanding that, what a witness has said, can be the cause for making the application for the interim injunction, for what he has said cannot be used in evidence if he is prosecuted as a result of the interim injunction.

Mr. Legal Adviser: If he makes a statement which involved in a criminal charge in this form of procedure because he would be able to proceed with himself notwithstanding the fact he gave evidence. In other words his privilege is taken away for the purpose of this section and if it gives rise to criminal proceedings well criminal proceedings will continue but if this section wasn't there it might be stultified because for fear of calling him as a witness you might avoid taking this proceeding and wait until you could charge him. So, when he gives evidence he won't be able to plead the statute, as the expression goes.

Mr. Chairman: (Reads 21(1)(a),(b),(c),(2),(3)).

Mr. Legal Adviser: A "lis pendens" is a hanging piece of litigation, appending to. It has not been finished yet and under certain circumstances you can register a notice of lis pendens in the Land Titles Office and then the Registrar is prohibited from dealing with that piece of land until the decision of the case is known.

Mr. Chairman: (Reads 22(1)(a),(b),(c)).

Mr. Legal Adviser: That "are" at the top of page fourteen should be "is", to be correct grammatically.

Mr. Chairman: "Is" is correct, please note, Mr. Clerk.

Mrs. Gordon: Also a punctuation error in 22(1)(a), there is a period at the end and should not be.

Mr. Chairman: (Reads 22(2),(3),(4),(5), 23(1),(2)).

Mr. Shaw: Mr. Chairman, does this mean that if I want to buy some shares and go to a bank, if they are on sale at the Vancouver Stock Exchange, does it mean that they have to provide a prospectus and all the other things to the Registrar here?

Mr. Legal Adviser: This would apply to an individual and it also applies to a company. In the initial primary offering of shares on the Vancouver or any other Stock Exchange it is required that a prospectus be filed but if shares are going to be dealt with here and sold in the Yukon then the prospectus should be filed here.

Mr. Chairman: (Reads 23(3),(4)(a) and (b). Should that not be "of the regulations".

Mr. Legal Adviser: Yes.

Mr. Chairman: (Reads 23 (b) and (c) and again it should be "of the regulations". (5),(6) "in the other Province"; 24(1),(a),(b),(c), (2), 25(1),(a),(b).

Mrs. Gordon: Is there not a punctuation mark needed after 25(1)(a)?

BILL #1

Mr. Legal Adviser: I don't think so.

Mr. Chairman: (Reads 25(2),(3),(4); 26(1),(2),(3)(a),(b),(c); (4), (5), (6).

Mr. Chamberlist: Mr. Chairman, I wonder if before we go on to Section 27, because I have much to say about this Section, I wonder if Members of Committee, Mr. Chairman, would like to.....

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

Mr. Chairman: Order, please, gentlemen. There has been a motion. Is there a seconder?

Mr. Dumas: I second the Motion.

Mr. Chairman: It has been moved by Mr. McKinnon and seconded by Mr. Dumas that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Any 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 OF
COMMITTEES
REPORT

Mr. Taylor: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Bills, Sessional Papers and Motions. Committee recessed at twelve noon and reconvened at 2:00 P.M. It was moved by Councillor Chamberlist and seconded by Councillor McKinnon that Section 7 be amended to read 31st March and 1st of March. This motion was defeated. It was then moved by Councillor Chamberlist and seconded by Councillor McKinnon that the words "or agent" be added after the words "by Counsel" in Section 19(3). This motion carried. These Motions were in relation to Bill No. 1, Mr. Speaker. I can report progress on Bill No. 1. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees? Are we agreed? Are there any amendments. Can I have your further pleasure.

Mr. Taylor: Mr. Speaker, in relation to the agenda for tomorrow, I believe it is the intention of Members of Committee to continue with Bill No. 1 and to also deal with certain Sessional Papers. I would suggest Bills, Sessional Papers and Motions.

Mr. Speaker: Are there any further additions to the agenda? Any further business?

Mrs. Gordon: Mr. Speaker, I move we call it five o'clock.

Mr. Speaker: Motion for adjournment has been made that we call it five o'clock. Are we agreed. The House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

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Wednesday, June 24th, 1970.
10:00 a.m.

Mr. Speaker read the daily prayer (Rule 1 was suspended). All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order. Are there any Reports of Committee? Introduction of Bills?

Mr. Taylor: Mr. Speaker, I would beg leave this morning to introduce Bill No. 7, namely, An Ordinance to Amend the Local Improvement District Ordinance, a Private Member's Bill. BILL #7
INTRODUCED

Mr. Speaker: Are there any further introduction of Bills at this time? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Moving to Daily Routine, under Motions, it was moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse West, Motion No. 2, "That Sessional Papers No. 5, 7, 14, 15, 16, 21 and 22 be discussed in Committee of the Whole". Is the Honourable Member for Whitehorse East now prepared to move Motion No. 2? Question has been called. Are we agreed? I will declare the motion carried. MOTION #2

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 3, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse West, "That schools' music programs be discussed in Committee of the Whole". Would the Honourable Member for Whitehorse East be now prepared to move Motion No. 3? Question has been called. Are we agreed? I will declare the motion carried. MOTION #3

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 4, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, "That Sessional Paper No. 6 be discussed in Committee of the Whole". Would the Honourable Member for Whitehorse West be now prepared to move -- oh, pardon me, he is not here. Would the House be prepared to ask for the question on Motion No. 4? Are we agreed? I will declare the motion carried. MOTION #4

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 5, moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse West, "That Sessional Papers No. 1, 3 and 17 be discussed in Committee of the Whole". Would the Honourable Member for Mayo be now prepared to move Motion No. 5? Are we agreed? I will declare the motion carried. MOTION #5

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any questions?

Mr. Chamberlist: Can we wait, Mr. Speaker, until the Commissioner has relieved himself of the telephone?

Mr. Speaker: I will declare a short recess until the Commissioner can return to the Chamber.

RECESS

RECESS

Mr. Speaker: I will now call the House back to order. Are there any questions?

QUESTION RE
WATSON LAKE
ADMINISTRATION
BUILDING

Mr. Chamberlist: Mr. Speaker, I have a question to address to Mr. Commissioner. Mr. Commissioner, who in the Administration was responsible for deciding that the Administration Building in Watson Lake be placed in the position it is in now?

Mr. Commissioner: Mr. Speaker, the correspondence, the meetings, the various and sundry contributions that were made to the final location of this building, constitute a very voluminous amount of correspondence, and the final decision as to where this building was placed was not made by anyone in my Administration; it was made by the citizens of Watson Lake at a public meeting called here.

QUESTION RE
WATSON LAKE
ADMINISTRATION
BUILDING

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if the Administration has decided now not to do what is beneficial for the people generally, or simply for those who create pressure group in this particular regard. To expand on this particular question, it appears to me that the building is now waiting for an oil company to put in oil pumps. Which company will be doing that?

Mr. Speaker: I will have to rule that question out of order; it is being facetious. Are there any further questions?

QUESTION RE
FRONTIER PACK-
AGE TELEVISION
& L.P.R.T.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning, and I would ask, Mr. Speaker, if Mr. Commissioner could advise if there has been any further correspondence with the Canadian Broadcasting Corporation with relation to the provision of Frontier Package Television and L.P.R.T. installations in the Territory?

Mr. Commissioner: Mr. Speaker, I am not aware of any further correspondence. The most up-to-date information that the Administration has to the best of my knowledge is that which was tabled at the last Session of Council, Mr. Speaker.

QUESTION RE
SATELLITE
TELEVISION

Mrs. Gordon: Supplementary to that, does Mr. Commissioner realize that there are several men in the Territory connected with the Federal Government looking for sites for communication locations for satellite television in 1972?

Mr. Commissioner: Mr. Speaker, there is a program being undertaken at the present time. I'm not quite up on the technicalities of this and the title that I use might be incorrect, but Councillor McKinnon may correct me on this -- I believe it is called a Satellite Triangulation Program. This is a program which calls for a tremendous amount of technical expertise on the ground to determine where the best location is for receiving stations. But, this program is not entirely to do with Canadian satellite; it has to do with American and international satellite, as well as Canadian, and I would not like to encourage Members of Council that this program will indeed lead to the finalization of a program which would give satellite receiving stations and live television in the Yukon Territory. This program is not designed along those lines to the best of my knowledge, Mr. Speaker.

Mr. Chamberlist: Estrangulation program ...

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

QUESTION RE
CONSUMER
PROTECTION
LEGISLATION

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Will the Administration be bringing forward consumer protection legislation during this Session?

Mr. Commissioner: Mr. Speaker, there has been a considerable amount of work done in this regard. The Consumer League -- I believe it is a branch of the Consumers' Association of Canada -- has been carrying on correspondence with the Territorial Administration since early in September, 1969, and the matter has been discussed and we have been asked questions on it on the floor of Council. A certain amount of basic work has been done, but the most up-to-date approach that appears to be the sensible one is indicated to us directly from Mr. Basford,

Mr. Commissioner continued....

who telephoned one of my officers recently and indicated that a study of the Manitoba Act was the Federal Department of Consumer and Corporate Affairs recommendation to us as it appeared to be probably the best one in Canada, and had the endorsement of both the prior government of that province and was reintroduced by the present government. This is the last action that we have taken in this matter, and I think at this point, Mr. Speaker, it is up to Council to make their wishes known to the Administration if they wish this type of legislation brought forward for their consideration. We are prepared to bring it forth at Council's request, based on the recommendation of the Department of Corporate and Consumer Affairs in Ottawa -- their recommendation, being that we base our legislation on the Manitoba Act.

Mr. Chamberlist: Supplementary, Mr. Speaker, does Mr. Commissioner not agree that this legislation has been asked for, and did not the Administration consider sufficiently important that this legislation be prepared and brought before Council for their decision as to whether this was good or bad instead of now putting it off again for another time in the hope that Council should do the job. Surely this is the Administrations function, would not the Commissioner agree with that?

Mr. Commissioner: Mr. Speaker, I cannot disagree with this except that I would like to be advised if my information is incorrect that there has not been any positive motion of Council in this regard, but I stand to be corrected on this, Mr. Speaker. I am not aware of this.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I've been trying to enjoy the sights and sounds of Watson Lake the last few days and I've been attending a couple of ball games, I've been out to Lucky Lake, I wonder whether were the mosquitoes sprayed in this area at all? QUESTION RE MESQUITO SPRAYING

Mr. Taylor: Mr. Speaker, I'm still wondering that myself, but I have been informed that an airplane has made a few passes over Watson Lake.

Mr. McKinnon: Well, Mr. Speaker, we can find out from Mr. Commissioner whether they did an extensive aerial spraying program, because if they did it sure as heck hasn't been too effective.

Mr. Chamberlist: Find out from the Mosquitoes.

Mr. McKinnon: I know from them.

Mr. Commissioner: Mr. Speaker, I am not aware that the program conducted in Watson Lake was anything different than the program conducted in other settlements in the Territory.

Mr. Taylor: Mr. Speaker, I might say that it was done in a manner that however they did it they apparently sprayed town and very few people even know that they were around, that possibly the Administration could look into this because I for one would also like to know just how this program went.

Mr. Speaker: Are there any further questions? If there are no further questions may we pass to Public Bills and Orders?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now

Mr. Speaker Continued.....

leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. 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: Will the Honourable Member for Watson Lake please take the Chair in Committee.

Mr. Taylor takes the Chair.

Mr. Chairman: I wonder if I could have the direction of Committee if it be your wish to discuss Sessional Papers at this time or do you wish to proceed with Bills.

Mr. Livesey: Mr. Chairman, I feel we could go on with Sessional Papers this morning.

Mr. Chairman: Committee agree?

All: Agreed.

Mr. Chamberlist: Well not all of them, Mr. Chairman, there's one in particular that I am not prepared, although I intend to be, I'm not prepared to proceed with.

S.P. #1

Mr. Chairman: Well, I don't know how all the Sessional Papers in... The first Sessional Paper is Sessional Paper No. 1.

Mrs. Gordon: Mr. Chairman, I'm not prepared to discuss this Paper at this time.

S.P. #3

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 3.

Mrs. Gordon: Mr. Chairman, I believe No. 3 and No. 17 are inter-related and probably is better to be put over until a later date.

Mr. Chairman: The ending of Sessional Paper No. 3.

Mr. McKinnon: Mr. Chairman, for my own edification are we just going to go through all the--call the Papers and then ask them to be put over at a later date, or are we going to be able to do any work by going through the Sessional Papers. I see Sessional Paper No. 3, asks us whether we want to meet a Committee of Women. Certainly we can make a decision on this, can't we at this time.

Mr. Chamberlist: Sure we can....

Mr. McKinnon: I was just wondering it was the Honourable Member from Mayo who introduced them, then she says we should put them aside at a later time. Is it her intention to go ahead with these Papers at this time or does she want us to lay them aside to come back to them at a future date. I'm just not sure what we are doing here.

Mrs. Gordon: This is what I intended but I thought that perhaps Members of Committee would have thought that some of the papers and various things that are on the table are of more importance at this moment.

Mr. Chamberlist: No this is fine, you go ahead young lady, by all means just enjoy yourself.

Mr. Chairman: May I have your direction in relation to Sessional Paper No. 3.

Mrs. Gordon: Well to get on with the job, Mr. Chairman, lets work on 7, 3 and 17 since they are inter-related. I would suggest that Sessional Paper No. 22 which was issued on April 17 is an enlargement on it, No. 3 asks for advices as to whether the Council would meet with a delegation of people and I would like to hear the comments of other Members in relation to them.

Mr. Chamberlist: Well lets hear your comments first.

Mrs. Gordon: About what?

Mr. Chamberlist: Well, you've introduced the Bill, what have you got to say about it?

Mr. Dumas: Mr. Chairman, are we addressing the Chair at this Committee Meeting?

Mr. Chamberlist: Yes I am.

Mr. Chairman: Any further discussion on this Sessional Paper?

Mr. Chamberlist: Well, I might as well say that I'm opposed to meeting this, we haven't got the ten thousand dollars to give them so lets forget about it. If we are going to give ten thousand dollars, I'd rather give it to a local bunch of women that are doing some work that we know about, otherwise forget about it.

Mr. Chairman: Anything further? The next Sessional Paper then is....

Mr. McKinnon: Mr. Chairman, the resolution is to deal with the expected sales as results of excessive use of alcohol in the Yukon Territory, which causes child neglect, loss of employment, family breakdown and imprisonment and the delegates feel that the services of "Committees of Concern" and "Alcoholics Anonymous" are helping the people and that "Committees of Concern" through the Territory should be encouraged. Well I'm not just quite prepared to say, we haven't got the ten thousand dollars at this moment so why even bother talking to these people, why even both seeing what can be done if there is an area where they have proved successful across the country in setting up committees to help people and are doing a job in the field of child neglect and alcoholism. Certainly, we just can't say, well lets not even talk to them. Lets just through it out the window, this type of thing, and if any group of people, and I think that this is one of the aids of having a small Legislative Assembly, that we are able and prepared to meet delegations and it's more of a participatory democracy than there are at other levels of Legislative Governments across the country, and certainly if a group of people are interested enough and concerned enough and willing to pay their way to appear before a Committee of Council, I don't think that we should just neglect this type of delegation, and I'm prepared to meet with people who do show concern and do want an audience before Council because they are trying to do something that could be constructive in the Yukon Territory. I doubt if there is anybody around this table who won't admit that we do have a problem with child neglect in the Territory, we do have a problem with alcoholism. Anybody who doesn't is just turning their heads on the side, and if a group of concerned people, women, can help us around these problems, then why not listen to them. I have no objections to listening to them whatsoever.

Mr. Livesey: Mr. Chairman, I have an additional remark to that too, and that is the fact the Women's Institute, apart from being a Federal body, they have local institutes in most of the communities in the Yukon. And, this is something that is right there at home. I know we have several of them in the electoral district for Kluane Lake and these people work. There's no question about that, they get around and do something instead of, just like others just talking about it, they get around and actually do some work on the problem. I certainly can't just sit here and listen to any disparaging remarks about the Women's Institute, there's no question about that. They

S.P. #3

Mr. Livesey continued....

are right there on the job, they are not just talking about some general meeting in Whitehorse where everybody sits down and passes a few motions. This isn't what they do there on the job, they are right on the tail of the whole program, right there in the community, and I think that we should discuss this question, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I cannot buck remark upon reference that has been made by a CBC reporter that there's lots of politicking going on. Now, I'm looking at the practical thing, in the very first paragraph of Sessional Paper No. 3, it says, "The Resolution requests that a full time Field Worker be provided to assist them with the programmes and work in the Territory and also that a grant of \$10,000 per year be set up to cover this Field Worker's expenses," so that we have to find a full time worker plus \$10,000 and if you read further on we have to play an office. Now lets be a little bit more practical, and let me hear those people that talk about they have some business sense, talk common sense. The remarks by the Honourable Member from Carmacks-Kluane that he doesn't like the idea of standing around hearing disparaging remarks about the Women's Institute, I don't know who he is trying to draw his attention to, but you'll get a couple of votes, do don't you worry, Mr. Chairman, I'm sure these people will vote for you now because of the nice things you said about them. I would rather be practical about the situation, we haven't got the money, we are doing whatever we can with the money that has been made available to us, if there is money going to be made available for this organization I say here and now give it to the Y. because we know what their program is, we don't know what these people's program is. The Honourable Member from Whitehorse North, he's looking and he jumped in at the right time to say how nicely he wants all nice groups to come before us so that they can put their argument forward. I know full well that this is something that we cannot afford dollar wise, the idea might be sound but we have to be practical. This is why I say I am not interested at this time.

Mr. Livesey: Well, Mr. Chairman, in answering I would like to say to the Honourable Member for Whitehorse East that I don't think that he is being practical, not only that, he's being totally undemocratic when he doesn't want to listen to the arguments or he doesn't want to listen to the presentations of the Women's Institute, all he wants to do is dismiss the subject in silence. Whether he calls that campaigning at this table or not, I could care less, it doesn't a hoot as far as I'm concerned what he calls it, he can call it anything. What I'm looking at is the practical aspects of this and these people are indeed are important, they want to come and talk to us about this problem and I see nothing wrong with it. This is the first time, by the way, that I've heard the Honourable Member say that he didn't want to talk about something. Most of the time I think the Honourable Member will admit he really does love to talk a lot, and I think yesterday was a perfect example.

Mr. Chamberlist: And there will be some more today, Mr. Chairman, because the position is quire clear as far as I can see. Why have these people come at their own expense when we know ahead of time that we can't do anything for them. We know that they will bring forward real sound reasons why they should get this support, but have we got the where-we-go to do it. Now, that's what I mean about being practical. We haven't got the money to do it and so, therefore, we can't consider it. It's a very fine purpose and a very fine resolution, and they are nicely laid out, everything about it is good except for the fact that we can't afford it. So if we can't afford it why let these people waste their money. That's what I mean about being practical.

Mr. Livesey: Mr. Chairman, I don't think that saying we don't want to talk to them at all is being practical. I think, not only is it being unfair, it's being certainly rude. No question about that. When they have made a submission to us, I don't think that they would

Mr. Livesey continued....

make a submission of this nature unless they were prepared to discuss it. I see nothing wrong with discussing it, I'm not saying we have to agree with it, disagree with it or anything else, but I think it's ridiculous to turn it down and say we don't want to listen to their arguments.

Mr. Chamberlist: I would have one further question I would like to put to Mr. Commissioner. Mr. Commissioner, are there any funds available for this type of program at this time?

Mr. Commissioner: Mr. Chairman, the Honourable Member knows better than I do the answer is "no".

Mrs. Gordon: Mr. Chairman, I think the point wasn't really made clear, that my Honourable Colleague across the street is quite prepared to talk but at times he's not prepared to listen, and this is exactly the point. I have made a practice of listening to everybody but this didn't necessarily mean I accepted what they said, and when it comes to financing we well know that we don't have money but they still may come up and enlarge on the program they have set out. We do know that some of our programs in the Territory have covered the very points that are made in the resolutions, but maybe they have a little more. It doesn't hurt anyone to listen and maybe this is something we should learn to do more often.

Mr. Chamberlist: Well, Mr. Chairman, this would finish up as being another area of welfare, and I've no doubt about that and there is not a Member around this table that would disagree with me, that it would be an area where we would have to come up with some more money to a welfare fund. I think that it is about time that we find a way to get people off welfare instead of finding more money to put more people on welfare. The time has come for that to happen and I'm not opposed to anybody talking and bringing forward their views, but when we know that we cannot do anything about it why tell these people, well come along we'll talk to you at an expense. We can't do anything about it, when the time comes along that we have the funds, that we can give consideration to their proposal, this, I suggest, is the best time, Mr. Chairman, to do it and not before.

Mr. Chairman: Anything further?

Mr. Livesey: Yes, I still think, Mr. Chairman, that we should listen to the group. There is nothing wrong with that. It's ridiculous to turn them down simply on the basis that we haven't got the money, we can turn down any program on that basis, and if we look at the twenty-five million dollars, I'm quite sure if it comes to that, you can squeeze it one way or squeeze it the other. And I know perfectly well there is a budget that is usually considered to be 10% in advance of possibilities, so lets not talk about foolishness. I know if it was something the Honourable Member was interested in, I'm quite sure he would be saying, "You've got the money, Mr. Commissioner, I know you have it". In this instance he says, I know you haven't got it. I've read the project the same as the Honourable Member has and I can't see any reason to talk about the budget or welfare or anything else before we hear what their submission is, and I can assure the Honourable Member in my opinion, I think he knows what I think about some aspects of welfare as far as the Territorial Government is concerned and all other Governments too. I think he knows my opinions on that, I think these people are trying to get these people off welfare. That is the principle.

Mr. McKinnon: Mr. Chairman, I really don't thing that this Paper of this nature should be put before a lamed-up Council. The reason being is that we've known that we had a budget thrown down our throats last year which we had not part in making, or which we had no part in accepting, we were just told this was it. Now that budget has been squeezed and gone over about ten times this year and I know this because

S.P. #3

Mr. McKinnon continued....

my days are just filled with meetings of the Financial Advisory and the Budget Programming Committee, and it's darn difficult to find another ten thousand dollars out of this budget, I'd say it was the next thing to an impossibility. So if we accept this program we're looking at a budgetary expenditure in the 1970-72 budget. I don't think that this Council has the authority, I don't think it in all conscience has the right by next year's Council, which could be completely different from this one, to an expenditure of this nature. But I think that in the Fall this Sessional Paper should reappear before the Council that is going to be sitting at that time, and if the Council wants to hear the group and accept their submission then they should make a point of getting this money in the 1971-72 budget. I think that it's the proper way of being handled, I think that's the way the Administration should approach it and I don't think that this Paper should have been brought before this Sessional Council at this time.

Mr. Livesey: Mr. Chairman, that may be true, but the main point of my objection to the remarks made is, we don't want to listen to them. This is my objection, I think that's bad.

Mr. Chamberlist: I have to argue the point of privilege here, I did not say that. I said that we should not listen to them because we haven't the funds to deal with it. I didn't say that we should not listen to them. Those are distorted words and I know that the Honourable Member from Carmacks-Kluane with his years of experience of distortion is able to do an effective job of it, but he will appreciate that these were not the words that I said.

Mr. Livesey: When it comes to distortion, Mr. Chairman, I certainly appreciate having to listen to an expert.

Mr. Chairman: I wonder if we could have some direction....

Mr. Shaw: May I have a word in between all the politicing. I would agree that, if anything the Yukon Territory requires social work and a great deal of it. This Council has seen fit to permit rightly or wrongly liquor to be made available on an instant notice. You almost press a button and you get it. I'm not, at this time, stating whether that's wrong or whether it's right, but I am stating the fact that the amount of liquor consumed and the abuses it has created in the Territory in terms of balancing up the scale is going to require more and more social work. It's going to require--I just don't know exactly what it would be but there's something that would have to counteract the effect of alcoholism in the Territory, because from that you can stage a lot of the problems that we have. I don't know whether this particular organization, I'm not too conversant with it with it are capable or able to do what the Government is not able to do, it might be. I would feel, Mr. Chairman that this particular Paper has come at a rather bad time right now because this Council is about ready to fold up it's tent and either quietly steal away or quietly, noisily get pushed out of the way, but this is a Paper, I think should be referred for the next meeting of Council when it comes up and then let them discuss it and, I think that there may be very well a need for such a thing. Certainly we haven't got time now to do it, neither have we the funds available but I still do maintain and have, and I think the Honourable Member for Watson Lake also on many occasions stated that there should be more social work. I remember talking about social education, that's what is very much needed in the Territory, very much needed, and if this is one of the ways that we can provide it, I think that is good because it certainly, it is working out as far as the Government itself is concerned. They are doing what they can do, they are limited in what they can do, but it's not providing the answer this much and I think it should be considered most emphatically and I think the time to do that would be at the next Session of Council and I would certainly move that this Paper be referred to that Council, to the incoming Council, Mr. Chairman.

Mr. Chairman: Who was the seconder.

S.P. #3

Mr. Chamberlist: I will be.

Mr. Chairman: All right, the motion as I have it. It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Sessional Papers No. 3 and No. 17 are to be referred to the next Session of Council. Are you prepared for the question? Are you agreed?

Most Members agreed.

Mr. Livesey: Opposed.

Mr. Chairman: Any contrary? I must declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Livesey: I'd like my contrary vote recorded, Mr. Chairman.

Mr. Chamberlist: It will be on the Votes and Proceedings.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 5.

S.P. #5

Mr. Chamberlist: Mr. Chairman, I've asked for this Sessional Paper to be included because I find that on the amounts of the cost of Municipal Affairs there is no reference to the salary of the Municipal Officers like the Municipal Director, it's not in this.

Mr. Shaw: What's this, No. 17?

Mr. Chamberlist: No, No. 5 we are dealing with. I'm talking about the Sessional Paper. I asked how much money was set out by the--was, how much money was deleted from the Administration when the Municipal Affairs were set up, but that, of course, included what the cost of the operation of the Municipal Affairs Department. I'm sorry if I didn't make it clear, my question was to ask what was the cost of operating the Municipal Affairs Department, because all that has been given is the figures such as has been taken from one department into another. I want to know whether these figures are available and what would be the cost of administering the whole Municipal Affairs Department if and when the Metropolitan area of Whitehorse came into being, and the Metropolitan area of Whitehorse was turned over to the City of Whitehorse with the cost of administration of the Municipal Affairs Section be less or more.

Mr. Commissioner: Mr. Chairman, we will have to have the privilege of bringing back the answer to the reworded question, because to the best of my knowledge the opening lines on this Sessional Paper are taken from the Votes and Proceedings in which the Honourable Member asked how much money was deleted from the Administration of Engineering when Municipal Affairs were set up as a separate Department and we have shown the money that was deleted and the positions that were deleted and were moved to the new Department. Now, the question that the Honourable Member has raised now, we can certainly get the answer to this, there is no question at all about it, but there was no attempt to answer that because this wasn't one of the questions that we had at that time.

Mr. Chamberlist: Mr. Chairman, I'm sorry if I misled the Administration with regard to my attempt to ask the cost of operation of the Department as a result of the two Departments--as a result of the Municipal Department being removed from the Engineering Department and if Mr. Commissioner, Mr. Chairman, is going to bring this information forth I wonder if he would also, at the same time bring forth information as to whether the cost of administering the Municipal Affairs Department will be less or more after the City of Whitehorse has, if it does, take in the Metropolitan area.

S.P. #5

Mr. Commissioner: Mr. Chairman, I'm sure the Honourable Member realizes that we will give our best estimate to the second part of this question, the first part of this question there is no problem in delineating that in exact amounts.

Mr. Chairman: Will you take the Chair Councillor Chamberlist.

Mr. Chamberlist: Yes.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, while we are in the realm of the Municipal Affairs area, I draw reference, Mr. Chairman to the last news letter the April 1970 news letter from the Administration. I note in it they state that there have been a number of land inquiries for March. Now, am I to assume that this is meant that inquiries is meant as inquiries that this is not applications, they are just people coming to the office sort of a thing. Is this the way this works?

Mr. Commissioner: Mr. Chairman, the actual transactions are tabled, the inquiries, to my knowledge, are simply inquiries, nothing beyond that, but Mr. Chairman, I say this to the best of my knowledge I would want to check on this a little bit further. The actual transactions, Mr. Chairman, I think that you realize they are tabled here at the beginning of each Council Session.

Mr. Taylor: Oh yes, Mr. Chairman, this is quite true, I'm not talking about transactions. I'm just wondering whether this was actually applications or just inquiries.

Mr. Commissioner: I don't believe so, just...

Mr. Taylor: All right now, in the March 1970 period there were, out of all these categories there were ranching and summer residences and so forth, there were nineteen applications for homesteads. However, in April 1970 there were twenty applications for homesteads and I'm just wondering how the Administration deals with these applications, are they refused, are they accepted, are these people encouraged, given any assistance to indeed have a homestead and are there regulations in force at the present time respecting homesteads?

Mr. Commissioner: Mr. Chairman, as this is unoccupied crown land that is being spoken of here, this is land that is not under the control of the Territory except for zoning purposes and I think the best reference that I would make on inquiry in answer to the Honourable Member's question, is that an examination of the actual number of transactions that have taken place would indicate, a pretty fair indication of how many of these actual applications received favourable consideration, the vast majority of them.

Mr. Taylor: Thank you, Mr. Chairman. I'll resume the Chair.

Mr. Taylor resumes the Chair.

S.P. #7

Mr. Chairman: Is there anything further on Sessional Paper No. 5? The next Sessional Paper is Sessional Paper No. 6, but I believe the Honourable Member who moved the Paper is not with us now so we'll move to Sessional Paper No. 7.

Mr. Chamberlist: Mr. Chairman, while I was down in Ottawa a month or so ago I spoke to the Honourable Ron Basford and asked him when he would be visiting the Yukon. He has told me then that the requests had been made for a brief from the Territorial Council to be submitted. This was early in May -- early in June we were down. This Sessional Paper I did not receive until after I had gotten back from Ottawa. I was wondering whether it was the intention, Mr. Chairman, of Council to submit a brief or was a brief as necessary to have a Minister come down to visit us. I wonder if Mr. Commissioner could indicate with respect to what wishes that

Mr. Chamberlist continued....

the--should be given by the Council in this regard. Do you have to prepare a brief or is the Administration going to prepare a brief. The Council have no administrative personnel, we have no secretaries, we have no staff to do this, is this going to be done by the Administration on behalf of the Council or what?

S.P. #7

Mr. Commissioner: Mr. Chairman, I think what the Honourable Minister is looking for here is some reasonable clarification or some reasonable areas of doubt, should I say, or reasonable areas of possible criticism that he could receive over the signature of the Legislature that would warrant him coming and speaking with the Legislature to see what, if any, course of action that is within the capabilities of his Department to properly assess and analyse these legitimate complaints that the Council would have, I would like to suggest, Mr. Chairman, that if Council so wished to form a small Committee of their own number, that to bring together such a submission to the Minister that we will certainly do everything that we can at the Administrative level to provide them with such Administrative back-up as they would need to prepare such a document. We are not talking about a hundred page brief, we are talking about a letter which would indicate possibly in some reasonable detail those areas in which the Legislature feels that the Honourable Ron Basford's Department would indeed be capable of doing an investigating service here in the Yukon Territory.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Commissioner could indicate when this correspondence first came to the Administration's hand because the date it says on May 11th the Honourable Ron Basford wrote us and after apologizing for not replying earlier continued, and I noticed that it's May 25th when this Sessional Paper was sent out and it wasn't until May 25th that it was printed and it wasn't until, I would say around about the 10th or 12th of June that Members received this and almost a month elapsed between the request of the Minister and us getting this Paper so that we are placed in the position now of not having really the time to do the things that we should be doing in relation to this particular Sessional Paper, so that the Sessional Paper becomes a superfluous piece of Paper because there is no way that we can deal with it.

Mr. Commissioner: Mr. Chairman, all I can indicate is the dates that are in front of me here and I think that the task of the Administration in this instance has been done whether it has been done as promptly as it might that is another question, but I think that the question was asked of us, we did what we were asked to do, the reply came from Mr. Basford and we have got it into Council's hands for discussion for the first session of Council, after we received this communications. There is not really very much else, Mr. Chairman, that we can do.

Mr. Chamberlist: Would not, Mr. Chairman, this Sessional Paper asks for the Council's wishes in this matter, the Minister is suggesting that a brief be submitted by the Territorial Council. Now, why shouldn't a brief be submitted by the Administration not the Territorial Council because in this instance it's passing the buck to us. I think the Administration has a function to perform in this area where the cost of living for people is very high here and I think it's the Administration that should say to the Minister, there is a need for an investigation and a report to be made up on the cost of living. I think that the Administration should say this, not the Council. We just haven't got the capabilities of setting up a brief. But next year when the position as far as the joint effort between Legislative and Executive people will be then Administrative people will be then, this can be done but this should be done now, and I would suggest, Mr. Chairman, that this Council go on record that the Administration make a request to the Honourable Minister that he send a group of people, if not himself, some of his officers to come down and have a look into this matter so that they could meet with various groups of people to discuss the areas of complaint.

Mr. Commissioner: Mr. Chairman, if such a request is made we are certainly going to accede to this request, but the very problem that is

Mr. Commissioner continued....

S.P. #7 raised by such requests as this, and the context in which the Honourable Member has put is the biggest single argument that there is for having elected people to get into the Administrative arm of Government, because we as appointed officials find ourselves on a continuing questioning situation, what should we do with these things, if we decide on our own that we should take the thing in its hand and go ahead to proceed to do it then, of course, we are immediately told by the Council, and quite rightfully so, that we are usurping certain powers which we have no right to do and I couldn't agree more with Council, but if Council makes the request in this instance, I think it is our proper duty then to proceed, and certainly the context in which the Honourable Member put this situation is the argument for getting elected people who are going to be involved in the day to day routine of Government and in that point in time are responsible to this House here for their actions, this is the type of thing which will no longer become a possible point of argument.

Mr. Chamberlist: Mr. Chairman, I wonder at this time Committee Members here could agree that this be done without necessarily going through a formal motion of the House.

Mr. Chairman: If I might offer some guidance from the Chair a motion could be prepared and put under Orders of the Day. We could then clearly outline the wishes of Council as far as the Administration is concerned.

Mrs. Gordon: Mr. Chairman, perhaps the Members from outlying areas, and I'm quite sure everyone has done a certain amount of research on this particular Paper as to the high cost of living. In Whitehorse you have organizations there to which you can refer to get this information because they have done considerable work. Perhaps, if Members from outlying areas who have done research on this Paper made their information available to the Administration, this would help to prepare some background, at least as a preliminary because I know I did research in my own area and it would take time for someone else to do this and there is no reason to see that it go by the Board and someone else repeats the same program. I have the information and if these people amongst the Administration can make use of it, I have it. I'm sure other Members must have too.

Mr. Chairman: Are we clear now that this Paper has been signed and agreed.....

Mr. Shaw: Mr. Chairman, this is a request of Council. Certain Members have brought this matter to this point and I think also, at this point that Council--it is their duty to pursue it, not just say well get the Administration to write a letter. I think that if there is any letter written first off there must be sound investigation in some of these matters and some of these points should be outlined in the brief of just what is wrong. To say well things cost too much, that's something that we all agree on and I think that it doesn't matter where you go in Canada people will tell you the same thing. At the same time I think that there should be something concrete to work on. What is too high, what are the costs, what are the relation of costs between this district and that district and why should it be ten or twenty percent or fifty percent more in this particular district. I think that this to bring anything intelligent to something like this, a survey has to be conducted, a factual survey of actual costs. Now that is going to require quite a lot of work and that's what has to be done. Now, it's fine for Mr. Basford to come up into the Yukon and go into Whitehorse and spend a night there and have a dinner and give a speech and then go home, that doesn't produce anything except a good dinner and a nights entertainment. It takes a great deal more than that, if anything the Territorial Government would need to conduct a survey to find out what these costs are, a factual survey. If you are not going to do it right, you might as well not do it at all because just a letter saying that things are too high I don't think is sufficient.

Mr. Chairman: Are we clear on this Paper? I will declare a recess.

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Wednesday, June 24th, 1970.
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order. I believe some Members indicated they would like to discuss Sessional Paper No. 21 at this time. Correct?

S.P. #21

Mr. Dumas: Yes, Mr. Chairman, if I may. Sessional Paper No. 21 deals with the Y.W.C.A. project in Whitehorse. There are a couple of representatives from Y.W.C.A. in town and they would like to leave as soon as possible if they can get through. The other thing that I would like to ask the indulgence of Committee on is to have these two members sit in as witnesses while we discuss this paper. I realize that we have gone down before on this but there are several questions that I would like to ask and have clarified if Committee agrees.

Mr. Chairman: Committee agree?

All: Agreed.

Mr. Chairman: Mr. Clerk, would you show the witnesses into the chambers.

The witnesses enter the chambers.

Mr. Chairman: We have with us today Mrs. Buchan and Mrs. Hudson to discuss with us Sessional Paper No. 21. Will you proceed.

Mr. McKinnon: Mr. Chairman, as Chairman of the Financial Advisory Committee I would like to lead off discussion on this Paper, and I think I should open my remarks that I think when a question such as the giving of grants by Territorial Government which depends solely upon the largess of the Federal Government for its money, comes about an almost perfect example of just how asinine and ridiculous the system of Government which we at this present day are still living under is, and I think the Members of the Y. Committee will be the first to admit that they have learnt an awful lot about the circles that Government runs at this level goes around in and how impossible it is to get decisions made and how impossible it is to pin responsibility on anybody for not making a decision. Now, since the Y. was before Committee last, I have been to Ottawa and I was in the Minister's office, and the reason I went there is because there were rumours circulating in the City of Whitehorse and rumours that came to me from Y. Members that there were \$200,000 of capital funds available to the Territorial Council above and beyond the financial agreement which we know nothing of for next year for us to act as a third party to pass on to the Y.W.C.A. Now I've stated to this Council before, and I state it again that if the Federal Government in all its magnanimity want to use the Council as a third party to advance money for a very worthwhile project that the Y. is, that I'll be the first to stand up here and say, good, and I'm happy to be able to pass this money along so that this worthwhile project can be built. I went to the Minister's office, I spoke to the Special Assistant to the Minister of Indian Affairs and Northern Development and he said this was absolutely untrue, there was no basis and no foundation to these rumours, where did the rumours come from, could I pin them down and try to get them to his office. He said that the only thing that the Federal Government was willing to do was to say that, if in next year's budget another Council was willing to put \$100,000 of the capital funds available to it, the funds which none of us know which are going to be available, the funds which none of us know whether it will be another unilateral budget shoved down the throats of the Members of Council or whether it will be a negotiated project with consideration given to the economic boom in the Yukon in the last two years, none of these facts are known. That they out of the graciousness and goodness of their hearts said that if the Council decided that out of these unknown figures \$100,000 were to be set aside that they would not refuse the request of Council that this be one of the priorities in the Budget. I came back to Whitehorse, I was

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Mr. McKinnon continued....

accosted by Members of the Building Committee of the Y.W.C.A. who told me that this was not correct what I had heard in Ottawa, that a local representative of the C.M.H.C. has told them that there was absolutely and in fact \$200,000 in money available over and beyond any agreement that the Council does not know of yet, and I was told this by about ten different people, I thought I was going bonkers. I phoned the Minister's office again, I said, now look I've just come back from talking to you and I've been told that I've been called a liar, that this is not the truth, that these moneys are available, now what in the hell is going on, please, and he said what you told me and what I told you is exactly the truth, that there are no moneys available from Federal grants to Y.W.C.A.'s. This is a Provincial type spending and will have to come from your decision to use any money which we may or may not make available to you next year as over and above any type of priorities and over and above any terms or conditions of any agreement that we have made with you. He said that if there is any Member of the Y.W.C.A. Building Fund, if there is any Member of the Executive who has not this cleared in their minds that they can phone me at my office collect and I will tell them exactly what I am telling you, that this is the truth and this is how the matter stands. So, by this Sessional Paper we are now put in the position of granting \$100,000 of a completely new capital, we don't even know who the Members are, not one of us should be here trying to force a Council into money that we don't even know how much we have. We are put in the position constantly on this project of being tried to put in a position of a scape goat, and I'm sick of it, I'm tired of it, I've stood up here and I'll say it again that when we are having budgets continuously shoved down our throats by the Federal Government without a by-your-leave of what moneys are available, when we are not even allowed to negotiate whether we can get money for worthwhile projects like this and then a rumour comes from all over the place that we won't even act as a third party to pass money along which the Federal Government has made available, I don't know where the answer lies to all these rumours and all these lies that are going around, but I'm telling you that as far as I know there are no moneys available, there never has been any moneys available, that it is an impossibility for this Council to pass a recommendation to buy next year's Council to the grant of \$100,000. I'm sick and tired of being placed as a scape goat in this area, I've said that if we can negotiate with the Federal Government a grant I'll do my best to get the grant for the Y.W.C.A. if moneys are made available by the Federal Government for us to pass along, I'll pass the moneys along, but I cannot commit money which I don't even, from another Council, which I don't even know if these moneys are available at this time. That's the long and the short short of it and it is simple for people to say I am dishonest and deceitful about my stand on the Y. on the truth of the matter, is wrong, I've made this statement publicly before and I haven't changed one bit in my assessment of the Y. situation of how we should go about trying to get money from the Federal Government. The moneys just are not available at this time and the only way they can be available is for another Council to try and negotiate them from the Federal Government over and above any agreement which we now have with the Feds.

Mr. Dumas: Yes, Mr. Chairman, the one saving grace in this proposal, the one argument for it I suggest is the economic argument whereby we have \$833,000 committed by C.M.H.C. for the project and the Y.W.C.A. has raised \$120,000, giving a total of \$953,000. I think that it boils down to this. We have to weigh that \$953,000 worth of expenditures in the Yukon Territory against the granting of \$100,000 now is a good logical economic sense for us to commit the next Council and commit the Government and, let's face it, we can't stop passing legislation simply because there is going to be an election this fall. Does it make good sense for us to commit the Territory to \$100,000 expenditure knowing that it will be matched by \$953,000 outlay within the Territory. I think this is the decision upon which we have to make up our minds.

Mr. Chamberlist: I would like to propose a question to Mr. Commissioner at this time. I wonder if Mr. Commissioner could indicate when he was given this advice with reference to the \$100,000 coming out of capital

Mr. Chamberlist continued....
funds for 1970-71.

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Mr. Commissioner: You say the date 1970-71?

Mr. Chamberlist: Yes, this is what I was referring, it...

Mr. Commissioner: Mr. Chairman, with respect I think the last sentence here against the total amount of capital available in the new fiscal agreement to come into operation on April 1st, 1971. In other words, what this paragraph is saying is, if Council is prepared to vote, in other words, if Council request of me a supplementary estimate at this time in the amount of \$100,000, I have my Minister's approval to put that before Council on the understanding that the \$100,000 will be recovered as a first charge against the capital funds that will be available starting on April 1st, 1971. Now, you asked me what date that I was advised of this and I'm sorry I don't have the exact date here but it was contained in a reply to my letter to the Minister, to my Minister on April the 21st. That was the date of my last communication to my Minister was April 21st, and it was in his reply that, based on his reply that this Sessional Paper is made up. I'm sorry I haven't got the date of the reply.

Mr. Chamberlist: Well, Mr. Chairman, are we to understand that the last correspondence that took place on this subject matter was as a result of your communication of April 21st and you don't know when this reply was, it's very important at this time that as a result of conversations that I had with the Minister's office when you had this reply, when Mr. Commissioner had this reply and when this Paper was prepared. It's very important at this time.

Mr. Commissioner: Well, Mr. Chairman, I'm sorry I haven't got the exact date, this date can be obtained, I mean it's under my Minister's signature. The date can be obtained and as far as the date of the preparation of the Paper is concerned, to my knowledge June 19th date is the date that the Paper was finally prepared in our offices. Mr. Clerk can verify that, but certainly the Paper was in preparation for some little time prior to that, but I'm sorry I just don't have those exact dates.

Mr. Chamberlist: The inference I'm drawing is that this Paper was prepared on the basis of the question of the Commissioner and the answer received at that time which could have been prior to my being in Ottawa the last time with Councillor McKinnon. Mr. Chairman, I do not wish to disclose the discussions that I have had with the Minister because I take it, and another Minister, two Ministers that were involved because I feel that it is privileged conversation and I don't wish to give out the contents of that, but I feel that if the Commissioner, Mr. Chairman, has based this Paper simply on the reply he received through the communication of April 21st, we haven't got the complete information that we should be having available. I'll go no further at this time until I hear more on it.

Mr. Commissioner: Mr. Chairman, I cannot say that there isn't more information available but I would say this, and I make it abundantly clear, Mr. Chairman, that this Paper is made up on the basis of the most up-to-date information that my Administration has available.

Mr. Dumas: Mr. Chairman, there is one area on the Y.W.C.A. project that should be clarified. My initial opposition to the project was based on the idea that it was too rich for the blood of the Yukoners, 119 bed hostel, I suggest that something like a 50 or 60 bed hostel since that time I've been told that, had it explained to me as to why this would not be feasible and why the larger unit would be better. I'd like the witnesses now to tell us, in their opinion why they went for a 100 bed unit rather than a 50.

Mrs. Buchan: The reason we went to the 100 bed unit was a plan especially to sharp reasoning because we felt there was a need for this accomodation in the first place. At the time we thought we could

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Mrs. Buchan continued....

cut the project or at least cut down in bed size to fit within the mortgage. When we did a survey on this it was impossible to operate on a 50 bed unit economically simply because you need the same amount of staff, you need the same amount of operating equipment for a 50 bed unit that you need for a 100 bed unit and the rental could not repay this, the mortgage plus the operating, a 100 bed can. I don't know whether you are aware of the Yellowknife situation with the Y. there. It was planned as a 50 bed unit, their operating expenses when they worked them out was going to be \$250.00 per person, therefore the Y. in Yellowknife is not completed this year although the capital funds are available to us, because they cannot afford to operate it on that basis of 50 beds.

Mr. Chamberlist: Mr. Chairman, I don't want to go into the house-keeping of the Y. establishment at this time. I think that we should concern ourselves really on the basic thing about this money. Now, as I have already indicated, and I cannot disclose the conversation, I'm worried that this second paragraph from last does not give the details as I understood them. However, the thought has been put into my mind, something that's really in favour and why I support the concept of this type of operation. It is rich but how rich was the senior citizens home which houses about twenty people at the cost of \$750,000 or thereabouts, how rich was that, how rich is it then that a concept of this description is going to house about 100 people at about one-third more of that. So the richness could be overcome, I think that the Y. people, with respect to the witnesses, have gone beyond what they should have gone, but the question now is whether this \$100,000 that they ask for, even if you dissect this paragraph and this is why I am asking, and I can't ascertain this from the Commissioner whether the Commissioner worded this, I wonder, Mr. Chairman, if Mr. Commissioner will indicate whether this paragraph are your words or the words of one of your Officers?

Mr. Commissioner: Mr. Chairman, it's my signature that is on this situation and I cannot claim authorship of every individual item that comes before Council but I accept responsibility for its contents, and I accept fully the responsibility for the content of this Paper, and it is based on the most up-to-date information over my Minister's signature that I have on this matter. It states very clearly that if Council wished at this time to vote \$100,000 in capital funds for the Y.W.C.A. that I have my Minister's approval to table such budgetary item at this time, and that the \$100,000 will be made available or will be recovered by the Yukon Consolidated Revenue Fund as a first charge against the capital borrowing program which begins on April 1st, 1971.

Mr. Chamberlist: Mr. Chairman, I said I out-smarted you when I as a question of the Commissioner and Mr. Commissioner thinks I'm trying to lead him into a trap. I'm not doing that, I'm not doing that at all, because where there are certain punctuations in this paragraph, if I read it I think that there is a way out because the capital funds for 19--if we vote \$100,000 out of the capital funds for 1970-71, this is what we are in now so we can't do anything like that at all because those capital funds have been voted for.

Mr. Commissioner: You can vote another \$100,000 if you want to.

Mr. Chamberlist: If we can vote another \$100,00, but we can't do it out of the existing capital funds that we have available now. This is the point that I'm getting at. Now, if this could be clarified firstly whether it's meant, and I'm...whether this meant will be vote out of the capital funds for 1971-72 and get an advance of that.

Mr. Commissioner: That's what it is.

Mr. Chamberlist: Well this is what it should say so because I would suggest that you read this paragraph, then we could look at it again in another light, I suggest. But, lets get this point clarified first,

Mr. Chamberlist continued....
 that's what is meant, and I think I'm asking this so that it is recorded, what is meant, that we vote on \$100,00 out of the capital funds of 1971-72, not out of the capital funds of 1970-71 which it says in that paragraph. Which is the right thing?

Mr. Commissioner: Mr. Chairman, you are talking about two things. The voting power and the voting authority of the present time can only cover the fiscal year of which you are in. The means of securing the funds is another matter altogether, and the means of securing the funds, if you decide to vote them at this time, is as a first charge against next year's capital borrowing program.

Mr. Dumas: Mr. Chairman, I would like to speak on this. All we are going to do is get an advance if you like on next year's allowance. If we spend \$100,00 this Session of Council to make available for the Y., Ottawa will then send us \$100,000, but it will be deducted right off the top when we start negotiating in the next fiscal agreement.

Mr. Chamberlist: Right. I follow this and this is why I want it clarified that this section which says, "if the Council is prepared to vote \$100,000 out of capital funds for 1970-71", I say that we shouldn't vote it out of this but we should ask for an advance, then we do not interfere with our existing budget because who knows what the capital funds are going to be next year. Whoever negotiates it negotiates it for \$100,000 more.

Mr. Dumas: That would be nice if we can do it.

Mr. Chamberlist: Sure, this is...I think so. If the Commissioner would say that we will be asking, if the Council consents to it, Council will ask for an advance of \$100,000 out of next year's, I see nothing wrong with it because whoever negotiates next year just has to negotiate for \$100,000 more, but if it is left as it is here, that what the question that is being asked is that we take the \$100,000 out of our present capital and this is what the Honourable Member from Whitehorse North quite properly says, no we can't do it because we have used it, that the Budget Review Committee has cut it right to the bone and we can't do it. Now, why I was asking the question I did to Mr. Commissioner, Mr. Chairman, I wasn't intending to trap the Commissioner and this is why he says, well it's under my signature, the Governor General signs documents as well but he doesn't know about everything, nor does he accept the responsibility of everything. I understand the Commissioner accepts the responsibility of these things, but I'm not trying to trap you, all I want to be quite clear, Mr. Chairman, is that we do not vote out of our capital funds this year and I would ask the Commissioner, Mr. Chairman, if at this stage he was prepared to ask for--a clear question, can we have advance from next year's capital funds of \$100,000? Now, upon this answer would rest the answer whether or not we can say to the Y. we will make this available to you. This is my feeling on it.

Mr. Commissioner: Well, Mr. Chairman, you are dealing in semantics and at the present time all capital funds for projects in the Yukon Territory come to the Yukon Territory from the Federal Government. But this Council must vote those funds and the use to which they are to be put. In the course of this year's budget, the budget that we are working in at the present time, unless some present projects we find we cannot proceed with or some type of projects are desirable to be delayed or some other means have been found to save any money from our contemplated capital projects this year, we do not have, should I say, cash availability for this. What the Honourable Member has said is, if we voted now where is the money going to come from? This is really a good question. The answer is that the money will come from the Federal Government. It will not come under the present agreement because the present agreement has already been signed, sealed and delivered. The recovery of the \$100,000 will be from the next fiscal agreement. There is no question about Council's authority in this matter. The question of where the money will come from, there is no question about where the money will come from, so it is a question of semantics however you wish to word it.

S.P. #21 Mr. Dumas: Mr. Chairman, I am inclined to agree with the Commissioner on this and I think the Honourable Member from Whitehorse East is very simply saying lets hope that we've got a real good negotiating team for the next fiscal year and see if they can't draw an extra \$100,000 out of the Government over and above that which the Government would probably be prepared to go. I think it could be done with a strong team.

Mr. McKinnon: It's only fair, Mr. Chairman, then for Mr. Commissioner to get on the phone with his Minister and ask whether the capital monies are available under the unsigned five year agreement will be the capital money which will be made available without any deletions or without any room for maneuver because, as Chairman for the Financial Advisory Committee this is what I've been told from Ottawa that the terms of that unsigned agreement will apply without exception in next year's budget and it doesn't matter if we want to cry, go to the Wailing Wall, kneel, grovel, pray, anything, that's it fellows and your not getting another cent exactly the same as it was in this year's budget. So it would be completely irresponsible for this Council, with that already been said as a fact from the Federal Government to commit as that being a fact \$100,000 for the next year's Council to set priorities on.

Mr. Dumas: Well this is a new piece of information, Mr. Chairman. I have been on that Committee for the last three years also and it's the first time I have ever....

Mr. McKinnon: Right, this is from my discussions in Ottawa with the Minister and his assistant.

Mr. Dumas: I never heard that.

Mr. McKinnon: Well this is just what I say, because this is the idea, this is the knowledge that I've gained and I think it is only fair for the Administration to find out whether this is absolute or not because that's the way that I've been told it, that this \$100,000 for next year will not be over and above any monies that are available in that five year agreement and this will just be the first charge against us, so we have to block out \$300,00 for the Carcross road this year to bring it us to truck standard, so we are building numerous rooms and librarys and can't staff them, so we've cut out the archives building for ten years, so we've cut out facilities and improvements in Territorial Buildings all across the Territory that none of these will be available for next year's budget either.

Mr. Shaw: Mr. Chairman, this is so clear I don't see why we need all this discussion on it.

Mr. Chamberlist: Oh, close it.

Mr. Shaw: The Honourable Member for Whitehorse East has gone around and around the mulberry bush, which states very,very clearly, if one can read, that this will be a first charge against the total capital expenditures in 1970-71. That's very clear, and all this Paper asks is whether Council is prepared to commit another Council to an expenditure of \$100,000 out of the funds for next year. It's as simple as that, there is no question about it.

Mr. Chamberlist: Mr. Chairman, as far as I read this, there is contradiction in both the last two paragraphs, because I don't like the idea of a request being made for \$100,000 to be voted out of, and these are the words, "out of capital funds for 1970-71". Those capital funds have already been set and have already been set for specific purposes. Now, the Honourable Member for Dawson, unfortunately he is the only one that can read English, but it is clear to me that this is the position and I feel unless there is a way to overcome it I think that perhaps if the Commissioner took the opportunity, Mr. Chairman, of checking out the suggestion that has been made by Councillor McKinnon, because this is the first that I have heard of that particular statement and I also had much discussions in Ottawa.

Mr. Chamberlist continued....

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Obviously, it might have been good if we had both come together for the same people instead of going to the same people at different times.

Mr. Dumas: Why do we send these people to Ottawa they don't tell us anything anyways.

Mr. Chamberlist: I would suggest that if you read the Northern Affairs Committee Reports then you will be able to know what was said about it. However, I am prepared to give my support to it if it is an advance only on next year's capital so that the capital funds requested can be negotiated with the inclusion of those funds. I see no objection to that particular thing.

Mr. Livesey: Mr. Chairman, I don't read it that way at all. I don't think that it is possible for this Council to deal with next year's budget. Next year's budget is next year's budget, and next year's budget is next year's Council. That's as obvious and as clear as can be. I think it's totally unconstitutional for this Council to even consider that they can talk about next year's budget and what it says here is if the Council is prepared to vote \$100,000 out of the capital funds of 1970-71, we have been advised that this amount can be made available as a first charge against the total amount of capital available in the new fiscal agreement to come into operation on April 1st, 1971, so obviously what they are talking about is that we deal with this year's budget in order to talk about it that we can deal with it they have put 1970-71 in there as far as I can see because this is the only thing that's possible. You can't talk about 71-72 in this year especially with this Council, that's for certain when our term of operation is going to end this year. How can we commit something that is not even before us. We haven't got next year's budget before us. We can't deal with it in any event. We were talking about 1970-71 for the purpose of making it clear that we can deal with it on the basis of taking it out of next year's budget, and personally Gentlemen, I think the whole thing is unconstitutional.

Mr. Dumas: Mr. Chairman, the problem then arises. It's obvious that this is an advance to be charged against next year's budget, no problem there. But, the problem now arises that Councillor McKinnon has been told by Ottawa that next year's budget is already fixed and set and we can't negotiate it, there is nothing we can do about it. If that is, in fact the case we have absolutely no alternative.

Mr. Chamberlist: Is the Commissioner aware of this?

Mr. Dumas: That's a good question, is the Commissioner aware that this is in fact the fact, Mr. Chairman, that next year's budget is said under the terms of the five year agreement; there will be no negotiations, no changes?

Mr. Commissioner: Mr. Chairman, this is absolute news to me. I have inquired of Ottawa in the course of the last ten days and asked them when we may possibly have some indication as to when there will be monetary information available to us and I am speaking from memory here, but to the best of my knowledge I believe the answer came back that we could not hope to hear before the end of July or early August and I am very surprised to hear the statement that these matters have been fixed at this time, and the capital spending situation, no matter how many projects that we wish to have or how many projects that we do not wish to have, we all know that there is never enough capital money. We have to match operation and maintenance money with our capital needs and I think one of the questions that is really very important to Council at this time is that if Council is being asked for this money and should Council give favourable reaction to it, is Council going to be faced at any time in the foreseeable future with request for operating money to go along with this capital. Now, every time that we deal with a capital project and the Members of the Budget Programming Committee who sit around this table, are just as aware of this as I am, is that we have arrived at a point in time in the Territory when we have to take a look at the consequences of capital expenditures. It's all very well building

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Mr. Commissioner continued....

more schools and more libraris and more this and more that and more everything else. At least when you identify the capital that is the finish of that, you've built the built. From that point on until the day of eternity you've got the operating cost to meet, and the flexibility and room for manoeuvring around this table is getting less and less every day as a consequence of these huge capital installations which we have all over the Territory, as desirable as they may be. We need twice as many more of them but our problem is finding the operating money for it and I think that one of the questions that is uppermost in Councillor minds is if this capital grant...is Council going to be faced with requests for operating money to help substantially the capital aspect of it, and I think if Council could be satisfied that in this instance if a capital grant was made, that at least this would not be accompanied by a continued requirement for operating cost or assistance in operating cost, it may help to clarify a point as far as Council is concerned. As far as the monetary expenditure is concerned, you can wrap this around in a hundred and one different ways, it is always the semantics.... you want to with regard to it, in effect the Minister is saying to you, "if you wish to go ahead at this time, and over-expend in this year your capital budget to the extent of \$100,000 with the Y.W.C.A. in mind, you have the Minister's blessing to go ahead and do so". It will be up to the negotiations for the next fiscal agreement to have that \$100,000 as a first charge against those moneys.

Mr. Dumas: Yes, the question arises here that if we are over-spending by \$100,000 this year and it turns out that in fact our income is greater than projected in our last few balances, greater than projected, will this obliterate that \$100,000 or are we still stuck with next year's negotiations?

Mr. Commissioner: Mr. Chairman, you have asked a question which is a pertinent one, but might I suggest it was put in the wrong context if the Honourable Member---I don't think that we talked about lapsing balances in excess of income over expenditure on the capital side of the budget. We only talk about this on the operation and maintenance side of the budget. I think the question is, are we going to under-expend or is there a possibility of under-expending in the course of this fiscal year on the capital side of the project \$100,000. In other words, the question is, can we find, if Council was favourable towards this, can we find \$100,000 of potential under-expenditure on the capital side of this year's.. I believe this is the question that the Councillor wished to put.

Mr. Chamberlist: Mr. Chairman, I would like the witnesses to answer Mr. Commissioner's question before I continue, as to whether or not the Y. Organization will be making any demands in the future for operational money from the Territorial Government?

Mrs. Buchan: It is certainly not the intention to do so because the planning has been done through a Provincial arrangement to pay for the operation of the complex.

Mr. Chamberlist: Could there be assurance given, Mr. Chairman, from the witness that there will not be any money demanded for operational grants.

Mrs. Buchan: I can't commit the Y.'s future either, Mr. Chairman.

Mr. Chamberlist: The new thought that has come to me, Mr. Chairman, Mr. Commissioner might object to this and I think he will, but I understand that the Territorial Government has some money, about a million dollars or so on short term loans. Could not we advance this \$100,000 and make an arrangement for the Y. to pay this money back to us without going through the Federal Government? We can do what we like with our own money surely.

Mr. Commissioner: Well, Mr. Chairman, this proposition has already been put to you by the Y.W.C.A. I'm sorry I don't remember the exact context of it, but I believe the suggestion was that there would be a loan made

Mr. Commissioner continued....

from the Territorial Government to the Y. and that this loan would be liquidated by seeking grants each year from the Territorial Council to liquidate the loan. But, Mr. Chairman, with respect we have already been told very abundantly and clearly by Mr. Hadden of C.M.H.C., that it will require \$200,00 over and above the financial ability of C.M.H.C. on this in order to make this a feasible project, and we are down now to the point, as I understand it, that those moneys are reasonably assured and I bow to the witnesses on this, except for \$100,000. Now, when the Honourable Member is asking about whether or not the Yukon Territorial Government has the authority or is in a position to make a loan to the Y.W.C.A. as outlined, I am going to say this, that I personally have no objections to this but I would want to make it abundantly clear that I want to check with my authorities as to whether or not I can do this or not before I make any commitment. I make this abundantly clear.

Mr. Chamberlist: Mr. Chairman, I recall the proposition that was put forward and I think Members of Council turned it down because of the suggestion that grants would be requested each year to pay up what we were loaning. It was turned down on that basis, but I'm putting it in a different manner that if we cannot get this money from--help give this money to the Y. outright as a grant from our capital money, could we not then make some arrangement on a long term basis to loan them this money. What would be the thought of the witnesses if we had no other alternative but to do this if it is only \$100,000 this time, not \$200,000?

Mrs. Buchan: Mr. Chairman, obviously if we have to pay back the loan, the rentals will have to go up because we have no other source of revenue unless we could get a grant every year to pay this money back.

Mr. Shaw: Yes, Mr. Chairman, the business implies we have 120 or 130 units, now, we have been informed that a 50 unit operation is totally uneconomical. Very well, that means that this organization with 119 or 120 units is going to have to be pretty well filled up at all times in order to pay its operational cost. I find that, looking at it in a matter of dollars and cents, when a matter of repaying \$100,000 over an extended period of time was scrapped, an organization in the extent that it has to raise the rents or whatever you may call it is a somewhat ticklish proposition insofar as there is too fine a line between profit and loss. Now, if per chance the occupancy of this building, this project is 55% or 60% when it has to have an operational capacity of 90%, then here we have a building that is in a position of where can it get the money to pay its operating cost. There is only one place it can get it from, or two places, there are two alternatives. One is to raise the rent of this building and the rent seems to be fairly high right now. To raise those rents or to ask for a grant. It has to be one or the other and I can foresee that if that should come about it's going to create a pretty tremendous problem both on the, I'd say the persons that are representatives of the Yukon and also the persons that are endeavouring to operate this installation. In my estimation, and I'll be very frank about this, Mr. Chairman, I think that it is far far too big, 130 units is a pretty--and a million dollar installation it could cost a tremendous amount to operating cost in the future. Twenty-five or thirty may not be economic, but it appears to me that we have units in Whitehorse, small apartments of ten, twelve units that seem to get along economically. The rents are not abnormal -- they're high, but they're not too terribly out of position, and if this doesn't work quite according to plan, it is my belief there is a lot of trouble ahead both for the people that are operating it and for the people that are representatives at that particular time.

Mr. Chairman: I think in view of the time, I think we will stand Committee in recess until 2:00 o'clock this afternoon.

RECESS

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Friday, June 24th, 1970.
2:00 o'clock p.m.

Mrs. N. Buchan and Mrs. J. Hudson in attendance.

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Mr. Chairman: I think at this time we will call Committee back to order. I believe Councillor Dumas has the floor.

Mr. Dumas: Yes, Mr. Chairman, I wanted to make the point before noon that after listening to debate and after giving this thing consideration for a long time, it's my opinion that the \$100,000 should be made available for the Y.W.C.A. Now, even under these stringent terms that Ottawa has put upon us which I don't think that they should have put upon us, however, my stand in feeling is this, Mr. Chairman, we in the Yukon accept private enterprise time and again to take chances on investments in the Yukon, indeed I've done it several times in my business. The investment that we are talking about here is less than 10% of the total investment that will be spent in the Yukon. I think that we should take a chance in this matter, and it is a gamble, I realize that but I think that we have things going in our favour on an overall basis. I think, for instance, that there will be more moneys coming from the Territory this year than we probably anticipated. I think that we will be able to do some negotiating next year, not withstanding what we have heard from Councillor McKinnon and what Ottawa's present stand may be. I think with two Councillors on the Executive of the Government we will be able to make very strong representation to Ottawa to try and negotiate a fiscal agreement which will allow for this \$100,000 expenditure. On this basis, Mr. Chairman, I take my stand. Prior to 12:00 o'clock the Honourable Member for Dawson had mentioned several times that it's 130 bed unit. I would like to point out that it's a 119 which does make some difference. The other point that I might make is as far as operation and maintenance deficits are concerned, there are four possible sources of meeting deficits of O. and M. Two of them were pointed out by the Honourable Member, increase rent and grants from the Territory, the other two sources are fund raising drive by the Y.W.C.A. and they have proven this out to being very adept at raising funds and also a grant from the City of Whitehorse. So there are several ways of going about off-setting deficits for any given year in operation and maintenance. I suggest, and as a realtor, I suggest that the O. and M. deficits probably will come within the first couple of years but I think after two full years of operation it will probably more than pay for itself, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I would find this extremely difficult, with the understanding that I have by the Federal Government that they are to adhere in next year's budget, as they did in last year's budget and have done for every budget in 67-72 followed stringently the lines of the five year agreement which is not signed and is still being used as a guide-line which is to them an operable as to the moneys which are given to the Yukon Territory. The only exception that has been made, to my knowledge at this time, is the Anvil agreement which has been negotiated outside and above the five year agreement. As far as I know at this moment it is the intention of the Federal Government to negotiate the next year's capital and operation and maintenance along the well defined guide-lines as outlined in the five year plan. I have been informed that the Y.W.C.A. project will not be included above and beyond these guide-lines that are settled in the five year agreement. Now, I think that it would be irresponsible for this Council to bond a future Council when this type of information has already been passed along, or at least, very seriously we intimated that next year's budget will be exactly along the guide-lines as this year's budget was. I think that there is no possible way that you can give a \$100,000 advance over next year's budget when that budget has not even begun in the process of being negotiated out at this time and every indication is given that it will be another absolute austerity budget. I think one realistically has to look towards other

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Mr. McKinnon continued....

methods. This is the only way that this money can be found, if, in fact it can be found. Now, the \$75,000 that was originally put before this Council table that we would either quit in the construction of not permanent but the temporary dormitory facilities at the Vocational School has not been spent to this time. The reason it hasn't been spent is what accommodation has been found on a rental basis for these students who cannot be fed into the Vocational School dormitories at this time. I personally don't like the concept of trailer type transient units for the Vocational School students who will be attending school there. To this moment the influx of personnel and students at the Vocational School has not forced the building of these temporary trailer type units. I say that this money could much be further and better off spent if this \$75,000 that was earmarked for this Vocational School was the grant and the only grant and the total grant that was given as a Provincial Territorial type function from the Government of the Yukon Territory to the building of the Y.W.C.A. in Whitehorse. I think this grant should be transferred to the Y., that this should be the donation of the Territorial Government towards the building of the Y.W.C.A. complex in Whitehorse, that we should ask Mr. Commissioner whether he would be willing and able to convince his Minister that this money should be put to this type of use and that this grant can be made from this Government to the Y. upon the condition that the major financing from C.M.H.C. will still be available and the negotiations can be worked out on the basis of this \$75,000 grant. Any other type of finagling and manoeuvring to me, would be irresponsible, it would not be realistic and I think that's one thing that we have to do because this project has just gone around in circles for so long now is just find out what moneys can realistically be put towards a grant from this Government to the Y.W.C.A. As far as I am aware as Chairman of the Financial Advisory Committee, these are the only moneys that this Council could actually commit itself at this time to the Y.W.C.A. Building. I would like to ask Mr. Commissioner if this is a possibility in any way shape or form.

Mr. Commissioner: Mr. Chairman, the answer is in the affirmative and I am quite confident that if it was Council's wish and they did put this forward by motion that I can secure my Minister's concurrence forthwith to this proposal.

Mr. Dumas: Mr. Chairman, I think that this would be a fine move. I think if it solves the problem, it's not quite as much money as was hoped for but in fact the differences as outlined in this Sessional Paper is \$87,000. If this \$75,000 is forthcoming, I think it would probably be close enough to do the job. The only exception I take to what the Honourable Member for Whitehorse North has said is suggestion that it is irresponsible to act now if we had to act in this other matter. I cannot agree with that.

Mr. Chamberlist: Mr. Chairman, we went over this particular routine before and it was turned down by this Committee. It's being brought up now by the Honourable Member for Whitehorse North. I suggest as an attempted compromise to the stand that he has already taken in relation to it, now the--I echo also the remarks of the Honourable Member from Whitehorse West when he takes objection to the suggestion that because other Members of Council might think differently in regards to making funds available to the Y. is an act of irresponsibility.

Mr. Dumas: Question of personal privilege, Mr. Chairman. I didn't say this, Mr. Chairman.

Mr. Chamberlist: With respect, Mr. Chairman, the Honourable Member from Whitehorse West should listen. I said I concur with the words that have been said by the Honourable Member from Whitehorse West that it is not an irresponsible act to disagree with the methods that the Member from Whitehorse North suggested. I don't think it's irresponsible because Members of Council have different ways and different methods of trying to get over a problem that we are all concerned with. I would like to refer back to the debate, unfortun-

Mr. Chamberlist continued....

ately I haven't got it here because we've given the honour of this meeting to the Watson Lake people to be here so we haven't all our records here, but I would like to be able to refer to the discussion that was held with reference to the very thing that the Commissioner now has agreed would be able to be done by making available, and if this debate is available perhaps I will sit down and have a look at this so that I can come back again to the subject while matters are being discussed, Mr. Chairman.

Mr. Chairman: Order, please. Mr. Clerk, is there a copy of the Votes and Proceedings on that Session?

Mr. McKinnon: Mr. Chairman, I'd like to make one thing clear. I never intimated the Member's actions were irresponsible. I said it would be irresponsible to force an issue or to force a payment to a Council that wasn't even elected at this time as yet. I didn't allude at all to any Members as being irresponsible.

Mr. Dumas: Mr. Chairman, I might point out that it appears now, although we don't have all the information, it appears now that the \$75,000 required for dormitory space when we last discussed this issue is no longer required, therefore, there has been some changes in the capital outlay necessary in this fiscal year. Now, if this money is no longer required for that purpose then by all means let us see if we can't transfer it over to the Y. project. Now, I would like to know, Mr. Chairman, if, in fact this is so, that in the opinion of the Administration the money for this capital outlay for dormitory space for the Vocational School are no longer required.

Mr. Commissioner: The answer is this, that we have been quite successful in buying the required space for a student population over and above our ability to look after them in the Vocational School. It would appear that the hotel operators in Whitehorse, during the off-season now have a certain amount of unused accommodation which they are prepared to make available to the students from the Vocational School at a price that is not too much different than what their allowance is that they get under various training schemes permit them to pay. The consequences of this are that we do not feel that it is advisable to proceed with this temporary dormitory accommodation situation in view of those circumstances, therefore, the \$75,000 that is here marked in our current estimates for this is freed for use either in this fiscal year or in future fiscal years for capital project and it is on this basis that my answer is in the affirmative to the question as raised, Mr. Chairman, by the Honourable Member from Whitehorse.

Mr. Chamberlist: Mr. Chairman, the Clerk has been unable to find that particular section today, I've forgotten whether it was in the first Session of this year or the Fall Session of last year, but this was discussed. Didn't I--if I recall correctly, Mr. Chairman, that it is a question then that if this money was made available the Y. would have to give accommodation in lieu of the \$75,000, up to that \$75,000 amount and it was turned down on that basis. This is what I recall. Now, perhaps Mr. Commissioner can correct me or otherwise if this was not the case.

Mr. Commissioner: Mr. Chairman, I think the proposition was discussed along various angles, I think the original one being that if this capital grant was made that there would be certain prior considerations given to the requirements of the Territorial Government for students attending the Vocational School. A second indication that came along was that if this wasn't acceptable perhaps this should be considered as prepaid rent. Now these were the two approaches that were given at that time, however, it is my duty to inform Council of the facts as they appear at the present time and at the time this was discussed in Council we were not being too successful in securing adequate accommodation from the hotels in Whitehorse. The situation has entirely changed since then and I am informed by the Director of

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Mr. Commissioner continued....

Vocational Training that we have adequate offers from the hotel operators in Whitehorse to take care of our anticipated student needs for the coming term and there is no reason to believe that this will not carry on into the future.

Mr. Chamberlist: Mr. Chairman, again I'm just going on memory, if I recall the Honourable Member from Whitehorse North was against this money being used as an out-right grant at that time. If the Honourable Member is opposed to out-right grants at that time, why is the switch at this time. I see no objection myself in making funds available, but was it not the Financial Advisory Committee when sitting with the Budget Review Committee was it not their understanding that they had not out some other project at the time because of the need to have the \$75,000 in for the temporary vocational areas and if not why wasn't it used elsewhere or could it not be used elsewhere because I'm concerned now that the money that will be given as that to the Y. could have been used on other projects. My interest is I'm trying to obtain from the Federal Government that extra money to make an outside grant and I think we would be defeating the purpose and yet gaining some friends. Now, I'm more concerned that we should not defeat the purpose and that is the purpose of having funds available for proper distribution on Territorial capital projects.

Mr. McKinnon: Mr. Chairman, unlike the Honourable Member from Whitehorse East says what is known as a flexible mind that circumstances and conditions change, I am able to change my opinion of these facts as they happen to be at that time. The Director of Vocational Training made a strong pitch before the Budget Programming Committee and before this Council that these accommodations were immediate, they were necessary and they would be much more economical than the accommodation available than the Y. complex. The situation has changed where they have found they are able to get economical rent accommodation through local hotel keepers. This was not available at the time the presentation was made by the Director of Vocational Training, things have changed so accordingly my thinking has changed on it also. I'm more in opinion of giving a direct grant with no strings attached rather than keep going around in circles the way we have been trying to come up with conditions, trying to come up with formulas, trying to come up with all and various ways of getting a very necessary and worthwhile complex built in the City of Whitehorse. I see that now is a way that both all the ends can be accomplished and at this moment I'm willing to pass a formal motion to this House asking that these moneys which are no longer needed because the facts have changed in the accommodation of Vocational School students and that these moneys now be given as a grant, as a Provincial type grant as the Provinces do and Y.W.C.A. complexes are built in those various jurisdictions, be given by this Territorial Government as their contribution towards the Y.W.C.A. complex in Whitehorse.

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

Mr. Chamberlist takes the Chair.

Mr. Chairman: Go ahead Councillor Taylor.

Mr. Taylor: Mr. Chairman, I haven't taken the opportunity of engaging in this debate up to this point in time but I would like to comment on a couple of aspects of it and give you my impression of how I feel about this. Now, in the first instance I would like to say that I have certainly nothing opposed to the Y.W.C.A. in Whitehorse. I would say though that I'm very concerned with where the Territorial taxpayers' money is spent. I've had the opportunity over the years from time to time serving on the Budget Review Committee or more particularly the Financial Advisory Committee of Council. I've endured the same frustrations as those Members who now serve on that Committee have endured. That is, when you slice a budget you pare it, you get it down to the bare bone, then Ottawa comes along and says, "Okay, fella's start paring again you better find another three million dollars out of that". I've gone through this routine as many as others at the table

Mr. Taylor continued....

have done, and I cannot sit and logically, sensibly and intelligently discuss an item of this nature without reflecting back on this little exercise in frustration. We are charged with the responsibility of putting, when we go into that Committee, priority on expenditures. So we don't get a school here this year, we'll put a portable classroom there, we might be able to build a nursing centre there but in order to build the nursing centre there we've got to cut four graders off of the Engineering Department, and so it goes, and I need not elaborate on this because everybody is aware of how this works. And when we talk about the expenditure of \$100,000 as an outright grant, I can't buy it. I can't buy it for this reason, that there are, I think in my opinion, other more pressing, more needy projects in the Territory, in Dawson, in Watson Lake, in Teslin, in Carmarcks in the other places outside of Whitehorse where we are constantly reminded each year, "I'm sorry fella's, we'll have to put this project or that project over another year because we just haven't got the money". Now, all of a sudden we do find that we are talking about, we don't have this \$100,000 unless we take it out of next year's revenue. This fiscal agreement binds us to the extent that we can't find it out of this year's revenue and it's obvious why we can't. We can't in all honesty as the Honourable Member from Whitehorse North has pointed out, precommit a future Council to a future budget. One that has not been negotiated or discussed, certainly along the lines that we understand Ottawa agrees to and for that reason I couldn't go on with this but the other reason is very important too. We sat in Council and looked for enough money to pay the Yukon Chamber of Mines a small grant. We wanted to give \$15,000 to the Skookum Jim Hall in Whitehorse, we couldn't find the money. Well eventually with a little chopping here we took something from here and we cut that off and, you know, through the Budget Review Committee and the Administration they found enough money to make these things go, just. And here we are talking about passing off as an outright grant \$75,000 or \$100,000 of the taxpayers' money in the Territory. Certainly the capital funds, I suppose, are recoverable but there are many projects in the Territory that I feel, in the hinterland, outside of the City of Whitehorse, and believe me I'm not opposed to the City of Whitehorse, but I do think that there are many projects in the outlying districts that have been continually deferred in order to build F.H. Collins School and in order to do here and do there. Another thing that should be recognized when we are talking fiscal agreement and I haven't heard this discussion around the table in the last two or three Sessions because we have not been in an opportune position to discuss fiscal agreements. We're just told you fellows take it, we'll dish it out to you and this is what you are going to get, like it or lump it, as the Honourable Member from Whitehorse North had said. But if you read the amendment to the fiscal agreement and you will notice on the revenue side of the picture that they have stated that they will follow the recommendations of the Touche-Ross Study and certainly I would suspect that in all Territorial fiscal relationships that they will use the Touche-Ross Study as a guideline and regardless of what we think or what anybody thinks this is what we are going to get, and there is not, in my opinion, enough latitude within that report to find money along the matter we are doing. All right, it has been stated by Mr. Commissioner that the \$75,000 which we were going to use to build the dormitory facilities for the Vocational School in Whitehorse are not longer required for that purpose. Now this money has suddenly and immediately become available this afternoon or this morning or whatever for a grant and I don't buy this. If there is \$75,000 of the Territorial taxpayers' money or the Canadian taxpayers' money available, take and look again at the priorities on expenditure. Lets see if we can maybe fix up a nursing station at Ross River, lets see if we can do something else, or even in Whitehorse there might be some needy facility, but let us not just blatantly say well here, we've got \$75,000 here, go with God and be done with it. I can't buy that, and also I come back to the same argument, many Members of you, is that we cannot precommit a new Council to an expenditure of any kind of money whether it's \$1.00 or whether it's \$100,000 or whether it's a million and a half dollars. So, these are my initial remarks on this in this debate. I do offer one solution, I'm not critical without coming up with what I think would

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Mr. Taylor Continued....

be a good approach to this problem which would help the Y.W. and would probably get us out of this mess, is that we approach the Federal Government and ask if funds can be made available to make a loan on a very low or even no interest basis to the Y.W.C.A. Sure, they will have to increase the rent as was stated this morning, they couldn't offer rent at the level that they now see is an economical level. They have still got their operation and maintenance to consider and so they are going to have to raise the rent, but on a long term basis they maybe able to repay this loan, and if they could show that they could repay the loan then I feel that the sum of \$100,000 should be made available on that basis but I cannot buy the expenditure of Territorial funds in all consciousness in the manner as being suggested now.

Mr. Dumas: Mr. Chairman, any argument now, I think, about the \$100,000 in Committee's future Council is purely academic. We are now talking about \$75,000 which works out to a little less than 8% of the total project. It's not, Mr. Chairman, like we are granting \$75,000 to somebody and that's it, we don't see any return for it. After all we are looking at a million dollar investment in the Territory on a straight economic basis for 8% that we are now suggesting that we put up. The other thing is, let us not forget the purpose of this project. It's to house single women and women from all over the Territory so that the Territory in fact will be gaining a lot more in the short run and the long run, Mr. Chairman, than the \$75,000 investment would suggest. I think that these now are the two factors. We are talking about \$75,000 that we now have at hand that is available, it wasn't available before. It's in this budget, it's available today hopefully, it is, of course, subject to approval by the great white fathers in Ottawa but it's here. Let us keep now to the \$75,000 investment, the total project's investment and the return that we can see in the Territory, and then let us talk about priority keeping, those things in mind.

Mr. Taylor: Mr. Chairman, there is two aspects to this particular question. One is based on the motion and the other based on practicality, and the Administration is constantly reminding us of the practicality factor. That is it, it doesn't matter whether this represents 1% or whether it represents 50% of any project, there is no bearing on the subject whatsoever. The project is certainly worth while, I have no doubt about that. But I certainly have doubt about taking Territorial taxpayer's money and immediately putting it into any project until first we've viewed the other priorities on those revenues. If it's only \$75,000, and \$75,000 isn't a very great deal of money when you are sitting down and you have a want of about a six million dollar program that you have had to scrub across the boards, so, I'm saying this, look at the practical aspect. Emotionally it's a great thing, number one, but practically we cannot in conscience, in my opinion hand \$75,000 over to this project and in guaranteeing rent, anything of this nature for \$75,000 available what I am trying to say is we should take another look down the line on our scrubbed projects and see what we can implement rather than hand this out in this fashion.

Mr. Dumas: Mr. Chairman, emotionally the project doesn't turn me on at all. All I've been talking about is the practical aspects of it and in my business we deal in hundreds of thousands of dollars in development and social work all the time, and when we talk about an 8% investment for a million dollar return, it's really a very good investment project from a very practical, sound, economical, point of view. I suggest that the revenues occurred from the Territory from this one project alone will probably bring us back \$25,000 to \$35,000. However, in the long run I think it's going to bring us back a lot more in terms of people that will be contributing to the economy of the Territory. It's a very sound economic investment that is being suggested that it be made now. And let us also remember that the City of Whitehorse thought enough of it to put up \$70,000 on a grant from the land that they control.

Mr. Taylor: Mr. Chairman, one question before I resume the Chair. I would like to ask Mr. Commissioner a flat-out question here. Mr. Chairman, I'd like to ask why can't we put in sewer and water for instance into a community like Teslin, or Beaver Creek or anywhere else?

Mr. Taylor continued....

Why can't we do it this year? Why can't we put a string of lights down the runway of Dawson City? Why can't we do all these projects that were scrubbed? What's the reason we can't do it?

Mr. Dumas: What's the dollar return on this?

Mr. Chairman: Mr. Commissioner would you lik to answer that.

Mr. Commissioner: It's a very simple situation. We have a certain amount of money and we distribute it as the Council--in the first instance Budget Programming Committee and then Council decide as to how it is to be distributed, Mr. Chairman. This is exactly the answer to the question.

Mr. Taylor: I take the Commissioner's answer to be the one I was looking for that we just don't have enough money to do it?

Mr. Commissioner: Mr. Chairman, I can assure you that there is sufficient money to satisfy all our needs in the Territory and all the projects that accompany, but from Councillors and Members of the Administration, I would suggest conservatively that a hundred million dollars, you know, just get us started.

Mr. Taylor: Correct. The answer I was looking for.

Mr. McKinnon: Mr. Chairman, I can't agree with the Honourable Member from Watson Lake more that it is definitely a matter of priority and I'm saying that priority in my estimation, at this moment, other than capital projects I don't apply this to the operation and maintenance deals, we are talking about straight capital building projects and the things that were taken out from this year's budget I can recall, off hand, was the building of the archives building in Whitehorse. Well, I bid a strong proposal to this and I'd rather see live bills than dead files at this moment as a priority, so I'll go along with this being a higher priority at this moment than the archives though I think it extremely unfortunate that the records and the history of the Yukon come home to the Yukon and be resident in the Yukon. I don't know how the Honourable Member is making his health station in Ross River, I know I purported to him that on many occasions on this project because I felt that it was worthwhile that the Department of Northern Health, which is a law unto themselves, they usually provided the money, they wouldn't build it because they are so stubborn against building it, and you know that as well as I do. So, take a look at priorities, I have no argument against this at all, and weighing down what capital projects we pick out more necessary than this. In my estimation at this time I think it is one of the finest projects on the money we could go. Most of the Provincial functions contribute anywhere up to 25% of the capital projects of Y.W.C.A.'s. We are making an investment of about 8% and hoping that we're going to have some hundred girls and I hope that they will come from all areas of the Yukon, because I know that there is girls from all areas of the Yukon working in Whitehorse and looking for places to stay, and this is a fact of life, and I don't think that we can look at it in the narrow concept that it's just something else for that damn old Whitehorse that gets everything anyway. I hope that it would be a benefit to all of the community and I mean this, the Community of the Yukon. The kind of motion that I would be hoping to propose would be something along these lines and until people have had a look, a chance to look at priorities, I won't formally make it at this time, it is the opinion of Council that a \$75,000 grant towards the building of the Y.W.C.A. in Whitehorse be made available from the Yukon Consolidated Revenue Fund in the 1970-71 fiscal year, this grant to be considered the total grant from the Government of the Yukon Territory towards this project and will be made only upon satisfactory completion of major financial arrangements between the Y.W.C.A. and the C.M.H.C. But I would say that Honourable Members should have the opportunity of going through the budget and studing priorities and seeing if this is the A-1 priority now that we know that \$75,000 of capital that we had committed will not be spent this year.

S.P. #21 Mr. Taylor: Mr. Chairman, it absolutely baffles me. Last Spring in Dawson City we sat at the table and we asked for a continuing grant for \$15,000 for the Chamber of Mines.

Mr. Commissioner: It was on a different side of the budget.

Mr. Taylor: Well, this is true. But still the question was much the same, sure it's a different side, it's on the O. and M. side of the budget. The question was that we still didn't have the money, so bingo, something else could go, we finally found the money.

Mr. Chairman: Order, please.

Mr. Taylor: Now, we sit and we talk in terms of \$75,000 and there is no problem. It absolutely baffles me. All of a sudden the money has suddenly appeared out of nowhere and this is it. I would like to ask a question, Mr. Chairman, to which I don't have sufficient time to consider or the information at hand to deal with. I believe maybe the witnesses might have dealt with this subject. If moneys were made available, \$100,000 on a low or possibly no interest basis, in other words, you could borrow the money and repay this money over twenty-five years, could you still offer facilities at an economic rent? That's a very difficult question, Mr. Chairman, and the witness may not...

Mr. Chairman: Would you care to answer, Mrs. Buchan?

Mrs. Buchan: I can't answer that question right now. We would have to study our complete rent structure again.

Mr. Taylor: In other words, Mr. Chairman, it is a difficult question and possibly I shouldn't have asked it at this time. But, Mr. Chairman, I really do feel that here is the area that we should be looking at. Can we take a Government loan of \$100,000 and loan it to the Y.W.C.A. on a repayable basis at a low interest or no interest rate? This is the area I would support, but I cannot support a grant.

Mr. Livesey: I think, Mr. Chairman, the Honourable Member for Watson Lake has got a very good proposal, and if this can be done and we can get people interested in it, I don't see what this can't happen, for as he says, a good many projects in the Yukon we haven't done anything about and some of which we are not sure whether we can do anything about in the future, and none of them in my estimation is high education in other parts of the Territory. Perhaps we can go ahead with it, perhaps we can't, but at the moment we don't know and I don't think that we will know anything about really on any particular concrete basis until the next Council has been elected, and until we have the amendment to the Yukon Act in full force in effect. We won't know exactly where we are going until that time arrives. Another point I would like to raise at this time, Mr. Chairman, is I would like to ask the witnesses just who will be using the facilities of the Y. in Whitehorse and I want to make it clear right now that I am 100% in favour of the principles of not only the Y.W.C.A. but the Y.M.C.A. in with particular respect to, they help people throughout Canada from one end to the other over the years in relation to their membership and association with the organization. This isn't the point I'm discussing, but due to the high rents that are going to be charged, just who is going to use these facilities and another one, is the Territory in the Territorial Government going to be able to get some form of commitment from this organization providing we make a grant? Are we going to get something concrete, that when we have problems in the Territory that we can't handle, that we can use the Y. facilities for this particular purpose.

Mr. Chairman: Which witness would you address your question to, Mr. Livesey?

Mr. Livesey: Mrs. Buchan.

Mr. Chairman: Mrs. Buchan would you answer the question, please.

Mrs. Buchan: First we are going to use the project for girls who are normally included in the Y., between the ages of sixteen or seventeen to thirty-five. We hope to include high school girls, or any female. If we can't fill it up with women, we can turn one floor over to be used by men...

Mr. Chairman: And the answer to the second question.

Mrs. Buchan: Could you repeat it again, I'm sorry...

Mr. Livesey: Yes, the point was made this morning with regard to the problems of the Territorial Government from time to time with relation to facilities in the Whitehorse area. Will the Territorial Government be able to approach the Y. in relation to accommodation and provisions of which would be a benefit to the Territory as a whole, from a Government point of view in relationship to accommodation in this project?

Mrs. Buchan: I believe, when this was discussed before Mr. Livesey, it was on a first refusal basis but something could be arranged. I don't feel that we'd have to have some guarantee to hold rooms or things of this sort. We couldn't hold them vacant just until the Territorial Government wanted to use them. This is why the first refusal basis was, I believe, in that first paper on the Vocational School, that this was the ideal. We are still looking for suggestions on this.

Mr. Livesey: In relation to the reply of the first question, Mr. Chairman, I would take it then that school children are not contemplated because of the cost of the high rent, I doubt if any families in the outside areas could send their children into Whitehorse and...

Mr. Chairman: Do you want an answer to that question with respect to Council, Mr. Livesey?

Mr. Livesey: No, I'm just elaborating on the answer I just received, and the parents in the outside area certainly couldn't use the accommodations of the Y. for their children going to Whitehorse to attend any particular school on the basis of the rent and costs presently laid down. I don't see that this would be of any use to them. So, I take it then that Y. then will be used for people with incomes or those having an earning capacity of being employed. This would appear to be the only people that could afford the type of rent that is stipulated here.

Mrs. Buchan: They are available for \$65.00 a month, Mr. Livesey, and I'm quite sure that some of these students are paying more than that now, are they not? I'm sure they are. In the school allotments, is it not now \$90.00 per student?

Mr. Commissioner: Mr. Chairman, I think it is unrealistic to consider the academic, boys and girls going to the academic school system that their parents are going to be in any position of paying these kind of rentals. I don't think that this is realistic at all, because you're talking about a rental that only consists of a room, the children still have to be boarded after that and certainly I'm not aware of any family even with the Government assistance that we give, which I believe is predicated on is it \$2.00 or \$2.50 per school day. I'm sorry, I'm just not accurate on that figure, is given to them even with a subsidy it is absolutely unrealistic to consider that boys and girls in the academic school system are--their parents are going to be able to afford to have them in such an institution as the Y.W.C.A. be it subsidized or not subsidized. I think we are talking about two different ball games entirely here. The vocational students is another ball game altogether, Mr. Chairman, and I would certainly be very very hopeful that, while Council may not ask for any firm commitment from the Y.W.C.A. Committee with regard to accommodation that there would be every consideration given to requests from the Territorial Government for accommodation for students that will be attending the Vocational Training Centre.

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Mr. Shaw: Well, we've been switching around all over the country with these particular rules and ways of financing this particular project. The \$100,000 that we would commit a future Council with apparently has been scrubbed at this stage of the game. We're back to the old, old one of \$75,000, which we had last spring. Another suggestion has come forth, Mr. Chairman, that the Y. be loaned \$100,000 interest free for a period of twenty years. Well, I think when you look at something like that, we have to look at the fact that this money is worth something -- that's a very sound statement, isn't it -- it's worth, Mr. Chairman, over a period of twenty years, \$100,000, approximately \$80,000 more by paying back over this particular period. In other words, the government would be paying a grant of \$80,000 spread over twenty years, because that's what \$100,000 is worth at 8% interest, and that's a fair rate of interest. So, the government would contribute a matter of \$80,000 to this project. Now, I really am not particularly objective to making a grant to this project, because I do feel that the project has quite some merit. My fears, Mr. Chairman, are that after a year or two, the government may have to subsidize this institution to keep it going. That is my concern. I'll be very frank about the whole situation. If I could be assured of a guarantee of some sort that they would not come to the Territorial Government with requests for aid in the operation in the future, I think that it would be worth the \$75,000. But, I have been here long enough to know that many of these projects start off with the very best of intention, and the first thing you know, "We've got to have some money or we've got to close this down". The big scream then comes, "Look at this; this is going to be closed down; we can't allow that; it costs so much" -- and it does this and it does that, so then the taxpayer would have to start digging in their pockets to keep it operating or see it fold up, and I can just imagine what would happen when a situation like that arose. So, I think I'm very frank when I say that I would not disapprove of the \$75,000 going to the Y., but I think, Mr. Chairman, in all fairness to everyone concerned, and the taxpayers too, I would have to have some type of assurance that there would be no further charges on the government, on the taxpayer, to keep this unit operating. Now, we have great optimism for the Yukon. This is going to happen; that is going to happen; and something else is going to happen. We get away up on Cloud Nine and there's going to be millions of dollars pouring in, and all of a sudden, something happens. Maybe the price of lead, the price of zinc, the price of asbestos, or anything like that can drop. When that does happen or there's a recession, we start to feel the effects of what happens outside, and I think a very good illustration is right now. I am sure that all Members of Council and possibly the public realize that at the present moment we are not enjoying the prosperity that we expected to have. The accommodations in Whitehorse for students is now available which was not so a few years ago. They are building up and they are providing more accommodations in this particular area, so that you have a very good possibility that this institution, however worthwhile it may be, may turn out to be a fairly expensive operational institution. We have two hostels in Whitehorse, as Members of this Council have known in the past, it came to a point at one time I think there were approximately twenty in one and twenty in the other. A total of forty children in there, that could accommodate maybe two hundred, I don't know the exact capacity. And, at this Council table we said that these places were costing the taxpayer a great deal of money, they are not full of children and possibly they should be discontinued, and at the same time we went on the project, as was the wish of the people in the various areas of the Territory to provide educational facilities where the children's home was, so that's exactly what we did. This was done with the full concurrence and wish of the Council, the Administration and the people concerned, we did that, and lo and behold, after we got these things constructed we found out that we didn't have any children to occupy the schools but the hostels were, all of a sudden magically filled up. These two buildings, I don't know what they cost or what they would cost to replace, but I wonder if it's ever been considered that it be possible that one of those be acquired and that a certain amount of money be expended in changing these two, one of these two buildings into such a building as we are discussing right now or such a project. These buildings are here. I personally don't agree with

Mr. Shaw continued....

this hostel system. I agree that when we do not have the higher educational facilities in the smaller centres of the Territory or smaller areas that we have to bring them to a larger centre and we have to have accommodations for these children, but many of these children, it appears to me, could be housed right in the localities or close to the localities in which they live. This is something that could probably be looked into. I just wondered, Mr. Chairman if the Commissioner or is there any Members of the Administration or Council that could inform me at the present moment how many students or pupils or what have you, do we have in each of the two hostels in Whitehorse and what is the capacity of those? Could someone give me a general idea?

Mr. Commissioner: Mr. Chairman, in round figures the average student capacity this year in the larger of the two hostels is in the neighbourhood of, has been in the neighbourhood of ninety and in the smaller hostel about sixty, and I hesitate to estimate how close to capacity this is but I think it is considerably less than what they actually have the capabilities of dealing with. One of the problems, I think, with regard to the hostels was that they were built for a large number of boys or girls to be in one dormitory and I think there has been considerable difficulties with this and they may have curtailed some aspects of their accommodation in order to get the youngsters into smaller units, you know units that maybe say six or eight to a room than instead of the larger units that they were originally exposed to. Now, Mr. Chairman, while I am on my feet, in the earlier part of the Honourable Member's discussions he was talking about his fear about the Y. coming to future Councils and seeking operation and maintenance assistance and I think that it is only right that I should say at this time, that our budgets are to a very large degree supplemented by Federal Government funds for the O. and M. side and for the capital side and I want to say for the record right now, that the attitude is going to be a pretty hard one on any attempt to divert general revenues of the Territory, no matter from what source they come, to a Y. operating deficit. I just hope that this is understood by all concerned that I am saying so for the record at this time so that there is no misunderstanding as to what the present attitude is on this regard.

Mr. Taylor: Mr. Chairman, that gives rise then to a further question, and assuming that we were to involve \$75,000 or \$100,000 revenue into this project, are we not then pretty well committed to protect our investment and so the Y. got into a deficit position on its operation and maintenance side of the fence and the Territorial were the only people that could pull them out of that pickle that they were in, then what position would we be in? Do we say to the taxpayer of the Yukon your money is down the drain or would we rush in and try to pick it up and put it back on its feet again? It seems to me that nobody neither the Government can say that we won't be putting any more O. and M. revenues into this project and neither can the Y. be in the position to say that we can't guarantee we won't come back to you as Government and ask for more money. Are we committed when we put money into this thing, taxpayer's money, to protect it?

Mr. Commissioner: Mr. Chairman, this is the very essence of my remark. There is no secondary commitment in so far as the Government is concerned, and this is exactly the essence of my remarks, because if there is to be a secondary commitment, well, we don't know what is going to happen in the future, none of us can tell. I believe this project is to be financed over a period, and I am subject to correction, of either forty or fifty years.

Mrs. Buchan: Fifty years.

Mr. Commissioner: Over a period of fifty years. Goodness only knows what will happen in the course of that time, but certainly the senior financing is involved with Central Mortgage and Housing Corporation to the extent of eight hundred and some odd thousand dollars and if there is going to be any difficulties at, the difficulties will be arrived at in repayment to Central Mortgage and Housing Corporation and they

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Mr. Commissioner continued....

will be the people who, undoubtedly will be stepping in to protect their investment and either liquidating the investment and recovering what is to be recovered out of it or taking it over and operating it. Certainly that option will not be open to us because we are not getting any lien or mortgage or anything, this is an out and out grant in the same manner as what the City of Whitehorse is making an outright grant and the same way as many private businesses and private individuals in the Territory are making outright grants.

Mr. Taylor: One final item on this matter, Mr. Chairman. Why are we not seriously looking at the proposal that I raised in respect of a low interest loan cost amortized over a period of twenty-five years if that be possible or fifty years if that be possible as a method of achieving everybody's aim, both the Y.'s and the Council's where money is made available on a repayable basis. It's noted in the Sessional Paper that the rent would have to be jumped twelve to fifteen dollars a month (if the outstanding \$200,000 can't be found), but now we are talking about \$100,000 I believe, but in any event they say here that the project is no longer feasible if this came about, but I somehow doubt this. It seems to me that this is an area that should be explored before any decision is made in relation to this \$75,000.

Mr. Shaw: Well, Mr. Chairman, this loan, this interest free loan is just the same, Mr. Chairman, as giving them \$80,000, except that it's giving them over a period of twenty years. You might as well give them the \$75,000 and have it done with.

Mr. Taylor: We do but we get repaid.

Mr. Shaw: It appears to me that with a loan the borrowing in the amount of eight hundred and some odd thousand they are going to be paying about \$1.00 of the capital back to about a thousand dollars worth of interest every year now to get any more interest loan on that is entirely impractical. It's just impossible to maintain it. So, all they are doing is running a business so they can pay the C.M.H.C. a large amount of interest each year. I think that if we are going to make money available, we might just as well make it in the \$75,000 grant. Now, I'll go for that providing I can get some assurance from the Y. that there will be no further calls upon the Government in the future for more public funds. I say that, Mr. Chairman, because I know then that there is this amount is going for this purpose and that's going to be it, but I do know that once you put up a building it just costs you so much each year to operate and if you don't know how much that is going to cost, if you don't know what your revenue is going to be, it's a pretty hairy situation to enter into.

Mr. Taylor: Mr. Chairman, I would just like to say that it is the long-standing principle of parliamentary procedures that in supply there can be no riders attached to anything. If you look on Page 202 of your Beauchesne you will find it itemized there. So, in other words you either give the grant or you don't. The second thing is that the Honourable Member said he is prepared to vote this \$75,000 or to vote for the \$75,000 grant if he is satisfied that the Y. will not come back to the Government and this is the end of it, but neither the Y. cannot give that assurance, neither can the Government give us their assurance because there is going to be a new Council here next Fall. Commissioners change, Councillors change, Administration change, this is an impossibility, neither can we commit the future Council, neither can the Y. commit themselves to their successes. So, now what?

Mr. McKinnon: Mr. Chairman, the only thing to do is take all the precautions that you possibly can. The Commissioner said that there is no way that his Department is going to allow themselves to be committed to operation and maintenance. My motion reads that the grant is to be the total grant and I mean it to be the total in operation and capital so that any future Council can go to the guidelines and say that was it, that was the arrangement that was made, that's too bad Charley, C.M.H.C. will start liquidation proceedings, and that's the way it is.

Mr. Taylor: I'll resume the Chair at this point.

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Mr. Taylor resumes the Chair.

Mr. Dumas: Mr. Chairman, there is one other point that I might just emphasize here, the fact that C.M.H.C. is involved and C.M.H.C. is putting out \$833,000 of corporation money. Now, these people don't get involved in projects lightly without doing an awful lot of research and an awful lot of investigation before they commit their dollars and they have committed \$833,000 to this project, therefore, they who are in the housing field all over Canada, in the housing finance field feel that it is a feasible project so they could, of course, be wrong and let us remember that these experts have said that they think it's a worthwhile project, they think it's one that they will gamble on by putting in \$833,000.

Mr. Shaw: Yes, Mr. Chairman, I think C.M.H.C. involved themselves in a heavy water plant down in Nova Scotia someplace, they were the experts too.

Mr. Dumas: Well, Mr. Chairman, nobody's perfect, other than the Honourable Member from Dawson.

Mr. Chamberlist: Mr. Chairman, I cannot but help remark how the changes of wind takes place between noon and 2:00 o'clock each day in this Chamber. The Honourable Member from Whitehorse North was so adamant and emotional about the stand before 12:00 o'clock and at 2:00 o'clock the emotion had been dispensed with, the stand had changed, it is obvious that the Administration had somehow or other got at him to let him know where money was available. Now I know that you've got to be flexible, I know this, I am flexible and this is why I appreciate it that the Honourable Member from Whitehorse North would have waited just maybe a half hour longer I would have been able to say to him, now he's going to be a real good politician some day. But he didn't do it, he jumped right into it with both feet to make it obvious that there was a discussion taking place which had given grounds to change his whole view point. Now, there is nothing wrong with it, there is nothing wrong with the idea of it and there is nothing wrong with the fact that there's an opportunity for \$75,000 to be made available for the Y. and I've been searching and looking for a means of getting it, but nobody is going to tell anybody around this table that the Administration weren't aware that the \$75,000 was available to be spent at the time this Sessional Paper was given to us and it should have been put right in this Sessional Paper because I know that the Vocational School students were being accommodationat hotels and I'm saying that the Administration knew this and that the Administration could have put in a paragraph to say that the \$75,000 was available. It would have saved everybody at this Council here today a lot of time because there was an opportunity to discuss then the \$75,000 and whether or not there were other priorities involved in it. This is the bad thoughts that I have about it, now with reference to the Honourable Member from Whitehorse West who suggested, look what the City of Whitehorse is doing, they have given a \$70,000 piece of property. It was my hope that the Honourable Member would not have mentioned it because I am of the opinion that the City of Whitehorse acted with total impropriety in that matter because there is nothing there to give away, but, however it has been done and this is fine, but don't make it to appear that the City of Whitehorse have greatly taken out of their pockets \$70,000, \$75,000 whatever it is towards the cost of this project. As far as I'm concerned so far they have done nothing towards this project of any amount and they should be helping as well. What I would want to be assured, from the Commissioner, especially, Mr. Chairman, is that the \$75,000 is not needed for any particular project this year and that no other projects will suffer as a result of this. Now, I will say here and now that if the Commissioner can give that assurance, I am in favour of that \$75,000 being turned over to the Y. But if he cannot give that assurance, I must take the stand that I've taken right at the beginning that I cannot play about with the taxpayers

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Mr. Chamberlist continued....

money. So if Mr. Commissioner can give that answer, I soon will give the direction on which my vote is going.

Mr. Commissioner: Mr. Chairman, subject to Council by motion requesting this and between that time and the time that I table the necessary change in the budget item, it will have to be by a money vote. I will either be able to assure Council that the money is not needed for any other projects this year or else the money vote will not be tabled.

Mr. McKinnon: Mr. Chairman, I have to reply to the Honourable Member for Whitehorse East for he seems to equate one's being deceitful and one's being hypocritical with being a good politician, I would much rather that my epitaph wrote that I had been an honest politician rather than his estimation of being a good politician. I take the stand after lunch that there was no possible way, and I think I was just as emotional after as before that \$100,000 was going to be committed to next year's Council by this Council. I will stand by it and in the way that the Honourable Member from Whitehorse East so often gets his way I would have been ready to filibuster for days that the Council was trying to commit a future Council to a budget that this Council has never seen, has never been a party of negotiating and I only hope that the next Council chosen will be a party to negotiations. So, we did take a look the Administration and I at noon hour and I have no qualms at all about accepting this, at how possibly money could be found because it was just an absolute impossible opinion of mine to find it in the way proposed by the Sessional Paper and this was the way it came up and instead of trying to sit here silently for an hour and let the Honourable Member go on and on and try to bring the matter to a head and trying to get a vote before this table, and that's what I did, I'm sorry if he doesn't think I'm a good politician for doing it this way.

Mr. Chamberlist: Mr. Chairman, I think that there is a necessity to ask at this time why. The Honourable Member from Whitehorse North as Chairman of the Financial Advisory Committee when he first saw this Sessional Paper and knowing full well where moneys are being set aside and what projects they are to be spent on, why didn't he ask the Administration this morning where and if the \$75,000 had been spent. Now it was his function to do that, to advise other Members of Council that this was the case but he took the Administration's responsibility to tell the Chairman of the Financial Advisory Committee, look chum, here they are, we've got \$75,000. Now my objection to the Sessional Paper and to the fact that this \$75,000 have now been brought forward is that Members of this Council were not informed in the Sessional Paper that that money was available and this I think is where the Administration failed to properly inform us. Now, I hope that Mr. Commissioner, Mr. Chairman, will accept my criticism in the spirit that it is given and that is a spirit of correcting the Administration where it is at fault, and I think that now is the time for Mr. Commissioner to stand up and say, I'm sorry it should have been done.

Mr. Commissioner; Mr. Chairman, I'm happy to stand and I'm not sorry. The Honourable Member knows very well...

Mr. Chamberlist: I don't know anything.

Some Members agreed.

Mr. Chairman: Order, please.

Mr. Commissioner: Shall I carry on, Mr. Chairman?

Mr. Chairman: Proceed, Mr. Commissioner.

Mr. Commissioner: The Honourable Member knows very well that I had requested an opportunity, if at all possible, to speak with Members of Council prior to this discussion, the opportunity didn't come up and as a consequence this is why the matter came up in the manner which it did and I have nothing to apologize for, Mr. Chairman, nor do I have any

Mr. Commissioner continued....
intentions of apologizing.

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Mr. McKinnon: Mr. Chairman, I would accept the criticism of the Honourable Member if I were a full time employee working in Government at an Executive or Administrative level. The Honourable Member from Whitehorse East is only too well aware of the hours, and the days, and the months that he puts in on Government business and in trying to keep his hand in all aspects of Government and as the Honourable Member from Whitehorse West says, even he isn't perfect all the time.

Mr. Livesey: Mr. Chairman, I am not aware of any--I hope I haven't misinterpreted the statement, but I am not aware of any request to discuss the question with Members of Council. If I'm wrong I stand corrected.

Mr. Shaw: Mr. Chairman, as a Member of the Financial Advisory Committee I was not aware that this money hadn't been spent, this \$70,000. I was aware that it was in the budget, I was aware that it came before Council for their approval and their decision on the matter of which they gave. But one just hasn't got the time to be able to trot around the City--how far every project is in consideration or under construction. It's just impossible and the fact that the Member from Whitehorse North has got this information at this time I think is quite useful and I don't see anything wrong with it whatsoever. There is lots of things that I might find out an hour from now that I don't know now and there is nothing wrong about it, and I'm sure that the Honourable Member from Whitehorse East, he gets lots of things twisted sometimes and I was watching this morning, he was having quite a time to even understand what was written down so I don't know whether he could have understood if he had of been told that.

Mr. Chairman: I think at this time we'll call a brief recess.

RECESS

RECESS

Mrs. Buchan and Mrs. Hudson present.

Mr. Chairman: At this time we will call Committee back to order. Have we any further discussions on this Sessional Paper? SESSIONAL
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Mrs. Gordon: Mr. Chairman, I have not entered into this debate in any way to this point in time. I have listened in complete and absolute interest and, in some cases, a little astonishment, to some of the remarks around the table. I might say that when this Sessional Paper came before us this morning, the outline that was in it, I would have been completely adamant and supported the stand of the Honourable Member from Whitehorse North in not committing any future Councils to the expenditures of this kind of money. It is my regret that the Paper did not include the information that was brought forth through discussion. One of the things that I will certainly approve is the fact--I would be apprehensive if we hadn't been advised that seventy-five thousand dollars is available, at this time. If it had not been brought to the attention of Council, it would have ended up, by the end of the fiscal year, as a lasting balance, and no one would have received any benefit from it.

Mr. Chairman: May we report progress?

Mr. Dumas: Mr. Chairman, I would like to know what the status of the motion is and whether it could be presented at this time. We have the Administration's word that, as far as they are concerned, there will be no further commitments on further monies to them, etc. In discussion, Mr. Chairman, we are not tying it down to a vote.

Mr. Chamberlist: I wonder, Mr. Chairman, if, with that magic wand, the Commissioner seems to have wielded during the lunch-hour, he can say whether there is another twenty-five thousand dollars of uncommitted money somewhere. He has already come up with seventy-five. Can he look in his own crystal ball again?

Mr. Commissioner: Mr. Chairman, the crystal ball is worn out for today.

Mr. Chamberlist: Can we put this aside until tomorrow, then?

Mr. Chairman: I think at this time, I am wondering if you have any further questions to ask of the witnesses with us today. Well, I am wondering if they may be excused at this time. Thank you very much for joining with us in these discussions.

(Mrs. Buchan and Mrs. Hudson leave the House)

Mr. Dumas: Mr. Chairman, it seems that the two Honourable Members across the table seem to know something that we don't know or have some reason for delaying this. May they please explain.

Mr. Chairman: Have you anything further on this?

Mr. Chamberlist: I wonder, Mr. Chairman, what the Honourable Member from Whitehorse West is referring to. Of course, we know something that you don't know. We are the smartest here.

Mr. McKinnon: Mr. Chairman, may I completely disassociate myself from the remarks made by the Member from Whitehorse East?

Mr. Chairman: Order, please. I wonder if you have anything further on Sessional Paper No. 21?

Mr. Chamberlist: Perhaps Mr. Chairman, I should explain. I have asked the Honourable Member from Whitehorse North not to put his motion forward now because the Commissioner has indicated that when and if the answer to my question in relation to the expenditure of that money

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Mr. Chamberlist continues.....
is needed elsewhere, subject to that, he will either present a Bill or not present a Bill. If he presents a Bill, then, the Honourable Member will put his motion through and I will be pleased to second the motion. But, if the Commissioner indicates the money is needed elsewhere, then, of course, we are taken off the hook now and the ladies of the Y can scream at the Commissioner. Now, for a change, he has the money. Let him make the decision and not put the why of it on the Council. We have made our decision on it.

Mr. McKinnon: Mr. Chairman, if a Bill is forthcoming from the Administration, there is no motion needed.

Mr. Chairman: Well, is it agreed that we leave Sessional Paper No. 21 in abeyance at this time?

Mr. Commissioner: Mr. Chairman, with respect, I do think that, not necessarily at this time but prior to my bringing forward a money Bill on this, there should be a motion from Council.

Mr. Chamberlist: With respect, Mr. Chairman, if we know that there is a Bill available for presentation, then, I am sure the Honourable Member for Whitehorse North, in his usual manner, will discuss this with the Administration and then he will bring it forward.

Mr. Commissioner: Agreed, Mr. Chairman.

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Mr. Chairman: The next Sessional Paper is Sessional Paper No. 6, Garbage Dumps, Highway Lodges.

Mr. Dumas: Well, Mr. Chairman, I don't have any highway lodges in my district, so really, it is a matter that some other Councillors might better take up. However, we have been told, Mr. Chairman, that, in fact, garbage dumps, disposals of some sort would be provided for highway lodges. This was during November Session, 1969, during the course of discussion. Now, we have a Paper here which says that there is no provision for dumps at highway lodges. We hear from all corners of the Territory about pollution, etc. around the Territory. Here we have a case in hand where the Government of the Territory could assist in preventing pollution and they are not doing so. The main problem here, Mr. Chairman, as I see it, is that these highway lodges, like any of us, pay taxes and pay for services. The services that they in fact receive, in my opinion, are minimal. They do receive school services; they receive assistance to send their children to school if there are no schools in the vicinity, and, in some cases, their driveways are oiled. Apart from this, I can see very little that they receive unless, of course, the lodge is on a Yukon highway. It seems to me that it should be a policy of the government to assist in some manner to provide dumps for the highway lodges. How this could best be done, I don't know Mr. Chairman. I would like to hear some views of Committee on this. This is an important item. Tourism is the second largest industry in the Yukon. We have many, many highway lodges in the Territory and this concerns a lot of people.

Mr. Livesey: Mr. Chairman, I am glad that the Honourable Member for Whitehorse West brought this question up. I have brought it up several times and never received any satisfaction. By the way, I would like to correct him on one point. The highway lodges do not receive any oil in their driveways. I can well assure him of this.

Mr. McKinnon: Do you receive it in front?

Mr. Livesey: On any portion under the control of the Federal Government or the Territorial Government but not on any private property. No sir. This is a simple question that I have raised myself and, as I say, I am very happy the Honourable Member for Whitehorse West raised it this time. If we are going to talk about pollution and talk about keeping the highways clean, we now have an ordinance which says if you start throwing rubbish on the highway, you are liable to get a fine. This is all very fine, but it is just legislation. At the same time, you

Mr. Livesey continues.....

turn around and say, each highway lodge can look after its own refuse. All you are inviting there is more trouble because no place is designated where they can put all their rubbish. The next thing you know, they are going to put it where they think they should or the closest place that is handy. It gets spread all over the country. I think that it is the responsibility of the Territorial Government to designate, where there is a highway lodge or a business which has a lot of overflow of card board cartons, boxes, tin cans, the usual paraphernalia that is a result of certain commercial operation, an area where this stuff can go. Also, as we have officers through out the Yukon Territory working in the rural areas in connection with Yukon Forestry and so on who look after the various tourist stopping places along the highway and do their best to keep these places in order, I feel that along with this that such instructions can properly be made and prepared so that an individual in private business for himself is going to contribute to keeping the Yukon clean, instead of being told he can put it where he wants; we don't have any interest in this problem whatsoever. I think this is a bad thing. I think the Territorial Government should assist these isolated private places. The ones in community centres--there isn't too much problem there because there is a designated area where people know they can take all this refuse and it will be properly burned. They can turn it over when they can't, at certain times of the year when it turns into a problem where it is going to get blown around by the wind, burn it themselves. In isolated areas, however, what is a man to do? We just go up to him and tell him, that's up to you bub. Well, what kind of control or decision is that? I don't think it is a control, decision, or anything else. It is just a matter of shelving the problem and letting it go anywhere it wants to go. I think this is bad. So, I would certainly agree with the Honourable Member for Whitehorse West, and have him concur, that the Territorial Government should designate proper places for these people to put their refuse and to continue the theory that we want to put pollution down and we want to promote order and harmony and keep the Yukon clean.

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Mr. Dumas: Mr. Chairman, just one other point. Certainly the precedent has been set insofar as the Territorial Government provides garbage dumps for Territorial recreational areas, and camping parks.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Commissioner can indicate what he means by the second paragraph, where he says it is the policy of the Territorial Government that the owners of the isolated lodges are responsible for the provision of garbage dumps. Does this mean that they have to obtain the land to have a garbage dump, or does this mean that the Territorial Government will supply the land for the establishment to use as a garbage dump? I wonder if we can get an explanation of that.

Mr. Commissioner: Mr. Chairman, I am not aware of any request for the use of unoccupied Crown land for nuisance ground purposes, or that any lodge operator who has ever requested has ever been turned down. There are several who have requested the use of certain portions of Crown land for nuisance grounds for their use and they have been granted this usage. There is no lease of anything involved. It is simply indicated that this is a perfectly acceptable use for this land.

Mr. Chamberlist: Well, this doesn't answer the question I am putting now, Mr. Chairman, with respect. It is indicated in this second paragraph that the provision of the garbage dumps is a responsibility of the owners of the lodges. What I want the Commissioner to indicate, Mr. Chairman, is whether the Administration is actually saying that if the lodge owner was asked for a piece of land adjacent or a little bit away from his lodge, that this provision of the garbage dump would be given to him. I don't understand this second paragraph. I wonder perhaps this is a question Mr. Legal Adviser should answer because it is a confusing statement there. Who has the responsibility of supplying the land for the garbage dump? The owner of the lodge or the Territorial Government? Mr. Legal Adviser could perhaps answer the intent of this second paragraph.

Mr. Legal Adviser: As I understand the Commissioner, the government will make land available and they put the dump there.

Mr. Shaw: Mr. Chairman, I was just wondering if they can, the Territorial Government, do, say, they can have this ground to do their dumping on, dump the garbage on, then, what more can be done? I don't see what else can be done. I noticed in the opening remarks by the Honourable Member for Whitehorse West, he said he hasn't any garbage dumps in his area, so I think he must dump in somebody else's constituency. Is that correct?

Mr. Dumas: Absolutely. Those deserving.

Mr. Livesey: Mr. Chairman, this is a highly unsatisfactory answer. Look back through the journals. I have brought this up before, time and time again. All I got back from the Territorial Government, it didn't say this but what it meant to me was, it doesn't matter. Now, surely, it has to matter. We have legislation that says nobody can litter a highway. Surely, it means that they can't litter the road along beside the highway either. Many times I have wondered just exactly what department operators do from the tourist camps; what they do with that, too. I have wondered that many times because I have gone along all kinds of rivers and seen the dumps right along side of the rivers--cans and bottles and everything else in there. Let's get co-ordinated on this thing and let's get some programmes down there so that these people know what they are talking about. If you go around and talk to a private operator and you say, sure, it is up to you; you just ask me for a piece of land and I'll tell you you can have it now, that isn't good enough. I think, Mr. Chairman, that what the Territorial Government should do is approach these various lodge owners and ask them if they require a place for their refuse--and of course, if they don't need one there is no problem--and if they need one, then, designate an area that is not going to be in view of the public, for instance. I don't think it is up to the lodge owners to make this decision. I think it is up to the Territorial Government to make this decision so that they will make a place available that will be a nuisance to no one else. I think it is up to the Territorial department to make this decision. I don't think it is up to the lodge owners to make a decision, I think it is up to the government. After all, this government land around a person's place belongs to the Territorial Government or the Federal Government or some other government. This is the way it is and I think we need some direction. Mr. Chairman, I would appreciate some direction in this.

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

Mr. Chamberlist: Yes; proceed Councillor Taylor.

Mr. Taylor: Mr. Chairman, inasmuch as I represent an area where there are many, many lodges, I would like to add my two cents worth here. In the past, the practice has been, on the south highway, for a lodge or, indeed, a government camp ground, to have a nuisance ground or a disposal area situated somewhere reasonably close to it. Certainly, the Northern Affairs people in their camp ground maintenance programme provide themselves with a nuisance ground. Except where you have a larger community, for instance like Swift River, or Teslin or something like that, you would go to the community nuisance grounds. There is, indeed, the odd lodge, there aren't very many, where there is no small community--where they are isolated. Each one has provided itself with a small area whereby they can haul their garbage and dispose of it safely and properly. This is a good point though. I think that it would be a good idea if the Territorial Engineering Department took this one on and during the course of the other duties of these people involved in engineering, if for a period of time they could go into each lodge in the Territory and ask to go and see the garbage dump or the nuisance ground and if it is unsuitable, give some recommendations as to how it could be fixed up, make sure that it is protected for fire and this type of thing, maybe, if there is Territorial Government equipment, if this lodge be on a Territorial road, a cat that is going by some day can be dropped off and bury the material that is there. You know, shape

Mr. Taylor continues.....

things up as you do in a garbage dump. Possibly through this method we can achieve what the Honourable Members are looking for and I certainly agree whole-heartedly with them, except it is right to point out that I don't think that the problem is as desperate as one would think. But, at a time when we have become very conscious about pollution, it is a good time to look at this situation in that respect.

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Mr. Dumas: Mr. Chairman, my only point here is that a lot of lodge owners have no problem in finding a place to dump their garbage somewhere within a mile or two of the lodge. The thing is, when we are still concerned about pollution these days, it seems to me that a bowl or a bowl-type pit should be dug, the garbage can be dumped in it and every three or five years of something, the stuff can be buried. This idea of dumping garbage above ground and just leaving it to rot is, of course, opposite to everything that we are reading about pollution control and so forth. My suggestion is that the policy as explained in this Paper be changed; that the Committee express a desire to see the policy such that the Territorial Government will at least assist in providing nuisance grounds for these isolated lodges. The type of grounds that I have mentioned whereby the garbage and so forth can be buried every two years or so.

Mr. Shaw: Mr. Chairman, I was wondering, it seems that, I am not too well aware of the situation, there are lodges that have their own nuisance grounds. Now, if the government came along and said, we've decided that we are going to put it a mile away from there at a place that is more compatible with the regulations or whatever they may be; you cannot use this any longer; you have to go to such and such a place, I would imagine there would be quite a howl from the lodge owners and they would put up quite an argument as to why this was better where they were located. It seems to me that in travelling down here the other day, right off from the highway I believe I saw a garbage dump. I don't know where it was. That's a community. So, it is just a case of where perhaps they should all--all communities should have a restricted type of garbage dump. I will say this, however. There is a great deal of talk about pollution, and I think it is a very, very serious matter in any place in the world. But, at the same time, in my particular area, Mr. Chairman, I have gone to places where they have lived for thirty, forty years, communities of three and four thousand and so on, and by gosh, to walk around that place, it is impossible to find a garbage dump. Nature has taken over from where it was. When we start dumping things into water, such as oil and things like that, that is much more serious. It is terribly serious. These small garbage dumps, however, that you have from a lodge, I don't think, will pollute the country-side to poison everything and everybody off. I think that nature takes care of a small item like that. It has been referred to as a matter of pollution; if you dump it in this end of the building or in that end of the building, what makes the difference? It has exactly the same effect. If we have to have cats running up and down the highway covering up garbage dumps, this is going to be pretty expensive, too. That has to be taken into consideration.

Mrs. Gordon: I think, perhaps, one of the reasons why the Honourable Member doesn't find any garbage dumps along the areas as a result of the thousands of people who were in the Klondike in the early days, is this, and we are reaping the whirlwind of that now. In that day and age, they put all their garbage and their cans into all the water-ways, and now we are discovering that practically all of our water-ways in the Yukon are polluted. Some of this is a holdover from those years gone by and the pollution is taking place today. I am quite sure that there are many lodges along the highway that have garbage dumps and the effluent from it moves into our water-ways. This is my prime concern--the health hazard we are creating.

Mr. Shaw: Mr. Chairman, I would like to answer that particular accusation. Ninety percent of the activity in my particular area, in the mining area, took place in the water-sheds of the Klondike. The Klondike has been tested and re-tested and they find it the purest water in the Territory. So, I am afraid that argument doesn't hold water.

Mr. McKinnon: Then the argument is dump garbage in the river.

Mr. Taylor: Mr. Chairman, just, hopefully, to conclude this discussion at this time, I would like to ask Mr. Commissioner if he can foresee working into the scheme of operation of the Territorial Engineering Department and possibly with some liaison with the Federal Department of Public Works, if it would be possible in the course of the normal duties of those departments to assist lodge operators in the proper provisioning of and proper, from time to time, minor maintenance of these garbage dumps. Is this something that the Administration could work in?

Mr. Commissioner: Mr. Chairman, I am very hesitant to make a commitment on this at this time. If we are going to assist one lodge operator in this regard, we must be prepared to assist all of them and it will call for a change in the policy that we have at the present time whereby public utilities are looked upon as municipal services which are the responsibility of the people who live in the particular community, whether the community consists of one person or whether it consists of a thousand. Just the same as the operators in a municipality find themselves faced with having to pay for garbage disposal, and I might say that the cost of garbage disposal in a commercial establishment in the municipality is a very costly situation, just the same as we expect them to pay for that and be responsible for it, so I think it is a reasonable situation that this should prevail everywhere, unless we are going to change the policy everywhere. However, on the other hand, I think that if we are going to encourage the Yukon to be a clean place, in other words that we are going to pay attention to our words of wisdom about pollution, we have to be prepared to change the policy in this regard. We will go this far, Mr. Chairman, at this time, and commit ourselves to trying to formulate a policy which we will bring forward to this Council for their consideration that would attempt to take care of this situation. I would not, under any circumstances however, attempt to even implement a portion of it without it being understood that this is going to be the same dish of fish that is going to prevail throughout the Territory.

Mr. Dumas: Mr. Chairman, the Commissioner's argument is fallacious in one area and that is when he says that these people like any municipality are required to look after this nuisance grounds, ect. Municipalities, villages, if there are any, local improvement districts all receive grants from the Territorial Government. This isn't the case, of course, where we have individual lodges, and we are talking about isolated lodges here. Also, let's keep it in mind that they provide their own water system, their own sewer system and, in most cases, their own power system. I am, however, satisfied with the remarks of the Commissioner where he says that assistance that can be made available, will be made available.

Mr. Taylor: Mr. Chairman, I hadn't intended on rising on this again but this does bring up an interesting point and it should be considered in this light. The lodge operator in the isolated position though, in some cases may send his children to school and enjoy the benefits of a school system, in most cases there are no children involved. These people are contributing a great deal of revenue to the General Consolidated Revenue Fund of the Territory and collecting for it through the sale of fuel and liquor, taxation, paying their fair share of the tax load in relation to their businesses, real property and are really receiving nothing in the line of municipal services back for this other than, of course, we have got the oiling programme which has made life a little more pleasant for them. Really and truly, if we consider a subsidy type programme, I think these people are really entitled to this because they are bringing in revenue for the Territory.

Mr. Chairman: Any further discussion? Will Councillor Taylor please take the Chair then?

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

Mr. Chamberlist: Mr. Chairman, in answer to a question put by Councillor McKinnon in the last session--how many square miles of the Yukon Territory are under the control of the Commissioner--was, "the area of land transferred to the control of the Administration of the Commissioner is approximately one thousand eight hundred and fifty square miles". Would the Commissioner at this time indicate whether the streets and lanes of the city of Whitehorse are included in this one thousand, eight hundred and fifty square miles.

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Mr. Commissioner: Mr. Chairman, I am having the best brains in the Territorial and Federal Governments researching the question at this very minute. As soon as I get the answer, I will be prepared to answer the question.

Mr. Chamberlist: May I take it, Mr. Chairman, that at this time the answer is no?

Mr. Chairman: From the Chair, I would feel that that is an unfair question to the Administration.

Mr. Chamberlist: You've got to be unfair to get answers. It is the only way you can get anything.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Commissioner, seeing that this grand amount of square miles that the Territory has under its jurisdiction, amounts to less than one percent of the two hundred and seven thousand square miles. Is there any way the Commissioner can think of to get a few more miles under this control of the Territorial Government?

Mr. Commissioner: We are working on it actively every day in every way. In fact, I would suggest maybe even since the Paper was made up on the 10th of June, we might have made some small gains.

Mr. Shaw: Mr. Chairman, while we are talking about this, it seems like a small amount. It appears to me that all the road systems in the Yukon Territory would be under the Commissioner, and, certainly, we have more than this much. If these are not, why are we paying fifty percent of the cost of maintaining them all the time, if they don't belong to the Yukon Territory. So, we certainly own fifty percent of them. That is, Mr. Chairman, regardless of the Honourable Member's opinion, on my left, my learned colleague--there are these roads under the control of the Commissioner. They have to be, otherwise, who directs the people to work on these roads, putting in culverts, and putting in bridges, and putting in all this? Certainly, it comes under the control of the Territory.

Mr. Chairman: Order, please, gentlemen. One at a time.

Mr. Shaw: He is interrupting. He keeps changing my train of thought. I'll have to start all over again.

Mr. Chairman: Is there anything further on this Paper? The next is Sessional Paper No. 15.

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NO. 15

Mr. Chamberlist: Mr. Chairman, the reason I put this Paper in is I want to know whether Mr. Commissioner can indicate on the basis of this Paper and on the future of the metropolitan city of Whitehorse, the cost of including all areas besides Porter Creek, into one overall water supply system. It is not in there.

Mr. Commissioner: Mr. Chairman, with respect, the question has been attempted to be answered as it was asked and I believe that the basis of Councillor McKinnon's question was what are we doing about what has transpired with the provision of water in Porter Creek. There are many problems in connection with the supply. Now, the supplementary question which the Honourable Member has just asked, Mr. Chairman, alludes to a report which is termed the Newton Report and the present day cost of implementing that report, and I stand to be corrected on this, I do believe

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Mr. Commissioner continues.....

is one point two million dollars, but I do not know whether that amount of money takes into account the supply of water from the Whitehorse system. I am sorry, I cannot answer that and this is really the question that the Honourable Member wants answered, Mr. Chairman. I would have to secure that information.

Mr. Chamberlist: I note, Mr. Chairman, that according to this Paper, there is a recommendation made that there be no apartment blocks put in the Porter Creek area because there is a reference made "based on the above information, the following recommendations are made, that single family residence concepts for the Porter Creek subdivision should be maintained". In other words, you shouldn't have anything more than a single family residence built in the whole of the Porter Creek area. I wonder whether this information, indeed, is to let people know that jobs to, perhaps, put up an eight, ten or fifteen or sixteen block apartment block are restricted from doing that because of the water situation.

Mr. Commissioner: Mr. Chairman, indeed, this is a factual situation because of the limited water supply and I am quite confident that anyone seeking a zoning change and the Honourable Member from Whitehorse North can correct me on this, I do believe it would call for a zoning change in order to get multiple family dwellings built in the Porter Creek area, I am sure that at the time of the request for zoning change that this matter would be the determining factor. Therefore, the zoning change would simply not be made.

Mr. McKinnon: Mr. Chairman, I wouldn't like to clear this Paper at this time.

There is a paragraph in this that says that several comments have been received in recent weeks from Porter Creek citizens stating that the water in Porter Creek is now excellent. Just prior to leaving Whitehorse, I had representation from a resident of Porter Creek complaining about the supply of water. It hadn't cleared up to the extent that the Engineering Department leads to believe in this Paper at this time. I didn't have a chance to follow it up because we were just in the process of leaving Whitehorse and I would also like to discuss this Paper with the Executive of the Porter Creek Citizen's Association. I may want to make further comments on it next week if it could be left in abeyance.

Mr. Chairman: Is Committee agreed?

Mr. Shaw: I would like to ask a question, Mr. Chairman. How far do they have to go down in Porter Creek into the wells to get water? Is it a very great distance? It is just a matter of curiosity.

Mr. McKinnon: Not generally, it all depends. Some of them may go into an area of just over a hundred feet, but the majority of them find water at thirty to sixty feet for wells.

Mr. Chairman: May we then.....

Mr. Chamberlist: There is one question here. I notice on page 2, Mr. Chairman, at the bottom it says the supply available to Whitehorse is adequate to serve the entire area. Now, this seems to be in conflict with what the city authorities have said because of the complaints of so much loss of water. I understand they have been able to repair--to find the location on the boulevard where there was a great loss of water and it has been repaired. Where does the information come that the supply available for Whitehorse is adequate to serve the entire area? I take it that that means the entire metropolitan area, or does it just mean the entire Porter Creek area?

Mr. Commissioner: No, no, the entire metropolitan area.

Mr. Chamberlist: Providing then that certain things are done. Not as it is now.

Mr. Commissioner: Mr. Chairman, with respect, this information is taken

Mr. Commissioner continues.....
 from the consultants who were hired. I believe Associated Engineering were hired by the city and this information in paragraph (e) is taken from their report. This isn't just something that we dreamt up in the Territorial Administration. SESSIONAL
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Mr. Chairman: May we proceed then to the next Sessional Paper, holding this in abeyance? Next is Sessional Paper No. 16, the Department of Agriculture Experimental Farm, Mile 1019, Alaska Highway. Councillor Chamberlist, would you take the Chair a moment? SESSIONAL
PAPER NO. 16

Mr. Chamberlist: Yes, proceed Councillor Taylor.

Mr. Taylor: Mr. Chairman, this has been a question that has, I imagine, every Council Session for the last few years, anyway. I note in the Sessional Paper it has been indicated that we couldn't use it as a boys' ranch type situation...and that, indeed, the Indian Affairs and Northern Development people have picked it up from Crown Assets and are going to use it for a re-forestation type situation under forest management programme. I am wondering Mr. Chairman, if Mr. Commissioner could advise me today as to whether any consideration is being given to involving in this re-forestation operation juveniles, along a boys' ranch deal, getting these young people out into a wholesome atmosphere with an effort at rehabilitating these people.

Mr. Commissioner: Mr. Chairman, the only rehabilitation efforts that are being undertaken as far as juveniles are concerned, at the present time is at the Wolf Creek Camp, where we are attempting to formulate a programme which, if it is successful, may well call for the establishment of something different from what we have. I don't think that there is any one of us here in Council who will dispute the fact that what we are using at Wolf Creek is at the very best a temporary situation to get this programme under way. At the present time, the number of boys who are involved, I believe, generally totals twelve. I don't know whether this is the maximum amount we have room for. I do not believe it is. I think that this is simply the maximum number who have been entrusted to our care by the court. The question is, has a programme been considered of working juveniles into this type of an area, I am not aware of any consideration that has been given to this, Mr. Chairman, but certainly, there is no reason why it could not be looked at.

Mr. Taylor: I am very sincere in what I say in this regard because it was a pity that the farm could not be turned over to the Territorial Corrections Department and that, indeed, a rehabilitation centre for juveniles put in there. I felt that we could carry on with the experimental farm project or at least some of it utilizing these youngsters to help with the work, help carry the load. To me, and in talking with people who have been in sociology for some years and have had experience with this sort of thing, it sounded like a natural. Now, of course, I raise this question, because possibly you can work this same programme into this re-forestation programme.

Mr. Livesey: Mr. Chairman, this is a question I raised at the last Session and you will probably see by the list of Sessional Papers you have with you, there are two Papers on this particular item. Sessional Paper No. 16 is a much more lengthy explanation. It is unfortunate, in more ways than one, that this Sessional Paper wasn't answered sooner. We had a problem on the Alaska Highway and three meetings at Beaver Creek, Destruction Bay and Haines Junction in relation to education where quite a number of people at Haines Junction would very much like to have used the facilities of the farm either for houses for teachers and use the old teachers rooms as an extension of the school to take care of the suggestions that were made by parents in the area, in relation to higher education in the area on the North Alaska Highway. This Paper, of course, I didn't see until I got to Whitehorse and this Session. In the meantime, we had had all these three meetings of all the people who were interested in this move towards higher education on the highway between Whitehorse and the Alaska border. It was unfortunate that I didn't know anything about the plans to take over this particular farm area by the Indian Affairs and Northern Development, insofar as the forestry

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Mr. Livesey continues.....

operations were concerned. That farm, however, in my estimation, has or did have until the change had been made, a wealth of opportunity attached to what could have taken place and I think, what could have helped the whole of the Yukon Territory in relation, not only to the promotion of agriculture in the north, but also to the promotion of a good many other things, including possibly correctional institution for juveniles. When we discussed the question of agriculture in the north, it always surprises me at the lack of knowledge of a good many people as to what it does cost to bring goods into the north that are agricultural items and one I'd like to mention at this time in consideration of this Paper is a question of twenty-five bales of hay which I brought in from Vancouver about a month and a half ago which cost \$115 in freight just to haul to the Yukon. Now, if anybody can tell me that hauling that stuff from outside and bringing it up here at such freight costs doesn't lend substance to the idea that we need a certain amount of agriculture in the Yukon, I don't know what will convince anyone. If you are talking about other items, all your...is sixty-five or seventy percent water and we have lots of that and it is good water. Yet, we are hauling it from outside, somebody else's water in the form of potatoes, turnips and goodness know what up here to the Yukon. I am mighty sure, myself that agriculture is not a dead issue in the north. It is unfortunate that we are not going to promote any further experimentation along these lines. However, I will say that the use of it for the Department of Forestry may lend itself to some worthwhile substance and I certainly do hope they use this farm for a worthwhile purpose. As far as the Paper is concerned, I don't think that very many of us can do much about the Paper. It is given to us and that is it.

Mr. Taylor: I will resume the Chair.

Mr. Chamberlist: I have one question to ask of Mr. Commissioner, Mr. Chairman. The Yukon Forestry Service has reserved or had reserved quite a large area of land in various places. I understand that almost opposite the forestry building at the top of the Two Mile Hill in Whitehorse where they have their building there, they have reserved a lot of land there and I understood that this land was reserved for a new forest management programme. I also understand that further down the highway towards McRae there has been some land that has been reserved for the Yukon Forestry Service. How long is this type of thing going to go on for? When will this land be released? Has the Yukon Forestry Service, Mr. Chairman, indicated to the Administration if indeed they are going to release the land that they don't require now for forest management programmes now that they have obtained via Crown assets, the experimental farm? I wonder if we can get that information.

Mr. Commissioner: Mr. Chairman, this is a problem that does not relate only to the Yukon Forest Service. It relates to all Federal Government departments. I think that the Honourable Members are no doubt all aware of particular pieces of land that have been reserved, some of them dating back over the last seventy years for various federal purposes throughout the Yukon Territory. At the present time, we have undertaken within our own Administration a review of all territorial land reservations with the thought in mind that we are going to release every one of them. We don't see it immediately for in the course of the last two years, we have already released a lot of them and we are going to be asking the various federal departments to also take a look at their reservations in the Yukon Territory. The Yukon Forestry Service will be among those. I think that there are many instances where tracts of land have been reserved, reservations made and they have been completely forgotten until someone goes to cut a tree on them or wants to get the land for some use. Then, all of a sudden, you find out that this has been reserved for some federal government department. I share the concern of the Honourable Member for the particular part of the land concerned but I would point out that this is a general problem throughout the Yukon Territory. We are hopeful of tackling the whole problem as a package, not just on a piece-meal basis.

SESSIONAL
PAPER NO.22

Mr. Chairman: Have you anything further on this Paper? The next Sessional Paper then is Sessional Paper No. 22.

Mr. Chamberlist: Sessional Paper No. 22, I would ask to be set aside until Monday when we get back to Whitehorse, because all my information is there, Mr. Chairman, and this wasn't handed to me although, probably this was in the hands of the Administration for some time. I don't carry my boxes of files with me as some Members are capable of doing in their large cars.

SESSIONAL
PAPER
NO. 22

Mr. Dumas: Mr. Chairman, the Honourable Member gets very emotional. If he had explained that at the start, we could all agree.

Mr. Chairman: This ties up then all our work on Sessional Papers. I'm wondering, Mr. Clerk, if you have any information relative to Bill No. 4.

BILL #4

Mr. McKinnon: Mr. Chairman, I believe that most of the information Committee needs to go through Bill No. 4, perhaps we can--I don't whether the Members of Committee would like the figures before them that I am talking about or that I would have to read before Committee. We are looking, in the next fiscal year for a total of, a net requirement of \$215,600. This is the cost of implementing the recommendations of the Plunkett Report, Mr. Chairman, on pay re-classification which amounts to \$227,600. The increase in teachers' salaries in new salary agreement amounts to \$80,000. The supplement retirement fund representing one half of one percent of estimated gross salaries for 1970-71 is \$25,000, arriving at a grand total of \$332,600 which is necessary for the operation and maintenance for the Budget of 1970-71. The savings in the Territorial Budget were made as the staff turnover projecting thirty vacancies at two months each times nine hundred per month, a saving of roughly \$90,000 can't be realized by the usual attrition in these vacancies not being filled in the Territorial Public Service. Long term disability where generally \$15,000 in funds were put in as a contingency, the long term disability concept would still be in government but the funds would be removed as it is only in an exceptional year that these have to be used. Casual hire would be reduced by \$20,000 by restricting the circumstances under which casual help can be hired and overtime would be cut severely to the bone, making a total saving of \$48,000. So this would amount to a total of \$167,000 which we feel we can pare from next year's Budget. Now, we need \$332,600 minus \$167,000 leaving a total of \$165,600 which we have to get from the removal of the sixteen mills tax on property on mills and concentrators which are not now being taxed the sixteen mills. It would mean that on Clinton Creek property the assessment which is \$4,295,330 which they don't pay taxes on, we would gain \$68,725 from the taxation there. On New Imperial on an assessment of \$865,630, it would mean \$13,850; on United Keno Hill, an assessment of \$1,748,940, it would mean \$27,983 and on Anvil on an an assessment of \$3,178,970, it would mean a taxation of \$50,863 which would give us a total of \$165,360 which would just nicely meet the deficit planned this year because of the salary and teacherage increases which are effected by the implementation of the new school contract with the teachers and also the implementation of the pay re-classification. It may be interesting to know that as a sum figure, the total contribution by the Territorial Government to date of the United Keno Hill Mines School has been some \$363,212 and the taxes received there in aspects of schools has been \$109,048. The total expenditure so far on the Anvil School has been \$689,220 and the taxes collected from Anvil towards the operation-maintenance and construction of the school have been \$31,986.64. At Clinton Creek, the costs have been \$322,128 and the total collected towards the school operation from the mine has been \$32,000. So, I think it is pretty obvious to all around the table and one says that the mining companies haven't been paying their fair share towards the educational costs in the Yukon Territory. If these figures are requested by the various Members, I am sure that Mr. Clerk can have copies made available to you.

Mr. Chairman: Councillor Chamberlist, would you take the Chair.

Mr. Chamberlist: Yes, proceed Councillor Taylor.

Mr. Taylor: Mr. Chairman, when you are talking about who is paying the bill, remember, and go back to the old argument when for instance the Clinton School came along and we got into this business as we

Mr. Taylor continues....

BILL #4

apparently find ourselves at Elsa of putting territorially financed schools in the company town. The argument arose in Council at that time that unless these are to be public communities, we have no business putting a school in anywhere. Let the company, whichever is involved, put the school in. But we were good fellows and away we went. We established this precedent. Now, you say, well, look at those schools we've got that we can't get any money out of. Think back on that argument a little bit. I do tend to agree that where this exists that there should be some recovery. I agree, at this point in time; I didn't originally when the Bill was first, not discussed, but was presented to us and was not introduced. I didn't agree with it. I wanted to get some more information and fact on it. I do disagree with the Bill, though, at this particular moment over section 3. Whether this appears in the existing ordinance or whether it doesn't, it still doesn't make it right. I feel that this section 3, in order to certainly meet my objections, would have to be amended to provide that the Commissioner may not vary the rate upward. Taxation is the business of the Council. It's not the business of the Administration in my opinion.

Mr. Chairman: Any further discussion?

Mr. McKinnon: Mr. Chairman, I think the point should be made that Bill No. 4 does more than just put an education mill rate on mining property. It also removes what I feel to be a rather inconsistency in the Taxation Ordinance in areas which I represent where if a line abuts two sides of a property, the line has to continue to serve areas further down the street. These people have to pay fifty percent more just because they happen to live on an area which abuts two sides of a sewer line or a water line. It is only fair that if these services have to go by that house to bring services further down the street, certainly this cost should be shared by all those people and not the person living in the area where it has to abut both sides to provide services further down paying fifty percent more than the other. This takes what I consider to be, an anomaly out of the Taxation Ordinance and allows for a fair assessment of a hundred feet, if it is a two hundred by one hundred foot lot on the frontage, for everybody even if a line has to abut on two sides of the property. I think it is a much more fair and equitable form of taxation than the one which is now in effect in this Taxation Ordinance. So the amendment to this Taxation Ordinance does serve a dual function at this time.

Mr. Chairman: Further discussion?

Mr. Taylor: I will resume the Chair.

Mr. Chairman: One moment. Mr. Legal Adviser.

Mr. Legal Adviser: One point. Section 50 of the Taxation Ordinance has always been, and it reads "on or before the first day of February in each year, the Commissioner shall, in accordance with the ordinance, levy taxes at a uniform rate per dollar". It has never been brought to Council, it has never been put before Council. This is just in conforming with the ordinance. It would be a major change of policy to revert back to bring it back to Council.

Mr. Taylor: Mr. Chairman, yes, but we set the mill rate in our fiscal agreement, but, under this ordinance, it seems to me that the Commissioner could have the right to increase the tax levy from sixteen mills to thirty mills if he wanted. I'll say why I say this. It is because the level of municipal taxation; that is why.

Mr. Chairman: Any further discussion?

Mr. Livesey: Yes, Mr. Chairman, wouldn't the word "vary" give powers all inclusive?

Mr. McKinnon: Mr. Chairman, I agree. It certainly does, but, the whole point remains that there has to be flexibility. This Council just can't

Mr. McKinnon continues.....

be called at a moments notice if another area like Hillcrest does come up where there is a different mill rate charged to the twenty-two mills which is in effect in the other areas of the territorial subdivision. If other areas, like this, which can come about at any time--why should the mill rate be necessarily at Faro, if it gets village status, the same--of course if it has village status, it will set its own mill rate--but still, why, if it is a territorial subdivision and receiving other or more services or lesser services than are in other subdivisions, shouldn't it be charged a mill rate to compensate for just what services are being received. To set a mill rate which is absolute and not variable at all means that an area like Hillcrest which has a paved road, pipe, sewer and water services, full street lights and all these amenities still can only be charged a mill rate which is the same as a territorial subdivision like Porter Creek or Crestview which receive none of these municipal type services. Certainly we are going to have to retain some type of flexibility to allow these mill rates to be changed from area to area and from location to location. If we don't, Council could be meeting at all times to determine mill rates for any specific area. I think the protection of having elected members in the administrative and executive branches of the government and also the absolute outcry that could be made at this Council table if the Commissioner arbitrarily moved the mill rate from, say, sixteen to thirty, just on his own whim, I don't think that he would last too long around this Council table. I just have so much more respect for the argumentation of the Honourable Members than to think that he had the courage to go about and do something like this arbitrarily. I think there are all kinds of protection for Members.

BILL #4

Mr. Livesey: Well, Mr. Chairman, considering the fact that we have no power or any real power, over taxation, I don't understand how we would be protected. We could argue against it, but, how would this protect us? After all, we are still in a position whereby any Bill must come from the Administration on taxation.

Mr. Shaw: I do not recollect that at any time the mill rate was increased and Council didn't give their approbation reluctantly to each increase. At no time do I recollect an arbitrary or unilateral decision made by the Administration to increase the mill rate. It was presented as a Bill and it was discussed with Council, its pros and cons. It was always resolved that way. I have no fear of the Commissioner going around and all of a sudden, deciding to up the mill rate. I can't foresee that at all.

Mr. Livesey: Well, Mr. Chairman, if the Council is in full control, and therefore the mill rate should be changed in one area or another, what are we talking about here in this change, because this gives blanket power. When you say they can't be buried, they can be buried, period. That's it.

Mr. Shaw: That is correct, Mr. Chairman, anything can be changed, but I don't think that they would be changed. They never have been changed to my recollection. I've been around a couple of years. I don't think they will be changed, and another thing, I think that at this time, Mr. Chairman, in a very few months we are going to have a completely different set-up. Now, at that time, I think, the whatever you may call it, the Administration, or the Executive, or whatnot will be calling for more power rather than less and it will be incumbent upon, I think, the government at the time to have those powers. So it is just a matter of two or three months before this constitutional change will take place and I think that they might possibly require more power than less. It will still possibly be under the name of the Commissioner but in the hands of the Executive.

Mr. Livesey: But, Mr. Chairman, the point I am making is the unknown quantity at the moment. We don't know how that function is going to go. It is an unknown quantity and I am wondering why we are varying this now. We want to give operation to a blanket open sesame type of operation in regards to mill rates when we are just about to approach a new form of government of which we know precisely nothing about the formation at the moment. We know that we have it; we know the substance;

BILL #4

Mr. Livesey continues.....

we know the areas; we know the various guide-posts and the signs, but we don't know the answers. There is no question about that. That will only come about through experience and here we are going to make this a variable matter now before this change takes place. This is the point I am raising. I am wondering if Mr. Commissioner can give me some assurance on how this is going to operate. Certainly, not by this Council. This Council is on its way out and the other one, as yet, has not been selected. In the mean time, we are giving varying powers or, in fact, all important powers to change the mill rate. Now, I wonder if Mr. Commissioner can give us some assurance as to how he is going to proceed between now and the time that the next gentlemen will be sitting on the throne of office.

Mr. Chairman: Mr. Commissioner, can you enlighten those in the dark, please?

Mr. Commissioner: Mr. Chairman, there is not very much enlightenment that I can throw on the situation. What we have already is a varying mill rate authority. It was deemed desirable and proper at the time by the Administration and the Council, and the reasons for it being included at a prior date are the same reasons for the retention of it at this time. I have nothing further to add, Mr. Chairman.

Mr. Livesey: But, surely, Mr. Chairman, we are making a change. Are we not? Now, look, if you amend a piece of legislation, don't tell me you are not making a change. What are you amending it for if you are not making a change? Let's get down to some common sense. We are adding the words "or use", alright? That is "open Sesame", as far as I am concerned. This is what I am looking for and I want to know just what this means.

Mr. Chairman: Gentlemen, from the Chair, I would say that the words "or use" don't alter the word "vary". The word "vary" remains the same.

Mr. Livesey: So that, what we had before, then, has now been changed to the extent that the words "or use" must mean something or it wouldn't have been put there. That is the point that I am trying to get verified. Yes, verified.

Mr. Chairman: Any further discussion?

Mr. Livesey: Oh, come on now, Mr. Chairman, let's get an answer to this.

Mr. McKinnon: Mr. Chairman, it allows taxes to be put that are used for buildings, fixtures, machinery and things erected upon or under land or that are otherwise affixed thereto and used solely for the purpose of obtaining minerals from the ground or for the concentrating or otherwise processing of minerals. It enables a sixteen mill tax for the use of these types of equipment to be charged--sixteen mills towards the school education tax. It enables the tax to be collected now, or to be levied at any rate.

Mr. Livesey: Mr. Chairman, is this the perimeter of a party?

Mr. Chairman: Perimeter of a party? Can anybody answer that question?

Mr. Taylor: Mr. Chairman, this is purely and simply one thing. It is the Commissioner having the right to legislate by regulation. That is what it is, because it is the Commissioner's order that brings it into effect.

Mr. McKinnon: As a point of interest, Mr. Chairman. It is already there; it has been there for years. If there was any danger prior, which there really was danger in it when there was no indication whatsoever that there was going to be any control or any participation of elected members on an executive and administrative council, certainly that should have been the time to rip it away from the Commissioner,

Mr. McKinnon continues....

ten, twelve, fifteen, twenty, seventy years ago when we didn't have one whit to say what was going on in the Administration. Now, right on the advent of being able to actually have some control of the Administration, we are just ripping the powers away from those who are going to go in and be actually given these powers. It is just the wrong time to be taking the powers away from an executive authority whereas, at this time, we should be consolidating them and putting more in the hands of the executive so that we can actually have a real and true say in these real meaningful aspects of government. I agree with you that it was a very dangerous thing for the Commissioner to have, this kind of power. Certainly, though if we were going to strip it away from him, it should have been prior, not now.

BILL #4

Mr. Livesey: I see the theory of the argument by the Honourable Member from Whitehorse North, but, Mr. Chairman, the substance has not yet arrived. It is all very fine to say we are going in this direction. Sure. But, the substance isn't there yet and I am mighty sure that when we make this change this fall, that, in a good many instances, that will be the time to make decisions, not by this House. That is for certain. This House is on the tail end of its usefulness as far as the legislative body is concerned. This is no time in my estimation, to make decisions of any nature that can create any strong points. What we should be doing is reserving now a good many of these decisions until the next House is brought into being.

Mr. Chairman: From the Chair, I wonder if I can put this question to the Commissioner. Does Mr. Commissioner in any way, feel that he will be varying the tax of anyplace between now and the time when an Executive Committee is appointed to the Territorial Council?

Mr. Commissioner: I see no reason why the question will even be posed to me until approximately December of this coming year. This is when the question will be posed.

Mr. McKinnon: Mr. Chairman, you don't need enabling legislation to be able to not charge the twenty-two mills on the concentrators, just sixteen. If he hasn't got it, it means he is forced to put a twenty-two mill tax on all the mining properties. This gives him the ability not to put the sixteen and six, just to put the sixteen on, just the school mill rate which, I am sure, the Commissioner will promise that that is all he intends to do at this time.

Mr. Livesey: That is the point that I am raising, Mr. Chairman; that is what I want to know.

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

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Chairman: Is there anything further on this Bill? What is your pleasure in relation to this Bill?

Mr. McKinnon: Mr. Chairman, I would move that Bill No. 4 pass out of Committee without amendment.

Mr. Dumas: I will second the motion.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 4 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary?

Mr. Chamberlist: I didn't hear you Councillor Livesey.

Mr. Livesey: You didn't have to.

Mr. Chairman: Order, please. Are there any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Order, please. In view of the time, do you wish that we proceed with further with this?

Mr. Shaw: Mr. Chairman, you do have something on the agenda here that the Honourable Member on my left--he seems to be quite busy--what was this now, that you overlooked?

Mr. Chamberlist: The Notice of Motion reads Music.

Mr. Shaw: Oh, yes. The musician on my left, Mr. Chairman; he has something that is bothering him.

Mr. Chamberlist: Well, I heard from near me, Mr. Chairman, that there would be a Paper coming on this motion and I would ask that my motion not be discussed at this time, until the Paper is brought forth.

Mr. Chairman: Are we agreed?

Mr. Livesey: Yeah, he plays the fiddle while Nero burns.

Mr. Chamberlist: Isn't he good?

Mr. Chairman: What is your further pleasure?

Mr. Dumas: Let's go home!

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

Mr. Dumas: I will second the motion.

Mr. Chairman: Order please; it has been moved by Councillor Chamberlist, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:20 a.m. this morning to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Sessional Papers Nos. 3 and 17 be referred to the next Session of Council. This motion carried with Councillor Livesey opposed. Mrs. Buchan and Mrs. Hudson attended Committee to discuss Sessional Paper No. 21, related to a capital grant for the Y.W.C.A. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. and I can report progress in this matter. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 4 be reported out of Committee without amendment and this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committee. Are we agreed? May I have further indications of your wishes in regard of the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, tomorrow we have before us Bills, Sessional Papers and Motions. More particularly it was the wish of Committee, I believe, to receive witnesses tomorrow, Mr. Hunt and possibly Mr. Naysmith, to discuss matters related to forest management in the Tagish timber camp.

Mr. Speaker: Are there any additions to the agenda? Is there any further business?

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

Mr. Speaker: Motion to adjourn has been made. Are we agreed? The House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion that it is the opinion of this Council, consumer protective legislation be prepared for Council's consideration. While I am on my feet, I have another Notice of Motion; that the Administration submit a brief outlining the cost of living in all areas of the Yukon to the Honourable Ron Basford, Minister of Consumer Affairs.

MOTION #6

MOTION #7

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

Mr. Dumas: Yes, Mr. Speaker. I would like to give Notice of Motion that Sessional Paper No. 20 be discussed in Committee of the Whole.

MOTION #8

Mr. Speaker: Are we now clear on Notices of Motion?

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion that Sessional Paper No. 10 be discussed in Committee of the Whole.

MOTION #9

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? On the daily routine the Order Paper is clear. I will now pass to the Question Period. Are there any questions?

Mr. Taylor: Yes, Mr. Speaker. I have a question I would like to direct to the Commissioner this morning, having reference to the amendment to the Yukon Act which, I believe, has now passed the Senate. I am just wondering, if this be the case, if he could inform Council this morning as to whether or not the provision for nineteen year-old voting at the next election will still prevail.

QUESTION
RE VOTING
AGE

Mr. Commissioner: Mr. Speaker, my information, received approximately one hour ago, from Whitehorse, says the Bill referred to has not passed the Senate as yet. As soon as we have received confirmation that it has passed the Senate and has received Royal Assent, it is the Administration's intention to table an amendment to the Elections Ordinance to give Council the opportunity to speak on what the voting age is to be.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner, at this time, could indicate what, in fact, are the amendments that have been passed, relating to the Yukon Act and whether any of the recommendations of Councillor McKinnon and myself and the Northern Affairs Committee have been included in those amendments.

QUESTION
RE AMEND-
MENTS TO
YUKON ACT

Mr. Commissioner: Mr. Speaker, I am without positive knowledge on this except for the content of the telex which arrived yesterday, but, I am informed that Mr. Hunt on his arrival here today, will have copies as passed by Parliament.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner how the Litter Barrel and Fine Project is coming along by the Government of the Yukon Territory.

QUESTION
RE LITTER
PROJECT

Mr. Commissioner: Mr. Speaker, authority to proceed was contained in supplementary estimates and I would have to inquire so that I can give a positive answer to the Honourable Member. I will commit myself to

Mr. Commissioner continues.....
having this answer available for Monday morning's Session of Council.

QUESTION RE WATSON LAKE CEMETARY Mr. Chamberlist: Mr. Speaker, a question for Mr. Commissioner. I was asked to ascertain from the Administration whether there are any specific funds available for maintenance of the Watson Lake Cemetary.

Mr. Commissioner: Mr. Speaker, I would have to ascertain the answer to that question. I am sorry, I cannot give the answer at this time.

QUESTION RE ELECTRIC POWER IN DAWSON Mr. Shaw: Mr. Speaker, I have a question for the Commissioner. I have just received a communication, Mr. Speaker, that the subsidy on electric power is not being given by the N.C.P.C. to the people of Dawson City. There are no reductions and, further to this, they are sending the bills out, I believe the new policy is, every two months, instead of each month which is creating quite a problem for people. I wondered if the Commissioner could inform me if the N.C.P.C. has been notified on these power reductions, which, I expect, they have, and when will they take action to institute this reduction on their power bills?

Mr. Commissioner: Mr. Speaker, I can assure the Honourable Member that the administrative details in this regard have been cleared and there is no reason to believe that the next billing that is received by customers of N.C.P.C.--that is the retail customers--to whom the rebate applies, that it will not be there and reflect credit coming to the customer from the date that the rebate was instituted, namely, the 1st of April this year. The second part of the question, concerning the policies of N.C.P.C. about billing their customers at two monthly times, I have brought this to the attention of officers of the Commission. I have brought about to them that it is hardly an applicable situation insofar as retail billing is concerned and I have asked them to please give some consideration to a change in this policy as it applies to their retail customers. I'm sorry I cannot give any confirmation at this time that, indeed, there will be any change in this policy.

Mr. Speaker: Are there further questions?

QUESTION RE ELECTRIC POWER STUDY Mr. Taylor: Supplementary to the question raised by the Honourable Member from Dawson. I am wondering if Mr. Commissioner could advise me this morning, Mr. Speaker, as to whether a study will be made during the current fiscal year on the advisability or the possibility of extending power equalization into the commercial area in the coming next year.

Mr. Commissioner: Mr. Speaker, the Administration has no plans nor any intentions of conducting such a study at this time.

Mr. Speaker: Are there further questions?

QUESTION RE CAMP GROUNDS Mr. Taylor: There is one further question, Mr. Speaker. I would like to ask Mr. Commissioner if he could give me any information at all as to the possibility of getting on with the camp ground development at Watson Lake and Simpson Lake in this current fiscal year.

Mr. Commissioner: Mr. Speaker, both the camp grounds referred to appear on the construction and up-grading programme in fiscal years later than the current one that we are in. However, I am sure that the Councillors are aware that from time to time we are hopeful of putting the mobile unit that we are obtaining for use in the Corrections Department into the camp ground programme. I cannot assure the Councillor that the camp grounds mentioned in his question are going to be the recipients of any of this work in the course of this fiscal year, but, I can say that the programme in general will benefit from this. I am sure that, as a consequence, the camp grounds that he has in his area here will get their fair share of the time and the money that is available from this supplement to our regular camp ground up-grading and maintenance programme.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner could arrange for one of his departments to erect a suitable sign between Lower Post and Watson Lake, saying that you are entering the Yukon Territory and leaving the Yukon Territory. There is no indication whatsoever of this.

QUESTION
RE BORDER
SIGN

Mr. Taylor: May I direct a question to the Honourable Member from Whitehorse North, and ask what he had consumed on the occasion of his visit to Lower Post, because there is a great big sign down there.

Mr. McKinnon: Not any more there isn't. I would like to know what the Honourable Member...I was there last night and I have three witnesses who will testify to the fact that there is no large sign as there always used to be, welcoming one to the Yukon Territory permanently between Lower Post and Watson Lake.

Mr. Commissioner: Mr. Speaker, I am sorry that I cannot give the full historical details to the Honourable Member's question on this, but, there was considerable consternation caused by the lack of this type of a sign where the traveller crosses on the first instance into the Yukon Territory, after travelling throughout the land of Bennett. I do believe that the sign referred to has been moved to a permanent position much closer to the facts of life than it was in the area referred to. If Council feels that supplementary signs along the way should be erected, I think we will then find ourselves in the position of having to put up, I believe, five more of them, which would indicate border crossing.

Mr. Dumas: Mr. Speaker, I wonder if the Commissioner could tell us just where this sign is. It seems to be somewhere in B.C.

QUESTION
RE BORDER
SIGN

Mr. Commissioner: No, it is not. I will find out--it is close to--I will find out exactly the mile-post that it is located at.

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

Mr. Taylor: Mr. Speaker, I would beg leave to move that First Reading do now be given to Bill No. 7, namely, An Ordinance to Amend the Local Improvement District Ordinance.

Mr. Speaker: Order, please. We are under Public Bills and Orders.

Mr. Taylor: Pardon me, this is a Private Member's Bill.

Mr. Shaw: Mr. Speaker, I would move that Bill No. 4, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

BILL #4
THIRD
READING

Mr. Speaker: Could we have order in the gallery, please. May I have that Motion again?

Mr. Shaw: Mr. Speaker, I would move that Bill No. 4, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

Mr. Speaker: Is there a seconder for the Honourable Member's Motion?

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

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse West that Third Reading be given to Bill No. 4, An Ordinance to Amend the Taxation Ordinance. Is the House prepared for question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Is the House prepared to adopt the title to Bill No. 4?

Mr. Shaw: I would move, Mr. Speaker, that the title of Bill No. 4, namely, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

BILL #4
TITLE
ADOPTED

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West that the title to Bill No. 4, An Ordinance to Amend the Taxation Ordinance, be adopted as written. Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried and that Bill No. 4 has passed this House.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake.

BILL #7
FIRST
READING

Mr. Taylor: Mr. Speaker, I would beg leave at this time to move First Reading be given to Bill No. 7, namely, An Ordinance to Amend the Local Improvement District Ordinance.

Mrs. Gordon: Mr. Speaker, I would be pleased to second that Motion.

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Mayo, that First Reading be given to Bill No. 7, An Ordinance to Amend the Local Improvement District Ordinance. Is the House prepared for question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

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

BILL #7
SECOND
READING

Mr. Taylor: Mr. Speaker, I would beg leave to move Second Reading do now be given to Bill No. 7, namely, An Ordinance to Amend the Local Improvement District Ordinance.

Mrs. Gordon: I will second that Motion.

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Mayo, that Second Reading be given to Bill No. 7, An Ordinance to Amend the Local Improvement District Ordinance. Is the House prepared for question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and Council resolve itself to Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder to the Honourable Member's Motion?

Mr. Chamberlist: I will second that Motion.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Will the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Chair.

BILL #7

Mr. Chairman: This morning we have for consideration two Bills, I believe. We have the Securities Bill, Bill No. 1 and we have the Amendments Bill, Bill No. 7. I believe that the balance of the Sessional Papers have been deferred for further consideration. I am wondering if Committee will agree to discuss Bill No. 7. (Reads Bill No. 7)

Mr. Chairman: Councillor Chamberlist, would you take the Chair?

BILL #7

Mr. Chamberlist: Yes, Mr. Chairman. Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would like to know the reasoning behind this and I would like to know if the Local Improvement District Executives involved have been asked about it at all.

Mr. Taylor: Mr. Chairman, this is a Private Member's Bill, raised by myself, and it follows that in the existing Local Improvement District Ordinance, only one public meeting in any given year is provided for. Under section 8 which is being amended, or being added to by amendment, it states that an annual general meeting in each district shall be held during the first week in April of each year. This being the only public meeting under the terms of the Ordinance, it was felt that in order that the trustees would have an opportunity to get down to the people in general meeting, that possibly three additional meetings should be held, whereby the community and the trustees would get together every three months. That is the purpose of this Bill. I, of course, have had no opportunity to communicate with the Haines Junction L.I.D., nor have I with the Mayo L.I.D., other than to talk to the members involved. I have talked with at least one trustee in Watson Lake on this. But, the Bill, as I say, will provide public and trustee get-togethers at least once every three months.

Mr. Dumas: Mr. Chairman, I am a little wary about this after the discussion and debate we had on villages and that, at one point in Council. I would like to see somebody from the Local Improvement Districts represented because, after all, it does affect them and asking them to meet three times a year may be a little much. I don't know. There must be some reasoning behind this; surely it came from the trustees somewhere. The request must have originated with the trustees, or is it originating with the Member because he feels that this is the way it should be done. This I would like to know; also meeting every three months is hardly done, as this Bill points out. July, October and January are very odd months for having quarterly meetings, Mr. Chairman.

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member from Whitehorse West, there is nothing odd about them. Your annual general meeting is set in April, so, it follows that these dates follow that date. Number two is I can see nothing contentious about this Bill. All it does is give the trustees and the public a chance to get together four times a year rather than once a year, which is only right when you have people in elected office.

Mr. McKinnon: Mr. Chairman, I am extremely surprised to find out that the meetings of the Local Improvement District are held in camera and are not public. I always thought that it was like a municipal council, that they are public and that anybody can petition just as at any municipal level on any subject that they wanted in front of the Local Improvement District. I'd like to be corrected if I am wrong because I would never have thought of passing legislation creating a Local Improvement District if these meetings weren't public. This is ridiculous. Are they or are they not. Mr. Legal Adviser, are these meetings open to the public?

Mr. Legal Adviser: There is nothing in the Ordinance that says they are public meetings.

Mr. McKinnon: Well, they should be.

Mrs. Gordon: I think this is what we are trying to set out and accomplish, meeting quarterly, in this amendment to the Local Improvement District Ordinance. There is considerable criticism of our members of our Local Improvement District. It is hard to get public interest in it to at least attend and listen to their meetings. People just don't want them unless they become public meetings. The dates for their meetings are set and people have the opportunity to make written representations to their Local Improvement Districts. But, as everyone around this table well knows, no one will commit anything to paper. The only way to give a fair shake to the general public and to the trustees who are elected to

Mrs. Gordon continues.....

BILL #7

these offices is to have quarterly public meetings.

Mr. Dumas: Mr. Chairman, is that last statement a statement that originated with the people in the district of Mayo? We may be in a position once again where we are dictating to a junior government and we are certainly the first ones to yell when Ottawa dictates to us. If this originated from the trustees of the Local Improvements Districts, I am all for it. If not, I think there should be some discussion.

Mr. Taylor: Mr. Chairman, I am wondering what the Honourable Member is getting at here. Does he see that this--by getting the people and the elected representatives together four times a year instead of once--poses a real difficulty? If so, what is his foreseen difficulty?

Mr. Dumas: Mr. Chairman, I am concerned about participatory democracy, as the term is used these days. I am wondering if this is an idea that a Council Member that he feels the trustees should meet. How do the trustees and the people of the area feel? This is what I am wondering about, Mr. Chairman. We must remember, and I keep in mind, the fact that we got into an argument over village status in one of the areas of the Yukon, and after we had voted a certain way, we found out that in that area there was quite a division. I don't want to get sucked into the same thing, quite frankly.

Mrs. Gordon: I think that essentially what we want to do is get our people in our areas and our Local Improvement Districts' trustees working together, because I am quite prepared to say at this table they have not received the co-operation of the Department of Municipal Affairs. Everybody is at loose ends and nobody knows what is going on. At least, this will consolidate the people within the L.I.D. so that they are a fighting unit.

Mr. Shaw: Mr. Chairman, in the Municipal Ordinance, we have reference to this particular very same matter. Okay?

Mr. Chairman: Please proceed, Councillor.

Mr. Shaw: It states in section 21 the Council shall hold at least one meeting each month at such time and place as may be picked by resolution of the Council. This must be within the boundaries of the municipality. It also goes on further in other sections that every Council shall hold its meetings, other than Committee meetings, openly and no person shall be excluded from any of the meetings except for improper conduct. I would like to--I haven't got the Ordinance with me regarding Local Improvement Districts, and I just wonder if there is such a section in the Local Improvements or a different type of government. I think that certainly there should be by statute certain fixed times, reasonable times, that the public, everyone concerned, can become involved in this, whether it is in Watson Lake or whether it is in any other part of the Territory. It is reasonable that meetings should be public and should be with a certain degree of regularity in relation to the amount of business that has to be done. From what I can see, once every four months, providing of course, Mr. Chairman, they have a place to meet, sounds quite reasonable to me--every three months, quarterly.

Mr. Livesey: As far as participatory democracy is concerned, Mr. Chairman, it seems to me that this is the intention of the Bill. The way it is right now, it seems to me, the complaint against the operation of Local Improvement District operations is that there is no participation by the public. This is the problem, and it seems to me that this is what the Bill's got. It provides this participatory democracy. Surely, the municipal councils of other areas of the Yukon Territory have, the people have access to these meetings and they can hear what their representatives are talking about. I wonder if I could, at this time, Mr. Chairman, direct a question to the mover of the Bill. I would ask him if this is, in his mind, one of the prime reasons for moving this Bill.

Mr. Taylor: Yes, Mr. Chairman, this is correct. When this Bill was first made up--this is a pilot project here in Watson Lake, this is the very first one, this was the experiment on which were to be based all the other

Mr. Taylor continues,.....

L.I.D.'s of which, I believe, there are only two more--the Bill was drafted as a new piece of legislation. It was something that you couldn't copy from anywhere else. It was something that pertains only to the Yukon. It is not a copy of Alberta legislation, neither of B.C., or anything else. When the Bill was written, Mr. Chairman, it provided for an annual general meeting in which the public became involved and could receive reports or make submissions and this type of thing. It also states further in this Bill that the Board of Trustees shall meet at least once a month. But these monthly meetings are the in camera meetings. This is where just your trustees get together and discuss the problems and lay on their programmes for the coming month. It is to alleviate this one public meeting a year problem that the Bill comes before you now, so that the people and their elected can, at least, every three months get together and discuss the problems.

Mr. Chairman: Just from the Chair before I call the next Member, because I don't wish to return the Chair for what I want to say to Councillor Taylor who is in this debate. I would like to point out that this new section will in no way bring the public into a meeting because there is no provision for it. Councillor Dumas.

Mr. Dumas: Yes, Mr. Chairman, this was going to be one of my points. As Committee knows, I am not a suspicious type person but to use the famous words of one of our more loquacious Members of Committee, I become suspicious when the Honourable Member from Watson Lake quietly suggest to me that I have been lobbied. Now, if I should be lobbied by presumably one of his constituents on this type of a Bill, then, obviously we may be finding ourselves in the same type of discussion and debate that we were involved in a year or so ago. On the surface, this Bill looks to me to be a fine Bill, except, as the Honourable Chairman has pointed out, we are now, instead of having one meeting a year in camera, we are going to have four meetings a year behind closed doors. I see some heads shaking. I would like somebody to explain to me how these meetings are going to be held in public under the present Ordinance.

Mr. Taylor: Mr. Chairman, the present section 8 subsection (5) referred to in the amendment, you will note that in subsection (2) of 8(a) in the Bill, it states that the provisions of subsections (2), (3), (4) and (5) of section 8 shall apply. Section 5 reads: at the annual general meeting of the Board of Trustees shall present a report of their activities during the past fiscal year and the meeting may pass resolutions for the guidance of the trustees.

Mr. Dumas: Now, Mr. Chairman, I may be wrong. The Legal Adviser can advise me on this. This sounds to me that they have to present an annual report four times a year now, if subsection (5) applies

Mr. Legal Adviser: If you apply the section mutatis mutandis, it means making the necessary changes and that will get rid of a quarterly report.

Mr. Chairman: I wonder, from the Chair, if Mr. Legal Adviser could indicate whether or not the suggestion that I have made is correct--that the public can still be kept out. There is no provision for the public to be brought in.

Mr. Legal Adviser: Mr. Chairman, this wouldn't be, properly speaking, a meeting of the trustees. The annual general meeting is not a meeting of the trustees. It is a meeting of the people. The trustees hold monthly meetings in accordance with section 9. There is no provision for the monthly meetings under section 9 to be held in public. They are meetings of trustees who are a small group of three or four or five people. I'm not sure how many there are. The annual meeting which is in section 8, is a public meeting called, if the Honourable Member would read the section, by the trustees once a year. So, it is a question of either making every meeting--to achieve the object you have to make all the trustees' meetings open meetings with the public a right to say something, or you must have more annual type meetings. If they are going to held three times a year, it appears to be unnecessary to have to hold the quarterly meeting in the same month as the annual meeting.

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Mr. McKinnon: I would just like to see this go further, Mr. Chairman. I can see no objections at all. If a Local Improvement District is going to be held, or going to try to be conducted along the same lines as a municipal council, I can see no reason why the meetings of the trustees every month should not be open meetings. I just can't understand why the people don't have access to meetings every month with their people on the Local Improvement District. Certainly the section that applies in the Municipal Ordinance should be written into the Local Improvement District, and if these trustees want to meet in Committee, as City Councillors often want to meet in Committee, they just retire themselves at their meeting to Committee and go into a room and lock the door. Why, in this day and age, should a monthly meeting of the Local Improvement District municipal-type Council be held in camera? I don't buy it. I don't think that these meetings should be held in camera. I don't think City Council meetings should be held in camera. There are times when discretion deems that you have to hold these in camera. But, certainly, by the rules of Committee, this is easily brought about. For the general purpose of conducting business within a province, territory, municipality or country the meetings should be open and the public should have access to them. I would like to know if Council has any objections and Mr. Legal Adviser would find it difficult to make an amendment much like the Municipal Ordinance that provided for these monthly meetings to be open. I think that that would solve all the problems.

Mr. Shaw: Mr. Chairman, I am inclined to agree with the Honourable Member from Whitehorse North. I was on a City Council for eight years and, by gosh, I do not remember a meeting that wasn't a public meeting. It seems that in this last number of years, it has become quite popular to have meetings in camera, but, I do not recollect, in all those years, that there was any meeting of the City Council in the city of Dawson that was ever in camera. It was a meeting such as we have here. If the public wanted to come the facilities are there for them. I assure you that they didn't attend very often, as people have to leave it up to the people they elect to do the job. I see no reason why these shouldn't be as open as anything else. What is different about them?

Mrs. Gordon: May I direct a question to the Honourable Member from Dawson. At these meetings that you had in your City Council, did the general public take part in them? This is what we are trying to accomplish in the amendment to this Bill. I mean, we have an audience at our Territorial Council but they don't become part of it. We want public participation with our Board of Trustees to know what is going on and each one able to augment the other in the progress of the Local Improvement District where we do not have the experience of the Honourable Member in city government. These are people who need guidance and advice from both levels, from their people and from those above. They can't get it and they need it.

Mr. Taylor: Well, Mr. Chairman.....

Mr. Chairman: Might I Councillor Taylor--the question was put to Councillor Shaw.

Mr. Shaw: That question is quite easy to answer, Mr. Chairman. The Council held their meetings and then at a certain period during that meeting, if they were-- the local taxpayers here were asked if they had any questions. Some said no; others said yes, I have a complaint about this, that and something else or I wish this done. Then, it was decided--perhaps a decision was made or it was left over to the next meeting. Everyone was heard, but, the public did not partake of the actual discussions any more than they would in a Territorial Council meeting except to give their view points.

Mr. Taylor: Mr. Chairman, I agree that it doesn't matter who gets elected to public office, he should be--the meeting should not be held in camera as the Honourable Member from Whitehorse North has pointed out. Here, of course, under this Ordinance, we have a situation whereby monthly meetings are held in camera. I think we are dealing with two things. We are dealing, first of all, with the four meetings as suggested in the

Mr. Taylor continues.....

Ordinance where the public may have that opportunity of participating with the trustees together. Then, we have the annual once-a-month meeting with the Board of Trustees which is an administrative meeting. I certainly agree that these meetings should be open. This would be tremendous for all concerned if these could be held in public where people would sit in. Of course, naturally, they couldn't participate, but, at least, they could sit and listen to what their elected representatives are doing. I certainly whole-heartedly agree. I didn't attempt, though, in this Bill, to go that far. I felt that possibly this is something that would take some time to look into, and some discussion. I think it is a standard principle and I agree whole-heartedly.

BILL #

Mr. Shaw: Mr. Chairman, I would like to say that, in my observations over a number of years, really one of the worst things that can happen in a community are meetings in camera in relation to public service. There is, I don't think, anything wrong in the person's deciding the different matters but it does create an area of suspicion. People generally do not know what is transpiring and this doesn't mean to say that it is wrong, what is transpiring, but, they are not absolutely knowledgeable on what it is. I think that meetings in camera of any council are a bad thing as a matter of principle. There are times, of course, with a delicate subject that has to be discussed because it may involve some person or persons and it might embarrass them, that is the time when you have these particular meetings. But, generally speaking, the meetings should be kept as open as possible. It always leaves a better feeling in any community regardless of whether it is a large community or whether it is a small community. I cannot see why there are closed meetings, unless perhaps, there are no accommodations for a group to meet, there is no, what you might call, a public accommodation where they can--they have no facilities. In this case, it has to be in a private house, possibly, and you just can't open it to everybody in the country that comes in.

Mr. Livesey: Mr. Chairman, I wonder if I could direct a question to the Legal Adviser and ask him if, in his opinion, any additions are necessary to this Bill in order to satisfy Committee in relation to public participation or public attendance I think is a more correct word, at the meetings suggested in the Bill.

Mr. Legal Adviser: Mr. Chairman, I think this Bill achieves the objective which the Honourable Member from Watson Lake set out to achieve, that is a meeting at which the public can take part in the debate and the trustees can take part in the debate. These quarterly meetings would decide nothing. The Board of Trustees makes the decisions. They could present their guidance. But, in the Board of Trustees--some of the Honourable Members were discussing whether or not to bring in a compulsion that the monthly meetings be held in public, but, this has nothing to do with the monthly meetings and will not affect them in any way. It doesn't say they shall--I suppose an amendment could be made to bring in this.

Mrs. Gordon: In the Ordinance, Mr. Chairman, it states the Board of Trustees shall meet at least once a month. There is no enlargement on this statement whatever. It doesn't say whether in camera, in public or how this is conducted in any way, shape or form. A person with no experience in this type of participatory democracy would infer that it is the trustees alone that meet. They, in their innocence, don't know any better and they get into hot water. We need participatory democracy, grass-roots government, as the Commissioner has said so many times. The Territorial Council, however, set out and passed this Ordinance and left the people on the Local Improvement District with no set guidance. The department which administers this has not followed through and insisted that they do. This is what I have said many times around this table. They are not getting the advice and help that they need.

Mr. Dumas: Mr. Chairman, if the monthly meetings were made public, would it then solve the problem as presented in section 8(a)(i) of this?

Mr. Taylor: No, Mr. Chairman, it would not. I think we are talking about two different things. We are talking about a meeting whereby the

Mr. Taylor continues.....

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public can make recommendations to the trustees and the trustees can ask the opinion of the public on certain matters four times a year, rather than once. I was going to ask a question, Mr. Chairman, of Mr. Legal Adviser. Section 9 subsection (1) is the section on the members' meeting, and it reads: "(1) The Board of Trustees shall meet at least once a month", period. Could not the matter be held by adding an amendment to that subsection (1) stating something to the effect that the meeting, such meeting shall be open to the public view? Something of this nature; would this do it?

Mr. Legal Adviser: It is not a difficult amendment to say "except where otherwise specially decided by the trustees the meeting shall be public". It is not an onerous task of drafting.

Mr. McKinnon: I disagree with the Honourable Member for Watson Lake that this won't solve his problem, because I think if you have your meetings of the Local Improvement District open and with easy access to the public-- I've attended many municipal council meetings and I know that the Honourable Member from Whitehorse East has, and there is no difficulty at all, none whatsoever, in the public getting through to the Municipal Council. Certainly, it should be even more so at the Local Improvement District level. When I attend municipal council meetings, I am up on my feet all night answering questions and actually being involved in the debate that is going on. The Honourable Member from Whitehorse East is also. I know that in these meetings that they ask if there is anyone there who has a case to present to Council. By simple letter, anybody can send any petition and any request, any hearing in front of the municipal council. So, naturally, municipal council doesn't need an annual general meeting because the public has access constantly to their elected representatives. Now, this is exactly the way that the Local Improvement District should be working. It is easy and there is no problem at all in access for the public to get their complaints and suggestions before their representatives. If this was done every month and there was this ability for the public to participate which is as it should be, the same as there is in the municipal representation in the Territory, then you would still have on top of this, the annual general meeting and you would find that that is about all the government you would want to get involved with in the Local Improvement District. You would have all the representation and all the participation that you could possibly want. I think that if the amendment was made asking or proclaiming that the monthly meetings were public, then you would find that you wouldn't need the general meetings four times a year. One would suffice quite nicely.

Mr. Shaw: Mr. Chairman, I agree very much with the Honourable Member from Whitehorse North that, I think Mr. Chairman, by putting in a section where there shall be an annual meeting is the one that has confused everybody. I think that that should be taken out and exactly the same as exists in the present Municipal Ordinance, that there shall be a meeting once a month, and it shall be open to the public and all of the public are entitled to attend that meeting except for disorderly conduct, be put in. Now, in my experience, Mr. Chairman, I must say that any council that I have been on welcomed the views of the rate-payers, or taxpayers, when they come to a meeting. They want them to join; they want them to help them. It just works as smooth as that. I think that what would be the best thing to do is to take this section, amend this section where it must be a meeting every, once a year, that the public can go, and just put in exactly the same as we have in the Municipal Ordinance, whereby a meeting shall be held once a month and it shall be a public meeting. Then you have your problem solved and no one is confused. It is the same as a municipality.

Mr. Taylor: Mr. Chairman, in looking at this, we still must retain the annual general meeting. That has got to remain. That is the one point from which everything starts at the top. In viewing the Bill, in order to achieve this, again I would ask for Mr. Legal Adviser's direction, if we were to amend the Bill as it now stands before us and say, rather than discussing July, October and January, a quarterly meeting in each district shall be held during the first of each month in each year,

Mr. Taylor continues.....
that would make twelve meetings.

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Mr. Legal Adviser: That wouldn't be quarterly.....

Mr. Taylor: No, no, we would take the quarterly--the quarterly would come out of it, pardon me. A meeting in each district will be held, and then in subsection (2), you would then have to also say, take out the word quaterly. Would this not then make all meetings.....

Mr. Legal Adviser: I couldn't see that this would achieve the object. Two complete set of rules; one set of rules for the trustees' meetings, one set of rules for the annual general meetings, would require a certain amount of study to link them. There is no difficulty whatsoever about making the trustees' meetings public. There is no difficulty whatsoever in making a similar type annual meeting exactly identical to be held four times a year instead of once. But that linking back and forward there, this is a different thing.

Mr. Shaw: Mr. Chairman, I would submit to the Legal Adviser's consideration as to how it would fit in that you take, in section 9, subsection(1) where it states the Board of Trustees shall meet at least once a month, and continue with the words to the effect that all meetings shall be open to the public. And there, you have your problem resolved.

Mr. Chairman: Mr. Legal Adviser, would you care to answer that?

Mr. Legal Adviser: The difficulty of this is if you just say all the meetings of the L.I.D. should be open to the public then you are blocking them from ever having anything which is not open to the public. And it will happen from time to time. They will want to consider something themselves or in a meeting closed to the public. You have to sit down and consider exactly what you want to do and then set out to achieve it. Not just by too simple an amendment which would make it impossible for the system to work. It is one thing to add to the system; it is another thing to change the existing system so drastically that you are opening everything to the public.

Mr. Shaw: Mr. Chairman, I didn't quite mean that. The Board of Trustees shall meet at least once a month at which the public may be present. Now, they can meet three times a month if they want to have these little ironings out. They can have them in the corner of a building or in a garage someplace, or where ever it may be convenient to iron out local littlæ problems that go on, but, they do meet once a month and the public may be present. Is there anything wrong with that, or can be wrong, and will it alleviate the present situation?

Mr. Legal Adviser: You could raise it around and say one meeting of the Board of Trustees each month shall be open to the public. If you do it that way, you've got the gravy. Then you don't interfere with existing system elsewhere.

Mr. Taylor: Mr. Chairman, I just would like to point out that we are talking still in two areas. One that the public can view and the other where the public can participate. This is the problem here. The other thing is that under section 8, first of all the trustees have to fix the time and place for the meeting and they must advertise that meeting. This is why the quarterly meeting every three months. Thirdly, they must, of course, post the notices advertised. The chairman of the Board of Trustees becomes Chairman and then the people can then present resolutions to the board, and, you know, this is where you will have to have a hall for your meeting rather than have your meeting in some smaller accommodations. In other words, we are talking about two areas. One when the public may get down on a resolution and vote and decide an issue. The other is where you can come only to sit and view the meeting.

Mr. Shaw: Mr. Chairman, I just don't see the thinking in this particular thing. My idea of participatory democracy is where a group--it doesn't matter whether it is a Local Improvment group or whether it is whatever you call it that runs the affairs of the citizens--once a month has their

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Mr. Shaw continues.....
 meeting and the public is invited. Now, I see nowhere where you have to advertise it ahead. All you are doing when you are delaying things for three or four months is you are building up a head of steam in a small community--any community. You start to build up a head of steam. When everything goes along every month and the meetings are public, that head of steam doesn't have sufficient time to grow and enlarge itself out of all proportions. People are participating in it and to have a meeting-- I can't see the point in having an elected group do a certain job and then, you call a meeting for everybody else to do the job. Certainly, a meeting, once a month, open to the public, from my experience--and the trustees ask the public for their opinions, they will get all the opinions there are. They are the people that have to make the decisions for the community, the trustees. They will get their guidance from the spectators that are in the gallery. How you can have a meeting, when you have trustees, for all the people to decide on certain issues--these people that are elected are the ones that have to finally come up with the answers. By these open meetings, however, the public gives them the advice for these answers. I am sure that many people would get up and speak up in the gallery. That answers it. Once a month, you won't have your head of steam building up. If you could have it once a week, that would be better yet. But, maybe that is a little too much to expect.

Mr. Livesey: I think there is one point, Mr. Chairman, that is being overlooked. As an elected body, especially, they have the power to make their own rules for procedure and if each body is allowed to make its own rules, and this is obvious, you can't deny them this power at all. This is their prerogative and if each body makes up its own rules of procedure, then, whether they want to listen to the gallery or not is up to them, because, it is up to the public to elect them. If the public doesn't like what they are doing, well, of course, they know what the answer will be. Nevertheless, the elected body, there is no question about that, that they are an elected body, has the power to make up their own rules. I would like to ask a question at this time. I wonder if Mr. Legal Adviser could advise me if any Local Improvement District in the Yukon at the moment has submitted to him a designated set of rules of procedure for their organization upon which they conduct their meetings and so notified either him or the Administration.

Mr. Legal Adviser: I couldn't say exactly, Mr. Chairman, what has been submitted, but we do have by-laws which are made or ratified by them, or rules made by the Commissioner in relation to meetings. I couldn't say whether the actual trustees' meetings themselves have this procedure. I don't know.

Mr. McKimmon: Would the Honourable Member who moved the Private Member's Bill be prepared to try for one year should Mr. Legal Adviser draft an amendment making the monthly meetings of the Local Improvement District public and keeping the annual general meeting. I really do feel that if these monthly meetings are made public and the public has access to their representatives on the Local Improvement District that you will find that you don't need the quarterly meetings. You will find that the annual general meeting will suffice. This is the problem and both Members have admitted that it is the lack of access to the representatives on the Local Improvement District. I think that this can be solved by making the monthly meetings public and you will find that the one annual general meeting is sufficient. With the meetings public every month and then to set quarterly public meetings besides, you are just going to get the Local Improvement Districts in a mess of over-government. This is actually what you will have. If it doesn't work, even then, Members who have Local Improvement Districts in their area find that they still can't get through to their elected representatives, I don't think that anybody at this table would begrudge the quarterly public meeting type of approach to it. I am surprised. I didn't have any idea that these meetings were closed and there is no possible way that I am going to leave this table without making these meetings open. It is just wrong that these meetings of the Local Improvement District should be held in camera. It is as simple as that.

Mr. Taylor: Mr. Chairman, I would agree to sit down with Mr. Legal Adviser and try to come up with an amendment and possibly my seconder might wish to move it. But, one thing that must be protected if we take this tact is that at all meetings subsection (5) of 8 must apply to all these public meetings whereby at an annual general--or at any meeting--rather at each meeting of the Board of Trustees, they will prepare a small report--I believe they have clerks to do this anyway--of the activities during the past, in this case it would be the past month, and that the meeting can pass resolutions for the guidance of the trustees. If this is adopted for each meeting, then this would certainly meet what we have set out and intended to do.

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Mr. Chairman: At this time, I will hold Council in recess for coffee-break.

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

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Mrs. Gordon: Gentlemen, I think one of the things you missed in this proposed amendment for the Ordinance, or a subsequent amendment to the amendment, is that we are trying to provide a safety valve. The Honourable Member from Dawson talks about a head of steam. This head of steam, at the present time, builds up for a whole year and then the safety plug goes, but we are putting a safety valve in so that the public is able to participate with the Board of Trustees at least every three months and the safety valve is there to take off the head of steam that could possibly blow at a yearling. And I think this is a protection for our Trustees and our general public so that they can get together and solve their problems without the safety plug going.

Mr. Dumas: Mr. Chairman, it sounds like we have a bunch of flaming revolutionaries in the outlying areas storing arms and ready to revolt at a moments notice. I think the idea of the monthly meetings being made public is a good one and financial reports can be made and people can have participated. The idea is to set up municipal type government so eventually these Local Improvement Districts will probably become villages and maybe later on they will become townships, and one or two of them may end up in the distant future even become cities. But if we are going to set up a municipal type organization then lets do it on the same basis as the present municipal organizations are set up.

Mr. Taylor: Mr. Chairman, over recess we were looking at the section quoted from the Municipal Ordinance in dealing with such matters and there is a way that we could propose a further amendment which would provide that the meetings of the Trustees in any Local Improvement District, like, Section 9(1) would then read, "The Board of Trustees shall meet openly at least once a month and no person shall be excluded from any open meeting except for improper conduct". This is the way that it reads in the Municipal Ordinance. But, as Councillor Gordon has just capably pointed out, there must be a period at least four times a year whereby a kind of general get together of the ratepayers and the Trustees can be held and where the Trustees can prevent problems requiring some direction from the ratepayers and where the ratepayers, if they do have any problems can then propose resolution back to the Trustees. It's a two way street and I would ask that in considering this Bill that we retain the quarterly meeting, the quarterly general get together between the ratepayers and the Trustees and that we consider further amendment, and of course as I say, I cannot amend my own Bill, but possibly the seconder might wish to move an amendment to this that we retain the new amendment whereby the public would be permitted to come and observe at least once a month any meeting of the Trustees.

Mr. Shaw: Mr. Chairman, what I don't understand is that, with that section that the Honourable Member from Watson Lake has brought up, that it is practically identical with the Municipal Council. Now, here we have those Local Improvement Districts not only here but I mean in any part of the Territory or those that would come and we are furthermore tying them down to more rigamarole when we say they shall have quarterly meetings which we do not apply to a Municipal Council which is, generally speaking, a larger.....involving more money and more problems and more responsibility, we don't require them to do that. I think myself, Mr. Chairman that this Bill isn't required. If we have an amendment such as has been proposed, that's all we need. It almost appears that the Local Improvement District, they might be a bunch of people that are trying to do something bad instead of

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Mr. Shaw continued...

trying to do something good for the community. You can't tie them down. If people are tied down too much in public office, it's hard enough right now to get people to offer themselves to the exposure of public office. If you're going to tie them down to everything they do, they are going to say to heck with it and that's going to be the end of it. I think that there must be communications between the elected people and the people who elect them and if you have that communication once a month, the same as in a Municipal Council, I cannot see as you require any more rules and regulations governing them, you've got everything to find out, they usually read the minutes, they usually go through the business and then usually they open the floor to the people that are in the Council Chamber. So, that any information can be procured at that time, there is nothing that should be secret and I would commit, Mr. Chairman that if any group were trying to withhold things from the public, well they won't be in there very long because they know who could be in there taking their place. But at the same time when a group is elected to something like Territorial Council, you know once the Territorial Council is elected to this other body the people are elected to that post for three years whether they like it or whether they don't like it. There is nothing that can be done about it except when the next election comes up they can kick him out. So, that this section, this amendment to Section 9 in my opinion, Mr. Chairman, is all that is required to enable a local improvement district to operate efficiently and relatively smooth.

Mr. Dumas: Yes, Mr. Chairman, I have no qualms whatsoever in going along with what the Honourable Member from Dawson City has said, but as a Territorial Councillor from Whitehorse area that the proposal as put before this Committee that we change the dates and the frequency of meetings of the Whitehorse City Council and do so without having the Whitehorse City Council represented at the meeting or discussing it in any way, there is no way that I would agree to that.

Mr. McKinnon: I wouldn't go back to Whitehorse.

Mr. Dumas: And, it is understandable that we would be interfering with the Municipality as an organization, however, providing a safeguard for the people by making meetings public, as meetings of elected representatives should be, this I can agree with wholeheartedly and will agree with, Mr. Chairman.

Mr. Taylor: The thing is just reshaping itself but I think it could still achieve the same results that I was looking for in the presentation of the Bill. Now, Councillor Shaw pointed out very properly that--how a City Council Meeting works under the Municipal Ordinance and in his remarks he seemed to indicate that at a City Council Meeting that people are asked sometimes for their opinion on certain subjects that will arise. He properly points out that normally a report is made at every meeting in any event, but here's what I would like to ask the Honourable Member would he feel then that at each of these meetings that there should be some compulsion within the Ordinance to state that it is permissible for the Trustees at each of these monthly meetings to receive, as they state in the general meetings, it says, and the meeting may pass resolutions for the guidance of the Trustees. Is it possible then to do this, would the Member be in agreement that this be a condition that the meeting may pass resolution where, if a group of people went to one of these meetings for instance, and they listened in to it and there was a matter of some concern arose expecting the operation of the Local Improvement District and the ratepayer, by petition or by some--it shouldn't have to be by petition, by resolution gave notice in the normal manner that the wish to propose a resolution effecting the signing of the streets or effecting something else, if they could do this. This can only now be done at the one annual general meeting. And this is where the head of steam builds up, as the Honourable Member spoke of, is that the participation in these meetings only happens once a year. Now, if we say that the people will be asked by the Trustees or by the Municipality or by whoever we are speaking of here, and they can present these resolutions fine. I agree full-heartedly.

Mr. Shaw: Mr. Chairman, a body, a Council body, you can call it a Local Improvement District, a Council or anything else, I surely in representing a group of people heaven knows they would present to you what they want. I cannot see where there can be possibly any problems, that these people are elected by the majority of the people. Now, if they were elected by ten people or appointed I could see the concern. But all people in these districts are elected on the majority basis. Now, when a meeting is held, after all the business is attended to, what is on the agenda then usually the public are given an opportunity. You can't dictate to anybody what they shall do at their meetings, they should be master in their own house the same way as the Territorial Council operates its affairs. There is no question that there are some people who possibly think this Council doesn't operate as efficiently as the way it should operate. Maybe they are right and maybe they are not, and they have the right to present their grievances to this Council. This is the highest elected body in the Territory, operating in the Territory, and the same thing could apply to Local Improvement--I just cannot see where a problem can arise when a meeting is open. I can see that the problem has arisen mainly because these meetings have not been public. I feel sure, Mr. Chairman, positive that once these meetings are public and held once every month that this problem will dissipate and some of those meetings should be quite widely. I'd like to sit in on some of those meetings, I think they would be quite good, and that's what it is. In politics as in anything else it's a matter of conflicting ideas of policy and everybody doesn't agree on the same thing. But it is a democratic way of doing this by having an open meeting, but I would feel that if I were a member of a district and the Trustees would not allow me, in an orderly fashion, to present a petition or my complaints or whatever it may be, I would certainly do everything I could to get them out of office at the next election because they wouldn't be representing the population, wouldn't be representing the public. Now, if these people return well then I would be wrong, I guess, that's just the way it works in these kind of things. What I assure the Honourable Member from Watson Lake, that with these opening touches proposed the position to Section 9 that the problems have just evaporated because it will be public participation. That's what we want and I'm sure the Trustees would want that also. It helps them, it gives them some of the solutions to the problem.

Mr. Dumas: Mr. Chairman, the Honourable Member from Watson Lake mentioned that you have to wait a year in order to get rid of the people if they do something wrong, but in this Council you would have to wait three years, it will now be four years and in most City Councils you have to wait two years. That's democracy, that's the name of the game, and if suggested, I'm sure that if you reviewed the suggestion that possibly the public be allowed to present resolutions at the meetings that be passed and carried turned it into nothing more than a community club, Mr. Chairman, there is no similarity to a Municipal Council. There is no sense in electing people to represent you and then going to every meeting and telling them what to do by votes and resolutions. I'm sure you can see that if you think it over, Mr. Chairman. I have to stick with the amendment as suggested by the Honourable Member for Dawson City that once the meetings have been made public, and I think that if the Members concerned will give this a try for a year, they will probably find it will work out very well, because it has been tried in truth throughout the country for hundreds of years, Mr. Chairman, in the form of Municipal and City Councils.

Mr. Chairman: I should point out to Members of Committee that there is no formal motions on the amendment moved at this time.

Mr. Livesey: Just one point, Mr. Chairman, and that is if we are going to talk about public meetings, now we are talking about area and space. Do I understand that each Local Improvement District Organization has a proper place to meet and have a place for the public and so on? Is this possible, no use talking about it if they haven't got it. Now they certainly have it in Watson Lake, no doubt about that watching from here, but I'm wondering if the Administration could inform Committee as to whether each one of these Local Improvement District Committees have

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Mr. Livesey continued....

this proper space available and how they go about it, and do they select it themselves and pay for whatever the cost out of the amount allotted to each Local Improvement District?

Mr. McKinnon: This is beginning to sound like a meeting of the Local Improvement District.

Mr. Commissioner: Mr. Chairman, access by a public body to any public buildings in the Yukon Territory, is without restriction of any kind.

Mr. Livesey: Well that isn't the point, Mr. Chairman. I'm not talking about a public building, I'm talking about a place where the Local Improvement District Trustees meet. Are there specific places where they meet where, if we change the Bill, that the public can gather, No use talking about them sitting in a cubby-hole twelve feet by twelve feet, they are not going to get in there. What I'm asking is have they got this space available, and if they have does the Administration look after the rent of the thing or whatever they do, or does the Local Improvement District make these arrangements themselves out of their own funds.

Mr. Commissioner: Mr. Chairman, the schools and all of the facilities in the schools in any district are readily available for such purposes. There is a standard minimal charge that is involved in these and it is up to the Local Improvement District to arrange on their own budget to pay for these things. The budget of the Local Improvement District is financed by Territorial appropriations passed by this Council.

Mr. Shaw: That means, Mr. Chairman, that, and I address these questions perhaps to Mr. Commissioner that the Local Improvement Districts could for a very nominal rent have their monthly meetings in the school, in one of the rooms in the school.

Mr. Chairman: Any further discussion?

Mr. Livesey: Mr. Chairman, they don't but they could. This is the answer to the question.

Mr. Chairman: Any further discussions?

Mr. Taylor: Mr. Chairman, I wonder if we could have about a three minute recess while we prepare an amendment.

Mr. Chairman: The Committee will be recessed for three minutes at the request of the Councillor.

RECESS

RECESS

Mr. Chairman: I'll call Committee back to order. Councillor Taylor, you have something to say?

Mr. Taylor: Mr. Chairman, as in many things, I guess if you can't have the whole pie well I guess you go for a piece, and I think we've made a step forward in this Ordinance. I believe the Honourable Member from Mayo does have an amendment which will meet the general wishes of the Committee and certainly in viewing the amendment I am in full agreement with it.

Mrs. Gordon: Mr. Chairman, I would like to move that Section 1 of Bill No. 7 be repealed and that Section 9, Subsection (1) amended to read, "The Board of Trustees shall meet at least once a month and no person shall be excluded from any open meeting except for improper conduct."

Mr. Livesey: I'll second the motion.

Mr. Chairman: It has been moved by Councillor Gordon, seconded by Councillor Livesey that Section 1 of Bill No. 7 be repealed, and that Section 9, Subsection (1) be...

Mr. Legal Adviser: I think it should be deleted rather than repealed.

Mr. Chairman: Yes. Well, I was reading it as the Honourable Member had presented this thing, but I think she would agree that this be satisfactory to use the word "deleted", as of Section 9, Subsection (1), and I think that that means all of the Local Improvement Districts Ordinance.

Mr. McKinnon: He'll be glad to get the Chair back soon.

Mr. Chairman: District Ordinance be amended to read, "The Board of Trustees shall meet openly at least once a month and no person shall be excluded from any open meeting except for improper conduct." Is there any discussion?

Mr. Dumas: Yes, I have a question of the Legal Adviser. The way it reads is broad enough to include anybody from age one to nineteen or anybody indeed from Florida, England, France or anywhere in the world. Is this the intent of it, Mr. Legal Adviser?

Mr. Legal Adviser: Somebody coming from Florida can be entitled to go to the meeting, but the intent is to reproduce precisely this, that they hold at least one open meeting during the month. They may hold others which need not have to be open, you know, Committee Meetings. It does not give the public participation in the meetings it's still a Meeting of the Board of Trustees, it just means that they can come into the body of the hall. It depends then if the Standing Order is in force whether anyone will be asked any questions or debate with them. I think that you've got to leave--when it's a Meeting of the Board of Trustees, it's a Meeting of the Board of Trustees, in the same way a Council Meeting is a Meeting for Council, not a meeting of the public together with the Council. This is a horse of another color.

Mr. Chairman: Any further discussion.

Mr. Shaw: Mr. Chairman, what happens to this, does it die in Committee, is that correct?

Mr. Taylor: No, it's deleted.

Mr. Shaw: Oh, it's deleted. And given new Bill?

Mr. Taylor: No, just amended the Bill.

Mr. Chairman: Any further discussions?

Mr. Dumas: Question.

Mr. Chairman: The question has been called. Those in favour will please indicate.

All: Agreed.

Mr. Chairman: Any opposed? The motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Taylor: Mr. Chairman, I would like to move at this time to move that this Bill be moved out of Committee as amended.

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

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

Mr. Chairman: It has been moved by Councillor Taylor, seconded by Councillor Gordon, that Bill No. 7, an Ordinance of amend the Local Improvoment District Ordinance be moved out of Committee as amended.

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Mr. Chairman continued....
You have heard the question. Are you agreed? Any contrary? The motion is carried and Bill No. 7 has moved out of Committee.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: Thank you, Councillor Taylor.

Mr. Taylor resumes the Chair.

Mr. Chairman: I believe this afternoon we are to be receiving--I believe this afternoon at 2:00 o'clock we are to receive before Committee a Mr. Hunt and a Mr. Naysmith, unless I'm incorrect, to discuss matters related to the Tagish Timber Cut and..... Is it your wish that we recess at this time? Committee agree? Therefore Committee stands in recess until 2:00 o'clock this afternoon.

RECESS

RECESS

Mr. Chairman: I believe it was the desire of Committee that this afternoon we meet with officials of the Federal Department of Indian Affairs and Northern Development to discuss matters related to forest management. I believe we have with us today in the public gallery Mr. Digby Hunt and Mr. Don Merrill. Is it your wish that they attend Committee at this time? Clerk, would you invite the gentlemen in.

YUKON
TIMBER
CUTTING
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Mr. Dumas: Mr. Chairman, I think the meeting is being held at the request of the Federal Department. As we have no Paper to proceed on, I wonder if the--Mr. Hunt possibly could tell us just what it is we are looking at here and why.

Mr. Commissioner: Mr. Chairman, may I be allowed to say just a word. What has led to this point was the request that was originally, I believe, a part of a motion at the last Session of Council. I stand to be corrected on this. We asked for the Minister or his representatives to come to discuss with Council the consequences of a Sessional Paper which indicated that the Minister was about to advertise the timber cutting rights, referred to, I believe, as the Tagish Timber Harvesting Unit. The timing of these gentlemen's arriving here has, I realize, not been particularly convenient, neither for Council or for them. This, however, is the basis of their coming here at this time. Subject to Committee's own wishes, Mr. Chairman, these gentlemen do have along with them here, an outline under the terminology of a Sessional Paper which, if this would help in the discussion at this time, they are quite prepared and I am quite prepared to ask on Committee's behalf if that is Committee's wish, to distribute this if it would assist the situation at this time.

Mr. Chairman: Would Committee agree to the tabling of this Sessional Paper? Would you proceed? Mr. Hunt, would you care to maybe kick things off here?

Mr. Hunt: Thank you, Mr. Chairman. I might commence by expressing my appreciation for the opportunity accorded myself and Mr. Merrill, to meet with Council concerning the proposed Timber Harvesting Unit in the Tagish area. To outline, first of all, the background thinking that, at least, I was bringing to this meeting. It does arise from the fact that an earlier Sessional Paper, number 10, from a previous Session or the earlier part of this Session, had been presented to Council. It did result, I believe, in a motion that the Minister take no further action in the advertising or disposal of timber harvesting rights in the proposed harvesting unit until Council had had a better opportunity to look at the situation and, I think, that perhaps, not only in the motion itself, but also as a result of correspondence and exchanges of views, it was indicated to us that it would be preferable where we can make available to Council a better outline of what was proposed. For this purpose particularly, Mr. Don Merrill is here to go into as much depth as you may wish with respect to timber management as it is thought of generally as appropriate in the Territory, and timber management as it would be thought of as applying to the Tagish Timber Harvesting Unit. May I, however, emphasize and really practice my remarks by saying that no final decision has been made by the Minister with respect to the establishment of the Tagish Timber Harvesting Unit. The fact that I refer to it in these terms is a convenience more than anything. I would want to emphasize that. It is an area of the Yukon that has been studied by consultants and the purpose of the study was to determine whether timber could be harvested from this area, but, the unit as such has not been formally established and, of course, no rights for timber harvesting have been granted. My Minister did ask me to express to you his regret that in one way or another, the consultation on the proposals was not fully adequate up to the present and all I can say is gentlemen, I hope that our presence here today and, hopefully, whatever we can provide in information and exchange in views will, in the future at least, provide a proper medium for proper consultation. The paper that has been placed before you, and

Mr. Hunt continues.....

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perhaps I should again get my apologies over at one time--I am sorry that there was no forewarning, time ahead, for you to read this paper and digest it. If I might, with your permission, Mr. Chairman, just very quickly indicate what is in it. Two things are in it only. The first, we thought it might be helpful to provide a summary of events that led up to the Sessional Paper No. 10 and then, we thought it might be helpful to provide some information or response to some of the queries that were raised in the previous Council Session with respect to some of the facts. Very briefly, this consideration of Tagish Timber Harvesting Unit did not really commence until March of last year, 1969, when the department did receive indications of interest for harvesting the timber in this area from Acorn Timber Limited and Atlin Industries which was later know as Brameda. I won't go through all the details, but as a result, in response to that indication of interest, the consultant, Schultz-Therriault, was employed to conduct a forest inventory study and to recommend allowable cut rates and methods of cutting. On this side, as it were, in August of 1969, Brameda Resources applied for a parcel of land on Tagish Lake, along the shore of Tagish Lake east of Carcross, as a proposed site for a wood processing plant. This was intended to process timber cut not only in the proposed Tagish Timber Harvesting Unit, but also timber cut in the general area to the south in northeastern British Columbia,--I'm sorry, northwestern British Columbia. As yet, our information is that Brameda has not been successful in negotiating a right for cutting with the B.C. Government but, on the other hand, we have just learned, as a result of Mr. Merrill visiting Victoria yesterday, that harvesting rights may be advertised very shortly by the Department of Lands and Forests, and that, it may be advertised on the basis because of interest in the region and the fact that they have undertaken surveys that Brameda might have the right to meet the highest tender. Now, this is not official information, of course. This could only be provided to you by officials of the B.C. Government, but this is what we have been given to understand. So, as a result, we indicated to Brameda that we felt the twenty-five acre area would be adequate for their initial purposes until such time that they had obtained right to the timber cutting from British Columbia and, two, obtained any timber right that might be available in the Yukon. The final Schultz-Therriault report was submitted in November, 1969, and a copy of this was provided to the Commissioner but not, I would hasten to add, with specific suggestion that it be distributed to Council. However, we would be most happy for Council to receive copies of this report. I have one copy with me only. I am sorry we did not get additional copies and if Council would like to receive copies of this report, I can table this and I presume it can be then duplicated for the future. Is this agreeable? On page three, we state that, by January, it was firmly decided, as it states here, to advertise timber cutting rights. We were preparing to do so and I think these are the facts. However, before doing so, we did ask the Commissioner to place the matter before Council for information and to obtain reaction to this proposal. If I might, I would like to indicate that the facts are we did not advertise the cutting rights prior to placing the matter before the Commissioner and his Council. As a result, of course, of the expressions of concern as to what this disposal might do particularly to the recreational values, further action has been taken and I suppose I could say if I may, Mr. Chairman, that I am here today to, not only discuss with you the proposal, but to take back to the Minister, as far as you wish me to, the suggestions that you may wish to develop. I don't think that I should, myself, go into the details of some of the technical responses that were also included in the Paper. This, perhaps, could be done by Mr. Merrill, either now, or perhaps, if you wish me to give you a resume of the general forest management principles that we would like to follow, and the particular forest management principles we would recommend applying in this area. I think there is only one further thing that I might suggest before we place ourselves at your disposal for questioning or for, perhaps, Mr. Merrill to say in technical words, and that is on that map behind you, I don't really know whether it is better up there or perhaps placed on the table. That map does outline the various compartments or zones that the Schultz-Therriault report suggested the total forest unit could be split into. Perhaps my understanding is not correct, but I would think that

Mr. Hunt continues.....

the area of greatest concern from a recreational point of view is compartment B which, of course, includes Marsh Lake and the north part...

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..Mr. Chairman, perhaps then I could pass this around; I am very sorry that we don't have more copies....compartment B including Marsh Lake and the north part of Tagish Lake, particularly, and compartment C including the Teslin Lake area. The only thing I would want to say is that from the point of view of timber harvesting, our views are completely factual. We do recognize that there are timber values; we do recognize that there are recreational values. In some way, hopefully, these can be brought together, so that those two compartments could be excluded or very much more defined. Perhaps if I pass this around, you can better see where that....

Mr. Chamberlist: Mr. Chairman, I would comment at this point. I would like to comment first in this way. I think it is pretty rough for Members of Council to have place before them a five page Sessional Paper, today, without having considerable time that it is required, to properly study the contents of the Paper. A Paper that has been considered for, obviously, many weeks by the Department before the Paper was put together, and then, after all these months, almost a year, also have the suggestion that if anybody in Council would like to look at Schultz-Theriault report, they can have that too. Quite frankly, I cannot, intelligently, discuss a Paper that has been presented today with all the ramifications involved in this matter, and expect to be in contest with the department people who are here today. I think that all that we can comment on today, are matters in a general nature. Certainly, Mr. Chairman, we cannot give the real scrutiny that a Paper of such importance deserves.

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

Mr. Shaw: Certainly, please proceed Councillor Taylor.

Mr. Taylor: Mr. Chairman, I think without getting into any procedural or other dispute that, I think it is very important, I think it is a very big step forward, that we have with us the officers of the department to discuss with us a matter that was discussed at last Session of Council without any real expert advice around. I think, as Mr. Hunt said, Mr. Chairman, that it is unfortunate that this Paper was not presented. I notice that it has been dated June 19th but this is the first apparent opportunity that it could be presented to us. Nevertheless, no doubt, the author of the report, or authors of the report, are represented here today. I think that what we are really concerned about is general forest management policy as it affects the Territory of the Yukon, and I think it behooves us not only to listen to the representations that are given from the Federal Department, but, indeed, to ask as many questions as we possibly can and as the witnesses are capable of answering in relation to general forest management or indeed, any resource management policies as they affect the areas in question. I would suggest that we proceed on that line. Now, if it is required, that we make a decision, as the Honourable Member stated, I would agree with him. I think that this is a decision we could well reserve for further sittings, possibly when we are in Whitehorse, in order that Members may have a chance to digest, not only the content of the Sessional Paper, Mr. Chairman, but, indeed, the content of the discussion as it will proceed this afternoon. I think that with this approach to the problem, we can, then, expediently get on with the business of Council.

Mr. Chamberlist: Mr. Chairman, I just wish to reply that it is not my intention to stop in any way, or halt the discussion. I am just prefacing the discussion that we are about to have today by the point I have made that it is really insufficient time for us to come up with really basic thoughts on this. I am not one of these people who can glance through five pages and make a decision. This is the only--I am just making a remark on this. I am not...

Mr. Dumas: Mr. Chairman, as Members of Committee know and as the Administration and the department knows, I don't very often mistrust Committee Members, or Department Heads, or otherwise, but this is the most

Mr. Dumas continues.....

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upsetting series of events and information that I have ever had placed before me since I have been on Committee. The various aspects of this Paper and of this whole matter have no continuity whatsoever within them, Mr. Chairman. There are contradictions within them. There have been statements in this Committee and statements made by department people that contradict other statements. I am going to go through a few of them now, Mr. Chairman. It is nearly a year ago when I first brought this matter up. At the time I first brought it up, we were told that there was no information available. That is on record in Votes and Proceedings, Mr. Chairman. There is a paragraph on page 2 of this Paper that says during the November, 1969 and April, 1970 Council Sessions the discussion appeared to indicate that there was no knowledge of any forest surveys having been conducted in the Territory. The department has found this rather difficult to understand as the information was made available. As soon as we get back to Whitehorse, Mr. Chairman, I am going to go back into Votes and Proceedings and dig up that section which indicates the answer we received to some of the questions that were put before Council in the fall of 1969, which indicated that there was no information available on what was happening. Mr. Chairman, in the last debate in the last discussion we had on this, I stated that one of the arguments that was presented in the fall of 1969 was that the timber would be cut in northern B.C.; that a grant was made by Mr. Williston, the B.C. Government, therefore, we had no control over it anyway and we might as well have a plant here in the Yukon and gain some benefit from this operation. Now, we are told that there have no grants, in fact, let in B.C.; that, in fact, the company involved had hoped to get grants in the Yukon to cut timber, had hoped to get grants in B.C. also. Initially, we were told that B.C. timber--so we might as well get the operation going here; we'll get a lot of employees out of it. Now, we find out that, in fact, there has been no agreement reached; that they are now going out with some--tenders are being called for some of these areas, Mr. Chairman. It is very difficult to find out just what in fact has gone on prior to now. Yet, this application was based mainly on a requirement to process timber to be cut in British Columbia and was presented independently from their application for Yukon timber rights, it says here in the Paper. There has been, I suggest, some misinformation put forward on this. There is initially a lack of information and the information that was put forward was not sufficient, I suggest, Mr. Chairman, to satisfy the inquiries that were being made. Nonetheless, Mr. Chairman, because of the reasons stated by the Honourable Member from Whitehorse East, we are forced to keep this on a general discussion as to whether we should, in fact, have a fairly large scale timber industry in the Yukon. Mr. Chairman, I think it is very unfortunate that Mr. Naysmith couldn't make it here, although I am certainly happy to see Mr. Merrill here, because I did want to ask him about some of the comments he made in his book about sub-marginal forest areas and so forth and whether he, in fact, considered this to be a sub-marginal area, he personally, Mr. Chairman. It seems to me that once again the arguments that were put forward in prior debate still hold that this a prime recreation area in the Territory; we have Quiet Lake, Marsh Lake, Tagish Lake, Teslin Lake, and all of rivers surrounding these--these are the lakes, Mr. Chairman, that have most of the cabins for summer residences of the people of the Yukon. These are the areas that we want to go into. This is where the fishing is done. The fishing derby which attracted a thousand people a few weeks ago was held on Tagish River, Mr. Chairman. This is a very viable recreation industry area. My stand is the same as it has always been, Mr. Chairman. I am not, so far, satisfied that a timber harvesting industry should go into these areas. I think, Mr. Chairman, that we must look at the over-all problem here. We must look further than simply the ten or twenty or thirty years that an operation of this type might last by the companies own admission; twenty years, I think they suggested as the outside, and look fifty and a hundred years ahead, Mr. Chairman. We are constantly shaking our heads when we look at pollution problems outside the Territory; when we look at the rape of the landscape in many areas in North America. We find a great influx, Mr. Chairman, of American people into Canada because they want to get away from their industrialized nation. I suggest, Mr. Chairman, that the United States, and, in some instances, some of the provinces of Canada, made the mistake many years ago that we might be making now if we embark on a large scale forest industry in the Yukon.

Mr. Dumas continues.....

I suggest, Mr. Chairman, that we must look at this in the long view and in the over-all picture. I would like to know, Mr. Chairman, from other Members of Committee, or from the witnesses, what the Yukon will gain exactly by allowing a large scale timber harvesting industry to be started in the Yukon. I have questions to follow up with, Mr. Chairman.

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Mr. Chairman: Do you wish those questions answered now? Or at a later time?

Mr. Dumas: Yes, Mr. Chairman. Right now.

Mr. Chairman: And to whom would you direct these questions?

Mr. Dumas: The witnesses at first, Mr. Chairman.

Mr. Chairman: Do you feel you can answer now?

Mr. Hunt: Yes, I might, Mr. Chairman, ask Mr. Merrill to go into the details of this aspect. I wonder if I might be permitted to say one thing with respect to the granting of timber rights by the British Columbia Government. It has not been easy to develop information on this from time to time and I do think that the information provided was the best that was available. It has been very difficult to be sure of what we say, because the only way one could be absolutely sure is to have an official to give the facts.

Mr. Merrill: Mr. Chairman, gentlemen, in answer to those specific questions of what value a large scale forest industry would bring to the Yukon, perhaps a number of other points that I might comment on later, if time permits, on the management aspects--one basic point in the proposal that we have received for this specific area, indicates the development of an integrated lumber operation, lumber and pulp-chip operation, which would utilize relatively small size trees with a total proposed employment roll in the order of 190 to 200 people. Now, there is no question, and I believe that there have been indications in your previous discussions, large scale logging operations in this day and age are mechanized. There is no question of this. But, it still requires a reasonable number of people. For the size of operation in the Yukon, this is not comparable to what you might find on the west coast of British Columbia by any means; nor would it ever be in that category. We are talking of, as I say, around two hundred people, more or less, in the actual operation of the plant itself. I would suspect, in my personal opinion, that there must be other people to support those two hundred in the service industries, and this type of thing, that are not directly related. But, when these people come in and their payroll comes into the economy. Brameda Resources, in particular, on the proposal they have given us, indicate investment of around two million dollars, capital development costs for the logging aspect alone and an additional four and a half million dollars for the conversion plant--the actual sawmill shippers, the barkers, planers. It should be quite clearly understood in this particular case, when we are saying sawmill here, we are not talking what, perhaps, has been the conventional circular head-rig of a sawmill which is really all the Yukon has ever seen. We are talking about an entirely different piece of machinery with band saws and barkers and various other things. It is a much different type of thing and utilizes a greater portion of the logs. But, they indicated something in the order, then, of around six million dollars capital investment to set up the plant to handle this wood. The production cost would probably be in the order of about sixty dollars per thousand board-feet. Now, this is the cost of cutting the tree down; the cost of moving it from the stump to somewhere near the road, then to the mill; the cost of construction and maintenance of the logging roads; the maintenance of their equipment--I can't put a dollar figure on that in all honesty. I wouldn't know, but, the day to day operational value would be fairly substantial, I would believe. The market for this product that is going to be produced certainly, the Yukon would absorb a certain amount of it, but at the same time, the population is such that even if every man, woman and child absorbed a million board-feet or more a year, you just couldn't take all the production. So a good deal of this would go to the south and primarily, the eastern Canadian and the eastern United States lumber

Mr. Merrill continues.....

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markets. This, in fact, is where most of B.C. timber goes; the Prince George timber, Fort Nelson area. This then, and, again I can't put a dollar figure on this, I don't know all the details here but there would be certain values as far as the transportation systems that exist or would exist in the future in the movement of these products, this as I see it as a forester is basically the value that would be derived by a wood operation of this magnitude, whether it be in the Tagish area or any other area of the Yukon.

Mr. Dumas: Yes, Mr. Chairman, this is exactly the point. We are looking at a straight dollar value. There seems to be no logistical reason as far as the landscape is concerned, for harvesting timber. At least there hasn't been any presented. Maybe the witness could tell me if I am correct?

Mr. Merrill: I would like to add, then, on that point, you are quite correct. My first comments were based entirely on the dollar aspect. In fact, a logging operation can greatly improve the appearance and the condition and the health of a forest stand. In the Paper are some comments about age of trees and what is termed the rotation age of the time it takes between successive cutting. In this area, and, in fact, throughout most of northern British Columbia and the Territory, is probably in the range of 110 to 120 years. Now, this is a long time. But trees take a long time to grow. This particular area, and I feel I am reasonably familiar with it personally, had an extreme fire history for the past hundred years, if not longer; this shows up in the Watson Lake area also very clearly with the species you are dealing with. In fact, without management, your stand become stagnated and is good for virtually nothing. You can't walk through it or anything else. It is just weed--hair that is too thick--and this is a condition of lodgepole pine. The seed cone of a pine requires a tremendous amount of heat to be opened and it is after large fires and very hot fires that you get this tremendous proliferation of seed. These come in. They are not then useful for logging, never could be and really not for too many other things, either. They won't grow in height. So, in fact, through proper logging methods and regeneration work, you can quite clearly, in any area, improve not only the appearance but the general condition of a forest stand. I believe in your previous meeting there were questions, points raised on this matter of regeneration and the effect that mechanical equipment will have on the land. I am fairly clear on experience throughout the northern parts of the provinces which is in the boreal forest region and really, identical to the southern Yukon. Mechanical equipment does, in fact, and can, in fact, in many ways improve the gardening potential of the soil. It gets rid of all the needles and leaves and shows soil. You have to have soil to germinate a seed of anything whether it is a tree or a tomato plant. This can happen very clearly. The next point on this, if a company, if this process of turning up the soil, did not promote sufficient young growth becoming established, what is now very common practice and certainly would be a requirement in any timber licence that might at some time be considered in this or other areas would be a need to scarify, in fact, exactly what is done in agriculture. This is done in the Prince George area now. It is done in northern Ontario, except it is a D-6 cat or a D-9 cat. Huge barrels with prongs on them and steel drags are drawn across the forest floor to chew it up. The pattern here would be that in logging, and we certainly would not question the fact for the volume of wood point here, there is going to be a large area of cut-over land. This is obvious. We are quite clear on that. But, you can't produce anything unless you cut it down and you can't regenerate something either unless you do something to this area and take off what is now on it. The logging pattern would not be as if they were starting at this end of the table and progressively moving down and clearing. It is going to be this here and a bit over there and a bit over here, partly because of the age and condition of the tree, in the first place. Some trees are just better or older than others, so you have to move around. Also, in any--in the economics, if you wish, of a logging operation for the company to show a profit in what they are producing, they have to average their costs. I think you can understand that the cost to move a log from the forest or the stump here to the sawmill is going to be a great deal less than moving it from the far-end of the table. So, the practice to get around this is they average

Mr. Merrill continues.....

their haulage or skidding distance over a period of many, many years. S.P.
In the end, the production cost stays more or less even. It is obviously #18
going to fluctuate to some extent. So, you are going to have a pattern of
cutting. The other point is within logging blocks, what is very common
in management condition is that only perhaps fifty percent of a unit of
a stand is logged at one time. The second half cannot be logged or touched
until such time as you have established young growth on the cut piece of
land, in a reasonable time. When I say reasonable time here, I would
think a maximum of five years, preferably less but certainly no more than
this. If it isn't accomplished naturally, then it may dictate scarifying;
it may dictate seeding from the air, seeding from the ground; or the actual
planting of young trees as seedlings. In this regard, steps are being
taken and plans are being developed now to implement a proper and a full-
scale management re-forestation programme for the Territory. It is the
Department's intention to develop the previous experimental farm site
at Haines Junction for this particular purpose. Now, again, this is
not going to happen by the end of the summer or the end of next summer.
It is going to take a number of years to get this going. But, this would
contribute and help a good deal in the standard of your management pro-
gramme and, in essence, the condition of your forest stands, really,
anywhere.

Mr. Dumas: Well, Mr. Chairman, I would like to follow up. If you recall
I said that I had more questions. This has been the most convincing argu-
ment for letting this project go ahead that I have heard so far, Mr. Chair-
man. The dollar argument does not impress me personally one little bit
because we can have a high production area like Anvil Mines providing a
total of six hundred jobs for men including the service, industry, etc.
and tearing up only a small section of the landscape. This is a high
return for development in the Territory, and well worth it. We are a
rich Territory, as we continually say, so we should be able to pick and
choose our industry as far as dollar value is concerned. Very few
people, until recently, have been unemployed in the Yukon, and, in fact,
most of the people on the unemployment rolls in the Yukon are from
places other than the Yukon. Therefore, let us be picky in this whole
matter. Now, the arguments, or the presentations put forward by the
witness, Mr. Chairman, in reply to the last question, I think were very
good ones and gives us a reason other than straight dollars that some
sort of timber production and timber harvesting should go on in this
area. The witness has referred to the rotation age. I wonder if he
would say, just in his opinion, a timber harvesting programme of the type
that Brameda Resources are planning would carry on, in fact, for a
hundred and ten or a hundred and twenty years when the timber is refur-
bished. Does he think it would under normal circumstances?

Mr. Merrill: Yes, one has to make a lot of assumptions in answering
a question like that, but, the principle of the annual allowable cut
and the sequence of operations like this, the fact that trees naturally
regrow---they are a renewable resource whether you do anything with them,
sometimes, though if you don't do anything you don't get exactly the
best thing that you want---this is a built-in trait of trees. Yes, this
could be an operation that could continue, theoretically, I should say,
forever. Now, there are a lot of factors that can deter from that. Cer-
tainly the economic situation in forest products in general throughout
the world, not just in northwestern North America, has some bearing on
how long an operation will proceed, the kinds of products that can be used.
When I mentioned this rotation age of a hundred and ten as being average,
and I would emphasize a point here, that this is not necessarily the
oldest forest in the Territory. Clearly, it isn't. Watson Lake area has
many stands much, much older than this that are productive. I will have
to stop for a minute gentlemen and sort my thoughts out here for a second.

Mr. Hunt: I perhaps could elaborate on one thing. I think the question
really had to do with sustained yield. Certainly, you can set a cutting
rate to maintain a sustained yield but, I think our assessment would be
that any cutting rate that would maintain a sustained yield, unless we
perhaps took the whole of the Yukon as one and then distances would make
it uneconomic, would indeed, make it uneconomic. In fact, because of the
rotation age it would dictate an uneconomic approach to maintain a sustained

Mr. Hunt continues.....

S.P. #18 yield. This isn't particular actually to the Yukon. We are finding, even in British Columbia, that they are allowing I suppose what you would say overcutting if you are judging it in relation to sustained yield, of course, to get a reasonable return on the investment equipment and that. You have to have a certain level of production and if you can't achieve this, then, of course, you can't raise the funds to go into production in the first place. On the other hand, I think that even thinking in terms of a rate faster than would be dictated by this so-called sustained yield does not necessarily mean that the industry is going to ravage the country-side and clean it out completely as Donald indicates.

Mr. Dumas: Just two more quick points, Mr. Chairman, before I sit down and let the other Members of Committee get involved. There is a notation in here that somebody suggested two hundred to four hundred years as a rotation age. I don't recall these figures ever being mentioned by this Committee, certainly, Mr. Chairman. The other thing that I find a little upsetting is natural re-stocking or natural re-forestation. It says in this Paper that if natural re-stocking does not become established within a reasonable time the forest company would be required to carry out additional type treatment in either seed or plant. Well, we know what the mortality rate of companies in the Territory is. The company that in fact was responsible for the cutting down of timber might be long gone, bankrupt or otherwise dispensed with, Mr. Chairman. So, this isn't too reassuring in that aspect. I wish to hear more debate on this. I think that we are on the right track when we have the presentation as made by Mr. Merrill enlarged upon. I believe that we should be very, very careful in proceeding with any type of timber harvesting, Mr. Chairman. It might be possible that a trial system could be instituted whereby a very limited timber harvesting industry could be started and we could have a look at it over a couple of years to find out in fact what it does to the country-side; find out in fact what it does as far as pollution is concerned, as far as the water-ways are concerned, Mr. Chairman.

Mr. Hunt: If I could just elaborate on one thing. I think that we could overcome the concern with respect of the possibility of a company being reachable in case of the natural re-stocking not taking place. I think that this could be done simply by requiring a deposit. I think that this was a good suggestion and there is no difficulty in doing that.

Mr. Merrill: There is one other aspect as Mr. Hunt indicates. There would certainly be a performance deposit required and if the company didn't do it, then, we would have the resources to carry it out ourselves, but, the basic principle behind the timber harvesting unit, whatever unit it might be, the basic idea behind it is that no company, no one gets any exclusive tenure to a block. They simply get the permission to negotiate periodically for the right to cut a certain volume of wood. A distinct requirement of this is that they must submit for approval, and it must be submitted, in most cases documented by a professional forester, their plan for a five year period of development. More specifically, and this is the point, every year they must submit an annual operating plan indicating or asking permission, may we log that area and that area; we are going to build a road from A to B; we are going to put a bush camp here--all of the nitty-gritty details of running a logging operation. The Department will then look at it and assess it to see if it is reasonable and it can be approved or modified or amended and we go back to the company and say, sorry you are going to have to go someplace else; you can't cut that area because it is the Tagish River forest stand, or some other place. Maybe the stand is too young but there is an older stand a little further away that is going to cost more money for the company to go to it, but, from management's point of view, it is the stand that should be taken first. So, we feel, that there is a provision to keep, and we are not doing this every week, certainly annually to do this. And at the end of each year, when they put in their new plan, they have to then put in their cut report, here is in fact what we did; these are the number of acres that we re-seeded or planted, or whatever for it. In addition to holding something of theirs in reserve, we have a fairly regular sequence

Mr. Merrill continues....

of control, as we believe, on an operation. This is the way we would see S.P. #18 this kind of an operation handled.

Mr. Taylor: Mr. Chairman, the information that has been given to this point in Committee has been most enlightening I am sure to all Members. I think it has to be understood, and I got the inference now from the discussion with at least the Honourable Member from Whitehorse West, so far in this debate that I received when we last discussed this in the last Session, and that is that, I think that the Members are interested in the ecological outlook in relation to this problem. I believe that it all arose, in the first instance, over the fact that there was to be a timber cut at Tagish Lake and that indeed, with all this timber wiped out it would make a mess of the landscape. It would be, it was thought, a pollution problem. I think this is where it all started. I think it must be understood by everybody in the Territory, that unless we can exercise through forest management through water management, through pollution controls on our renewable and non-renewable mining resources, through the management of wild-life and fisheries that we must have optimum use of resources in the Territory. If we must deny the development of one resource to develop another resource, then, indeed, we have failed. We've completely failed. So, we must have tourism going hand in hand with logging and so forth. Now, we are talking about a forest products industry and we must decide whether we take a chance on having these forests burnt, and I think when we talk ecology Faro is a good example; it is now costing us a good deal of money to artificially produce a green belt around Faro to dress it up and make it look like something, or do we let trees over-mature and die and rot, or do we sensibly, through a forest management programme such as has been suggested here by Mr. Merrill, proceed and utilize this resource to the general benefit of all the people, not only in the Territory but in Canada, and, indeed, for export markets in the United States. I don't know whether we would ever be able to cope with a Pacific market, but, indeed, possibly in the future, a Pacific market. I think it has to be understood too, that the, as Mr. Merrill has pointed out, that we get maximum utilization out of the forests. We are starting to utilize trees a very few inches on the butt that presently are not utilized. I won't go into the other silvicultural techniques as outlined by Mr. Merrill. But, I think this should be borne in mind and just before recess, Mr. Chairman, in light of the remarks I have made, I am wondering if Mr. Merrill might have a comment at this time on just what the effect will be more particularly in the Tagish timber cut area, ecologically, considering the green belt and all this, and the destruction of the scenic value of the area.

Mr. Merrill: As indicated in the Paper, in attempting to assess a forest operation in this particular area, we had the forest survey data on which to base out decisions or reach conclusions. This survey was basically a pure inventory. We simply counted the number of trees, in essence, and measured them and computed by various means what the volume of wood was. It was just like counting peas, or anything else. This is really what it was. This report suggested to different utilization levels; in the case here, this report indicated or suggested an annual allowable cut of some one hundred and forty thousand cunits a year. A cunit is a hundred cubic feet. That is a lot of wood. We have taken a look at this. We have looked at what we know to be important recreation areas right now, and it is quite clear that there cannot be clear cutting in large scale logging around these areas. There are other places where the stand is just little young, it's a little small and whether the site in these places has got the best potential as compared with others, there is some doubt. We ended up, in any case, by looking at a cut in this area in the order of fifty thousand cunits. We feel that a hundred and forty because of this particular area is not practical. We based this now, or set this around fifty thousand cunits. Now, timber cruising and forest inventory is quite a well-defined and worked out science--a statistical method is what it is--but, as an operation continues over the years, there will always be a continuing sort of re-survey, re-inventory going on. As they cut trees down and put them through a sawmill and measure the amount of wood that comes out, then we have a better idea to develop the volume tables, as they are called, that tells you how many cubic feet there are in a tree fifty feet high and seven inches in diameter.

Mr. Merrill continues.....

S.P. #18 There is a great deal of variation across the country in a tree seven inches in diameter at breast-height, which is four and a half feet off the ground and fifty feet high. Some go like this, some go like this; different species vary. So, there is a continuing thing here. In the ecological aspects, there is one point. If anything, game would improve of logging. This is fairly clear in most parts of the country. The pattern of logging the way it will be, is such that I should feel there would be a minimum of soil disturbance. You are not starting at the bottom of a hill or at one end and cutting it in a great long strip. There are going to be bands or belts of trees, or just the natural age and condition of the forest like this. You are always going to leave pockets of trees in the natural swamp areas. In many of these regions, close to the lakeshores, paralleling the highways, there would most definitely be complete withdrawal on cutting restrictions. There is no way in any logging operation there that a company is going to be allowed to log the shores of the Tagish River, or Teslin Lake, or something of this sort. Does that answer the question?

Mr. Taylor: Yes, Mr. Chairman.

Mr. Chairman: Thank you Mr. Merrill. We will now call a ten minute recess.

RECESS

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Thursday, June 25th, 1970.
3:30 o'clock p.m.

Mr. D. Merrill and Mr. D. Hunt of the Federal Department of Indian Affairs and Northern Development were present.

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Mr. Chairman: I'll call this meeting to order, and Councillor Dumas has the floor.

Mr. Dumas: Yes, one question arises from the discussion that has gone on so far, Mr. Chairman, and that is, what experience has the local Forestry Department had with Forest Management on the scales of which we are now talking and what sources of expertise and in what amount they have available to them?

Mr. Merrill: Obviously, people with the Yukon Forest Service haven't had on the ground experience in recent years in this jurisdiction with large scale any operation because we simply haven't had any, but I can say that your present Superintendent of Forestry in the Yukon spent a number of years with the Manitoba Forest Service exclusively on forest management work. That was all he did while he worked with them. There is access and as foresters, whether it be myself or the forestry staff in the Territory, or the forest technical staff that we may have, there is access to a large volume of technical data and reports put out by the Federal Forestry Research Department, the Provincial Agency, just trade journals on forestry dealing with various subjects of forest management. We have a fair amount of experience although it may not have been the particular job the person is in right now from previous areas, simply his education and his background and training has been built entirely around this subject. I feel perhaps I'm not that one to answer this or say this in the--I am a forester myself and I suppose I would want to stand up for foresters in general, but I feel that a professional forester has got the knowledge and the expertise to handle these kinds of forest management programs.

Mr. Hunt: Mr. Chairman, if I may I think more out of modesty Mr. Merrill didn't like to refer to his own particular background and training, but he is a professional forester, certainly he spent many years in the Yukon which gives him local knowledge, equally obvious he was not dealing with large scale forest management units there, however, before coming to us he was with the Department of Forestry and had experience with this type of approach in that Department. Secondly, of course, I would want to say that John Naysmith, who is the Water, Lands and Forest Division is a qualified forester. Just a couple of years ago he took a year's leave of absence and went to Harvard where he actually obtained his Master of Science Degree and the basis of his thesis was the development of the forest management concept for the Yukon. In addition, Mr. Naysmith, before he joined the Department was the Forest Manager of-- I'm sorry I forget the company but if you want to have it--Abitibi in the Lakehead and he had under his actual personal management several hundred men who were actually logging in a timber harvesting unit, and so actually had practical experience of what the company had to do from the company side. So, I would submit to you that although I think our number of professional foresters may be small, I think that combined they bring together to the problem a wealth of experience and I personally have every confidence in their total capability in this area. No doubt about it that when we come into--I suppose the word is supervising if you like, or checking on one of these units we will have to provide additional training and opportunity for the people on the ground, some of them. The only other thing I would indicate here is, of course, that we have available to us easily and, if you like freely, involvement with the Department of Fisheries and Forests in Federal Government and they are most generous with their time. Mr. Merrill just reminded me that we are in the process also of expanding our staff, perhaps we could detail it for you.

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Mr. Merrill: What we will be doing and this is well in the process right now, the Department will be hiring an additional forester at headquarters as my assistant and there will be one additional forester, there are two forestry positions with the Yukon Forest Service now and two comparable positions with the MacKenzie Forest Service in the Northwest Territories, and we will be adding one more forester to each service primarily and almost exclusively for the timber management work. And, as I say these are in the process now of being acquired and being the appropriate descriptions of what is involved to define the kind of person we want and the qualifications, but these are approved, we have the ability now to fill these positions. They are also adding what we are calling a Timber Management Officer perhaps for want of a better name, but specific qualifications will be graduation from a Forest Technical School. This is a two year program and there is quite a large number of these across the country now and the experience in most other areas, the majority of the Provinces now are putting far greater weight on forest technicians rather than professional foresters. This is also coming about in industry, there are still professional university degreed Foresters, whether it be Government or industrial operation, but these technical students in this type of training covers a surprising scope of university forestry degree. It doesn't get into all the ands, and buts, and reasons why, but it certainly deals with all these subjects and there is no question in our minds with the kind of operation that might be envisaged here. This will require regular and very continual inspection right from the day they start from the submission of their operating plan through every phase of it and, as Mr. Hunt indicated, our staff is not that large, but we are taking some steps to increase it and we feel that the people we have, we've got a--well frankly I think we've got more knowledge on northern forestry than any one else has.

Mrs. Gordon: I have a question I'd like to direct to Mr. Merrill at this point. In the Paper there is a rotation age required for successive cutting. The estimated age is approximately 110 to 120 years. I would like to bring this down to the picture of a tree. What size tree is this? What unit of material comes out of it, on the average? I know that.....

Mr. Merrill: Well, certainly there is variation in that. That tree, in this particular area that we are discussing here in the lake country, in the general Whitehorse settlement, is in the 7 to 12 inch diameter, that title is perhaps too wide a range, call it 9 inches in the middle and this is the diameter of the bowl of the tree measure at a point four and a half feet above the ground, so your tree is this big and its total height is sixty feet, that is not the operable height because they have small tops, if you cut it down the operable height is perhaps forty. The individual tree would have, must stop and think here for a minute, five or six cubic feet.

Mrs. Gordon: Thank you, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I think that most Members of Committee have been please with the way the matter was handled and I don't want to make any remarks and have any recriminations against the department people in this regard, but certainly when Mr. Hunt indicated that there was a apology for the--because of the insufficient consultation, I think he should have gone further and apologized for the absence of any consultation. Now this is the difference in exactly the same way as there was a lack of consultation with reference to the Northern Inland Waters Act which must be effected by any proposition in relation to Timber Harvesting Rights. I think, Mr. Chairman, that it's necessary at this point to say that the subject of the economy of the Yukon and the ecology of the Yukon are a partnership, and they must certainly go hand in hand. We require to build up our economy and at the same time we require to protect the ecology of the area. There are some excellent reasons why we should, wherever possible have the forest harvesting under good size management and I'm very impressed with the arguments that has been put before us by Mr. Merrill. What, of course, should be

Mr. Chamberlist continued....

added to it is the fact that as a result of timber harvesting we have more fire breaks made in an area which prevents a lot of the fire losses that we have as a result of having the harvesting areas. Certainly, I want to see the economy grow because I'm very very personally concerned with the Tagish and Carcross area, they are in my constituency and I know I've spoken to most of the people there, most of the people are interested both in seeing that the beauty of the area is not spoiled and at the same time they want as much as possible for another industry in the area. Mr. Merrill had made reference, Mr. Chairman, to a deposit that has been put up where harvesting rights are given, perhaps when I'm completed he will be able to answer this specific question. The company that has--Brameda which is a consortium of Acorn Timber and Atlin Industries have been involved in obtaining a contract in another area of the Yukon and that is in the Macmillan River area where Acorn Lumber were given a harvesting contract, and I can be corrected if I'm wrong, and I understand that they have had this for two years. I further understand that they have made no attempt to commence on the harvesting of that area. Now, is that area, that contract going to be--contract going to be cancelled? Is the area going to be removed from them? Have they put a deposit up and is the deposit going to be lost to them, there is no reference at all in this Paper relating to any other areas except the Teslin area and in the southern part, and I would like to get some answers in relation to that. I also understand that from officials of Brameda that a letter of intent has already been given to them and that seems to conflict with the Sessional Paper that says that there has been no commitment, although in another area of the letter of--of the Paper, it says that the application was approved in principle. Now, I would take it that that means that the application being approved in principle certainly must have been approved of by way of a letter, certainly not a telephone conversation. Now, originally it would appear that there's a reapplication for by Brameda for the one hundred and sixty five acres of land on the Tagish Lake area was independent of the application for any harvesting rights and according to the Paper again on page 2, it was indicated that this was given to them on the basis of just twenty five acres and see how it would go on from then on. I'd like some explanation on that. Now, I take it as well that perhaps one of the witnesses could answer, Mr. Chairman, what protection by way of the possible pollution in the Tagish Lake area would be given and how the Northern Inland Waters Act and the Timber Harvesting Rights would tie in one with the other. On page 3, it was indicated in (4), the third paragraph down that the Territory would be kept informed on future progress and assurance on future consultation. Then it goes on to say, and this is where I cannot quite understand and I think there should be specific explanation given to the latter part of this paragraph when it reads, "The Department received no response at this time and it was, therefore, assumed that the general proposal was at least tentatively acceptable to the Territorial Government." This is something that I cannot quite understand because, as the Honourable Member from Whitehorse West has already indicated, that in the Fall Session of 1969 when questions were asked we were advised that nothing was known about the situation and the beginning of page 4, it was indicated that the final Schultz-Theriault forest survey report on the Teslin Forest Management Division was sent to the Commissioner on November 20th, 1969. Now, I don't know, it's possible that what is meant here that there was information re the Teslin Forest Management Division, but that in answering the questions that were put at Council in the Fall of 1969, the questions may have related to Tagish and Carcross and this Member from Council will have to research to see if we were inadvertently misled into believing that there was no reference at all made to any of the forestries division areas at all. Generally, Mr. Chairman, the practical areas of this Paper is something on which we must be guided by, by those who are experts at the....I myself am not satisfied that the motion that was asked for has been replied to because Council did ask for a cut survey to be done in relation to the dollars and cents value of timber harvesting cutting and the dollars and cents value of the area as a tourist area, and I have nothing to go by to show that whether this particular area has been taken care of. Notwithstanding

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Mr. Chamberlist continued.....

the whole of the Paper, I then refer to the paragraph from the last which reads, "It is the Department's belief that industrial forest operations and recreation can be conducted simultaneously in the Tagish Timber Harvesting Unit, provided proper forest management controls are exercised - and these will be enforced if any cutting rights are granted," and this I wholly agree that this could be done and I would like to see this go into effect. Then it says, "Two firms have expressed an interest in this area but at this time we are merely advertising cutting rights and inviting forest development proposals". Now, it was my understanding that everything was ceasing in relation to this and here we have in the last paragraph of this Paper that there has been advertising for cutting rights. Now surely there is a contradiction there and I think that we should have an explanation as to why this section is in when we are told that nothing further has been done. This is the reason I'm sure I can find other questions, but in the short time that has been allotted to study a Paper of this description, there is no possible way that we can go into it thoroughly. So, I'll just give those thoughts now, Mr. Chairman, for the witnesses to reply as they see fit.

Mr. Hunt: Well, Mr. Chamberlist, could you direct the questions one at a time, I think that would be easier. I don't think one could remember all the questions.

Mr. Chamberlist: I think, Mr. Chairman that they know....

Mr. Hunt: If I might just start by saying that with respect to the companies involved, as I understand it Acorn is not associated with Brameda, it was Atlin Industries who then became associated with Brameda and the name changed to Brameda. I think that's clear on that Paper, I hope so.

Mr. Chamberlist: No, Acorn Lumber.

Mr. Hunt: I mean Acorn Lumber, and they have the rights to MacMillan and quite independent from Atlin and Brameda are the same....

Mr. Chamberlist: Mr. Chairman, could then the witness indicate, this perhaps I may be wrong, if Acorn Timber Limited and Acorn Lumber Limited are two entirely different entities, because if I recall it and I have a copy of the contract, that Acorn--it's either Acorn Timber or Acorn Lumber, but I certainly have a copy of the contract entered into between the Government of Canada and....

Mr. Merrill: And, I have a copy here. That is Acorn Timber Limited. There is a company by the name of Acorn Lumber which has the same president and the same principals as Acorn Timber, but Acorn Lumber operates a saw-mill in the Province of British Columbia and they created a separate and independent company for the Yukon. But Acorn is quite distinct and separate from Atlin Industries. The reason for that reference, Atlin was the name of a company originally but they have since been merged or amalgamated with Brameda, but these two are quite distinctive.

Mr. Chamberlist: Mr. Chairman, it is my understanding, and I would like to be corrected if I am wrong, that Acorn Timber Limited and Atlin Industries Limited are part and parcel of Brameda Resources Limited which is the parent company.

Mr. Merrill: Not to my knowledge.

Mr. Chamberlist: Not to your knowledge. Well, I wonder then if, perhaps this doesn't read correctly, it says, "Acorn Timber Limited and Atlin Industries Limited (subsequently changed to Brameda Resources)", now does that mean that both of them subsequently changed to Brameda Resources?

Mr. Merrill: No, perhaps it's a matter of wording here. Acorn Timber independently on their own submitted an application and then a week later Atlin Industries submitted an application, quite separate documents.

Mr. Chamberlist: Mr. Chairman, is there any dispute that Acorn Timber Limited has a contract for harvesting rights in the Macmillan area?

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Mr. Merrill: Absolutely not, Acorn Timber have such an agreement.

Mr. Chamberlist: And what I want to know is whether they have met the commitments under their harvesting rights in the Macmillan area?

Mr. Merrill: Yes, up until this date they have. This agreement calls for a deposit which is held by the Crown and the company was given a period of two years, which ends on December 31st, 1970, to have constructed and in operation a sawmill and planer class facility. Now if they don't have it in operation then really it's null and void or it's free negotiate. If they do not at this date have it in operation the last report I have is that if the mill isn't on site it's on the Alaska Highway somewhere on the way in. You are quite correct, they have got now well six months to get this show on the road. Their logging commitment was slightly different and this applied not only to Acorn but I'm sure you will recall, a couple of other timber management agreements. I might add that these were not based on the concept of this cutting rights within a harvesting unit, but the provision there is the averaging or the production of a certain volume of wood on the average within a five year period. After five years they must produce a minimum each and every year. Now as far as the terms of the agreement are concerned, the company is still--they have adhered to what they have to do so far. They have submitted operating plans to us, their development plans of what they are going to do. But you are quite right, they have six months to get a sawmill in operation.

Mr. Chamberlist: Mr. Chairman, I wonder if the witness could indicate in this particular instance how much was the deposit that they had to put up to the Federal Government?

Mr. Merrill: Ten thousand dollars, in this particular case.

Mr. Chamberlist: Well surely isn't this a little chicken feed?

Mr. Merrill: I accept the fact that it is, but the volume of wood in question, in this particular operation is also chicken feed.

Mr. Chamberlist: Well with respect to Mr. Chairman, I wonder if the witnesses could indicate why a company of this description would move, and this is where there is room for suspicion, would move a complete mill into an area if the wood that they are supposing to cut is just chicken feed.

Mr. Merrill: Well....

Mr. Chamberlist: Lets look at dollars and cents, you know, ten thousand dollars, you are not going to cut the country up for ten thousand dollars.

Mr. Merrill: This operation is based and the terminus of the agreement on the production of ten million board feet per year, which is substantially less than what Brameda happen to be interested in, considerably less. This is based on ten million board feet of lumber FBL of only large trees.

Mr. Chamberlist: Strictly lumber?

Mr. Merrill: Yes, strictly lumber.

Mr. Chamberlist: I wonder, Mr. Chairman, then to go a little bit further, because this is really becoming interesting, I wonder how much money the government has provided to assist them by way of, lets say tote trail money in dollars and cents to get to the area.

Mr. Merrill: I can't answer that question knowledgeably when I don't have the tote trail data. They have received tote trail assistance, to what magnitude I'm not certain.

S.P. #18 Mr. Chamberlist: Could it be ten thousand dollars?

Mr. Merrill: No, I'm quite sure it is not.

Mr. Dumas: Mr. Chairman, can I make this one point on quick calculation here. This ten million board feet at cost, using the figure given from Mr. Merrill, works out to six hundred thousand dollars, but selling they should get comes out to about a million.

Mr. Chamberlist: I'm sorry I interrupted, Mr. Chairman, perhaps....

Mr. Hunt: Maybe I should continue with the next response. This was with respect to a statement included in the Paper on page 2, that the application, which was referring to Brameda's application, the application was approved in principle. This statement applies to the Brameda's application for the 165 acre parcel of land on Tagish Lake, not to their application for cutting rights and....

Mr. Chamberlist: Question. I beg your pardon, Mr. Chairman, I can only read sections as I read them, perhaps Mr. Hunt has put a wrong interpretation and right now I would like to read it out clear in the position of where the punctuation is. "When the land application was submitted, the company had not been granted any cutting rights in the Yukon, nor had any guarantees or commitments been given and the Department was initially reluctant to consider the application." This is for cutting rights, see. "However, following representations from the Commissioner, who had apparently been in touch with the Provincial Minister of Lands and Forests to confirm Brameda's rights to British Columbia timber and the establishment of a processing plant outside of the Province, the application was approved in principle". Now, isn't that an application for cutting rights?

Mr. Hunt: No....

Mr. Chamberlist: Well I'm very sorry I wonder if other Members can read it in a manner that I--a section in paragraph 2, to me it reads quite clear that this is the position.

Mr. Merrill: Well you can certainly be assured that that is not the case, it is the application for land only.

Mr. Hunt: I think, Mr. Chairman, all I can suggest, and I realize that very often grammatical construction may not make the situation entirely clear. The two paragraphs taken together very simply read, "When the land application was submitted the application was approved in principle". However, as Mr. Merrill has said, I would give you my assurance that if there is any doubt as to how this reads, the facts are that this refers or continues to refer only to land applications and there has been no approval implied or in principle or anything with respect to cutting rights that I am aware of, and we have, of course, placed the applications before the Minister and as I explained, he has not yet come to any conclusions on it and indeed is waiting in part to hear what may come out of the meeting today. If this isn't enough time, I'm sure he'll amend his further consideration. With respect to pollution, I think that Mr. Merrill might be able to elaborate on this, but I would if I might draw your attention to the fact that it certainly corrects that if pollution is thought of with respect to water then it would the the Northern Inland Waters Act would come into force, that this aspect would be referred to the Yukon Water Board as soon as it is established and of course that Board now makes provisions for three members to be nominated by the Yukon Council, so that in fact the report will be one of means of insuring that in the limitations with respect to water quality and so on will be enforced and secondly that there will be full input from the Yukon on the Yukon Administration or Council, whatever is decided, as well as, of course, from the Federal agencies interested in it. Now perhaps Mr. Merrill could elaborate on, I don't what kind of.... has gone on with respect to what the actual provisions or limitations might be.

Mr. Merrill: This is pollution we are speaking of, that Mr. Hunt indicated with the effect on water, the Water Act prevails. Pollution then by a forest operation is, as I would interpret or read, in the broadest sense of the word; on the land in the process of logging for example, there would certainly be requirements for partial or complete disposal of windrows or slash timber on the side of road right away, the matter in which slash is handled after logging. It may be that lop and scatter is a common word in forestry, that a company is in fact required when they top a tree and cut the branches off of it to break it down and spread it so that it stays relatively low to the ground, and doesn't get built up into huge piles so that it would decompose somewhat faster. At the mill site--or a mill site proper there would be a requirement for complete disposal presumably by burning of all waste material, sawdust and bark and this type of thing, in presumably a burner so that there would not be a continuous accumulation. The actual physical location of the plant and the waste disposal system, whatever it might happen to be would have to be very carefully selected in relation to the drainage pattern of the area, that you are not going to put this thing down on the top of a drainage bed or a creek body with water running out into the main lake into a main river. The same would happen with respect to the crossing of trees in the logging area. They would have to provide culverts or bridges, they wouldn't be permitted to bulldoze branches, gravel and what have you into the stream. All of these points haven't been identified and written down on a piece of paper, but these are some of the kinds of things that would be taken into account.

Mr. Hunt: I think, if I might, Mr. Chairman, elaborate there just on one point and that is, it would be our intention, John says it hasn't yet been stated, that it would be our intention, should timber harvesting rights be advertised to include as one of its requirements that anyone successful in acquiring such rights would then prepare a report effecting the effect of their operation on the environment of the region at their expense. This is actually a policy that we intend to follow with all major industrial operations in the future.

Mr. Chamberlist: I wonder if perhaps you would know what happens if logs break away from the boom. What happens then, do they take them out of the water?

Mr. Merrill: Well certainly they have to be retrieved.

Mr. Chamberlist: Well who would be responsible for retrieving them?

Mr. Merrill: The company.

Mr. Hunt: I think the next reference is with respect to what might be called the cost-benefit study to look at the economic costs and revenues presumably both for the company and for the government and for the community and so on, and also compare these with the benefits of a recreational industry and try to come to some conclusion as between the relative merits of the two on this basis. It was my understanding, Mr. Chairman, that the motion if I recall it, I'm sorry I don't have it in front of me, was that this budget study is undertaken. I believe it was to be undertaken by the Territorial Administration, I think that is correct and therefore frankly we--Oh, I'm sorry; at this time, well I'm not sure is this the actual motion, I don't want to be....

Mr. McKinnon: Mr. Chairman, that's correct. It was to be initiated and I'd like to go into this subject when I'm allowed to question the witnesses if I'm going to get....

Mr. Hunt: Of course, I would say if this special study is undertaken we would co-operate if I might comment on that it is both rather difficult to fortify some of the benefits that come from recreation and to compare these with these hard dollar figures that you get on accurate study of the economic feasibility of industrial activity. The next reference or question I believe that I haven't noticed here was with respect to the statement in the Paper on page 3 that the--we assumed that the general proposal was at least tentatively acceptable. All I could comment on

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Mr. Hunt continued....

there, Mr. Chairman, is that perhaps we were incorrect in making assumptions of this nature. Now, finally, the note I have here is that the very end, the sentence, "Two firms have expressed an interest in this area but at this time we are merely advertising cutting rights and inviting forest development proposals". Clearly, this is incorrect and I personally would want to warrant that this is incorrect, the statement really should read, "But at this time we are considering, if you like, advertising cutting rights and inviting forest development proposals". Sometimes.....

Mr. Commissioner: There are quite a few other things in there to.....

Mr. Hunt: But I haven't got time to go through, so what I would indicate if I might, Mr. Chairman, was that I recognize that there has been goings on with this at a totally inadequate time because to put such a Paper before you, the purpose of this was actually not to make specific recommendations for the future but to try to give a history of what had happened and some of the technical aspects and it was put together only at a late date, which is quite clear here, after a great deal of time had elapsed in which we were frankly trying to develop what the Department and the Minister was considering the situation how we should look at this in the future. This is why it comes out like this. Now, I think I've covered the questions, I'm not sure.

Mr. Chamberlist: I'm satisfied, Mr. Chairman, as I've got the admission that says the Departmental people do make errors.

Mr. Livesey: Mr. Chairman, I'd like to direct a question to the witnesses and I wonder if the department had prepared a general resume of both the economic and monetary benefits that could be approved to the benefit of the Territory from an annual cut, and I know this is a general question and I'm not asking for a specific, but I think it would be beneficial to Committee if the Department could give us any information on the monetary benefits and other economic benefits from an annual cut.

Mr. Chamberlist: We don't get the benefits, the Federal Government gets them.

Mr. Hunt: Mr. Chairman, I think the answer to that is, no we have not prepared such a paper, that, of course our view with respect to, shall we say, thinking that its desirable to encourage timber harvesting was that we felt it was adding to the economic activities of the Territory. However, in view of the suggestions that have been raised, the economic benefits should be compared with the benefits from recreation and perhaps the benefits for maintaining the area in its present state, then clearly perhaps such a comparison might be desirable and I could certainly take this suggestion back to the Minister and pass it on to him. I am not able, I think to direct definitely that we can undertake such a study because its a matter of cost, funds and time and everything, but I will take the suggestion back to the Minister.

Mr. Livesey: Does the Department, Mr. Chairman, have a figure which would roughly approximate the annual loss of merchantable timber by fire in the Yukon.

Mr. Merrill: We have such records, I just don't have them here. The acreages involved in recent years in particular are significantly higher than the area involved in logging here, as would the volume of wood, although a lot of the fire history recently have been in areas that are not conducive to industrial logging operations, they still support growth, but there are large volumes of timber. We have in fact lost a fair amount. This data is compiled annual, I just don't happen to have it here.

Mr. Hunt: Mr. Chairman, I think we could make arrangements to have this provided for you by next week, it may be a bit of a sort of joe-boy but we'll see if we can refine it.

Mr. Livesey: I have one more question, Mr. Chairman, and that is with reference to the actual burned off areas that we have in the Yukon at the

Mr. Livesey continued....

moment which is considerable and a lot of this burned off area is situated along the highways of the Yukon and is an eye sore both to the tourist trade and any other person that happens to pass by it. I wonder if Mr. Merrill has any suggestions as to what we can do with these burned off areas and what program we may think about or attempt to follow in order to eliminate this present problem.

Mr. Merrill: Well certainly one aspect of this ties into one of my earlier comments on our really long range plans over the next three, four, five years as far as a reforestation program and the establishment of a forest nursery, and this is a fairly major undertaking, will involve going out in collection of cones and the extraction of seed, and the planting and germination of the seed and the tending of the seedling and so on. One of the most important reasons for this is tied to forest harvesting operations, to regenerate the best productive forest land, but at the same time it certainly would be our hope that we could work towards some planting in burned off areas, and particularly along highways, but I think you can appreciate the number of miles of highway that we are talking about here. Unfortunately, it's so high that this would be quite an undertaking, but at the same time we are going to have to and would be doing what we call stocking surveys or regeneration surveys to go into the nuded areas and find out just what in fact is on the ground, and it often happens in the areas immediately north of Whitehorse are an excellent example of this. There is absolutely beautiful regeneration in that area quite naturally, nothing was done. The next time any of you drive by 710 at rancheria, that's even better because the facing is good and some of the pine trees there are three or four feet high. So, part or most of our poor aesthetics or bad appearance is the dead standing snag, with the advent of oil burners the demand for fuel wood is just so low that it's a pretty difficult proposition to cut it all down, but the first ten miles of the Mayo road in the past decade has changed quite significantly in appearance with natural young growth coming back and the fact that there has been something in the order of five to six thousand cords of fuel wood car-hop that ten miles of road every year for the past ten years, but to be able to do this everywhere in the Territory is a little difficult.

Mr. Livesey: Yes, I still have one more question, Mr. Chairman.

Mr. Chairman: That's four times now.

Mr. Livesey: I still think this is within the limits allowed a Member. My question is this, Mr. Chairman, we have seen Sessional Paper No. 18 and we know that we are considering the program as far as pulp wood is concerned, I wonder, Mr. Chairman, if there is any talk about a program covering other forms of logging operations in the Yukon presently working certain areas, for instance sawmill operations and so on. Is there anything contemplated which we could consider the new program for this form of operation.

Mr. Merrill: Well in fact the proposals in this case are not really pulp wood, they are in fact sawmill lumber operation which is normally saw log type of operation. The only difference is that the kind of equipment being used now makes it possible to get a board, whether it be a two by four or a two by six out of a smaller tree. What's let over around the sides, the slabs and this type of thing are put through a chipper and broken down into chips, pulp chips, but it's not really pulp wood in the proper sense. Another factor here, the saw kerf that's now used in band saws is extremely narrow, we no longer have the great four inch kerf circular saw going through wasting an inch in every five in sawdust, we have a thin razor blade cut almost going through. But what we are talking about here is an integrated thing that produces lumber as a by-product if you wish, produces pulp chips. But it is in fact a saw log operation, but just with different equipment in using a smaller tree. I have just been handed with regard to the earlier question on this matter of fire losses, actually it's the material that has been presented before you here, in the what is termed the protected zone within the Territory which is around communities, main lakes, rivers,

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Mr. Merrill continued....

highways and lots of more far out areas. In 1959 the dollar damage was 1.4 million approximately. The previous year was only .2 million and the year before, or no that's .02 the previous and .2 in 1967. Last year being of course probably the worst year, or one of the worst that the Territory has ever experienced.

Mr. Chairman: Councillor McKinnon, do you have a few words?

Mr. McKinnon: Well, Mr. Chairman, I think it's only fair to say that the only information that we've received up to this time and place and before the day began was misinformation on this whole aspect of timber harvesting units and what was going to be done, what this Schultz-Theriault report was which was not allowed to be given to Council before today. And, I think as Councillor Chamberlist has rightfully put out, it's rather hard to be arriving at anything but general discussions today, as a result of such a mass of technical information being placed before us this afternoon only. I find this conversation very enlightening and I think at last we are finally getting somewhere. This was the whole point of the exercises of Spring Session of Council, just to let Council find out some information on what was happening to the two hundred and seven thousand square miles of the Yukon by the Absentee Land Board which sits naturally resident in Ottawa. Now, what Council did on the strength of no information at all available from the Federal Government, and after examining the experts in Mr. Hunt's Department, particularly Mr. Naysmith and his book on timber in the Yukon, where he said that the value of forest in terms of water shed, management, outdoor recreation and wildlife habitat will be in many instances equal to or greater than its use as a source of timber. We asked, Mr. Chairman, that before the timber cutting rights in the Tagish Timber Harvesting Unit and the Nisutlin Timber Harvesting Unit that they not be advertised nor awarded until a cost benefit study be initiated by the Territorial Government and be completed and that recommendations of the Territorial Council be forwarded to the Government of Canada for their consideration. The reasons for the motion was a straight hard-headed economic one. After reading Mr. Naysmith's book where he said that in a lot of areas the value of the recreation dollar will be of much more value than the value of the timber dollar, we wanted to maximize the money that would be coming into the Yukon Territory as the different sources for the exportation of our resources. Now, we've been in contact with various people around the country and we hope that we are going to be able to have a Cost Benefit Study initiated in the very near future and that the results will be available before Council and to the Federal Government also in the very near future. What I would like is an assurance from Mr. Hunt and from his Department, but until we are able to present this information to be able to have a valid view point as to whether leaving the area which Mr. Merrill certainly knows is one of the finest inland water ways in the world for recreational purposes that we want to be able to have this Cost Benefit Study to be able to weigh whether we want a combination of timber and recreational resources, whether we want timber to be allowed in any sort to be harvested there, whether we are not against at all the absolute harvesting of timber in that area, or whether it should be kept in perpetuity as a recreational area, and we want to know these facts before we can come up with a rational decision as to what the best value to the Yukon Territory and perpetuity is going to be, one or the other or an amalgamation of both and certainly we've got the one side of the picture now, and it should only be fair after the motion that has been passed by this Council that the other side should be presented and then we can really get down to the serious business of deciding just where the future lies. Now, can I have the assurance that these rights will not be advertised until we are able to complete this survey which will be initiated by the Government of the Yukon Territory?

Mr. Hunt: Mr. Chairman, I'll certainly undertake to take back this recommendation to the Minister, and undertake, of course, that we will suggest to him that such a study seems to be desirable and, of course not commit what the Minister's reaction....

Mr. McKinnon: Mr. Chairman, I might say that it's been a solid year

Mr. McKinnon continued....

of the Council prying for information and trying to get information as to what the Schultz-Theriault study was, whether it was available to us before we are actually given this information. We weren't given any information at all, the only information was Mr. McIntyre took Mr. Chamberlist out and showed him where the stakes were for the chip mill proposal and this was the only area that we knew anything about in any way, shape or form of what the plans were, what the prospects were, any figures, any facts at all, this is the first time at this moment that we've been told anything and it's the first time that we've had any information placed before us at Council. We think it's unfair, we don't think it's the right way to run a colony anyway in this day and age. Now, another area where I am very concerned with is the control of different resource development areas in the Yukon. I don't think I've spoken to forestry or a fisheries officer that says it's impossible with the lack of manpower they have to efficiently and effectively control what is happening in resource development in the Yukon. I think, I don't know if Mr. Hunt is aware of a paper that was presented to us after air patrol consisting of the Game Branch personnel, Fisheries and Yukon Indian Agency was made last year. In the inland right near Stokes Point, on the coast near this camp are possibly thousands of oil drums of different sizes containing fuel oil and gasoline or lubricants. This mess was left there when a radar station was abandoned. At this time it's not known whether the Federal Electric Company or Department of Transport is responsible for this source of pollution. The barrels will eventually rot and allow the contents to escape into the sea. Markedly, Banff Oil Limited left a filthy garbage strewn campsite here with broken bottles, garbage, building materials, propane tanks, oil drums at the waters edge. Hungry Lake, V. Zay Smith Company, Calgary, left a horrible messy campsite here similar to that found at Margaret Lake. Kathleen Lake, a campsite here was looked at, a large number of jars and bottles containing different types of acids and other chemicals were abandoned at this site. Hart Lake, the campsite here was also left strewn with garbage and other abandoned articles quite similar to the condition noticed at Margaret Lake. Mr. Chairman, the Yukon Territorial Government owns about one thousand square miles of the two hundred and seven thousand square miles of the Yukon Territory. This, Mr. Chairman, is the responsibility of the Department of Indian Affairs and Northern Development. So far they have failed abominably in their responsibilities and I'm sorry to say that the Yukon is just becoming one vast garbage dump. Now, we see the legislation, we hear of the legislation as being passed in Ottawa to control this and it certainly sounds beautiful but up to now it hasn't been effective at all. Can we get any guarantees from Mr. Hunt's Department that in the future there are going to be fisheries officers, there are going to be forestry officers, there are going to be regulations that are going to be enforceable both in all the resource extracted industries so that we can somehow control and see what is happening in the Yukon in the event of the type of results that I have just shown some resource development up to this time, and apply this also to the management of timber cutting rights and the enforcement of these areas. As Mr. Merrill will be the first, I am sure, to admit that his forestry officers and Mr. Summer's fisheries officers say that there is no possible way that they can control the extent of the Yukon becoming one vast garbage heap with the personnel and the men that they have at their availability right now.

Mr. Hunt: Mr. Chairman, I hope that when I finish my reply it will appear that I am responding positively to this because this is indeed what I want to do. We recognize that first of all there is a problem and it must be tackled. The fact that it hasn't been tackled sooner I don't think there is too much point in going over. There are many reasons for this, I think one of the most important reasons though I would just like to mention is that everyone has gradually become more environmental maintenance conscious in the last few years. Certainly we may be a little behind but I think that emphasis has been placed on this aspect only fairly recently. In response to this increasing concern, of course, the first thing to do is get the necessary statutory base in order to introduce control and supervision, and this has been done through the Northern Inland Waters Act, which is now law, and through Bill C212 which, of course, not only contains amendments to the Yukon and the Northwest Territories Act but also contains amendments to the Territorial Lands Act that would allow the Government to establish land use regulation, and we are in the

Mr. Hunt continued....

S.P. #18

process of, and have been for quite a few months now, developing the necessary thinking that goes into the drawing up of such regulations. We do not have a draft of the regulations in a draft form as yet, it's in a form of ideas and concepts but this draft will be completed very quickly, I would draw your attention to the fact that the Bill which I believe is now, perhaps even today, receiving Third Reading in the Senate, will require that the draft regulations before they are made, before they come into law, are first published in the Canada Gazette so that the public in general can comment on them, secondly that there will be consultation with Council or with individual Council Members on this. So this will be--is in hand and will be pressed as soon as possible. This will give us the regulation, the right to inspect; the right to impose condition of land use and it would be aimed, amongst other things, at this very problem of organizations and individuals leaving behind messy campsites. There will be one very specific aim of the regulations to prevent. Then, we are concerned naturally with are we going to have the staff to do this. We have got approval to increase the staff on both the forestry and the land use and water policy maintenance areas, I would say significantly. I believe for the Yukon it would total about sixty, isn't it, over a period of years, but we will be establishing in the Yukon a senior position, a qualified engineer who will have under him people in both the water pollution area and the land use area and it is our intent to establish inspectors and to do the best we can to make sure that the regulations are enforced. Now, I should, I think indicate one word of caution, I doubt with the--always the problem of priorities, and some that we will be able to have the number of inspectors that everyone would like. I think that it would be wrong of me to try to imply that we will have, initially anyhow. We will work towards it, as we get experience hopefully we'll know precisely how many we want and you certainly have my assurance that we will do everything we can to bring this concern of yours and sincerely ours, to the Minister's attention, well he is very concerned, to the Government's attention and to try and get the priorities for money that are needed to do the job.

Mr. McKinnon: Mr. Chairman, I understand that the machine that will be involved in the cutting of this log was at Carcross and that there was a sample cut done by this machine. I wonder if the area in question is known to the Department and whether it can be viewed by the Members of the Yukon Legislative Council?

Mr. Merrill: Yes, it could be. I'm aware of this, I haven't actually seen it personally, but there would be no problem here. The superintendent of Forestry could certainly arrange for this, and this incidently was purely an experimental type of thing to try a particular piece of equipment out on a small scale under some varying terrain conditions and this type of thing. It's not an accomplished fact that this would be the kind necessary, the kind of operation, but I'm sure John Gass of Yukon Forest Service would be pleased to arrange...

Mr. McKinnon: Mr. Chairman, has there been a similar type of operation on the scale for which we are proposing in these papers anywhere in the country or particularly in Western Canada up to this time and if so, where?

Mr. Merrill: Yes, very decidedly so, largely in B.C. The Prince George area in particular, the new town of MacKenzie, what is it on, the Finlay River about half way from Fort St. John across to Prince George, about forty miles off the highway, and in fact many many times larger than what we are indicating or suggesting here. In B.C. there have also been some fairly large logging operations and in parts of northern Alberta, so that there is certainly a fair degree of experience in this kind of thing from other areas in comparable conditions.

Mr. McKinnon: Mr. Chairman, just truthfully going through the Schultz-Theriault Report I see the different compartments A to E but I don't see anywhere in the Report where it says that in this compartment this type of cutting will take place, or not take place. Is this contained through.....

Mr. Merrill: This Report was a pure counting, a pure inventory and did not indicate necessarily the method of logging that was going to be undertaken or the manner in which cutting rights might be granted or

Mr. Merrill continued....
 anything of this sort. The compartment breakdown was really an arbitrary thing selected more for convenience in the compilation of data and dividing the area up into smaller blocks from some fairly well defined topographic features, the Alaska Highway for example. But in the body of the Report there are volume summaries for each one of those compartments. The total volume estimated in cunits in each of these.

Mr. McKinnon: Well in your introductory remark that I remember correctly, you said that in compartment B that we wouldn't think that cutting rights would be given because it's a prime recreational type of area.

Mr. Merrill: Now, I did not....

Mr. Hunt: Excuse me, I think I indicated that, I think I said that one could contemplate perhaps, excluding totally compartment B from any cutting if this thing is desirable.

Mr. McKinnon: Is it possible to get a compartmental breakdown along these lines?

Mr. Hunt: Yes, what I was meaning to indicate by that was that I was trying to suggest that our thinking is not fixed on this and that it doesn't have to be all or nothing, it can be half of it, or nothing, or all, and the compartments, I think, could be readjusted quite easily. Compartment B actually would contribute not much more than, I believe ten thousand cunits roughly, more or less, out of the total of what we were thinking of in terms of fifty thousand, so it's not an impertinent part of the total.

Mr. McKinnon: Well, Mr. Chairman, then I'd say that we were thinking on completely the same wave length and this couldn't knowledgeably be done until we knew the results of the study that we hope to be initiated from the Territorial Government level and be able to bring these back before the Federal Government and then we can really decide and make decisions on where the cutting should be taking place and what the prime benefit is in these various areas will be as to each resource development type of thing.

Mr. Chamberlist: Mr. Chairman, when I spoke before I asked if any information could be forthcoming from the witnesses as to the amount of money that was being paid by way of tote trail assistance to Acorn Timber because of the ten thousand dollar deposit, and I learned through the very sometimes quick actions of the Administration that in 1969 the Government paid to Acorn Timber six thousand nine hundred and ninety two dollars and twenty five cents for tote trail assistance on a deposit of ten thousand dollars that they put up. And, also in 1970 they have been allotted seven thousand dollars but will not be getting this until the work is done. It seems to me that the chicken feed of ten thousand dollars is not the chicken feed as the amount of money that is being put up and I think that before any consideration is given to any further timber rights that in the contract a really good percentage of money should be paid by the companies so that they will at least be able to fulfill their contract and not have the money given back to them by the Government, because this is a nonsensical thing to do to take a deposit and then pay it back to them for their assistance.

Mr. Taylor: Mr. Chairman, I'd just like to say that earlier in the debate the Honourable Member from Whitehorse North made reference to the fact that he felt, I should say felt still at this time that the--any suggestion of the development of the forest products industry in, I believe he was more specific, in the Tagish area should be withheld until a Cost Benefit Study has been made to his satisfaction.

Mr. McKinnon: Not as the motion of Council with respect, Mr. Chairman...

Mr. Taylor: With respect the direction was further given by the Honourable Member and I being another Member would like to disassociate myself from any suggestion that industry be held up at this time. As I stated before, I am a firm believer in.....order, Mr. Chairman.

S.P. #18 Mr. Chairman: Order, order.

Mr. Taylor: As I stated before and I don't think it's any laughing matter, I think that we're talking about the future, resource development of the Territory and the--upon this development will be defined our economy for the future, and I believe in the multi-optimum use concept in resources as to most good sensible thinking people in the Territory, and I think it has been clearly shown today by the witnesses that Forest Management policies can be implemented in the Territory. Every encouragement should be given to all areas of forest products industry in the Yukon Territory at this time, and I would therefore like the records to state that I disassociate myself both from the original motion, which I did at that time, and from any suggestion that this industry be retarded any longer in the Yukon Territory.

Mr. Dumas: Mr. Chairman, I would like to point out that the motion was passed in Council with six people going for it. In a democracy this constitutes a majority when you talk about seven people. It is the wish of the people in the Territory that no proceedings take place as far as timber harvesting is concerned, without consultation with the Council of the Territory. That is the wish of the people of the Territory; it may not be the wish of the Honourable Member from Watson Lake, or indeed it may not be the wish of his constituents. But, it is certainly the wish of the majority of the people of the Territory, Mr. Chairman. We have before us -- the Honourable Member has just said that obviously Forest Management will look after the whole problem. We have before us a prime example of the classic rape of the Yukon Territory. We have a company coming in being allowed to take out a million dollars worth of timber at selling price, who will down a ten thousand dollar deposit and receive back, or will receive back from the Government thirteen thousand dollars. That's management, Mr. Chairman.

Mr. Taylor: Well, Mr. Chairman, in reply to the Honourable Member I can only say that when six Members of this Council had an opportunity to vote the one who has a--probably the vocal to do with this Council did not have an opportunity to exercise that privilege and so I think it only fair that I should be permitted time to state my case.

Mr. Livesey: I don't know whether there is going to be any more discussion or not but I would like to rise at this time, Mr. Chairman, and thank Mr. Digby Hunt and also Mr. Merrill for coming to us and discussing these questions with us this afternoon, and I do feel that the Committee as a Whole will go along with me on this because I think when the Department comes as far west as they do when they come to the Yukon to give us this information and to sit with us, that it is about as little as we can do as to say thank you for this visitation, which I'm sure each and every one of us has gained quite a little from this afternoon. I'd like to thank them very much, Mr. Chairman, for coming.

Mr. Chairman: Are there any more discussions at this time?

Mr. Dumas: Yes, there is just one more item, Mr. Chairman, I think it's the intention of this Committee that the original motion as put forward by the Committee and passed by, I'd say six Members of the Committee still stands and we would hope that Mr. Hunt would take this back to his Minister, Mr. Chairman.

Some Members agreed.

Mr. Chairman: Is there any further discussion? Well I wish to thank you very much Mr. Hunt and Mr. Merrill for coming down here. I'm sure that what you have told us has been most enlightening, in fact it's the only light that has been shed on the subject I believe, and we appreciate having you and we would hope that you can let us know.....

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

Mr. Chairman: I don't know if I'll give it to you.

Mr. Taylor: You just lost it.

S.P. #18

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I would move that at this time Mr. Speaker do now resume the Chair.

Mr. Dumas: I second the motion.

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

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:20 A.M. this morning to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Gordon, seconded by Councillor Livesey that Section 1 of Bill No. 7 be deleted and that Section 9, subsection (1) of The Local Improvement Districts Ordinance be amended to read, "The Board of Trustees shall meet openly at least once a month and no person shall be excluded from any open meeting except for improper conduct". This motion was carried. It was then moved by Councillor Taylor, seconded by Councillor Gordon that Bill No. 7 be moved out of Committee as amended. This motion was carried. Committee recessed at 12 noon and reconvened at 2:00 P.M. Mr. D. Hunt and Mr. D. Merrill attended Committee to discuss matters related to Forest Management and I can report progress in this matter. It was moved by Councillor Chamberlist, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this motion carried.

CHAIRMAN O
COMMITTEES
REPORT

Mr. Speaker: We have heard the report of the Chairman of Committees. Are we agreed? May I have further indications of your pleasure and of the agenda.

Mr. Taylor: Mr. Speaker, with respect to the agenda it is the wish of the Committee that we meet with the Deputy Superintendent of Brokers, a Mr. James R. Taylor on Monday morning in the Council Chambers in Whitehorse, and otherwise it would be Bills, Sessional Papers and Motions.

Mr. Speaker: Is it the wish of the House to terminate discussions here in Watson Lake this evening?

Mr. Taylor: Mr. Speaker, before we wrap up for the evening I would like to mention to all Members of the Administration, all Members of Council, the Administration and those visiting in the press gallery with us that the Community Club of Watson Lake will be hosting a supper tonight and would require your attendance at 6:00 o'clock in the Community Hall.

Mr. Speaker: Order, please. I believe Mr. Commissioner has a message for the Council.

Mr. Commissioner: Mr. Speaker, at this time I appreciate the opportunity to rise. I'd like to give my assent to those Bills which Council has passed up to this time. They are Bill No. 3, Bill No. 4 and Bill No. 5.

Mr. Speaker: Thank you, Mr. Commissioner. Is there any further business?

Mr. Chamberlist: Mr. Speaker, I wonder at this time you may say a few words to the people of Watson Lake thanking them for our hospitality.

Mr. Shaw: Their hospitality.

Mr. Speaker: Yes, I would be very happy to do that on behalf of the entire House and all Members of Council. I'm quite sure each and every one of us

Mr. Speaker continued.....

would like to pass on to the people of Watson Lake and to the Honourable Member who represents the district of Watson Lake our full-hearted and heart felt thanks and appreciation for all the co-operation we have received here in Watson Lake while the House has been sitting in this area. I think it has done each and every one of us a great deal of good and has been somewhat of an educational program as well. I believe we have all benefited from our visit here and from the very friendly atmosphere generated by the wonderful people of Watson Lake. Thank you. Is there any thing further.

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

Mr. Speaker: Are we agreed. The House now stands adjourned until 10:00 A.M. Monday morning in Whitehorse.

ADJOURNED

Page 1.
Monday, June 29th, 1970.
10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order. I have for your attention this morning the tabling of the following Sessional Papers: No. 18, 25, 26, 27, 28, 29, 30, 31, and 32.

Mr. Chamberlist: Mr. Speaker, with respect, No. 18 was dealt with at Watson Lake. As I have it, it was dealt with and it is only being tabled at this time?

Mr. Speaker: Is that correct, Mr. Clerk?

Mr. Clerk: That's correct, Mr. Speaker. It was dealt with, however, it has not been tabled.

Mr. Speaker: Are there any Reports of Committee? Introduction of Bills?

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Amend the Elections Ordinance, be introduced. BILL #8 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Are there any further Bills for introduction at this time? Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Papers No. 25 to 32 inclusive pass into Committee of the Whole. MOTION #10

Mr. Speaker: Are there any further Notices of Motion? Will the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I have a Notice of Motion this morning, "That the Superintendent of Education, Dr. Reid Shields, be asked to attend in Committee of the Whole to discuss progress related to the establishment of higher education facilities on the North Alaska Highway". Thank you, Mr. Speaker. MOTION #11

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Moving to Motions, Motion No. 6, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, "That it is the opinion of this Council, consumer protection legislation be prepared for Council's consideration". Would the Honourable Member for Whitehorse East be now prepared to move Motion No. 6? MOTION #6

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, it has been now, for a fact of life in the Yukon, that legislation to protect the individual is needed when the consumer needs come into question. One of the most important factors I think is the matter where consumers are, because of the time payments made on certain purchases, being charged interest rates of such an exorbitant nature that it reduces the money available to them in which to carry on a livelihood for their families. The Federal Government has instituted a form of protective consumer legislation; most provinces have done likewise.

Mr. Chamberlist continued:

Mr. Speaker, I think it's necessary now for us to fall in line in this regard as in all regards with the rest of Canada to bring forward legislation of this nature to protect the citizens of the Yukon against those people who would nefariously take advantage of some of those people who cannot take care of their own affairs. Here's a case of where government must protect the people, and I think it's necessary for this type of legislation to be brought forth as early as possible. Thank you, Mr. Speaker.

Mr. Speaker: Is there any further discussion on Motion No. 6? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #7

Mr. Speaker: Motion No. 7, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, "That the Administration submit a brief outlining the cost of living in all areas of the Yukon to the Honourable Ron Basford, Minister of Consumer Affairs". Would the Honourable Member for Whitehorse East be now prepared to move Motion No. 7?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, this Session, we had supplied to us a Sessional Paper, Sessional Paper No. 7, wherein the Minister of Consumer Affairs, the Honourable Ron Basford, said, "Due to a heavy schedule at this time, I wonder if you would be good enough to ask the Yukon Council if they could prepare a brief for my information in order that I might study it. If their report provides me with sufficient information to warrant such a trip, then I would be happy to consider the possibility of meeting with the Yukon Council." Mr. Speaker, I think it is necessary for the Minister of Consumer Affairs to have his officers institute an investigation immediately into the high cost of living, which is effectively hurting the wage earner in the Yukon. There are groups that have been working methodically, and have information that has already been made available to the Minister of Consumer Affairs, and all I feel, Mr. Speaker, that this Council can do is to say to the Minister that we require his help and the department's help in this regard. The matter of a brief from the Territorial Council, with respect, Mr. Speaker, under our system of government until next year at least, should come from the Administration. It should be that the Administration should make details of any information that the Minister requires. I would ask, Mr. Speaker, that Members of Council support the motion so that the Federal department send its officials and experts in this field to consult with all parties, the Council and the Consumer Affairs Association and all other groups in the Territory, towards having submitted and evaluated why the cost of living is as high as it is. Thank you.

Mr. Speaker: Is there any further discussion on Motion No. 7? Is the House prepared for the question?

Mr. Taylor: Question, Mr. Speaker. I may say that this has all been discussed before and I am in full agreement with the motion.

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

MOTION
CARRIED

MOTION CARRIED

MOTION #8

Mr. Speaker: Motion No. 8, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, "That Sessional Paper No. 10 be discussed in Committee". Would the Honourable Member for Mayo be now prepared to move Motion No. 8? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 9, moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East, "That Sessional Paper No. 10 be discussed in Committee of the Whole". Would the Honourable Member for Whitehorse North be now prepared to move Motion No. 9? Question has been called. Are we agreed? I will declare the motion carried.

MOTION #9

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: That is the end of the Motions this morning, gentlemen. Are there any questions?

Mr. Chamberlist: Mr. Speaker, I have a question to address to Mr. Commissioner. Mr. Commissioner, it was publicized two or three days ago in the Edmonton Journal that the telephone rates between Alberta and Yukon have been reduced effective the fifth of July. Can the Commissioner indicate whether he has been informed that the telephone rates between Yukon and Alberta have also been reduced?

QUESTION RE
REDUCTION
IN TELEPHONE
RATES

Mr. Commissioner: Mr. Speaker, I'm afraid that I am not aware that this information has come to our attention, but I would undertake to have an answer to this question for the Honourable Member tomorrow morning.

Mr. Speaker: Are there any further questions?

Mr. Dumas: Mr. Speaker, I wonder if the Commissioner could determine the present disposition of the signs that were to go along the escarpment as to whether they have been prepared yet?

QUESTION RE
-ESCARPMENT
SIGNS

Mr. Commissioner: Mr. Speaker, I will undertake to have an answer for the Honourable Member for that question tomorrow morning.

Mr. Chamberlist: Mr. Speaker, at this state, can the Commissioner indicate how many teachers will be continuing with the Department, and how many teachers will not be continuing with the Department for 1970? Oh, I am sorry, Mr. Speaker. One of the problems we have, Mr. Speaker, with respect, is the fact that we get Sessional Papers in the morning five minutes prior to Council opening, and we do not have sufficient time to study them. I apologize.

Mr. Speaker: Are there any further questions?

Mrs. Gordon: Mr. Speaker, I have a question for the Commissioner this morning. A recent publication of the Whitehorse Star, in effect, said that the dental program in schools of the Territory covered up to Grade VI. In my own area, I find this is not true. Is the dental program to be upgraded in the outlying areas to reach Grade VI?

QUESTION RE
UPGRADING
DENTAL
PROGRAM

Mr. Commissioner: Mr. Speaker, I would have to determine the actual facts of this situation. The program, as it exists at this time, has the prior concurrence of Council, but I'm afraid I just don't have that close a knowledge of it, Mr. Speaker. I would undertake to bring forward that information for the Honourable Member though.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Mr. Speaker, I just have one question. Some years ago, we use to receive these little annual reports of the operation of the Royal Canadian Mounted Police, and the last report I've seen is from 1967 and I'm wondering if it would be the policy of the Administration to get more copies for Members year by year as these reports are made available?

QUESTION RE
ANNUAL
R.C.M.P.
-REPORTS

Mr. Commissioner: Mr. Speaker, I think that we could ask Mr. Clerk to look into this, and if such a publication is still available on a continuing basis, by all means, Mr. Speaker, we will certainly procure copies of it and have them distributed to Members of Council.

QUESTION RE
AISHIHIK
CAMPGROUND

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether the Yukon Forestry Department is maintaining the campground at Mile 28 of the Aishihik Road, or is it the intention of the Administration to close it down completely?

Mr. Commissioner: Mr. Speaker, I'm sorry but I will also have to ask that I get a chance to get the proper information for the Member on this. The only campground that I am familiar with on the road referred to is the one at Otter Falls, and I believe that the one referred to is further on down the road. I will have the answer for that question for the Member tomorrow morning.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

QUESTION RE
ACORN LUMBER

Mr. Livesey: Mr. Speaker, I have a question for the Commissioner this morning. I wonder if Mr. Commissioner can inform the House how many areas throughout the Yukon Territory are now contracted out to Acorn Lumber?

Mr. Commissioner: Mr. Speaker, I would have to secure this information from the Regional Director of Resources. I'm sorry I do not have it immediately available. I think it is a reasonable statement to say that we should be able to provide this information tomorrow morning.

QUESTION RE
ACORN LUMBER

Mr. Livesey: I wonder if I could ask another question on the same thing, Mr. Speaker, in relation to Acorn Lumber. In the areas that they have in the Haines Junction Area, has this company removed the logs according to their contract for removal of such logs after cutting?

Mr. Commissioner: Well, Mr. Speaker, detailed information of this nature may take a little longer to obtain, but we will definitely obtain the information for the Honourable Member.

Mr. Chamberlist: Mr. Speaker, supplementary, I wonder if the Honourable Member from Carmacks-Kluane would carefully change the question to say "Acorn Timber" so that we may get a real answer instead of the answer "we have no contract there, or no contracts with Acorn Lumber". It's Acorn Timber Limited.

Mr. Livesey: The correction is well placed, Mr. Speaker. Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

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

BILL #7
THIRD
READING

Moved by Councillor Taylor, seconded by Councillor Gordon, that Bill No. 7, An Ordinance to Amend the Local Improvement District Ordinance, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #7
TITLE
ADOPTED

Moved by Councillor Taylor, seconded by Councillor Gordon, that the title to Bill No. 7, An Ordinance to Amend the Local Improvement District Ordinance, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 7 has passed this House. May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Dumas: I'll second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. 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: Would the Honourable Member for Watson Lake please take the Chair in Committee of the Whole.

Mr. Taylor takes the Chair.

Mr. Chairman: I think at this time, we will have a brief recess while we locate the party who is going to be with us today.

RECESS

RECESS

Mr. Chairman: At this time, I will call Committee back to order. We have with us Mr. James Taylor, who is the Deputy Superintendent of Brokers. He is here to help us with Bill No. 1. We arrived at page 17 of the Bill and we're to proceed with section 27, sub-section (1). Up to this point, did you have anything in this Bill? BILL #1

Mr. Chamberlist: No, Mr. Chairman, I will not go back now with what we've dealt. Have we read this 27(1), or are we going to read it now?

Mr. Chairman: (Reads section 27(1) of Bill No. 1)

Mr. Chamberlist: Mr. Chairman, I address firstly my remarks in this section to Mr. Legal Adviser, and I'm sure Mr. Taylor may be able to add to it through his experience with securities. Taking the first three lines of this section, "Where a broker contracts with a client or customer to buy and carry for him upon margin...", I feel that the words "or otherwise" should be added there because sales and purchases are not always done on a margin basis. This is only where there is, as I understand it, where there is a certain fixed price set. I don't know what it is. Is it a \$2.00 margin, Mr. Taylor? Perhaps you can ...

Mr. J. Taylor: It depends on which exchange you're dealing with.

Mr. Chamberlist: Yes, but there is, Mr. Chairman, a difference. It would appear to me that this part only deals where there are transactions carried upon margin, and I don't think that's sufficient protection. This is why I would suggest we say "to buy and carry for him upon margin or otherwise, any securities". I wonder if I could get some comments from Mr. Legal Adviser on that particular thing?

Mr. Legal Adviser: Mr. Chairman, if we want to deal with the security a client gets in the whole of his transaction, then it would need a separate section. This is dealing with a specific type of transaction, that is, where there is a marginal requirement, and a continuous series of operations under a contract all or otherwise with the broker. If there is a buy or sell transaction which is not on margin, then it is a specific thing, that he buys a security and he sells a security, and the terms of this particular section would not appear to me to be operative.

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Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Taylor could make his remarks upon that particular thing?

Mr. J. Taylor: Essentially, it provides that, and of course the intent of the section is that brokers themselves not act as principals, and that they not deal to the detriment of a client, and where there is a margin, there is more probability of this happening as opposed to a cash setup.

Mr. Chamberlist: I note, Mr. Chairman, that Mr. Taylor has made reference to the probability and when one uses the word "probability" there's always a possibility that it can happen. This is the reference I make to it, that there is a necessity for much firmer protection, not only for those people who buy on margin, but for the people who buy stocks which are under the amounts that margins are allowed on, penny stocks and the like. What protection is there in this particular section? I'll come to the reference to a contract later, but would it do any harm to have the words "or otherwise" included? I wonder if Mr. Taylor could answer that?

Mr. J. Taylor: No, it wouldn't do any harm, but it's probably an unnecessary extension of it because it is intended to prevent the broker from dealing as the principal, and to use my words previously, it is more probable that this would happen with a margin account. It is extremely unlikely that this would happen with a cash account.

Mr. Chamberlist: Before I finalize my remarks on that, I think that this is one of the most important sections in the whole piece of legislation. I think there's a necessity to add to this section these words: "every contract between broker and customer or client shall be in writing, and no transaction shall be valid unless a written contract has been entered into". I wonder, Mr. Chairman, whether Mr. Taylor will now indicate whether or not there is a necessity for this?

Mr. J. Taylor: In that event, you very effectively cut out a very great portion of the securities business because by tradition it is done by telephone, by your phone physical situation. There is going to be more telephone brokerage here than there would be in another area where the facilities are immediately available.

Mr. Chamberlist: Mr. Chairman, perhaps the witness hasn't quite got my intent in this. I'm not saying that for every transaction that there should be a contract; I'm saying that at the time that somebody begins trading, there should be a contract. At the moment, some brokerage houses, one not very far from where we are, a buy and sell form is sent to you and there are contract conditions at the back of it. The client doesn't know anything about the contract conditions because the first purchase or the first sale that has been made, Mr. Chairman, has been made via a telephone call. Now, what authority has the brokerage house or the trader to act unless he has a written contract, and what right has the person purchasing or selling unless he has a written contract. There are schemes where a brokerage house or salesman may sell or purport to sell, or purport to buy on somebody's behalf, and then say that comes under the terms of the contract that we have, and what is the contract? The contract is the buy or sell note that he sends after a transaction has been completed. Now, I agree, Mr. Chairman, with Mr. Taylor, when he says that most of the securities business is done via telephone here, and I am not suggesting that there should be a contract entered into for every sale and purchase, but I feel that once a client starts trading, he should enter into a contract to the effect that any trades made after while you are a customer is allowable. Now, I wonder, Mr. Chairman, if Mr. Taylor could go on from that particular area?

Mr. J. Taylor: There are, of course, confirmation slips sent out, BILL #1 which is the contract you are referring to that has the conditions on it. Is this the contract you're talking about?

Mr. Chamberlist: Mr. Chairman, this is the very thing that I'm talking about. A confirmation slip doesn't confirm a contract; it's just a one-sided thing. All that a confirmation slip does, it tells the customer, or the purported customer, that I have purchased or I have sold on your behalf so many shares. This does not mean that the customer or client gave instructions to buy or sell those shares if there is no contract written.

Mr. J. Taylor: Surely at that point it becomes a matter of whether or not a contract obviously exists; it's simply a civil matter. You run into this situation every day with various instructions that one gives an agent or any contract one enters into.

Mr. Chamberlist: With respect, Mr. Chairman, as I see it, a contract when dealing with stocks and shares, securities, must be clearly defined between the customer or client and the sales office. I know of many instances, one in particular, of where some people are dealing in penny stocks, put their shares in an office here, left them there, and three months after the person received a notification that his shares were sold for \$.63. The shares went up. When the man got this, he went there and said "I didn't tell you to sell". The man there said "But, you left your shares here". The man said "Yes, as security until such time as a decision is made as to whether to sell". But, they went ahead and did this without any contract at all. All they did was send, Mr. Chairman, a confirmation saying that they had sold it for him. Now, this is the protection I feel that people should have here, that if there is a contract entered into at the beginning of transactions, of doing business, that contract should remain in force between customer and client and broker all the way through the transactions until such time as the customer or client says "You are no longer acting for me; we'll clean up; our contract's finished." This is where my concern lies, Mr. Chairman.

Mr. Taylor: How are you going to provide for all of the contingencies that are going to arise in this type of contract that you're speaking of? In effect, what you are doing, the only feasible way is to give your broker or agent a Power of Attorney. This is what you're saying.

Mr. Chamberlist: That's right.

Mr. J. Taylor: Well, then you're in exactly the same position as verbal instructions for him to buy himself, precisely the same position except that he now has the Power of Attorney and you have no recourse against him. He may not exercise his discretion in the proper manner, you may suffer a loss, and what recourse do you have in court? None whatsoever, because you have given him your power to act on your behalf whereas in the other instance without a contract, you have recourse in the courts in a civil manner.

Mr. Chamberlist: Well, there is always, I feel, recourse through the courts under any circumstances. This is what the courts are set up for, so I'm not too disturbed about that. Fortunately, our judicial system permits by various means for people to get before the courts, and this is one of the great protections that we have in our system and I'm not concerned about that. But, I am concerned, and I feel very, very strongly about this, that no broker or salesman who comes into the area, or in fact anybody who is selling shares from a company that has just been newly formed and has the right to sell shares, should not be able to buy or sell or transfer or barter unless they have some sort of written arrangement authorizing them to do so. I know that this particular area is being abused in the Yukon, not necessarily in B.C. because you fortunately have one of the finest securities commissions and protective arrangements for the public

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Mr. Chamberlist continued:

that can be found in any part of Canada. I feel, Mr. Chairman ... this is what I feel strongly. I looked at it very closely. Unfortunately, we're not in the position to afford such a large type of operation as it would be very costly to us. I think within the scope of this legislation, and adding to it and subtracting for our local needs, we will have a fine piece of legislation. Mr. Chairman, there are just two areas of this particular section that I believe is necessary as added protection, although, for instance, Mr. Chairman, in the words that the witness has said, "or otherwise" may be superfluous to the section, the very doubt that he has instituted by using the word "improbability", because, as I have already expressed myself, there are two sides to a street so it would just add a little more strength to the particular section. Mr. Chairman, I would like these words to be added in with reference to a written contract, but I wonder if, in finalizing my remarks on this section, if the witness could indicate if he sees anything detrimental to the public, who after all we are aiming to protect, and I think the public's conditioning must be treated first; whether we keep the public in good condition for trading in securities, or whether their condition goes sour. Is there any objection, or would there be any damage to the public if this particular section was expanded in the manner that I have indicated? Thank you, Mr. Chairman.

Mr. J. Taylor: You, of course, are talking about two different things. You say that I say "improbability". I'm referring of course to "margin or otherwise" aspect, and that was the aspect in which I was speaking. Now, that was not applicable to the question of whether or not there should be contractual relationships in writing, and the matter should not be confused, which, with reference, you have done in your summation. Now, to require that a contract be entered into would effectively emasculate the securities business. It would be physically impossible for people to enter into the buying and selling of securities largely. The only people who would be in a position to deal, would be those who are immediately available to the facilities. Your proposal to correct this by having the Power of Attorney or some other contractual relationship in writing only ... it doesn't correct anything really. All it does is deprive the person, the client, from his civil right because he's bound by his Power of Attorney or contractual obligation, whatever the contract may be. If he doesn't wish his broker to sell the securities, if he wants to be protected, he can of course remove his securities from them, or alternatively, if they are on margin, he can give the broker an instruction in writing that under no circumstances is he to sell those securities. It is understood, of course, that they may be sold to make up the margin. That's a premise that we can't deny. But, to require a written contract, you are not accomplishing anything.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Taylor would indicate what is the situation when people who have no contract at all, and you see in this section, it deals with, uses the word here: "Where a broker contracts with a client...", you see, "or customer to buy and carry...", but where he hasn't contracted to do it, where there is no contract existing, what protection has John Q. Public, and this is what concerns me. This seems to protect where a broker has a contract with a client or customer, but it doesn't seem to be able to fit where a customer has no contract and has not entered into any contract. You see, the question is, when is there a contract.

Mr. J. Taylor: This is a very basic question, and obviously you're talking in legal terms. A contract is simply an offer on one hand and acceptance on the other, with consideration. Now, consideration can be a payment of money, part performance, complete performance, whatever your ordinance says ... I'm not familiar with your particular statute in that regard. The contract, to be a contract, need not be a written contract. There are enumerable valid verbal contracts, as you well know. We all enter into them every day without

Mr. J. Taylor continued:
exception. You can buy a car on a verbal contract if you wish.

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Mr. Chamberlist: Mr. Chairman, perhaps the witness thinks I'm being stubborn; but it's not unusual for me in any event.

Mr. J. Taylor: If I may interject, perhaps you think I'm being stubborn, and that's not unusual either, Mr. Chairman.

Mr. Chamberlist: What worries me very much is when these acceptance slips or confirmation slips are sent, it says that this has been purchased or this has been sold in accordance with the contract entered into on the other side of the form, but the contract hasn't been entered into in many cases, because people just don't know that they are being sold or being purchased, especially when people are trading against their clients when they've found that they've taken a loss. They push off the loss by saying to their client, "We bought and sold for you", and this is where I can't see the protection in that area. Perhaps if the witness, Mr. Chairman, could indicate where the protection is, this would satisfy me.

Mr. Chairman: Councillor Shaw.

Mr. Chamberlist: No, I want the witness to answer the question.

Mr. J. Taylor: It's really perfectly simple, and this is why you have section 19. If you have a complaint and you feel that something has been done against the interest of a client, then you can complain to the Securities Commission. They can institute an investigation. All of these transactions are a matter of record, and in practice you will find that the vast majority, there are exceptions as there are always exceptions, but the vast majority of brokerage houses are deeming in a reputable manner. Quite obviously, they have to, and if they have not dealt in a reputable manner, then their very lives are at stake. There is where your remedy lies. This matter can be investigated and investigated fully. If it's been found that the broker has been dealing against his clients' interests, he's liable to suspension and cancellation, and conviction. I think that's the answer really.

Mr. Shaw: Mr. Chairman, I cannot see giving a broker authority to do this, that or the other thing makes any difference to whether you deal with him. If he's going to be a crook, he's going to be a crook, and in fact, if you give him the Power of Attorney, that makes it just a little more binding, I would say, than in the other case. I cannot see how brokers will sell and buy stock just at their own whim, and if that were the case, I would imagine that it wouldn't be very long before no person or persons would keep any securities or any stock in that brokerage house. Further to that, sufficient complaints on something like this would create some type of governmental action. The point that I wish to make, Mr. Chairman, is the fact that by signing a piece of paper prior to doing any dealings with a particular brokerage house doesn't make any difference to the situation. If the man is a crook, the broker is going to sell them anyway, and he has more authority perhaps. Now, I just cannot see the point in changing it.

Mr. Chamberlist: Mr. Chairman, it's not my intention to change, it's my intention to add. There's a lot of difference between changing and adding surely. I do know, Mr. Chairman, that there are some brokerage houses, before you do business with them, they send you a form letter, authorizing you then to buy and sell and maintain the securities, and sell for margin if you're under, and things like that. It's a form letter that they ask for. This is the type of thing that I am really referring to, that should it not be that every brokerage house should be acting in this manner? Some of them do it, some of them don't. Under the B.C. Securities Commission, is it permissible for some of them to do it and some not, or is it part of the regulations?

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Mr. J. Taylor: They may or may not as they wish. It's a matter of contractual relationship between client and broker, and whether you wish to enter into the contract, it's entirely up to you. You are twenty-one, you're of age, you're capable, you have the capacity to enter into it.

Mr. Chamberlist: Well, then one final question, Mr. Chairman, and this will be my final question on this section. Mr. Chairman, can the witness indicate whether this particular section covers amply the protection that the public would need when there are sales and purchases being done, not on behalf of a customer or client, but by the actions of the broker himself, without receiving any instructions?

Mr. Legal Adviser: Mr. Chairman, if I might intervene at this point, this is not intended, this section, to cover a totality of customer and broker transactions. It's designed to cover and protect the client who is buying on margin because it is the normal thing, when you're buying and selling on margin, that you have given authority to the broker or party to buy and sell on your behalf for his protection, for the broker's protection. When you are a cash client, unless you have given previous authority to the broker to buy or sell shares on your behalf, then it's a wrongful act on his part to act without your authority. Then it becomes a question of fact, did he have authority, or didn't he. So, in the cases instanced by the Honourable Member, where it's a question that this gentleman may have bought penny stock and the broker holds the penny stock, then if he sells those stocks without the authority of his client and sells at a loss, he's liable to an action of the court as a matter of law for the difference because he had no authority to sell them. It would be a debt to you on one of these technical things.

Mr. J. Taylor: I concur entirely with what Mr. O'Donoghue has said. I might say that from my discussion with him, he has an excellent grasp of the statute and of the intent and of the proposed application.

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

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Mr. James Taylor, Deputy Superintendent of Brokers of B.C. attending.

Mr. Chairman: We will now call Committee back to order. We are on page 18, Section 27, subsection (2). (Reads Section 27, subsection(2) Section 28 and Section 29.)

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Mr. Legal Adviser: Mr. Chairman, I just want to tell the House that there is at the moment before the Conference on Uniformity of Canadian Laws, a proposal to extend the type of securities in which trustees may invest. If this proposal goes through and legislation is brought to the House, we will be amending this particular subsection to narrow its scope somewhat.

Mr. Chairman: (Reads Sections 30 to 35.)

Mr. Legal Adviser: The word "prescribed" by technical definition here means prescribed by the Commissioner, that is by regulation. So the Registrar will require it in a form which will be attached to the Regulation.

Mr. Chairman: (Reads Section 36)

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser will indicate whether there would fees charged for an examination of where there is evidence of no convictions or no wrong-doings. It seems to me that here is an area where you have to protect the broker himself. Can the Registrar charge fees for examination just because he decided to go and examine somebody's books? It seems to me to be an unjust thing to do if he may do this.

Mr. Legal Adviser: I would be willing to accept the criticism but it is difficult to operate. I would like to see the Registrar having the discretion to charge fees because it occasionally happens in a proper case, a complaint is made to the Registrar which may require an examination which shows that nothing basically improper was done but that the person who made the complaint was justified in making his complaint nonetheless. It is a hard section because, in a court, costs follow the event, the successful party gets its costs. There may be costs involved in this, so I think that there should be no fees charged to the broker in an improper case, and no fees charged to the client in an improper case; but where a client requests the examination, I think this subsection would be wide enough, if it was an unfounded complaint, to require the client to pay the charges of an examination. I would bow to the opinion of the witness on this point.

Mr. J. Taylor: Yes, I do not think that is the intention and I doubt very much if it would ever be the application. The complainant is not a party, ordinarily. He is not a registrant. He doesn't come under the Securities Act as such and enforcement of imposition of cost would be extremely difficult. The practical matter of whether or not fees are charged as against a broker who has been shown to be guilty of any wrong-doing--it is really an academic question because it very seldom happens, if ever. I know of no instances. If the matter is so serious that the broker's capital is impaired and, in fact, his doors are shut, then obviously, the customers are going to suffer and there is no point in compounding the matter by the government assessing a fee against the brokerage house, thereby lessening the pro rata share that the client may receive.

Mr. Chamberlist: Mr. Chairman, I appreciate this point that has been made by first the Legal Adviser and the witness. I wonder though, Mr. Chairman, if Mr. Legal Adviser can indicate that there would be no fees charged for an examination where it has been found that there was no ground for the complaint that had been made. After all, there are times when a complaint has been made and the complaint has been unwarranted. I mean, if the case comes before a court, the court will dismiss the case. The person having the case dismissed against him

Mr. Chamberlist continues.....

should not have to bear the cost of having the case dismissed against him. This is what I am thinking of. It seems it would be a bit unjust.

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Mr. Legal Adviser: I would be prepared to give such an undertaking but I'm not sure how far memory would run about an undertaking I would give in the House.

Mr. Chamberlist: It would be recorded.

Mr. Legal Adviser: But who is going to find it in three years time?

Mr. Chamberlist: I will. I'll be here.

Mr. Legal Adviser: The witness points out that in the practices in B.C., normally speaking, and if I were to challenge him, I doubt if he could remember a case where, in fact, fees were charged; so, if we are going to follow B.C. practices, this laudable practice will be a part of our practice. Thank you, Mr. Chairman.

Mr. Chairman: (Reads Part V, Sections 37 and 38)

Mr. Chamberlist: Mr. Chairman, there seems to be a contradiction, here. We are speaking of the rules of Court being followed and yet, in other areas, we have said the Evidence Ordinance doesn't apply. Now, I notice that there is a great big smile already on Mr. Legal Adviser's face. He knows what I am referring to. Obviously, if you follow the rules of Court of the Yukon Territory, you have to follow the provisions of the Evidence Ordinance. Now, in this section, we are told that the judgement in order shall apply to every proceeding before the Court or a judge thereof under the provisions of this Ordinance. Surely, there is a conflict there. I wonder if Mr. Legal Adviser can give us some reasons as to why.

Mr. Legal Adviser: There is clearly a conflict, Mr. Chairman, but it is a conflict, I think, we should accept. The rules of Court are not made by this House; they are not even made by the Commissioner. I, myself, was unaware of this until the other day when I said that I should try to change it, but, of course, I found I couldn't. The rules of Court are made by the judges and we apply those rules of Court to all proceedings here insofar as they are applicable. Now, the Evidence Ordinance is made by this House and can be changed by this House, and is, in fact, changed by an earlier section of the Statute, so I wouldn't think there is a real conflict, although it certainly is an apparent one.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, I am sure, is very aware that the Judicature Ordinance makes reference to the Evidence Ordinance.

Mr. Legal Adviser: I don't know. Just looking at it, I don't know, but put it this way, they are mutually compatible, one with the other. The Judicature Ordinance revises the rules of Court made by the judges.

Mr. Chamberlist: This is quite true, Mr. Chairman, but the--it is interesting to note the provisions of the Judicature Ordinance and the rules of Court. Now, if the Evidence Ordinance which is referred to in the Judicature Ordinance, I could look it up and show you the section, and the rules of Court, together, must be applied, how then can we say in another section that the Evidence Ordinance does not apply. Now, I would suggest, Mr. Chairman, that during the lunch hour or after he has had his lunch, Mr. Legal Adviser take a look at that and see whether we can break that conflict that exists there.

Mr. Legal Adviser: Looking forward to the lunch in question, Mr. Chairman, the Legal Adviser would probably do anything after lunch. The Judicature Ordinance has a series of rules which apply to the judges as to how they are to view an action. One of them is that they must construe every statute liberally. Another of them is that

Mr. Legal Adviser continues.....

they must apply the English Law that was on the 15th of July, 1870 and so on. All these rules apply to an action. The normal rules of evidence apply out of the Evidence Ordinance and out of the Common Law of England as it was at that time and has been replaced since by Canadian Common Law. So, this House has the power to change the Evidence Ordinance which, in turn, can change the Judicature Ordinance and the rules of Court. Now, the House has already decided a wise provision to the Evidence Ordinance, and this would take precedent over the Judicature Ordinance. So I don't think that there is a conflict in that sense at all.

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Mr. Chamberlist: Mr. Chairman, the interpretation section of the Judicature Ordinance also makes reference to the rules of Court. It says the rules of Court include the rules enforced by virtue of this Ordinance, that is the Judicature Ordinance, and any other rules made under the authority of this Ordinance. Now, the Judicature Ordinance gives the power to the judge to make the rules of Court over and above the rules of Court that are already set out and the rules of Court already have included in the rules of Court, the provision of the Evidence Ordinance. This is why it has to be taken a look at, or else there is going to be a conflict.

Mr. Legal Adviser: Mr. Chairman, it is very well settled but hardly known law that rules of Court can never change the substance of law and it is a common form of action that a person is prevented from doing something by a rule of Court when he has the right to do it by Common Law, and, in that case, the rules of Court bow down and the judges or, in a jurisdiction where Attorneys of the bar make the rules of Court, they have got to take another rethink. I can think of very recent cases in B.C. where this actually happened. A person was prevented from his remedy by a rule of Court and he held in relation to habeas corpus and mandamus, or something but he had the right of Common Law and the judges had to back down and did back down.

Mr. Chamberlist: I am satisfied; I have made my representations on that particular section nevertheless.

Mr. Chairman: (Reads Sections 39 and 40)

Mr. Legal Adviser: Mr. Chairman, may I just make a point. The House will recall that there was a debate regarding whether the Registrar shall or may disclose something by advertisement to the public. In conversation with the learned witness on this point, he pointed out to me that, in fact, without the disclosure section earlier, the Registrar would be prohibited under Section 40 from disclosing things to the public, and that the two sections are interlinked, one relies on the other and the other relies on the one.

Mr. Chairman: (Reads Section 41)

Mr. Chamberlist: Question. Mr. Chairman, I wonder if Mr. Legal Adviser can indicate why we have in this section "or against any company in respect of any act or omission in connection with the administration or carrying-out of the provisions". Surely, I see the rest of it, but what are we giving protection to a company for, for not carrying out the provisions of the Ordinance? After all, we want to go after them for not carrying out the provisions of the Ordinance. Here it is the other way around.

Mr. Legal Adviser: What we are saying here is that a prerogative writ was not issued to somebody who is carrying out the directions of the Registrar.

Mr. Chamberlist: Oh, well why don't we say that. It doesn't say that.

Mr. Legal Adviser: It is a long-winded way of saying it, but it is just our poor attempt to say it.

Mr. Chairman: (Reads Sections 42 to 45.)

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Mr. Chamberlist: Just a short question. I wonder if Mr. Legal Adviser can indicate why the Commissioner and Registrar cannot, in their official capacities, be called upon as witnesses for examination, which I agree with, but that the Registrar may be examined and documents produced in his office but the Commissioner may not be examined in his office. Is there any particular reason why the Commissioner was left out? You say something about both of them and then you omit the Commissioner. Is there any reason for it?

Mr. Legal Adviser: I don't really know what this is for. It is a question of privilege. You are giving a privilege to the Registrar, you are giving a privilege to the Commissioner and in normal cases, it is proper, in normal cases it would be acceptable. I just don't know why the Commissioner cannot be examined in his office. You gave me a straight question, I can't give you a straight answer and I don't want to wriggle about it.

Mr. Chamberlist: Why can't we just put that in so that, why can't we say that the Commissioner and the Registrar may be examined in their offices, you see?

Mr. Legal Adviser: I would be agreeable to this.

Mr. J. Taylor: I might say, if I may interject, the way the Ordinance is set up, of course, the Commissioner is not the de facto governor of the Ordinance and the intent, I believe, although I cannot speak with certainty on this, was simply that the Commissioner would not have access to information that was not accessible to the Registrar. It was simply an attempt to expedite things, I believe. That is, a person who has to be examined quite obviously is the Registrar.

Mr. Chamberlist: I agree with that, Mr. Chairman, but where, I am saying Mr. Chairman, where it starts off with the Commissioner and the Registrar in this, it should finish up with the Commissioner and the Registrar; either take the Commissioner out of the beginning or--leave him out in both places.

Mr. J. Taylor: There is a valid distinction, the one that I have just given; but I won't belabour it because I don't think....

Mr. Legal Adviser: I'm not going to claim privilege for the Commissioner. Let him take his chance like everybody else.

Mr. Chamberlist: You'll put that in then? Do I understand that will go in? Thank you.

Mr. Shaw: Mr. Chairman, I just wonder, though I can see the very good reason for this, say, for example, something does happen and the persons are--can go to the Commissioner's office to find this particular fact, well, they are not going to find anything out in the Commissioner's office. They are going to have to go to the Registrar in any event. The Commissioner, in all probability, does not know what the heck the score is in relation to this particular thing. It's another department of government; he's only got about twenty-five under his jurisdiction. Certainly, he can't be aware of all the facts concerned in it. I don't see the point to necessarily have the Commissioner in there. In this case, the Registrar should be quite sufficient. I can see the Commissioner in the other sections because they are--he is issuing direct orders for doing certain things to the Registrar and perhaps that is the way it is placed.

Mr. Chamberlist: I don't want to extend the debate on this particular point, but I think the Honourable Member from Dawson....

Mr. J. Taylor: Mr. Shaw's summation is correct of course.

Mr. Chamberlist: I am afraid I have to disagree with the witness. It is not a correct summation in my humble opinion. I think it a necessity to have our Registration read in an unbiased position. The

Mr. Chamberlist continues.....

Honourable Legal Adviser said he has no objection; he does not want to give any special privilege to the Commissioner and I am content that, once again, the hat is being placed in the right direction on Mr. Legal Adviser's head. He is thinking in terms of the people and not the Administration.

Mr. J. Taylor: May I speak? I must apologize. I will attempt to restrain my gratuitous remarks in the future.

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse East feels that should be in. I do not think it is necessary. Now, I have just as much right to give my opinion as the Honourable Member from Whitehorse East and it is just carrying it too far from these things. Let's use it from a practical point of view.

Mr. Chairman: (Reads Sections 46 and 47; decided that the last word of Section 47 should be "full".) (Reads Section 48, subsections 1 to 3)

Mr. Chamberlist: I wonder if the Legal Adviser could indicate whether official under this section includes a salesman.

Mr. Legal Adviser: I think it is a very precise term, to use the word official instead of officer. It is a choice, either official or officer. If you say officer, you are limiting it to the president, treasurer, and so on. When you say official, you mean an employee.

Mr. Chamberlist: But does official include a salesman? This is what I am asking.

Mr. Legal Adviser: Not necessarily, no.

Mr. Chamberlist: I wonder why we cannot make that intent because of the remarks of Mr. Legal Adviser?

Mr. Legal Adviser: Mr. Chairman, this is carrying the thing too far. Something may happen in the company of which the salesman is unaware. He is a fairly junior person of the hierarchy. Now, if he knows something and misleads himself, he should be guilty; but because you make the company guilty for what the salesman does, it does not necessarily follow that you make the salesman guilty for what the company does.

Mr. Chamberlist: What is the usual policy, Mr. Chairman, Mr. Taylor follows..

Mr. J. Taylor: Well, of course, a salesman is covered in a previous subsection. If you want to proceed against him, you have the option of charging him under the previous subsection and this is applicable to the company as such. I direct your attention, as well, to the definition of official in Section 2 of the Ordinance. It is spelled out.

Mr. Chamberlist: Salesman is spelled out?

Mr. J. Taylor: No, official is spelled out.

Mr. Chairman: (Reads Section 48(1) and Section 49(1).)

Mr. Chamberlist: Question. Now, here is a point that the section about which I wish to speak for a few moments. It appears to me that this section takes away from any individual who feels that he is aggrieved and the Commissioner does not give his consent to commence an action, takes away the right from the individual to commence an action himself. Now, I can't see that. I believe that if a person is aggrieved, why should he not be able to prosecute by private prosecution? Why should a citizen be deprived of a right that he had by Common Law? It appears to me that this citizen is being deprived of that right. Only when a Commissioner says, okay you can prosecute, only then can prosecution commence. I think this is wrong.

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Mr. Legal Adviser: The Commissioner and the Registrar operate in this order. It's operating in a lot of grey areas where people did not operate before, where neglect to do a thing would become an offence, failure to disclose knowledge would become an offence and that the policy on this Ordinance in relation to crime should in my opinion, respectfully, be kept with the Registrar or the Commissioner or his authorized officer, who in the course of time may be an officer of the Territorial Department of Justice, rather than the Commissioner personally taking decisions. It is for that reason that the change was made from out of the directions of the Commissioner to the Commissioner or his authorized officer, not to enable the Registrar to make the decisions, but to enable an officer of the Territorial Department of Justice, if it comes into existence, to take this decision to prosecute or not prosecute and it is making it clear. Part of the reason, of course, is to make it clear that it is a Territorial decision and not a Federal decision whether to prosecute over this Ordinance or not. Now, this leaves the whole of the criminal code and all other offences open to a private person. In other words, if it is a question of theft, fraud, false pretenses, offences dealing with dud cheques, offences dealing with misappropriation of funds in the normal way, all these normal criminal remedies are left open to the private person. The only ones that are closed off from a private person, are offences under this Ordinance.

Mr. Chamberlist: Yes, this, Mr. Chairman, is why I raised the objection because the agreement that Mr. Legal Adviser has given now is that the offences under this Ordinance are closed off to the public. Now, this is my objection, for the simple reason, you know, that the Administration and the Administration's advisers are not infallible. They also can be wrong when they are advising the Commissioner not to prosecute. Because they advise the Commissioner at times not to prosecute or not to do certain things, I feel that the individual has the right to say, I am not satisfied with the position that you have made, Mr. Commissioner, and I want the right to go before a Court. That is my Common Law right and I want to do it and this is the stand I would want to take. I would want every person, every citizen to have that right to go before the Court if they feel that they are aggrieved. Now, I would ask members of Committee in this particular item to support me strongly. Don't allow the Administration to remove the right of the individual to go before a Court of competent jurisdiction. This is what this section is doing. I know that Mr. Legal Adviser, in giving his reasoning behind it, had indicated that the power should be left with the Commissioner and his officials so that anything that happens outside of this area of the Ordinance, you fall back on the Criminal Code. It is not good enough. I believe every individual should have the right to go before a Court if he wants to. If he is wrong, the Court will say he is wrong. Now, I felt exceptionally strongly about this and I would like to hear some discussion on this particular point because it is of such importance to the citizens of the Yukon.

Mr. Legal Adviser: Mr. Chairman, I don't want to interrupt the discussion which may follow but I would point out to the Honourable Member that under Common Law, when a private person undertakes a prosecution the Attorney-General can intervene at any stage of the prosecution, take it over and enter "nolle prosequi". It is not the English Common Law but a private personal right of law to start a criminal case and continue to be in. The right is only, not by vocal or written leave the Attorney-General of England or the Attorney-General of the province or of Canada, it is because he stands back and allows it to happen. The Attorney-General can always intervene and prevent a private prosecution at any time. We are merely crystallizing it in the reverse way and saying it can't be instituted in the first place without the written leave of, what here is the equivalent of the Attorney-General.

Mr. Chairman: Well, at this time, I think we will stand Committee in recess until 2:00 o'clock.

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Mr. Chairman: At this time we will call Committee back to order. BILL #1
I'll proceed with the reading of this Bill.

Mr. Chamberlist: We have not dealt completely with Section 49 (1), Mr. Chairman. Mr. Chairman, I have raised objections to this particular section. I was wondering, Mr. Chairman, if there are any other members here who would like to express an opinion in its relation. Just to reactivate their thinking before lunch, I am objecting to the Commissioner or the authorized officer being the only persons who can commence a prosecution and this section, as I said earlier, deprives the citizen of making a private prosecution if he feels so inclined.

Mr. Livesey: Mr. Chairman, I agree with the Honourable Member on this point. Any legislation that we want to create in this Council that prevents any person from his prior right of access to the court, in my estimation, is totally wrong and I could not oppose this section more. I think that this is something we have to alter, I think it is wrong constitutionally, wrong every other way that you can think of. Every person in Canada surely should have rights and access to the court, and any time that right and access is denied all we are doing is chipping away at the democratic system and taking away the rights of the individual, and this is totally wrong and should never be adhered to as far as we are concerned in this House. No doubt about it, on the one hand we are trying to get into the field where we can enjoy the principles of the system we are supposed to be living under and then the legislation comes up and brings along something which, in my estimation, denies a fundamental right and a fundamental principle and therefore, Mr. Chairman, I can assure Committee that I will vote against that section, certainly vote against it if it continues to remain in the Ordinance.

Mr. Dumas: Mr. Chairman, of course it is not within the purview of this Parliamentary Committee or any other Parliamentary Committee to deny the citizen the right and access to courts. This is not the intent of this section, however, I do agree with the Honourable Member from Whitehorse East the way the section is written. It seems that the power and the decision lies entirely in the hands of the Commissioner and it seems to me that we could be defeating our own purpose with including this section in. I would like to hear our Legal Adviser on that, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, some of the Honourable Members were not present when the discussion commenced on this section. The purpose of it and the intent is not to deprive the ordinary person of his rights but it is to see that when he exercises those rights the prosecution can be terminated or not continued except with the consent under the direction of the Commissioner or his authorized officer. In other words, a private person can commence the prosecution but he must first get permission to do so. Now, the reason is because a series of rights are given under this Ordinance which have never been given before, and there is a certain fear that people would use the criminal side of the courts to get remedies for their grievances rather than the civil side. If there is a dispute, the dispute may involve a breach of the Ordinance. So far as the private person is concerned, if he wants to sue for damages for something a broker did wrong, he can either go in and make a complaint to the Registrar, if the complaint is founded he will get a remedy there. If he is not satisfied with the decision of the Registrar or the enforcement of his right by the Registrar he can take a civil action under the Ordinance in the normal way to the Territorial Court because we will make the assumption that it is

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Mr. Legal Adviser continued....
 about a substantial amount of money. If, instead of taking either of those remedies he goes to the criminal court, well then he destroys the intent of the statute which is to give the government the power to enforce the law on the criminal side and not necessarily the private individual. In addition to that, this section makes it clear that it is a territorial offence and not a federal offence, and this is why it is written in this manner that the prosecution is only commenced with the consent or the direction of the Commissioner or his authorized officer so that this would be a power which will continue to adhere to the Territory and not be lost in the Criminal Code. But, if an ordinary crime of theft, fraud, bad cheques and so on is committed the criminal code remedy is still there if the person commits an ordinary crime and he can lay his information in the normal way as a private person can for a crime. These are special Territorial offences for the enforcement of the statute and not just to invent new crimes, but if it is a new crime then we have lost the jurisdiction to make this law at all from the federal matter of jurisdiction.

Mr. Dumas: Mr. Chairman, is the Legal Adviser telling me that if I wanted to launch a suit that I could not do so in fact under this Ordinance without the prior consent of the Commissioner?

Mr. Legal Adviser: Well now that the Honourable Member pointed out as it reads here, it says no proceedings under the Ordinance, I think this is too wide. I would like time to consult with my learned colleague from B.C. to make sure that his civil actions remain as far as the courts are concerned but it is the criminal side we intend to deal with here.

Mr. Shaw: Mr. Chairman, I can understand having something in here that would pertain to the normal administrative functions that everybody couldn't get involved in something like that would necessarily come from the government, but if a person has some beef or something on some securities commission or company and he goes to the persons administrating that and they say oh well, small amount, it's only \$300.00, we can't be bothered with it. I mean, \$300.00 might mean a great deal to that particular person, and certainly I cannot see why that person cannot take action in a court or should not have the right to take action in a court, that the Government of the Yukon Territory should somewhat take on the position of the Governor in Council vis-a-vis the exchequer court that you have to get permission to sue the government, I mean, that's about the....what we are coming into. I would like to pose a question, Mr. Chairman, to the gentleman we have here, and ask him if, I believe this is somewhat of a prototype or a copy of what was in effect in British Columbia before they got the more sophisticated legislation, did they have this particular section in there at that time? I might like to ask another question following this.

Mr. J. Taylor: We have it at the present time and as far as I know it was in the 62 legislation, although I can't swear to it at this time. The very real distinction, and I think the point two or three of the Councillors are failing to make is that there is a difference between a civil action.....deprive any person from their civil remedies and further the concern of the legal coun 1 then it may be too wide. I don't think it is. It may be phrased somewhat differently, but nevertheless I think the interpretation of it is clear that no proceedings may be instituted, etc. The intent and the interpretation of that I think is clear that no prosecution be commenced under this. It does not limit the additional civil remedies that anyone has under the Ordinance, so we have a very basic distinction, and I think two or three of you are failing

Mr. J. Taylor continued....

to make it. The person still has a civil remedy, he is not deprived from going to court, he can go to court at whatever extent he wishes. This is not without precedent, by the way, the fact that the Attorney General or the Commissioner has the final say whether or not a prosecution is instituted. The fact that our present Act in B.C. is in this form, the Ontario Act is in this form plus the Criminal Code itself in certain sections has this form. You cannot commence particular actions without the consent of the Attorney General of the jurisdiction. The basis for this, of course is for the very real protection of the people. When you look at it in the light of frivolous and vexatious actions taken by people against another person, these actions not being founded in fact, you are subjecting any number of people to harassment. This is a very difficult area to administer. I think if you keep in mind that the Ordinance itself is an administrative, obviously administrative matter, a regulatory matter, a very....when you get into it, very difficult to establish a fault in some instances, it takes a high degree of skill to determine whether or not a person has contravened the act, whether or not there is enough evidence to warrant prosecution and a successful one. There are very few people who have this skill, and I don't profess to be one of them, but I do know that it is a very difficult thing to administer. If you leave this open to any member of the public to take whatever action he deems advisable in his own estimation and his alone, then you are leaving the door wide open to any number of frivolous and vexatious actions, and you are subjecting those people who are subject to them to any amount of harassment. It's a very basic thing and it's a very real issue. I think the consent of the Commissioner or the Attorney General, when that day comes, is essential.

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Mr. Shaw: Mr. Chairman, the point that I think does make a difference here that in British Columbia you do have an Attorney General that looks after matters such as prosecutions. Now, if no prosecutions under this Ordinance shall be instituted, perhaps that would be a word that would be much more palatable, perhaps fit in better than proceedings. Where we have proceedings, it does appear that no one can sue anybody for contraventions of the Ordinance. Now, for example, somebody has done something wrong in the way of sold stock or didn't sell it or had not done matters which they normally should do in that particular business, then it would be quite likely a civil action. It is not a criminal action, they have neglected to do something, so, in other words, it becomes a civil matter, but it is contravening this Ordinance and here it states no proceedings under this Ordinance. In other words, it stops the person from getting remittal action by way of the civil courts. I think that possibly it would be my concern, Mr. Chairman, in this. Now, when we get to know prosecutions perhaps we have a horse of a different colour entirely and I would ask the Legal Adviser if perhaps when they put no proceedings it really should indicate no prosecutions.

Mr. Legal Adviser: I think it should at the risk of seeming too different from my learned friend. I think the word no proceedings is too wide, and I think it is probably our fault not his. I think originally, this is a guess, I think originally the sentence might have read, "No proceedings under this part shall be instituted", or some such word like that to make it clear that particular part where you are barred from taking proceedings, but our parts may be slightly different so I will be happier if, during the coffee break, we could get together and make it clear that we are talking about really is proceedings under Section 48, that is the criminal side of it.

Mr. J. Taylor: I think there is a distinction without difference really. There is no proceeding, there is only a right of rescission. There is no right to sue a director, etc.

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Mr. Legal Adviser: Well, I'll just say, Mr. Chairman, that it is not only the lawyers in this part of the world that are experts in law, and I would hate to be up against some of the Honourable Members here with a loosely drafted section like this.

Mr. Chamberlist: Mr. Chairman, this still does not satisfy me because it still deprives the individual the right of prosecution privately. For instance, let me give you an example, if the Commissioner, I'm not speaking of our present Commissioner, I hope he is the last one and won't be here too much longer, this is what we are looking forward...but if somebody in his capacity fails to prosecute because of a personal reason that he doesn't want to prosecute a certain party, there is no recourse to the court to ask, to get the court to force the Commissioner to say why because under Section 41, there is no way a prerogative writ can be obtained from the court because Section 41 clearly states that no action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy, we missed out certiorari in this, but I suppose this could be included in that area, but it appears to me there is protection for the Commissioner, but not protection for the public who has to be protected. I don't see it that way. I think that this legislation is not there to protect the administration as it is to protect the public. I cannot see why this section should be included at all, with all due respect to our witness to whom, Mr. Chairman, we are very grateful to get his advice and his experience in our discussions. It can be said that out of the mouths of babes come words of wisdom and I'm suggesting that because in B.C. they have this particular section in, it does not necessarily mean that this section is satisfactory for all provinces and all future provinces in Canada. I would go further and say that we, in many ways, are far more advanced in our thinking than the province to the south of us. We are advanced in our thinking because we are making sure that we are not going to make the errors of administration that has been so often made in other provinces and this is why we wish to protect this particular area. I say that first and foremost comes the consideration of protecting the public. I say that we do not protect the public in this section, we deprive the public of a common law right, a right to go before the courts if he feels so inclined. To me, if we even alter the word no proceedings or just limit it to only criminal.... no criminal proceedings under this Ordinance, we are saying that under no circumstances can a member of the public, a citizen of the Yukon, take an action as a private prosecution. A man can prosecute somebody who has, going the speed of 35 miles an hour, by taking his licence number and laying a charge against him, this is permissible. You are a man who feels that the public is being robbed of hundreds of thousands of dollars, he cannot do that. Now, I'm sure that the gentlemen of the legal profession, including our witness, is certainly going to say well this is under different circumstances entirely. But, I think that the practical thing is that we protect the public and I cannot see why we should have that section in at all, not when it gives to the Commissioner the power to say in effect, no person shall take criminal proceedings against anybody if I don't want him to take those criminal proceedings. That man, Joe Q. Citizen, he can't even go before the courts and say, in my opinion the Commissioner is not acting in a proper manner by refusing to take criminal proceedings, he gets stopped from doing that by Section 41. I think, Mr. Chairman, it is important that this section be removed. I have been wondering whether Mr. Legal Adviser, Mr. Chairman, wishes to have some time to consider whether the time has come for a motion to this effect to be put in. I would like to hear more discussion again.

Mr. J. Taylor: May I say something. I think your very premise is wrong. I think that the common law which you sight, that a person has a right to prosecute is, in fact, false. The common law is that the crown has the right to prosecute and only the crown. This

Mr. J. Taylor continued....

is the point that your Legal Adviser made earlier and it is correct to my estimation. That right rests with the crown and it is only by sufferance that a person is entitled to take a private prosecution. There is ample historical precedence for that. As I said earlier this section is in for the very reason that you have advocated, for the protection of the public, nothing more, nothing less and it is for the protection of the public from harassment, from vexatious and frivolous action. It is as simple as that. I think it is abundantly clear that that is why it is there. It is a very difficult section act to administer, to evaluate, and I think that you have to have someone who appreciates the problems involved before you can undertake to bring someone before the criminal courts. It is not as simple as a motor vehicle situation.

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Mr. Chamberlist: Mr. Chairman, as I have already indicated, and I'm sure Mr. Taylor would appreciate, Mr. Chairman, that opinions differ.

Mr. J. Taylor: That is why we have courts.

Mr. Chamberlist: Right, this is why we have courts exactly, and this is why I want to see that everybody has the right to go before that court because the opinion differs. I think that our function as legislators is to protect the public wherever possible, and I do not see protection there and I think we should withdraw this particular section, the Commissioner is authorized only prosecutions. If that was changed, if it read no prosecutions under this Ordinance shall be instituted except with the consent, or under the direction of the Commissioner or his authorized officer. All right, if you leave that in lets amend 41. Amend 41 so that the individual has the right to go before a court to seek some help from the court. Why shut the public out completely. I'm prepared to bend there. At least let the people have the opportunity to go to court and seek a prerogative writ if they feel so inclined to do but not shut the public out completely. How about that comment?

Mr. J. Taylor: You are not deprived of your civil remedies, and it would appear that you are interested in a pound of flesh, and a prosecution. It is a very different thing, civil and criminal, quite obviously.

Mr. Chamberlist: I am afraid, Mr. Chairman, that when the witness says that I am interested in a pound of flesh, this is not so. I am interested in making sure that where a public spirited citizen feels that because the Commissioner is not proceeding in a criminal way against a person, who, it has been fairly obvious to the public, has been cheating the public, and then decides that he must take steps himself, not on his own behalf, but on behalf of the public so that nobody further will be bled by this particular person, this is where we have to consider. There is nobody seeking the pound of flesh for himself, but for others. It might be that in this legislature, although I'm putting it this way, that the Commissioner, even although a member or members of this legislature recommended to the Commissioner that prosecution should take place against a certain party, and for some reason or other he doesn't wish to prosecute, why should that member of the legislature, who is elected by the people, to protect the people, step into the picture and say, "Mr. Commissioner, you won't do it, I'll do it", why prevent him from doing that? This is not seeking a pound of flesh, this is seeking for the public a right that the public deserves, protection.

Mr. J. Taylor: You are presuming a number of things. You are presuming that the Commissioner is not going to act in the best interests of the people, and while this may happen on occasion, I doubt very much that it is going to happen very often, or it has happened in the past it is doubtful it's going to happen in the

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Mr. J. Taylor continued....

future. The whole subject is academic in that if such a case should happen, you have the alternative of bringing a civil action, bringing all the facts before the court, and if the facts are such to warrant a criminal prosecution, the judge himself, unless he is subject to impeachment, is going to direct the Crown counsel and he is going to make a public statement to the effect that this man should have been prosecuted, and there will be retribution in that respect. As I say, it is purely academic because there are any number of ways that this can get out and be made public knowledge, and a civil action is far preferable to permitting a person to take a criminal action and I'm speaking with respect to costs and I go back to frivolous and vexatious actions. I think it is a very basic issue and I think it is the very real issue in protection of the public.

Mr. Dumas: Mr. Chairman, not being a hylock I don't require any pounds of flesh in this argument, besides I think I have enough now, but I would suggest that the changes as recommended by the Honourable Member from Whitehorse East, that is changing the word proceedings to prosecution, and then in subsection (2) we would have to change proceedings to prosecutions, might, in fact, look after the problem for us. Mr. Chairman, it is a compromise solution because I think that the witness has a good point when he talks about vexations and so forth, and this might be a way around it as suggested by the Honourable Member and I would be prepared to put a motion forward on that Mr. Chairman, after I hear what Committee has to say.

Mr. Shaw: Mr. Chairman, you have the wrong member on the suggestion to altering this Section 49, I made the suggestion to, from proceedings to prosecution, and the way I see it myself, if one sees someone committing a murder, and that's about the most serious vehement crime that we can have, a citizen may have seen the action, but he cannot prosecute that person and hang him, the crown has to do that, you have to supply the necessary information. But, you don't prosecute that person the crown does that, and I think possibly that is the intention of this particular matter and to change that to prosecution I think would satisfy me, Mr. Chairman, and it would serve the purpose for what it was intended and I do not believe it would take away anyone's rights. It has been stated in the discussion there are many many ways of publicizing anything that might happen that may not be strictly in accordance with the law or may not be correct without having to..... such a thing all through the court.

Mr. Dumas: Mr. Chairman, I was going to ask for a five minute recess for some consultation, Mr. Chairman.

Mr. Chairman: Committee agree? We will have a brief recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. In as much as we are going to be dealing with Section 49, I'll read the second part of this section. (Reads Section 49 (2))

Mr. Dumas: Mr. Chairman, I would like to move that the words proceedings in both subsection (1) and subsection (2) of Section 49 be replaced in each instance by the words, "prosecution for an offence".

Mr. Shaw: I second the motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Shaw that the words proceedings in both subsection (1) and subsection (2) of Section 49 be replaced in each instance by the words, "prosecution for an offence". Are you prepared for the question?

Mr. Chamberlist: Could I just say one thing on this. I'm quite pleased that the result of my research and looking closely at the various sections that something has been done because, without the laughter,

Mr. Chamberlist continued....

if I had not have been picking at these different things, other Members of Committee would not have noticed these, and I'm happy with the result of the motion and I'm certainly going to support the motion, but I think that, if in a year or so we see that any harm is being done to the public interest, I hope myself and my successor will be able to bring this thing forward for the Administration to take another look at.

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Mr. McKinnon: I appreciate the picking, it's the padding that I can't....

Mr. Chairman: Are you prepared for the question? Are you agreed?

All: Agreed

Mr. Chairman: Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: The next section is Section 50, subsection (1).
Reads Section 50 (1).

Mr. Chamberlist: I think that perhaps instead of using the word Police Constables why don't we say Peace Officer. There might be certain areas where, for instance, a Game Warden is a Peace Officer, a Fire Warden is a Peace Officer, there might be areas where a person might be hiding in the bush, and there are no constables available in that particular area. If we use the word Peace Officer, surely this would completely cover all aspects of it.

Mr. Legal Adviser: This is quite true, Mr. Chairman. It just so happens we call them Peace Officer here but the word constable has a hallowed name and we are attempting to, in a sense, to legislate extraterritorially, and we are using a section which has been used in other jurisdictions. I have no real objection to the change except that you will notice we use the word Police Magistrate when we are referring to an out of Territory Magistrate, we use the word Magistrate, without the Police in front of it, when we are talking about our own Magistrate. It's just that this section is drafted copying other statutes that are starting to give power in this manner. But, as I say, I have not basic objection to it.

Mr. Chamberlist: Mr. Chairman, I wonder if we can say Police Constable or other Peace Officer, because there is a possibility that it may exist where somebody is trying to escape from another jurisdiction like B.C. and may be hiding out in the bush in this vast country of ours and there is no constable. I wonder if this will be agreeable to Committee, Mr. Chairman, that we add to the word Police Constable or other Peace Officer.

Mr. J. Taylor: May I speak, Mr. Chairman? I think the point is well taken.

Mr. Legal Adviser: We don't need the word other. I think we say all Police Constables or Peace Officers.

Mr. Chairman: Committee agree?

All: Agreed

Mr. Chairman: Reads Section 50 (2).

Mr. Legal Adviser: Mr. Chairman, do I take it that we have changed the first line there, any Police Constable or Peace Officer in the first line?

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Mr. Chairman: Yes, this is correct. This is agreed by Committee.
(Reads Section 51 (1)).

Mr. Chamberlist: I wonder if Mr. Legal Adviser could explain, Mr. Chairman, why, and I might be reading wrong, where at the beginning of this section it says, "Where, in consequence of an investigation under Part II any person has been convicted of a criminal offence", now does this mean any person that has been convicted of any type of criminal offence, or does it mean any person who has been convicted under a criminal offence under this Ordinance which is taken care of by (b). It seems to me that if some person, who is convicted of a criminal offence 25 years ago for taking a bottle of milk because the child was thirsty when he was fifteen the conviction is still registered, it would deprive him of coming within the purview of this section.

Mr. Legal Adviser: Mr. Chairman, it's only a criminal offence as the result of an investigation under this Ordinance, and this wouldn't extend one's hopes anyway to milk bottles, but I would draw the Committee's attention to the use of the word expert in paragraph (d). Mr. Taylor took the same point in discussing this Ordinance as some of the Honourable Members and he also objects to the use of the word expert, so I'm in the process of having typed up an amendment to eliminate the word from the earlier section where it was criticized by the Honourable Members so I would ask that the word expert there be changed to person.

Mr. Chairman: (Reads Section 51 (2) and 52). Anything further at this time to ask of Mr. Taylor, our witness today?

Mr. Shaw: Mr. Chairman, I think when we discussed this last week there was certain objections by certain Members, or amendment to certain sections, what are we going to do about that? Isn't this the time to get some of those results back?

Mr. Chamberlist: I take it, Mr. Chairman, that Mr. Legal Adviser and Mr. Taylor have discussed these and perhaps Mr. Legal Adviser can tell us about the suggestions that were made.

Mr. Legal Adviser: I would need a minute to go to my office because I tore out pieces of my Bill to have them retyped so I haven't got all the changes here, and I wouldn't guarantee to remember them all off hand. If we could have a couple of minutes so that I could get a copy of my own copy and then we can briefly run through the changes. Some of them have been accepted and some of them will need some discussion.

Mr. Chairman: At this time I'll declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. I am wondering, before we report progress on this Bill if you have anything further to ask Mr. Taylor.

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Mr. Legal Adviser: Mr. Chairman, I might mention the changes that are going to be reproduced by the issue of fresh pages that might enable Committee to ask Mr. Taylor on the points that arose; if that will be agreeable to the Committee. Mr. Chairman, there is no change in the first few sections other than to add in the numbering of the paragraphs and the definition sections and reduce some of the capitals to small case, and eliminate an unnecessary bracket. Now, one of the Honourable Members raised a point in Section 9(1) to allow a resubmission of an application where there was a technical error in the application and not stop him for a month and that change will be reproduced at the end of Section 9 sub-section 1. The words "except for technical errors in the application" will be inserted. Now, I was not sure of the effect, it is not here on my copy what or where there was a change in the date. The Committee will remember that as the Section originally read the registration lapsed on the 30th of April and a renewal has to be applied for before the first day of April. Now, in Section 12 we are taking out the word "expert" where it occurs and that section will be redrafted to read "that where the Registrar deems it necessary for the due administration of this Ordinance he may appoint one or more persons who in his opinion are qualified to assist him" and this eliminates the necessity for the insertion of "expert" so that in subsection (2) and subsection (3) the word then, instead of "expert" will be "person appointed under subsection (1)". On page 10 Council will recall that we were inserting the word "he may be represented by Council or Agent" where it appears, but on page 11, subsection 8 we cannot just quite put in the word "or agent", we have to use the same agent because otherwise it would throw the thing at large so the amendment will read "or an agent appointed pursuant to subsection (3)". That will be Section 19(8).

Mr. Chamberlist: What about page 9 Section 18?

Mr. Legal Adviser: Well, with regret, after considering this I would ask the Council to bear with us on this because in discussion on this with my learned friend from Victoria, he pointed out that the Registrar and all his staff are committed by law to keep secret all the proceedings and this Section is to enable him to break through that prohibition and give notice where he deems it advisable, so, he needs this discretion when to do it. To say "shall" would cause a lot of trouble there so I would ask Council to discuss the matter with Mr. Taylor and to bear with our view on this. Now, in subsection (6) of Section 19 "expert" is eliminated and becomes "person". There are a few technical changes such as "of the Regulations" instead of "to" and in Section 25 we found, on examination of the shorter Oxford English Dictionary that Mrs. Gordon's spelling of "recission" was correct and neither of the spellings in Section 25 were in fact correct so we have adopted Mrs. Gordon's spelling throughout. The Council are familiar with the changes which are recommended today which included the insertion of the word "Commissioner" as well as "Registrar" in Section 45; that is that there is immunity from bringing the Commissioner and the Registrar to Court in their official capacity but if the Court so gives the commission, then they may be examined in their offices and there doesn't seem to be any reason to exclude the Commissioner from this. If it was a Minister, yes, but the Commissioner does not wish to have special privileges given under this Ordinance. Now, in Section 49, subsection (1) the changes have already been passed by Council and that will be made to say, instead of "proceedings", "no prosecutions for an offence under this Ordinance"

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Mr. Legal Adviser continues...

and also to insert the words "or Peace Officer" in Section 50(1) and (2), and a parallel change, taking out the word "expert" in paragraph "d" in subsection (1) of Section 51. Now, there is one other change which was mentioned and that was a change giving, a suggestion eliminating the power of Registrar to change the amount of a bond on an application being made. On discussion with my learned friend from Victoria we discussed this in detail and we felt that while it might be desirable to tie the Registrar down to regulations in the normal case, there would be doubtful cases which might occur from time to time where an offence might not actually have been committed. A person might be entitled to re-registration but in the exercise of his discretion for the public good the Registrar might feel it necessary to exact a higher bond in a particularly doubtful case and rather than tie him down too much it might be, for the security of the public, to enable him to increase a bond. So, with regret we would ask you to reconsider your views on this and allow us to go through with the discussion.

Mr. Chamberlist: Mr. Chairman, I accept with grace the amendments that have been not accepted and the amended that has been accepted except for one which I feel that I will speak again on and that is in Section 18, those words "whenever he deemed it advisable". To recall what I had said last week that it appears to me that it is not right not to inform those that have been suspended, their licence suspended or cancelled under this particular section, notwithstanding that the person or company can be suspended or has their licence cancelled, that it is only when the Registrar deemed it advisable that the public are notified! Well, I think that is a detriment to the public's interest. I think that the public should be notified. I see no reason why the public should be notified if somebody makes an application and the application is refused. There is no necessity there, but if people are suspended or cancelled it must be for cause and I think the public should be warned that there has been a suspension or cancellation; otherwise, and I think my Honourable friend to the left of me brought this point up that they can continue trading and the public doesn't know that there has been a suspension or cancellation. There is a danger there and I feel, Mr. Chairman, that we must not let this go by, we must inform the public when there is suspension or cancellation. I would like to hear further comments on that, Mr. Chairman.

Mr. J. Taylor: The practice, of course, where the brokerage house or salesman is suspended, this is made public. The discretionary power comes into play, I suppose, where there is a suspension until certain matters are clarified. To give you an example where possibly a brokerage house appears to have an impairment of capital and an investigation is launched into it and they are suspended and it turns out that they in fact haven't got impaired capital, that they may have an internal problem in their accounting or management or whatever and they are reinstated and direction is given that they sharpen up their back office practice. In that instance I don't think that you would wish any mark against that brokerage house. This is where the discretion really comes into play. Certainly where a person or company is suspended for cause and their registration cancelled then it is made public, certainly. The Exchange has notified the investment dealers' association and anybody involved is notified. If it is a matter of reporting in the paper if the media contact the office then they are advised that suspension has gone forward or registration has been lifted.

Mr. Chamberlist: Well, Mr. Chairman, I agree with the points made and no person should be, should have a bad mark against them simply perhaps because of an administrative problem in the operation of their business; I agree with it but it would appear to me that if the Registrar hasn't properly used his discretion in publishing after there has been a suspension or cancellation for real cause, it is detrimental to the public. Now, if members of the public suffer losses as a result of the Registrar not using his discretion properly, there is no recourse because the public

Mr. Chamberlist continues....

cannot take action against the Registrar who, in the contact of his duties has performed an error. He cannot, because of Section 41, go to a court and ask for a prerogative writ against the Registrar to make him use his discretionary power properly. I know that it can be said, well you take a civil action, but you can't take a civil action against the Registrar or the Commissioner. This brings me to something like the piece of legislation that was called the "Northern Inland Waters Act" where you had a section in there that said that if you get refused a permit to use water you can appeal but you can appeal to the Supreme Court of Canada and notwithstanding that you can appeal to the Supreme Court of Canada, you have to get permission from the Exchequer Court to do so first and notwithstanding that you have to get permission to do so from the Exchequer Court you cannot use the obtaining of a prerogative writ as the way to do it, you see. So you get tied up; John Q. Public gets tied up in the legality of the situation and I feel that somewhere in that section that we should make it a mandatory requirement, something that after an investigation that satisfies the Registrar that the suspension and cancellation shall be in effect, the public shall be advised by publication of such a situation. Mr. Chairman, what does Mr. Taylor think about that?

Mr. J. Taylor: I think the problem is pretty academic because if you have an Administrator who is so basically incompetent that he doesn't advise the public of the suspension or cancellation of a particular person or company when it obviously affects the public and he is there to protect the public then that Administrator is not going to last very long anyway.

Mr. Chamberlist: Well, with respect, Mr. Chairman, no Administrator is infallible, nor any of us or any members of the legal profession, with respect, and I put it this way because people do make errors and this is why we have cause to correct the errors but no opportunity is being given here for an error that has been caused by an administrative officer to be corrected and this is where I feel that provision should be made. I see, as I already said, nothing wrong with the suggestion that the witness has made, Mr. Chairman, because of an administrative wrong within a company's operation that they should not, that this should not be published except where there is damage of a considerable nature being done to the public, but once it has been shown, after investigation, that the public are in danger of being caught by some unscrupulous broker or salesman who has had the licences suspended or cancelled, it is only right and proper for the government to make provision that the public are made aware of this. I really do feel that having the section as it is now, with the words "whenever he deems it advisable" and there must be dozens of cases that have gone to the Supreme Court, of what this "deems to be" means and there are arguments for and against and it can cause a lot of problems and why not dispense with the problems by just actually saying in the section after the Registrar has suspended or cancelled for cause or where there are criminal proceedings to be commenced, that the Registrar shall give notice to the public by advertising. Now, what can we find wrong in putting it in that particular way. Now, what can be the objection? I wonder if Mr. Legal Adviser can say what the objection of the Administration would be to inform the public when somebody is to be, or has been prosecuted?

Mr. Legal Adviser: In such a case there is no objection whatsoever but lots of things are done in the office and done for reasons which are technical reasons and without necessarily being fraudulent reasons. It is very difficult to draft a section which differentiates between the two. If the Registrar will be using a big stick, but hopefully using it very gently and it is a touch of the whip when you say to a broker who is not complying with the law, you are liable to cancellation, he may then go ahead, if he still doesn't do something, cancel but he murders them if he has to cancel and give notice to the public and close them down

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Mr. Legal Adviser continues....

for good, because once cancellation is given, a notice is given to the public, that is the end of the broker's business and it detracts from the power of the Registrar to use his big stick gently and makes him use it hard, when in effect he doesn't use it at all.

Mr. Dumas: Mr. Chairman, the point I made last week and the one that I am still concerned with is, what about the people who continue to sell securities after their licence has been suspended or cancelled. What protection do we have?

Mr. Legal Adviser: He has committed offences under the Ordinance. Then it is a question of enforcement, it is a question then of what you do. We can do no more in a piece of legislation than make an offence and provide for an offence and have enforcement officers. There is no more we can do, we can't actually stop them except by an injunction.

Mr. McKinnon: Mr. Chairman, everybody is in complete agreement with everybody here and no one seems to be able to draft the amendment that will satisfy us all and certainly it can be done because everybody agrees that the person, in instances, has to have discretionary power of not making public a suspension of a licence if there are reasons why they should not be made public and all we are saying is that if there has been proven for cause then cancellation or suspension should take place, then it should be mandatory for the public to be made aware of it, and certainly with the powers that we have available at the table with us today, these can be met by an amendment.

Mr. Legal Adviser: Mr. Chairman, I hate to be asking for recesses but perhaps if you allow myself and Mr. Taylor to another cup of coffee, we might come up with something.

Mr. Taylor: May I say something? I think the point that you made at the outset, Mr. O'Donoghue, is the valid one and that is to properly draft the section where you give the exemption is going to require some very intricate drafting and it is going to be very lengthy and very detailed because there are any number of questions that arise. How are you going to advise the public; are you going to advise them by publishing in the paper and if so how often and if so, what paper? Are you going to advise them by radio or whatever and there are any number of purely mechanical problems that arise from this and in fact, - so I think that point is well taken and I thinkyou say that we all agree on this and it must be a simple matter to draft legislation, well it is a simple matter but it is not all that simple. The other problem is you are really begging the question because you have already given the discretion to the Registrar to suspend for reasons that he deems proper and now, having given him the whole hog, you are going to take away the bone with nothing on it, where he has not the discretion to advise the public or not advise the public. I think it is a very minute point, really.

Mr. Chamberlist: I beg to disagree with the witness at this stage as I think some of the thoughts he has given us have been very valuable but I cannot, I cannot consider that there is anything wrong with being in a position of advising the public. Surely we are not taking away from the Registrar the discretion of advising the public. What we are saying to him is "use your discretion wherever you need it, except when there has been cause for suspension or cancellation, advise the public, protect the public by advising them. All we have to put into it and I will take just a few minutes and write up an amendment to this. All we have to do is say that it should be published at least once for three consecutive editions of a paper circulated in the Yukon, or under the Yukon Gazette. It could be taken care of quite easily and quite readily. I think that now that Mr. Legal Adviser has heard the Members of Committee here who seem inclined to have this

Mr. Chamberlist continues...

why then does the Administration hum and haw. We are asking for Mr. Legal Adviser to put on his Territorial Council legal hat now and do what the Members of this Committee are asking him to do, and that is to bring forward an amendment; if you can't perhaps I'll have to do it.

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Mr. Legal Adviser: Mr. Chairman, I think I can see which way the wind is blowing. If I might have five minutes with Mr. Taylor?

Mr. Chairman: We will recess for five minutes.

RECESS

Mr. Chairman: At this time we will call Committee back to order. Would you proceed. Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Taylor and I have considered this and we would suggest that at a suitable time when it is written up, Section 18 be amended to read somewhat as follows: "The Registrar may, in the case of refusal or suspension, and shall in the case of a cancellation, give notice to the public by advertisement or otherwise, or to an individual by letter or otherwise, of the refusal, cancellation or suspension".

Mr. Chamberlist: That is very satisfactory, Mr. Chairman.

Mr. Chairman: Does Committee concur?

Some Members: Agreed.

Mr. Chairman: Have you anything further before reporting progress on this matter.

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

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

Mr. Chairman: Have you any further questions at this time of Mr. Taylor?

Mr. Chamberlist: How much would he want to take over the job up here?

Mr. Commissioner: The understanding was that, Mr. Chairman, that this would be administered at no cost to the taxpayer.

Mr. Taylor: On behalf of Committee I would very much like to thank Mr. Taylor for coming this long distance from Victoria to assist us in this most important matter and I think I can say from the Chair that all Members of Committee concur in thanking not only himself and Mr. Irwin of his Department but the Government of British Columbia who have worked so closely in assisting the Territory in this endeavour and we hope that we might have the opportunity of speaking both with Mr. Taylor and Mr. Irwin again and thank him again for coming to the Territory.

Mr. J. Taylor: I will. Thank you very much. It was my pleasure to be here and I hope I was of assistance. I will convey your thanks to Mr. Irwin. Thank you. (Mr. Taylor exits)

Mr. Taylor: Is it your wish that I report progress on this Bill?

Members: Agreed.

Mr. Taylor: Mr. Legal Adviser, you will be bringing the amendments forth tomorrow?

Mr. Legal Adviser: I will get them typed up.

Mr. Chairman: Next Bill is Bill No. 6. I will proceed with the reading of the Bill. (Reads Bill No. 6, Section 1,2).

BILL #6

BILL #6

Mr. Chamberlist: Question. I would like to ask the Commissioner a question before we go any further. Can Mr. Commissioner indicate whether he has received a Governor General's Order-in-Council in accordance with Section 18 of the Territorial Lands Act?

Mr. Commissioner: Mr. Chairman, if Mr. Clerk would please check on this we can give the answer.

Mr. Livesey: Mr. Chairman, I wonder if I could ask Mr. Legal Adviser if the so called City of Whitehorse has a charter?

Mr. Legal Adviser: It has the equivalent of a Charter but it hasn't got a Charter. It was set up by legislation in 1959.

Mr. Livesey: In other words, Mr. Chairman, there is no City of Whitehorse?

Mr. Legal Adviser: There is a City of Whitehorse, Mr. Chairman.

Mr. Livesey: There is a municipality of the City of Whitehorse, am I correct, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I am sure that the Honourable Member from Carmacks-Kluane means well but there has been a ruling which we must accept that the municipality of the City of Whitehorse is a corporation and that the City is a City. There has been a Court ruling to that effect.

Mr. Livesey: The most generous individual who just spoke last, Mr. Chairman, I'm sure, compromising as he may have been today, which is something unusual for him, I think, it is very hard for me to compromise with something which defeats a vote of the public and the public vote is against the fact that Whitehorse should become a City so therefore they are not a city and if anyone wants to come along and say someone else decided the vote was wrong, what are we talking about; are we talking about moving for a free vote in a free country, a free world or are we talking about a worst type of compromise that I could think of and that is the undermining of the democratic principle and if anything undermined a democratic principle there was somebody's veto on a vote and one can compromise all they want but that is something I am not prepared to compromise to anybody. There is no question about that. I think that anyone who would agree to that sort of thing, well they are not talking about being a Canadian; that's for sure. They are talking about being some type of foreigner and a person that doesn't belong in this country, nowhere and if anybody wants to start a debate on that I am quite prepared to carry on with it. There is no question about that. Then you will hear something beyond what I have already said. There is no question about that. If we don't believe in a vote we don't believe in anything and I think some people here, laughable as the democratic system may seem in the world today, echoed in this Chamber this afternoon apparently, the seriousness of the situation - if that is where it is going to start, where will it end. You can laugh that off too. There are a lot of people today who would like to upset the system we've got and blow it apart if necessary and would start tomorrow if they could get away with it and I certainly don't believe that we should go along with it. If somebody decided that 600 votes beats 1200, or that 1400 votes beats 2500, I not only say they need their head examined, I certainly think they need a course in modern day democracy. Mr. Chairman, I will not carry on any further because apparently to some people this is some sort of a standing joke. I still consider that there is no City of Whitehorse and if anybody can prove to me there is well I want the proof and all those who are laughing loud and long and hard at this moment I think in all fairness should come along and give me that proof. I haven't seen it and if they have it let them bring it forward. Thank you Mr. Chairman.

Mr. Shaw: Mr. Chairman, I would like to ask the Legal Adviser what is the difference between the Municipality of the City of Whitehorse as a name or the City of Whitehorse?

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Mr. Chairman: Mr. Legal Adviser. I will call a recess.

RECESS

Mr. Chairman: At this time I will call Committee back to order, and I believe Councillor Shaw had a question.

Mr. Shaw: Mr. Chairman, my question was directed to the Legal Adviser, the difference between calling a place a certain name, providing it was passed in the manner, for example in the Ordinance here it calls it the City of Whitehorse, it does not say it is the municipality of the City of Whitehorse in the Municipal Ordinance, 1968. Now, what is the difference by calling it the Municipality of the City of Whitehorse or calling it the City of Whitehorse; what difference would there be in the two titles?

Mr. Legal Adviser: There is no difference, legally, Mr. Chairman.

Mr. Chairman: I will proceed with the reading of the Bill.

Mr. Chamberlist: Well, I have a question that I have already asked. I asked whether there is a Governor's Order-in-Council permitting the streets to be transferred to the City of Whitehorse. I would like an answer to that.

Mr. Legal Adviser: Mr. Chairman, at present there is a title in existence to the streets and lanes in the name of the Queen. The title must be issued either as follows: either by notification issued by the Crown or by an Order-in-Council transferring it to the control of the Commissioner who in turn would issue a notification. It doesn't matter which, either way but so far as the present Section 3 is concerned, this is enabling the Commissioner to do something. It is speaking in the future; it says he may. It does not say that he owns it or that he controls it; it just says that he may dispose of it but he cannot bring it into force effectively until either the Order-in-Council is made or the notification is issued.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser will also add to that, that under Section 18 of the Territorial Lands Act it is the Governor-in-Council who may set out the form of notification that can be used, subject to Section 4(a) of the Territorial Lands Act and that the Order-in-Council must clearly state what lands are being transferred to the Commissioner and that before the Commissioner can transfer the lands it must be done upon the advice of the Commissioner and Council so that I would say, Mr. Chairman, this legislation which has been brought forward now for Council to deal with, is premature; that the legislation can be read that the legislation can be questioned and argued but it cannot be passed because we cannot pass legislation which is ultra vires of the Territorial Lands Act. It is my submission, Mr. Chairman, that if we deal with this piece of legislation now we are in fact making legislation, as I say, that is ultra vires. I would suggest that we tread very, very carefully and not pass legislation that we haven't the power to pass, and certainly that the Commissioner hasn't the power to bring into effect.

Mr. Legal Adviser: Mr. Chairman, it is my opinion that the Commissioner and Council are given the advice and that is the only main reason why it is being brought to Council so that we will have the advice of the Commissioner in Council which means the Commissioner sitting in Council. It is the proper form of doing this thing. It could have been done simply by a transfer from the Crown.

Mr. Chamberlist: Well, I question, Mr. Chairman, whether it could be done by a straight transfer. Certainly, it could have been done

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Mr. Chamberlist continues...

by the City asking for a lease of the land and this would have been the most simple way, but what is happening, and I am pleased that it is happening, that after so many years the City of Whitehorse have awakened. They want their streets and if my battle has been worthwhile at all, it has got for the people of Whitehorse the position where they will own their streets and hurrah for them. In fact, I think that the time should be where we should be working in a like manner so that all the land in the Yukon should belong to the people of the Yukon. You know, on perusing very carefully and looking for various ways and means to get for the Yukon a little more, it is interesting to note what the interpretation of land has been referred to and land includes the mineral rights in the land, according to the original Territorial Lands Act which is laid out in Chapter 263; this is the interpretation: land includes mines, minerals, easements, servitudes and all other interests in real property. Let us get the land because of the interpretation which says everything. This hasn't been looked at. It has been forgotten I think, and pushed aside because of the changes, but we should be working towards that and now we have an opportunity; let's get the streets for the City of Whitehorse, let's get the land for the rest of the Yukon and let's get everything the people of the Yukon should have. I am not going to object in any way to the streets of Whitehorse being transferred to the City of Whitehorse, but let's do it right. I would suggest that we either wait until the Order-in-Council is forthcoming or that we have a definite assurance from the Administration that if this Committee, this Council passes this Ordinance, that it will not be brought into force until an Order-in-Council transferring from the Crown to the Commissioner the streets and lanes and trails in the City of Whitehorse. If this is done then I see no reason at all why the eventual answer cannot be that the streets be transferred to the City of Whitehorse, but it should be done in that way and that way only, otherwise I am going to be talking as much as possible....

Mr. Commissioner: Subject to any advice that I received to the contrary from my Legal Adviser, I would be quite prepared to give whatever assurances are required that we will not act in an illegal manner as a consequence if this Ordinance is passed and I think, Mr. Chairman, in all fairness, you should ask Mr. Legal Adviser to explain to you precisely what the steps are. I have seen them written down but I don't remember them and I am sure he did.

Mr. Legal Adviser: Mr. Chairman, what we require is an Order-in-Council and the simplest form of doing it is to get an Order-in-Council issued and it can't be issued in five minutes as the House is aware and when that Order-in-Council is issued it will then describe the streets and lanes which are being transferred to the control of the Commissioner in accordance with the terms of the Schedule at the back of the Bill, insofar as is applicable and after that time, well the Commissioner will issue notification in the normal form under the Territorial Lands Act in the form prescribed by the Governor-in-Council and that will then transfer effectively and legally the streets to Whitehorse. This is the normal form.

Mr. Chamberlist: I'm a little worried because the Commissioner in his statement, put in the word that nothing will be done that is illegal. Well, perhaps to the Commissioner's idea and Mr. Legal Adviser's idea, the method they will take will not be illegal to them but it will be illegal to the Yukon Act and to the Territorial Act. There is an indisputable fact that the streets and lanes are owned by Her Majesty the Queen in right of Canada. This is indisputable; that is how it is now. The Yukon Act of 1898 restricted the Commissioner-in-Council from appropriating land or property of Canada without authority of Parliament. Now you see this is where a question comes into being, when reference is being made to an Order-in-Council. The Order-in-Council is only going to prescribe in accordance with Section 4(a) of the Territorial Lands Act the means of notification but not of transfer of the land. Now

Mr. Chamberlist continues...

let us not get fooled about this thing at all. I would suggest that Mr. Legal Adviser take a real good look at this Section 18 and break it down because it requires the authority of Parliament under the Yukon Act. Now, this is never changed although during the time of an amendment it was left out and then Section 45 was brought in again but it definitely can't be done without the authority of Parliament. The same form of Government, the same restrictions are in effect and in effect this present day so it does not make any difference. It's the act of Parliament that.... Now the legislative powers of the Commissioner-in-Council are set forth in Section 16 of the Yukon Act and the preamble to the Yukon Act is an area that has to be considered before even making a strong argument here because Section 16 says the Commissioner in Council may, subject to the provisions of this Act which is the Yukon Act, and any other Act of the Parliament of Canada, make Ordinances for the Government of the Territory in relation to the following classes of subjects; namely. Now, there is no reference dealing with land because it is subject to this Act, and Section 45 is the portion of the Act that gives the power where only Parliament can change. An Order-in-Council doesn't change that. The Territorial Lands Act and this Ordinance that is placed before us because it specifically mentions the Territorial Lands Act, would be anin Section 3 which says the Commissioner may dispose by way of notification. It cannot dispose by way of notification, it can only notify what it wishes to do in relation to the land. I have taken much time in going over these areas and intricacies of this land transfer, with respect I say perhaps more time than the Administration has done, and perhaps more time than the Department of Justice in Ottawa when I saw them in Ottawa working on it, because they are going around and around in a circle. The Yukon Act was up for amendment. When Councillor McKimmon and myself attended the Northern Affairs Committee Councillor McKimmon would agree when I said to the Committee that it is about time that Section 45 of the Act was changed so that we can give the streets and lanes to the City of Whitehorse. That wasn't done and that could have been done by Parliament but it should have been done. Section 3 of the new Ordinance is the key to the ability to transfer its streets and lanes and I don't think that this can be done at the moment but certainly the eventual transfer is something that is most welcome but I would say, notwithstanding the objection and the things that I have shown, I will say I will not object to the Committee going through this Ordinance but I will register my objections to the various areas of the Ordinance because I feel that notwithstanding that we will be passing an Ordinance, that Council will be passing an Ordinance which will be ultra vires of both the Territorial Lands Act and the Yukon Act. Thank you Mr. Chairman.

Mr. Dumas: Mr. Chairman, I am prepared to proceed with this Bill but I just want to clarify that the Honourable Member from Whitehorse East had said that if he had assurance from the Administration that they would not put the Bill into effect that an Order-in-Council was handed down, that he would go along with it. Is this correct?

Mr. Chamberlist: Yes, I would go along with it but it would only mean that the Order-in-Council will only give the Commissioner the power under Section 18 (j) to throw out the form that is, rather follow the form that is prescribed in the notification that may be issued pursuant to Section 4(a) and the fee for the issue thereof. And if we go to Section 4(a) which is a comparatively new section which was brought into effect between 1967 and 1968, section 4(a) deals with the issue and notification and notification may be issued to a Registrar directing him to issue a certificate of title to the person named therein in respect of Territorial lands described thereinthe Registration District administered by the Registrar. Now, the notification, with respect, cannot be carried out by the Commissioner. The notification 4(a)(ii) says this "a notification pursuant to subsection 1 shall be signed and issued (a) in the case of Territorial Land described in s.s. 1 of Section 3 by the Minister, the Deputy Minister or any other officer of his Department

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Mr. Chamberlist continues...

authorize ...by the Minister and in the case of Territorial Lands described in subsection 2 of Section 3 by the Commissioner of the Yukon Territory if the lands are in the Yukon Territory. So this in effect is only a notification. He hasn't got the power to transfer or dispose but simply to notify but, if the land is transferred to the Commissioner-in-Council in exactly the same way as there have been Orders-in-Council transferring land outside the City of Whitehorse area, then it can be done because really there are two Orders-in-Council that should be requested; one is relating to the lands which are the streets and the lanes and the other is to grant the power to notify by the Commissioner. Now, this is the way I read it.

Mr. Legal Adviser: We are on a very, very technical round and the Honourable Member's researches are virtually identical with our own. We are satisfied and we are satisfied on the best of advice that if the Commissioner disposes of land in a certain fashion; not the Council or not the Commissioner-in-Council, this is an Ordinance enabling the Commissioner to do something in the future. It is enabling the Commissioner to dispose of land in accordance with I think Section 4(2)(b) on the Territorial Lands Act. We need to make sure that the necessary Order-in-Council is in fact passed transferring that land to the administration and control of the Commissioner so he can make the Order-in-Council. This will be done. He cannot act until this is done. The word "notification" is a word of technical meaning and it is a form of issuing the title which is registered in the Land Titles Office and this effectively creates a title in individuals when it is signed either in respect of certain types of Crown Land by the office of the Governor-in-Council or in respect of Territorial administration lands by the Commissioner. It is a technical detail but I would ask the Council to bear with us and to treat this Bill as an enabling Bill authorizing the Commissioner to take certain action in the future. He will only take those actions, and it is not necessary to recite them in the Bill, when the necessary Orders-in-Council are passed. Now, there are hundreds of cases extending from 1867 to today dealing with ownership of land and what it is and in relation to Crown Land, it is a very special case because it has been held several times in Privy Council. The Crown does not own any land. The Dominion of Canada, the government of Canada does not own any land; all they have is the right to dispose of land which is in the public domain. The title remains vested in the Queen. This land is vested in the Queen and is disposed of for the benefit either of the Government of the Territory, the people of the Territory, or the people of Canada, in certain accepted fashion. There are various ways that it can be done and we have brought this publicly forward to show the intention of the Commissioner to act and to ask the advice of the Council on whether or not, and that is the main issue of the Bill, whether or not, when all the legal forms have been complied with, the Commissioner should act in the proposed fashion, and that is to transfer or effectively free a transfer through of the land described here, roads, streets and lanes, to the City of Whitehorse, and I cannot foresee any legal actions about it; I can't foresee any difficulty other than an academic question of research and certainly the Honourable Member has done a tremendous amount of research clearly, and he comes down in the questions with the same ideas as we have and that is that it is a highly technical question and it must be done in accordance with the proper section of the Territorial Lands Act. Before that section comes into play certain prior requisites must be complied with and all I can say is, on behalf of the Commissioner, we will see and undertake to see that all the necessary prior legal requisites are complied with in the effective transfer of the land to the City.

Mr. Chamberlist: Mr. Chairman, in view of the remarks that have been made by the Legal Adviser I say once more that I am quite content to proceed with the Bill, subject to, as I say, the points that I will raise from time to time while we go through the Bill.

Mr. Legal Adviser: We'll accept it.

Mr. Shaw: Mr. Chairman, we seem to be getting some type of agreement around this table. For the life of me I cannot understand why, after

Mr. Shaw continues....

all these years we are still working on the same problem when it is just a simple matter - if some of these characters would get off their butts in Ottawa, and that includes the Ministers and Governor-in-Council and merely lease the land, lease the lanes to the City of Whitehorse if they cannot do anything else, for a dollar a year, or so, so they can properly manage them as the people, or the elected people of that City see fit; in other words, put in parking meters, or don't put them in. That is something that they have the right to decide for themselves. I am prepared to go along and do everything I can, in my capacity, to give them the right to determine what they want to do with their own streets and lanes and so on. At the same time I have to agree with the Honourable Member from Whitehorse East that the Ordinance, from a layman's point of view is something like the definition of a net - it is holes tied up with string. We have Section 5 which states that the Yukon Lands Ordinance shall not apply to the disposition of streets and lanes of this Ordinance. We have in this Ordinance the only power that the Commissioner has, or the Council itself has, or the two combined, is to dispose of something which belongs to them, not something that does not belong to them. Obviously the streets and lanes do not belong to them so I am quite prepared to pass this Bill. I don't know about all the Sections, but the principle and the idea of it, giving the City the right to do this, but at the same time if somebody should dispute this particular action it would appear to me that one can hardly make a law within the Yukon Territory that is ultra vires of something that is first created by an act of Parliament; in other words you cannot possibly dispose of something you don't own. You can't if you are a private person and I don't think the Territory can do the same thing. I don't know why, for the life of me, with all the years that this has been going on, why the Governor-in-Council or et all could not have said sure we will lease or sell you the streets, and that would have been the start and the finish of that. Instead of that we go in a round about manner and if somebody should dispute a particular section, I don't know just exactly what would happen from a legal viewpoint because we are doing something which is somewhat hairy to say the least. That is about the only way I can put it because we haven't the power to do it. Now, whether something can be done retroactive, possibly the Legal beagles could work out but I still fail to see how they could work that one.. So, if someone disputes this I would say that the whole thing be thrown in the garbage; if nobody disputes it well everything would go along merrily and after the Governor-in-Council has decided that you do give the City the right to the streets and lanes, which they should have done a heck of a long time ago, then would this be legal or would you have to make out another one because there is something before and after the fact that I think will come into effect. Nonetheless, Mr. Chairman, I am prepared to take a chance. I say, let us make a start here and if it gets slipped out the porthole, well that is just too bad. That is the way things happen, and give the City or expedite the means whereby the City can get control of their streets. This malarky has to cease somewhere along the line. I think that these various and sundry Bills concerned with this particular problem have been coming in and out of Council like yoyos and somewhere along the line something definite has to come out of it and maybe this is one of the means, or the vehicle to do so.

Mr. Livesey: Mr. Chairman, earlier in the debate I raised an objection to the title. I am now wondering whether the Administration has come up with a concrete answer to the question I raised as to whether the Municipality of the City of Whitehorse is correct or the City of Whitehorse is correct, considering that the so-called City of Whitehorse operates under a municipal ordinance and if we operate under a municipal ordinance I don't quite understand how they can have a City charter. Also, the statement was made that it would be an elected body that agreed to this whereas it was my understanding that it was the previous

BILL #6

Mr. Livesey continues....

Commissioner that had swung the deal. I think this is a very good time, considering that we are talking about transferring something from one party to another and I am not objecting to the transfer; that is not what I am talking about, but if we are going to transfer something from A to B we had better name A correctly and it would be far better to name B correctly because I certainly am not going to agree to this in view of the fact that I have full knowledge what the Vote was when it was a question as to whether this was going to become a City or a municipality. The proper and correct Vote was 56 and 2/3s percent majority and it was not gained; therefore if it was not gained therefore it was not a decision of the people and I want to know if the Administration now is searching for the evidence that I have asked for so that we can get this title down correctly and also my other question would be; is it possible that I am going to receive this information so that we don't have to carry along a long debate when we are trying to wind up three years of operation of this Council. I would respectfully ask that question, Mr. Chairman, and perhaps the Administration could give me the answer that I am looking for.

Mr. Legal Adviser: Now that my attention is drawn to the title, the title is in fact wrong. The title should be "An Ordinance to Enable the Commissioner to Transfer the Streets and Lanes to the City of Whitehorse" because this Bill does not actually do the transferring; the Commissioner will do the transferring. This has nothing to do with the title of the City of Whitehorse. The Municipal Ordinance says that the City of Whitehorse is to be called the City of Whitehorse, or words to that effect and we must take it to be a City.

Mr. Livesey: I don't accept that as an answer. Surely Administration could give me something more concrete than that, when I know perfectly well there is a source, there has to be a source. You can't do things without a source. You've got to have some form of finality and if there is no finality then you, what you are doing is you are offering perfidious explanations where none are necessary. All I am looking for is a concrete answer and I am looking for it and demanding it, a concrete answer and I think the Administration can provide the answers that I want, Mr. Chairman. I don't see any reason why they can't provide it. After all, if the Administration is proposing this Ordinance, and I am sure it is not us, it is not this legislative body that is proposing this Ordinance, it is the Administration that is proposing it and I am not objecting to the principle but I am objecting to the principle involved. I am talking about the name..... Just as soon as I agree to the title, then I am agreeing to the very thing to which I object and that is why I am not going to agree to it. Obviously I would become a party to something to which I object and that is why I am not going to agree to it. I want this explained and I know we have experts here, despite the fact that certain individuals today told me they don't like the word and we have imported talent that says they don't like the word so surely we have enough talent and enough experts and we have the logistics, the facts and material and all is available in the archives here in the Federal Building and somebody here can come up with the answer we are looking for and Mr. Chairman, can I have that answer.

Mr. Legal Adviser: Mr. Chairman, I don't know; I'm not sure-if we are looking for the Charter of the City of Whitehorse, I don't know exactly where the document could be found if it exists but it just occurs to me that it might be among the records which were in the City of Dawson.

Mr. Chamberlist: Mr. Chairman, of course the Honourable Member from Carmacks-Kluane has a proper question. He wants to know if there is a Charter. Well, there isn't a Charter because there are two ways of getting a City to be incorporated; one is by a Charter

Mr. Chamberlist continues....

and another is by legislative means, Administrative order, and this was done by Administrative order and legislation was passed to form the City into a City. I questioned this before the Court and the Courts have already ruled, one of the Courts has ruled that the City of Whitehorse is in fact the Municipality of the City of Whitehorse. This is what they have ruled. Whether any City is a municipality within the meaning of the Municipal Ordinance, I think that is all right but I think Councillor Livesey did bring forward a real valid point in the naming of this Ordinance, well he did not bring it forward but he made Mr. Legal Adviser take a good look at it again and even my brightness overlooked it but I think that if the Administration can answer Councillor Livesey's question they should do so.

Mr. Livesey: Mr. Chairman, I wonder if perhaps, being advised by the Council's Legal Adviser that there is a document which has emanated from the results of a Court decision, that the City of Whitehorse is in fact a municipality of the City of Whitehorse, I wonder if Administration could procure that document for me; being that we are going around in circles and no one wants to say yea or nay. They don't want to do anything, and if the idea behind just muffling it up is an attempt to ruffle the Member from Carmacks-Kluane, I can assure the Honourable Members here and all the Administration that I have patience which will last to the end of Job's existence; there is no problem as far as my patience is concerned and it cannot be ruffled no matter how much it is objected to or how long drawn-out or protracted negotiations are to get this answer but I must repeat I would like to have this Court decision. I wonder if I could have a copy of that. I am objecting to the title and surely I have as much right to object to the title in this Ordinance as any other citizen in the Yukon.

Mr. Legal Adviser: Mr. Chairman, we are going to get a photo copy of the judgment to the Honourable Member.

Mr. Livesey: I thank the Honourable Legal Adviser from the bottom of my heart.

Mr. Chamberlist: Mr. Chairman, actually I think, if Mr. Legal Adviser is going to change the name he might as well change it to read "In the Municipality of the City of Whitehorse" and then I am sure if we change it this will satisfy the Honourable Member.

Mr. Legal Adviser: I have no objection to any change the Council wishes to make.

Mr. Chairman: Is it your wish we proceed with the reading of the Bill. (Reads Bill #6, Section 3(a)(b)(c)).

Mr. Chamberlist: Here I want to get my say on these various sections and I want them recorded; one, I say that the Commissioner cannot dispose by way of notification because the Territorial Lands Act does not give the power to dispose; it gives the power to dispose, it gives the power to notify. That is an intention. Now, when you look at subsection (a) (reads s.s.(a) and Schedules A,B,C to this Ordinance. Now, all streets and lanes within the present boundaries. When you look at Schedule A, the streets that are designated there are within the City of Whitehorse. The streets in Schedule B are within the City of Whitehorse, but the streets within Schedule C are not within the City of Whitehorse. Now, we read at the beginning "all streets and lanes within the present boundaries" and then Schedule C says "all roads, streets and lanes and public land in respect of which the title has not yet been created in the Yukon Territory". Now, if there is no title been created they are not streets within the City of Whitehorse because

BILL #6

Mr. Chamberlist continues...

there are areas that are being used to drive over but they have not been designated as streets. There are a few areas of White Pass land which have not been designated as streets, so I think that this particular section, this particular Schedule, has to be more broken down to correctly define what we are talking about. I don't think we can legislate, in any event for something that isn't in effect and this is what we are trying to do. I wonder if Mr. Legal Adviser could comment on that remark.

Mr. Legal Adviser: We are looking into the future in Schedule C. It says, not exactly as read by the Honourable Member "all roads, streets and lanes and trails in respect of which no title has yet been created and situated in the City of Whitehorse". We are talking about things which are situated in the City of Whitehorse and no title has yet been created. When the title has been created, whether by way of notification or otherwise, then they will be transferred. This will not be a single instrument. It may be a series of instruments doing it as various trails which are situated in Whitehorse and on public land have to be transferred, enabling the Commissioner to do something in the future, and it is quite clear. He may dispose, it is an enabling Bill just like every other Bill which says the Commissioner may do something. It is speaking in the future.

Mr. Chamberlist: I think in the future, when streets and lanes and public lands are made, then you legislate for them. With respect I would say you do not legislate for streets, lanes and trails on public land on which no title has yet been created. We are talking about no title on the public land or no title on the proposed streets? This is the area. Which are we talking about?

Mr. Legal Adviser: Places like Riverdale where the title has not yet been created. The streets exist at present, or in some cases they may exist in the future but when they become recorded in the Registry then there exists a title and makes them capable of being transferred. We are not transferring in and we don't want to just say, in one single instrument all the lanes in the City of Whitehorse, because that immediately gives rise to a dispute as to what are streets and what are lanes and what aren't. These would all be mapped out as they arrive, and transferred in detail on folios in the Land Registry office over a period of time.

Mr. Shaw: I was wondering Mr. Chairman, in s.s. (c) of Section 3 does that take in the metropolitan area; it takes in the whole area, I see. Thank you.

Mr. Chamberlist: I'm dealing with all of section - I was going to ask that question. I note that there is no reference to Seventh Avenue, Eighth Avenue. Is there any specific reason we find all that portion of landSixth AvenueFifth Avenue. I see nothing relative to Seventh and Eighth. Is there any reason why this has been left out?

Mr. Legal Adviser: No, Mr. Chairman, the way the Schedules have been prepared a search was made in the Land Registry of all titles in relation to streets and lanes in the City of Whitehorse so there are actually two separate titles referred to here by number, #3422 and #3807 and these two titles are spelled out in the two schedules. Then the third schedule just spells out any streets and lanes which are on public land in respect of which the title has not been created. There are two specifications, a title created or no title created and these cover both.

Mr. Chamberlist: Now, I wonder if Mr. Legal Adviser can answer if under B and C whether it is the intention of the Administration to

Mr. Chamberlist continues....

transfer the streets to the City of Whitehorse prior to the boundaries being extended or until after the boundaries have been extended.

Mr. Legal Adviser: No, Mr. Chairman, nothing will be transferred to the City of Whitehorse which is not within their boundary at the time of the transfer.

Mr. Commissioner: The City of Whitehorse is described in the Municipal Ordinance.

Mr. Chamberlist: So that we can take it then that "A" would come into effect upon the legal documents, etc. being completed with and that "B" and "C" will then be dealt with on a piecemeal basis according to those areas either all or part of that get taken into the Metropolitan area. Is the general idea?

Mr. Legal Adviser: Not quite right. There are two titles existing; when the legal documentation is completed with Ottawa the title will be created and transferred to the City of Whitehorse of Schedule A and Schedule B, because these titles exist and they are defined places. Schedule C has not yet been defined; the details of it, but whenever the survey is completed and is ready for transfer then it will be transferred in one or more notification, depending on the convenience of the time. As I said, it is an enabling Bill and there is no schedule in relation to paragraph (c) of Section C; that is public lands which become future lanes in the future. There is no present schedule because we don't know what these are going to be. It depends on an amendment to the Municipal Ordinance passing this House and at that time an examination will be made of the streets and lanes that suddenly become within the boundaries and those will be transferred in due process of time.

Mr. Chamberlist: Well, in the case of say the old Dowell area that White Pass may be subdividing; when they subdivide, at the moment a third of the lots and the streets and lanes will revert back to the Crown; then is it the intention that the Crown then will transfer to the Commissioner those streets and lanes and the Commissioner will then transfer again to the City? There is no way of it being done direct from the Crown to the City? Why should we take the long circuit like that?

Mr. Legal Adviser: The Crown has no method of formal consultation as the Commissioner has. Basically this is form of consultation with the Council asking for his advice on a policy of doing certain things and this is the policy. The real reason for the Bill is, the legal reason for the Bill is in section 5 because if the Commissioner had the land within his control he would have to follow the format of appraisal, valuation and so on. This short-circuits that particular piece of machinery.

Mr. Livesey: Mr. Chairman, I recall the original plan of the CMHC for the metropolitan area of Whitehorse and the extensions and I believe that in the plan they were going to do away with certain streets between blocks and the intention was to cut the streets off so that they could become playground areas or some such other place for amusement or recreational purposes. I am wondering Mr. Chairman, if the Administration could tell me if this is one of the reasons for Section 4 of the Bill.

Mr. Legal Adviser: Yes this is one of the reasons. We want the position to be that we give the streets for use as streets; if the cease to become streets they revert back to the Crown.

Mr. Chairman: Is it your wish that I report progress on this Bill?

All: Agreed.

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

Mr. Livesey: I second the Motion.

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

MOTION
CARRIED

MOTION CARRIED

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

CHAIRMAN OF
COMMITTEES'
REPORT

Mr. Taylor: Mr. Speaker, Committee convened at 10.30 a.m. to discuss Bills, Sessional Papers and Motions. Mr. J. Taylor Assistant Superintendent of Brokers for the Province of British Columbia, attended Committee to discuss Bill No. 1. Committee recessed at twelve noon and reconvened at 2.00 P.M. It was moved by Councillor Dumas, seconded by Councillor Shaw that the word "proceedings" in both Subsection (1) and Subsection (2) of Section 49 be replaced in each instance by the words "prosecution for defence" and this Motion carried. Of course this Motion is with reference to Bill No. 1. I can report progress on Bills No. 1 and No. 6. It was moved by Councillor Chamberlist, seconded by Councillor Livesey that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? May we have further indications of the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, for the Agenda tomorrow we will be proceeding with Bill No. 6 and other matters, Sessional Papers and Motions.

Mr. Speaker: Are there any additions?

Mrs. Gordon: Mr. Speaker, I move we call it five o'clock.

Mr. Speaker: A Motion for adjournment has been made. Are we agreed? The House now stands adjourned until 10:00 A.M. tomorrow morning.

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order. I would like to table at this time Sessional Papers No. 33 and 34. Sessional Paper No. 34 is not yet here, but it will be coming shortly, I understand from Mr. Clerk. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I have a Notice of Motion in relation to the changing of the name of the Dawson elementary high school. MOTION #12

Mr. Chamberlist: Mr. Speaker, I have a Notice of Motion re Sessional Papers No. 33 and 34. MOTION #13

Mr. Taylor: Mr. Speaker, I would give Notice of Motion respecting the naming of the new school at Faro. MOTION #14

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

Mr. McKinnon: Mr. Speaker, I have a Notice of Motion, seconded by Councillor Chamberlist, "That it is the opinion of Council that a \$75,000 grant towards the building of the Y.W.C.A. in Whitehorse be made available from the Yukon Consolidated Revenue Fund in the 1970-1971 fiscal year. This grant to be considered the total grant from the Government of the Yukon Territory towards this project and will be made only upon satisfactory completion of major financial arrangements between the Y.W.C.A. and the C.M.H.C.". MOTION #15

Mr. Speaker: Are there any further Notices of Motion at this time? Will the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, I would like to give Notice of Motion this morning that Sessional Paper No. 33 be provided for discussion in Committee of the Whole. Oh, I believe it's a duplicate, Mr. Speaker. I would like to give Notice of Motion with reference to a motion made by the Canadian Commonwealth Parliamentary Association last year, "That the Council request that the status of the Yukon and Northwest Territories within the C.P.A. be taken under consideration at the next meeting of the Commonwealth Parliamentary Association (Canadian Area)." Thank you, Mr. Speaker. MOTION #16

Mr. Livesey resumes the Chair.

Mr. Speaker: Order, please. Are there any further Notices of Motion at this time? Notices of Motion for the Production of Papers? May we now pass to Daily Routine, and I draw your attention to Motion No. 10, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, "That Sessional Papers No. 26 to 32 be passed in Committee of the Whole". Question has been called. Are we agreed? I will declare the motion carried. MOTION #10

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 11, moved by the Honourable Member for Carmacks-Kluane Lake, seconded by the Honourable Member for Watson Lake, "That the Superintendent of Education, Dr. Reid Shields, be asked to attend in Committee of the Whole to discuss progress related to the establishment of higher education facilities on the North Alaska Highway". Question has been called. Are we agreed? I will declare the motion carried. MOTION #11

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any questions?

QUESTION RE
GRANT TO
Y.W.C.A.

Mr. Chamberlist: Mr. Speaker, I would ask Mr. Commissioner if he would indicate the proposed \$75,000 that would be transferred from the budget amount for 1970/71 to the Y.W.C.A. is not required for any other purpose?

Mr. Commissioner: Mr. Speaker, in answer to the Honourable Member's question, I can assure Council that from the Administration's point of view, we do not foresee any other requirement for the \$75,000 voted for dormitory accommodations in this fiscal year.

Mr. Chamberlist: Thank you, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, yesterday, I was asked several verbal questions to which I committed answers to the House today. The Clerk has been unable to have them available for the Question Period this morning, but I am sure that in the course of the day most of these answers will be available and I would beg the House's leave at this time to excuse the time element that is involved in getting this to the House.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

QUESTION RE
STAFF OF PRIME
MINISTER AND
I.A.N.D.
MINISTER

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, I have been asked by some of my constituents if the Administration would obtain from the Federal Government the number of staff the Prime Minister has in his office, and also the number of staff the Department -- the Minister of Indian Affairs and Northern Development has in his office, and to what extent has the increase been in the last year.

Mr. Commissioner: Mr. Speaker, we will gladly enquire, and as soon as the information is made available to us, which I am sure it will be, I will see that it is forwarded to Members of Council, but I would trust, Mr. Speaker, that Members of Council understand that it is highly unlikely that we would have it available prior to the end of this week. Would you also like to add to that the number of staff in the Commissioner's office?

QUESTION RE
EXCHANGE
CHARGES IN
NORTHERN
COMMUNITIES

Mr. Shaw: Mr. Speaker, I will have to do a little explaining before I phrase my question. The Chartered Banks of Canada a month or so ago have taken the exchange charges on cheques away from the normal course of business, and I believe they at that time stated that it was at a loss of \$7,000,000. Unfortunately, they left out certain areas in the Yukon, such as Dawson City, Watson Lake and Mayo, and some of the smaller communities. I wonder if the Commissioner could inform Council as to when the changes will be made to bring the smaller communities into the same category as the rest of the Yukon and the rest of Canada, and perhaps at the same time, inform these banks that the gold rush is now over?

Mr. Commissioner: Mr. Speaker, this question has come up in Council from time to time. In fact, the specific point of elimination of what we call the bank charges to northern branches came under the purview of this Council and a considerable amount of work was done by my officers approximately three years ago. It would appear that there were many other sources of complaint and much pressure has been brought upon the Canadian banks to eliminate the charges in this day of computer transmission and telex communication, and it may well be that the definition of a far northern branch, or a remote branch, is really something that has to be looked at very carefully. I am certainly quite prepared to secure the good offices of my Minister to see if we cannot have something done, particularly about those branches of the banks that are in the Yukon that while they are possibly far north in the sense of geography, they are not remote as far as communication is concerned. I tend to agree very much that there is a certain inequity involved here that is hardly necessary, and I could give the Honourable Member assurances, Mr. Speaker, that every effort will be put forward as far as our Administration is concerned in this matter.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner could indicate when copies of the Plunkett Report will be provided to the Members of Council for their study?

QUESTION RE
PLUNKETT
REPORT

Mr. Commissioner: Mr. Speaker, I think they could be provided immediately. I think it's a matter of whether there's enough of them to go around. But, this is Mr. Clerk's venture; he can look after it.

Mrs. Gordon: Mr. Speaker, I have a question in relation to Sessional Paper No. 1, in which it says that the Canadian Transport Commission was to meet with various areas throughout the north during June and July. We are as late in June as it is possible to be, and I am wondering if there has been a definite date set in July as to the meeting of this Commission?

QUESTION RE
CANADIAN
TRANSPORT
COMMISSION

Mr. Commissioner: Mr. Speaker, I am not aware of this, but I think that we could request Mr. Clerk to please send a telex message off to the proper offices in Ottawa to see if we cannot secure an answer for the Honourable Member's question.

Mrs. Gordon: Supplementary to that, I would advise that the address that is given in the Sessional Paper is completely erroneous.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Mr. Speaker, my question this morning is directed to the Administration and has reference to Bill C-212. I would ask the Commissioner this morning, Mr. Speaker, if he could advise me as to when the judicial function will be passing to the Territory. I might point out that section 12 of this omnibus bill provides that the Governor in Council may, after consultation with the Council of the Yukon Territory, declare Part II of the said act or any provisions thereof to be repealed on the day of days to be fixed by proclamation. I'm just wondering if Mr. Commissioner could give us any information this morning just as to when this will be coming about?

QUESTION RE
BILL C-212

Mr. Commissioner: Mr. Speaker, very obviously, it is not going to come about until there has been consultation with the Council, and I have not been advised by my Minister or any of his officers as to when this consultation will take place. I can say that from the mechanical point of view, that is the administrative point of view which will have to be cleared away before consultations can take place with Council, there is still considerable work to be done, Mr. Speaker, and I would say at the very earliest it will be at the Fall Session of Council before this consultation can take place.

Mr. Taylor: Supplementary to that, would it not be fair then to assume that the judicial function indeed will not pass to the Yukon Territory until next April when the Alaska Highway and possibly Fisheries transfer?

Mr. Commissioner: Mr. Speaker, I don't think that that would be a fair statement because while I recognize that there are financial arrangements that have to be made, it is very, very clearly understood that these financial arrangements will be outside the current fiscal agreement and it would not necessarily have to be on the anniversary date of the fiscal year. It could be prior to this; there's nothing to stop it.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, there were some fifteen applications for Low Cost Housing Loans awaiting the approval of the Cabinet to raise this money from \$8,000 to \$12,000. Could Mr. Commissioner assure Council that all of these applications have now been processed and there are no delays or difficulties in getting this money in order to be able to build in this coming building season?

QUESTION RE
LOW COST
HOUSING LOANS

Mr. Commissioner: Mr. Speaker, I hesitate to answer in definitive numbers. I can say that all applications that have been processed to the point of being referred to me for signature have been dealt with as of yesterday. If there are any further applications that have arrived on my desk today, Mr. Speaker, this is another matter, but I would give my assurances to the Honourable Member that to the best of my knowledge, there are not any applications being held up at this time.

Mr. Speaker: Are there any further questions?

QUESTION RE
NARCOTICS
PROBLEM IN
TERRITORY

Mr. Taylor: Mr. Speaker, at the last two Sessions, it was noted that there was becoming in the Territory, fast becoming, a very critical narcotics and drug use problem. I am wondering if Mr. Commissioner could advise today as to whether this problem indeed is being met or whether it is growing worse by the day in the Yukon Territory.

Mr. Commissioner: There are times, Mr. Speaker, when I have said that the wisdom of Methuselah would hardly be equal to the task of answering the Honourable Member's questions, and this is one more of those times. I hesitate to even pass judgement, or even suggest that the problem is any better or any worse, but those things which we are committed to Council to do in connection with it, such as educational programs, etc., are being followed up, and the policy aspects of it will be getting cleared with Council in the fall before they are proceeded with, Mr. Speaker.

QUESTION RE
NARCOTICS
PROBLEM IN
TERRITORY

Mr. Taylor: Supplementary to this very taboo question, because I might say, Mr. Speaker, that every time I raise it, everybody dives under the carpet, I would like to know then if this be the case, have treatment centres been set up along the lines as suggested at the last Session in order to deal with people who do have a narcotics problem, to assist them?

Mr. Commissioner: Mr. Speaker, the answer is no. We are dependent upon such facilities if they are required as provided in other parts of Canada. Access to them, as far as I am aware, has never been denied anyone referred to them from the Yukon. I think that Council is aware of the foundation work that goes on in connection with this. I believe it is partly private and partly government finance, and the possibility of starting such treatment centres in the Yukon is indeed a very, very remote possibility, not only from the point of financing but from the point of view of the professional people who staff them. To my knowledge, I am not aware of anyone who requires such treatment, known here in the Yukon and referred there by a competent medical authority, who has been refused such treatment.

QUESTION RE
NARCOTICS
USERS'
TREATMENT

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner could indicate whether or not there have been any refusals in the hospitals here to treat any person who has voluntarily gone for treatment with reference to drug problems?

Mr. Commissioner: Mr. Speaker, I don't have knowledge one way or the other of that question. If the Honourable Member did wish to have it answered, could I suggest that a) it would take time, and b) it might well be better if it were asked in written form, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE
NARCOTICS
PROBLEM IN
TERRITORY

Mr. Taylor: Mr. Speaker, I have a further question on this subject. It has been brought to my attention since my arrival in Whitehorse, from two or three different sources, that apparently there are some three hundred of these hippies heading for the Yukon for a meeting here in Whitehorse and a further meeting in Alaska. I have been asked on the street a question I can't answer and maybe the Administration can answer it. Will steps be taken by the Territorial Administration to ensure that there will not be any great passage of dope into the Yukon Territory from this source?

Mr. Commissioner: Mr. Speaker, we cannot set up border checkpoints to search every individual who comes into the Yukon, Mr. Speaker. The question of whether or not people who are commonly referred to as hippies are arriving here in great huge numbers and are going to be accompanied by large quantities of so-called dope, is something that I have no knowledge of, and I'm quite sure that we have competent law authorities that if, indeed, the problem is one that calls for the application of the laws of Canada, I'm sure that they will be applied in a fair and equitable manner.

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

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, the canaries got their seed across this morning. Mr. Speaker, I asked two questions at the Second Session of Council which were not answered by Sessional Paper. One was Question 5 on health care, and Question 7 on treatment plants. I wonder, Mr. Speaker, if the Council could be supplied with answers from the Administration?

QUESTION RE
ANSWERS TO
QUESTIONS

Mr. Commissioner: Mr. Speaker, I'm informed by Mr. Clerk that we are awaiting Mr. Wishard's recommendations concerning the costs of treatment plants as referred to in the Honourable Member's question, and as soon as this information is available, it will be getting circulated to all Members of Council. I'm also informed by Mr. Clerk that the first question referred to by the Honourable Member has in effect been answered by a document that was mailed to all Members of Council, and perhaps if Mr. Clerk could refer to the document by its proper name and its author, it might be the proper answer to the Honourable Member's question.

Mr. Clerk: Mr. Speaker, the question, when it was posed, was would the Administration make available copies of the report being prepared by the local doctors on health care. This report was mailed to the Commissioner, signed by Dr. Buchan on behalf of the Yukon Medical Association, and copies were made available to all Councillors.

Mr. Livesey: Mr. Speaker, I'm still asking, could this be made available by Sessional Paper to the Members of Council?

QUESTION RE
REPORT ON
HEALTH CARE

Mr. Commissioner: Mr. Speaker, if this is what the Members wish, the answer is yes.

Mr. Speaker: Are there any further questions?

Mr. Livesey: Yes, I have a question, Mr. Speaker, and it's in relation to information that I have received with reference to the international border between Alaska and the Yukon. I understand that certain U.S. sources are using defoliant on the border, and I wondered if Mr. Commissioner is aware of the situation or if he can tell me whether it's true or not. If they are using defoliant, what would be the reaction?

QUESTION RE
USE OF
DEFOLIANT

Mr. Commissioner: Mr. Speaker, as I am totally unaware of the circumstances surrounding this, I would have to have time to have this matter investigated. But, if indeed the action is taking place on American soil, there is little or nothing that we can do about it.

Mr. Livesey: I understand it's the international border, which is both sides of the line, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, with respect, could we have time and we will certainly have the matter looked into and get an answer for the Honourable Member.

QUESTION RE
LOANS TO
INDIAN BANDS

Mr. Livesey: Just one more question, Mr. Speaker, and it's in relation to information I think most people have at the moment. There are certain funds now being allotted, being made available to Indian bands and I wondered if the Administration could inform the House, Mr. Speaker, on how this money is to be distributed and how Indian bands may apply for the borrowing of certain funds now being made available by the Federal Government?

Mr. Commissioner: Mr. Speaker, there are various sources and various means of funding Indian band council activities, and I think that each and every case comes under the scrutiny of my Minister's officers, and I think that it would be best, so that there is not any misunderstanding or misinformation given, that any Member who comes in contact with an Indian band council or members of an Indian band council who are seeking access to any of these funds, they should immediately proceed to make their wishes known to the local Superintendent of Indian Affairs. I think that a generalized answer to this question could be misleading and if any of these people require assistance, I can assure the Honourable Members that if they will come to my office that I will assign one of my officers to assist them in any way possible.

Mr. Livesey: Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

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

BILL #8
FIRST
READING

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Amend the Elections Ordinance, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that Second Reading be given to Bill No. 8, An Ordinance to Amend the Elections Ordinance.

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

BILL #8
SECOND
READING

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Second Reading be given to Bill No. 8, An Ordinance to Amend the Elections Ordinance. Is the House prepared for the question on the motion?

Mr. Chamberlist: Mr. Speaker, speaking on the principle of this Bill, I feel that the Bill does not go far enough. I feel that now that the various sections of the Canada Elections Act have been changed allowing the lowering of the voting age on a local level, I feel that there is a necessity to recognize those sections, Section 46, the Proxy Voting Section -- there is a necessity at this time to include, Mr. Speaker, for proxy voting, and speaking as I say on the principle of the Bill, the principle is fine, but during debate I'll bring forward reasons for adding an additional amendment to bring proxy voting into being in the Yukon Territory.

Mr. Speaker: Is there any further discussion on the principle of Bill No. 8? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. 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: The Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Taylor takes the Chair.

Mr. Chairman: The first item of consideration will be Bill No. 6 at the point where we left off yesterday, and I will continue with the reading of the Bill at this time. (Reads Sections 4 and 5 of Bill No. 6)

BILL #6

Mr. Chamberlist: Mr. Chairman, I have already spoken at some length on the Ordinance itself, and as indicated that the Ordinance cannot be brought into force until the Governor General's Order-in-Council permits the notification under the Territorial Lands Act and the transfer of the land under the Territorial Lands Act, it is also subject to the Section 45 of the Yukon Act. In principle, I like the idea that at long last the City can have the streets and do whatever they wish to them, but subject to the legalities being confirmed, I will support the Bill.

Mr. Chairman: From the Chair, I understand there is going to be a change to the title of the Bill, and I'm just wondering if at this time you wish to report progress on it? Committee agreed?

Some Members: Agreed.

Mr. Chairman: At this time, with the concurrence of Committee, I'm wondering, inasmuch as we do not have Mr. Legal Adviser here, if possibly we could catch up on some of these Sessional Papers. We have also one motion involving music rooms. Do you wish to set a time and place for that discussion? This is Motion No. 3. Are there witnesses required for this?

Mr. Dumas: Since Dr. Shields will be in attendance under another motion, Mr. Chairman, it might be a good time at that time to discuss this particular item.

Mr. Chairman: This being the case, we'll set a time later on in the day. Now, we have Sessional Paper No. 1.

SESSIONAL
PAPER #1

Mrs. Gordon: Mr. Chairman, subject to the answer received on the question I asked during the opening of Council, this paper will be discussed.

Mr. Chairman: May this then be cleared at this time?

Mrs. Gordon: No, Mr. Chairman, I am awaiting an answer from the Administration.

Mr. Chairman: The next Sessional Paper then is Sessional Paper No. 6, Garbage Dumps - Highway Lodges. Councillor Dumas?

Mr. Dumas: We discussed that, Mr. Chairman.

Mr. Chairman: I haven't noted it was cleared here. Next is Sessional Paper No. 15. Have you anything on Sessional Paper No. 15?

SESSIONAL
PAPER #15

Mr. McKinnon: Mr. Chairman, I asked Committee whether this could be left in abeyance until I was able to speak to the executive of the Porter Creek Citizens' Association, and also make them aware of the answers in Sessional Paper No. 15. I haven't had this opportunity as yet.

SESSIONAL
PAPER #10

Mr. Chairman: Sessional Paper No. 10. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, this is one of those papers that the Commissioner, I think, might have examined a little bit better before putting his signature on it, as he always is telling Council that when his signature is on the paper, he accepts full responsibility for all the contents of it. In the third paragraph of this paper, the question was one of mine, asking when regulations are made affecting the north, could representations from the people of the north be assured before such regulations are passed. This was at the last Council when we had so many regulations affecting every aspect of our life in the north being passed by the Federal Government without even the slightest hint of consultation with the people of the north. The answer from the department, over the Commissioner's signature, says that it is difficult to see how northern residents can participate in drafting regulations or have input on internal government committees any more so for example than residents from other parts of Canada be included in regulation drafting affecting the areas in which they live. Mr. Chairman, I don't know of what could be more unmitigated hogwash in an answer to this question than what appears in this Sessional Paper in the third paragraph. Certainly Mr. Commissioner realizes, and certainly the Minister of Indian Affairs and Northern Development and the senior officers of his department realize that regulations affecting the life of the citizen in other areas of Canada are made by people who have the responsibility, elected representatives that have the responsibility of being responsible for those regulations and those decisions in the local area, and this is not the case in the Territorial system of government. Mr. Commissioner well knows it, and his people well know it, and this is just a silly answer in an attempt to circumvent the necessity for consultation with the elected representatives of the north. The reason for consultation in this respect is because we do not have the responsibility of elected representatives in provincial functions. We can't take the responsibility for those decisions which are made thirty-five hundred miles away, and until that time we're asking to be consulted on these decisions. As I say, the answer that is given in this Sessional Paper is entirely unsatisfactory and is just a complete distortion of actually what is happening in the Yukon Territory, and I think that a guarantee could have been given by the Federal Government that consultation, in fact, very real consultation would have been developed between the people of the north and the people in Ottawa before decisions affecting every aspect of our lives are made by the bureaucrats in Ottawa.

Mr. Dumas: Mr. Chairman, it's another case, very clearly stated this time in writing, of the people in Ottawa saying, "We know what's best for you", and this is exactly what they're saying. They're saying that we in the Yukon wouldn't have any more idea of items that affect the Yukon than they would in Ottawa. Many of the bureaucrats in Ottawa that make the decisions haven't even been in the Yukon, and probably haven't been out of the environs of the city in many cases. I think that the Commissioner, Mr. Chairman, might have been hasty in signing this particular paper.

Mr. Livesey: Mr. Chairman, there's only one thing I would like to point out and that is we certainly do feel very bad about the fact that we're not consulted, but when you come to think of the facts of the case, we're not even consulted about our own regulations not to mention the Federal regulations, and I don't think there has ever been a conference here with the Council Members, the elected body, elected by the people of the Yukon, when they have sat down with the Administration and said "Well, what kind of regulations are you going to bring up". What's happened and what does happen and what has happened for all the years I've been here is the fact that we get a skeleton Ordinance and the meat of the whole thing is in the regulations. Those things are right here, we've got them right here at Whitehorse. I'm wondering why we're sending over these rockets three or four thousand miles away when we've got a problem right on our back door. Thank you, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, there's no doubt about it, that the Federal departments now have been made quite aware of the needs of this Territorial Council. The Assistant Deputy Minister, just a few days ago last week had his knuckles rapped in no uncertain terms by Members of Council. I think he must have felt a little bit sheepish about the situation that had developed. I do note that Sessional Paper No. 18, which has been tabled and presented, still does not bear the signature of the Commissioner, and I'm almost sure he is absolutely refusing to sign Sessional Paper No. 18, which relates to the timber harvesting program. Obviously, he was made more aware of the contents of that by having it handed to him as an individual Sessional Paper where he had time in Watson Lake, away from his busy office, just to glance through it, and knowing that he didn't agree with it, he obviously did not want to sign it. But, going through the various machines of the bunch that goes through his desk from time to time, he just puts his signature automatically on these things. Unfortunately, perhaps if he took a little more time and looked at some of the things that are said in Sessional Papers, we might get lots of these papers tabled without his signature. So, really, the remarks that have been made by previous speakers relating to the advice that's given in these Sessional Papers, it's fairly obvious that the Federal departments, when bringing forward answers, I don't know who they think they're writing to, Grade I pupils or what, but they sure made a mistake because the Members of this Council peruse these Sessional Papers very, very carefully. I think what has been said is being noted in Ottawa. They do read, and certainly they read the Votes and Proceedings.

Mr. Chairman: Councillor Chamberlist, would you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I might as well throw my two-bits in here too. The Commissioner should not be rerated for putting his signature to this paper. I may be one of his great critics, but I rise to his defence at this point in time because we asked for information and I think the Honourable Member for Whitehorse North was entirely incorrect when he said that the Commissioner did a bad thing, or inferred it, in putting his signature to this paper. We asked for the information, we got it, and the Commissioner very clearly throughout this letter points out that this is what he got from the department and he said that "The department has advised this and I pass it on to you". Now, I can't see anything wrong with that. The context from the department, I agree, it's typical of the bureaucracy. It's as I have stated many times over many years in this Council Chambers, we have now a civil service, a federal civil service, which has become stronger than Parliament or the people themselves in Canada, and this is just another place where this is pointed out. I think it again is well to remember, Mr. Chairman, that we are involving ourselves in an experiment in democracy, in the evolution of government here in the Yukon this fall. If this experiment works, and if we can resolve all the problems and find out where the elected representatives sit, whether he sits as an office boy for the Commissioner or whether he sits as a representative of the people, all this is yet to be determined. If this experiment works, maybe we can resolve some of these problems, having people involved in the upper echelons of the Administration in the Yukon Territory, and maybe have advanced by that media, by virtue of that office which we don't enjoy at this time in this Legislature. I with other Members, deplore the attitude of the federal department, but I support the Commissioner inasmuch as bringing this information to us. Good information or bad information, it's good to have it on the table so at least we can discuss it.

Mr. Chairman: Any further discussion? Will you take the Chair back?

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on this Sessional Paper? The next Sessional Paper is Sessional Paper No. 26. Oh, pardon me, I'm incorrect. It's Sessional Paper No. 20. Who moved this paper into Committee? Councillor Dumas.

Mr. Dumas: Mr. Chairman, it's obvious that the Committee has to recommend three people to sit on the Steering Committee on the extension of the Whitehorse City boundaries. I suggest that the three sitting Members from Whitehorse be appointed to this Committee, Mr. Chairman.

Mr. Shaw: It's obvious that we do require Members who are right handy at the job. Possibly if we had some of the outside Members on this, you might get it resolved a little quicker, but -- I notice a quip from across the isle. I might say that this Territorial Councillor also stays out of city elections and lets the city to themselves and the people to themselves to resolve that; it works better that way. Mr. Chairman, I would move that the Steering Committee be composed of the Members representing the Whitehorse Area.

Mr. Chairman: Is there a seconder?

Mr. Livesey: I'll second that.

Mr. Chairman: I wonder if I could have a copy of the motion, please? Could you take the Chair, Councillor Chamberlist?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I don't often get myself too deeply involved in matters which are purely of the City of Whitehorse, but I was disturbed some evenings ago, listening to a radio station, and listening to a discussion I believe which was held in the Elks Hall in Whitehorse relative to the extension of City boundaries of Whitehorse, which is much of what we are discussing here. It appeared, from what I was able to learn from that broadcast that there were two proposals put forth as to the extension of City boundaries, and I fail to understand and maybe Mr. Commissioner could answer me, why there were no more alternatives offered to the people of the City of Whitehorse and the area around the City of Whitehorse. It just seems to be very, very strange that you come and you say, "Well, either you extend your City boundaries, or we will create a department of government to run you", and then you say, "however, we do offer you an alternative to this; you can extend your City boundaries over a two year period", I believe this was suggested, "but then you take in the 180 square miles of the Metropolitan Area of Whitehorse". What I'm curious about is why was it not suggested that the City boundaries -- why is this alternative not suggested that they take over, for instance, Hillcrest, and they take over Takhini and they take over the immediate environs to the City of Whitehorse. I didn't hear this on the broadcast. I have been asked as a Territorial Councillor, because though I represent Watson Lake, I feel that I have a very important responsibility here as well, and I'm wondering, Mr. Commissioner, if this was indeed suggested to the City and to all the people concerned or why this has not been presented to these people.

Mr. Commissioner: Mr. Chairman, there are possibly 22 different alternatives, but the administrative problems that are involved at the present time dictates that there is only one of two alternatives; either extend the City boundaries or I will be seeking this Council's permission or concurrence to setting up a separate administrative arm within the Department of Municipal Affairs, whose prime responsibility will be the administration and the provision of municipal services in that portion of the Metropolitan Area which is outside the City boundaries. I have no administrative alternative. Now, this doesn't mean to say that there are not alternate means of dealing with the problem. There are two aspects to the question that the Honourable Member raised, Mr. Chairman, but this is the problem that we are faced with, internally in the Territorial Administration at the present time. Now, around this table, from the Honourable Member who asked this question, Mr. Chairman, and from other Honourable Members within whose ridings are Local Improvement Districts, we are hearing, and rightfully so, that there is very little time or effort, or apparently the officers in the Department of Municipal Affairs do not have the time or do not care to put forth the effort to assist the Local Improvement District officers in the conduct of their duties. There is no way that these people can conduct these duties, which they are basically hired to do, when they are faced with taking

Mr. Commissioner continued ...
 all their day to deal with the administrative problems of that portion of the Whitehorse Metropolitan Area outside the City boundaries of Whitehorse. Now, the very question you raise as representatives of Local Improvement Districts, is the very question that we are trying to resolve. The means of resolving this, I would suggest, Mr. Chairman, that there isn't two alternatives, there are possibly 102; I place no limitation of them at all. The only limitations in solving the problem are the imaginations of the people who are basically involved in it, but it is of prime importance to the Members of this Council that there be a resolution of the local government function or the local government problem that is involved in the day-to-day administrative duties that are called for by serving the people who live in the Metropolitan Area but outside the City's boundaries.

SESSIONAL
 PAPER #20

Mr. Dumas: I would just like to point out one more thing in answering the Honourable Member's question, if he'd like to listen; it might help him. Mr. Chairman, one of the alternatives that was presented at this meeting was exactly as the Honourable Member has outlined, that it be done in stages and that those areas in the immediate environs of Whitehorse, as the Honourable Member has suggested, be taken in in the first instance and then later on, Porter Creek, Crestview and the other areas taken in, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I'm aware of what the Honourable Member has stated, on a two-phase basis, but what I am saying is, as Mr. Commissioner has pointed out, this is a two-phase situation, but why don't you go up and say, "We will over the two phases take in Hillcrest up here, but we'll first ask the people of Hillcrest". If they want to get involved in this thing, get all parties together and try to make this possible and then take in Takhini and take in whatever you call the old subdivision on top of Two-mile Hill, and then possibly as phase two, move out and take in Porter Creek and Crestview, but why take in 180 square miles of the Yukon Territory into this thing? Down our way, they're talking about 800 square miles, and it seems to be very ridiculous. This is why I ask the question. I might point out too, Mr. Chairman, to Mr. Commissioner that the biggest problem that I have to-date with the operation of a Local Improvement District, has come right out of the office of the Commissioner. This is where we're having our administrative problems and why people are working day-to-day; it's because the Local Improvement District has been for some reason given powers which the Ordinance does not give to these people, to do certain functions in the district which the Ordinance does not give them this right to do. These people are supposed to be running sewer system, fire departments and streets. Maybe this is why.

Mr. Chairman: Just speaking from the Chair, the question that is being asked is for nominations to a proposed Steering Committee, and the purpose of the Steering Committee is to look into the very aspects that the Honourable Member is referring to.

Mr. Taylor: May I commend Mr. Chairman on his observations; very well, very nice.

Mr. Dumas: I have just two observations, Mr. Chairman. One, I think taking in the 180 square miles is a long-range far-sighted idea, and a good one, and I think that the other thing is, if you consult the people in every different area, we could wind up with something like the City of Whitehorse including everything but the Takhini Area, because the people in that area didn't want to be included, or including everything but the Valleyview Area, which could run into some real problems, Mr. Chairman.

Mr. Taylor: I'll resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Chairman: I'll declare a brief recess.

Mr. Chairman: We will now call Committee back to order. We have a motion, moved by Councillor Shaw and seconded by Councillor Livesey. The three members representing the Whitehorse area be appointed to be the members representing this Council on the Steering Committee on extensions of Whitehorse City boundaries. Are you prepared for the question? Are you agreed? Are there any contrary? I will declare the motion carried.

MOTION

MOTION CARRIED

Mr. Livesey: Mr. Chairman, further on this point, and in relation to the question raised by Sessional Paper 22, I have a document here which represents the same type of operation. They are going through this on Salt Spring Island, just outside of the city of Victoria. I think the island is about twenty-seven miles long and about eight miles wide. It probably represents a like area to what you are talking about here and the reason that I brought this to the attention of the Committee, Mr. Chairman, is that they seem to have done a real comprehensive study by the committee, and it is headed "The Questionnaire on Islanders' Preferences in Terms of the Future Development of Salt Spring Island". It was circulated earlier in the year by the voluntary committee group, the community planning committee and the results were studied and collated as shown in these tables. Now, they go into the whole thing and do a proper job. I am wondering, Mr. Chairman, if this Committee that we are starting here is going to do the same thing and I would like to give you just a rough resumé of just what they are talking about. In their decisions, as far as the votes were concerned, they divided the adult population and they took in the highschool population. They did not use the elementary schools, but the highschool population voted also. They separated the votes on how a younger group felt and what the older group wanted. It covered general questionnaires, demographic attitudes, geographic distribution, community problems, population density, employment and economic base, government planning, transportation, shopping, apartments, hotels and motels, entertainment and culture, recreation, commercial controls, taxes and services and conservation. So, they went into the subject matter in a most conclusive way, and I personally would like to know, Mr. Chairman, if the Committee that is going to be set up to study this question are just merely considering that they are going to decide that this question is settled by a vote or are they prepared to go into this question on the basis of take it to the public and find out what the public reaction is and just not merely on whether they want to join up or whether they don't want to join up. What about all the rest of these problems? That is what I would like to ask, Mr. Chairman, at this time.

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Mr. Commissioner: Well, Mr. Chairman, I will have no control over what the Committee does at all. We can philosophize about what should and what should not be done with regard to government here and the densely populated Whitehorse Metropolitan area forever and a day. Ultimately, it is going to have to come under some kind of local control that people can identify themselves with and if you are going to get any kind of efficiency in this kind of government, you have to have some benefit of size and taxation base, and you have to have some benefit of control. As to the ways and means of bringing this about, you can use the present means in the Territorial Municipal Ordinance which call for votes being taken in the area to be annexed and the area that will do the annexation. It calls for certain majorities in these areas. This legislature has the legislative authority to designate the boundaries of any municipality in the Territory. There are all kinds of ways of doing it. I am not prepared to recommend any one way, nor am I prepared to say that, indeed, the establishment of one central government for the whole area, at this time, is indeed the proper answer. I don't know, but we certainly, from the Territorial Administration's point of view which this particular Council has the

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PAPER #20

Mr. Commissioner continues.....

direct responsibility for, it cannot be allowed to carry on the way it is right now. I have said this a dozen times and all I can do is say it again. You can philosophize about it forever; the facts remain that it is costing a tremendous amount of the energy of the Department of Municipal Affairs in the Territory to provide this administration and it is depriving them of the opportunity and the use of their expertise in assisting the very problems that we want to cure in some of the other districts, mainly to give the Local Improvement Districts in other municipalities some professional help and some assistance, on the ground, not by mail. Now, there is where the nub of the problem is at the moment and it will ultimately result, within the course of the next few months of either extending these boundaries so that the present city government encompasses this whole area or it will call for the setting up of a separate administrative unit within the Territorial Government's Department of Municipal Affairs to provide the day to day government that is required.

Mr. Chairman: Are we clear on this paper?

Mr. Livesey: The answer then, if I am clear on this, Mr. Chairman, is that the Administration feels that the answer--yes or no--whether they are going to join up with the city of Whitehorse or become one metropolitan area, this is the answer. The rest really is not necessarily unimportant but, nevertheless, it is not going to be the prime case. The prime case is whether they join or whether they do not. Have I got this clear?

Mr. Commissioner: This is precisely the situation, Mr. Chairman. If they are going to join, this is fine. If they are not going to join, this is fine, too. We are simply going to propose a course of action and then seek the concurrence of Council.

Mr. Livesey: I would like to say, Mr. Chairman, at this time, I personally agree to a certain extent that whether they make the decision or whether they don't, it is certainly going to alter the picture, but I am inclined to think that when this Committee is set up, and it is going to look into the whole situation, I would suggest to that Committee that they just don't bother with this question of a "yes or no" answer. I would suggest that they go into the whole question--everything--take in the whole question of the problems that are going to come about. Whether they join or whether they don't, they have a tremendous area in which they need public support and public support is something we are trying to look forward to as far as Territorial affairs are concerned. This public support, they are going to need in municipal affairs, as well. The three levels of government are, naturally, going to be operated by the representatives of the public and I would suggest to that Committee that they look into the whole question, in education, shopping centres, areas of commerce, industrial areas, anything that is going to come up in connection with the development of the metropolitan district. When you come to look at this entire area as far as the metropolitan district of Whitehorse is concerned, if we are going to look at the original area, I think we are talking about the city of London or some other city that has millions of people. You can spread your communication lines too far to the extent that you are overburdening the taxpayer with the cost of communication far and above that which he can afford to pay. Just as long as you follow this principle, you are going to deter people from coming here that want to come here and those who do come here won't settle here. They will go somewhere else. Now, in the final analysis, you are only defeating your own purpose by not looking into the entire problem rather than looking at just the question of yes or no. I don't think, Mr. Chairman, that yes or no is the answer.

Mr. Chairman: We will proceed now. Next paper is Sessional Paper No. 22.

Mr. Chamberlist: Mr. Chairman, I wonder if Committee will grant me the liberty of putting this off until 2:00 o'clock this afternoon,

Mr. Chamberlist continues.....

as there is one piece of paper that I was working on last night and I left at my desk. We have plenty of others there.

Mr. Chairman: Next is Sessional Paper 26.

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PAPER #26

Mr. Chamberlist: Yes, Mr. Chairman, I asked the question relative to the--actually the question that I asked is "What is the rate of interest on the Low Cost Housing Loans and will they be tied to bank rates?" The answer that I got is that they will be tied to C.M.H.C. rates. I wonder if Mr. Commissioner, Mr. Chairman, can answer the question whether they will be tied to bank rates. It should be either yes or no.

Mr. Commissioner: Well, Mr. Chairman, I hesitate to answer these questions yes or no because the Honourable Member says that I am being superfluous in my answer. The answer is that they will not be tied to bank rates. They are tied to Central Mortgage and Housing rates and I am sorry, I can't answer the question as to what Central Mortgage and Housing Corporation rates are tied to. I do not know.

Mr. Shaw: Mr. Chairman, as I recollect, it is tied to C.M.H.C. rates plus one-half of one percent. It is as simple as that. I think that there used to be a charge over and above the C.M.H.C. rate for them administrating this job for the Territory.

Mr. Chamberlist: I take it then, Mr. Chairman, from Mr. Commissioner, that, would I be correct, Mr. Commissioner, in saying that the Administration is unable to answer the question. I want to know whether they are tied to these rates. The answer is no. In that case, what are the C.M.H.C. rates and the Commissioner says he doesn't know, so,...

Mr. Commissioner: Mr. Chairman, I think the basic question that the Honourable Member has asked is, is the rate at which the loan is originally written up at, is it subject to renegotiation or fluctuation if interest rates generally change. The answer is no. The rate at which the loan is originally negotiated at, is the rate for the life of the loan.

Mr. Dumas: Mr. Chairman, two points: C.M.H.C. generally tries to keep their rates tied to the bank rates, Mr. Chairman, by one percent, one percent above banks but this fluctuates and sometimes they are slow in adjusting their rates; the other thing is that C.M.H.C. now has interest rates and the agreement is drawn up in such a way that every five years they review it so that if rates have gone down, they can adjust their interest rates down and if rates have gone up, they can adjust their interest rates upwards. Mr. Chairman, I suggest that the Territorial Government look at doing the same with Low Cost Housing Loans.

Mr. Chamberlist: This, Mr. Chairman, is the following question that I was going to ask. Should there not be an escalation clause in all agreements relating to housing, to monies borrowed re housing, so that if the interest rate does go up, the government doesn't lose by it; and if it goes down, the people benefit by it. Now, this is the question I would like to put at this time, Mr. Chairman, to Mr. Commissioner. Would the Administration consider placing in any agreement on the Low Cost Housing mortgages of twelve thousand dollars which have now been put into effect, an escalation clause to that effect in relation to interest rates.

Mr. Commissioner: Mr. Chairman, I am not going to commit myself to this. I am quite prepared to look into it but I am not prepared to commit myself. Certainly, I am prepared to consider it.

Mr. Shaw: Mr. Chairman, I can't see how you can operate any business without having intangibles that are in effect in something like this. You get a mortgage at six, eight, ten percent or whatever it is, now, a person makes commitments to make certain payments on a regular basis, and someone comes along and says that due to some economic changes, we are going to raise it two percent. You pay, buster. Now, how can

Mr. Shaw continues.....

we operate a business that way, when you don't know what is in front of you, over the years. From my recollection, Mr. Chairman, any of these mortgages have always been at the rate that the negotiations were conducted in the first instance and I think that the Territory would be well advised to continue that practice. Granted, it is fine to say that in the future it may go down and some will have benefits; on the other hand, it may create quite some hardships by the same rate going up. At least, when the person makes the deal, he knows what the deal is and I think that is the only way you can operate this business. I would be opposed to, myself, to fluctuating rates.

Mr. Dumas: Mr. Chairman, if I might just point out to the Honourable Member, with all due respect, that that was the way things were done in the past. In the last two or three years, there has been such a tremendous fluctuation, particularly upward, in bank interest rates and other interest rates, that governments found themselves in the position of loaning money out at a higher rate--rather at a lower rate--than they were having to pay for it from the bank. This is a very poor economic situation to be in. It is not good business at all. As the Honourable Member mentioned, we must be looking after the business of the government so that if I have to pay eight and a half percent to the bank in order to borrow money from them to lend it out to the people, and I get only six and a half percent back from the people, I am in trouble. This is exactly why all of the major lenders in Canada and in the United States, and then C.M.H.C. which followed suit, have now tied in the escalation clause so that every five years, these interest rates are reviewed. The situation is now, that there are some mortgages out, C.M.H.C. mortgages out, at five and a half percent while prime lending right now is eight percent, but it has been up to eight and a half percent at the bank. So here, governments were losing, in fact, three percent and this is why the escalation clause is in the whole outlook on this problem of mortgages and lending rates have changed within the last few years to allow for fluctuations in the economy.

Mr. Shaw: That is quite correct, and I can see quite some good points and some bad points. For example, a year ago, you could buy Canada Bonds for eight percent; now you buy them for seven percent. The government still pays the eight percent on the previous bonds. Now it is seven percent and next year it may be eight and a half or six and a half, depending on the general climate of the availability of money and so on. To switch them around like this, although some of the big lenders may consider that they lose money on these mortgages--I happen to have a very low mortgage myself, which I suppose some people would like to unload and get a higher rate--but most of these things go up and not down. Chances are that it would favour the big corporations in a very big way to be able to fluctuate the rates. In fact, if that were the policy all over the country, it would appear to me, Mr. Chairman, that they could well be quite a surge to higher interest rates by lending corporations. They couldn't lose. They have got the fellow over the hook. They've got the property. They could raise it up a couple. Who determines really, just what rate or what price, what value money is? It is a little short today and there is plenty of it the next day. So that it can be controlled, I think that the best safeguard is, of the whole works, to keep it as the deal is made.

Mr. Dumas: Just one short comment, Mr. Chairman, the Bank of Canada determines what the going rate is and all of these contracts are tied into the prime rate at the bank, set by the Bank of Canada.

Mr. Shaw: Mr. Chairman, it was only about four months ago that the Bank of Canada lowered their rates and yet the banks that were giving term deposit loans, the chartered banks, they did not lower their interest rates on which they gave to the people and which they gave for the money they were using. I don't think you can quite--it is quite a complicated situation.

Mr. Chamberlist: Mr. Chairman, perhaps what isn't clear is that the

Mr. Chamberlist continues.....

chartered banks set a prime rate and they have certain preferential customers that they give a better rate to than others. They will make the deal with you and, say it will be, one percent above prime or two percent above prime. There is escalation in the bank dealings in exactly the same way today as there is under most contracts for the construction of buildings or the construction of roads. They have an escalation clause in there in relation to labour. If the cost of labour goes up, then the cost of the job goes up accordingly. I think there is a necessity though, if we are really expanding our thinking, where low cost housing is being constructed, that the public get the benefit of any reduction that can be made to them. Clearly, I see no reason why we shouldn't help the public which we are here to serve.

Mr. Shaw: May I say, Mr. Chairman, that I very much appreciate the great concern that the Honourable Member has, from Whitehorse East, in this particular matter and the Member from Whitehorse West. All I am trying to say is that it could backfire. It could be the other way around, and if that happens, that is kind of unfortunate. The way it is now, everybody knows where they are situated.

Mr. Chairman: May we proceed? The next paper is Sessional Paper 27. Councillor Chamberlist.

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PAPER #27

Mr. Dumas: Mr. Chairman, the reason I asked the question is because a friend of mine who lives in the Carcross area recently tried to acquire a lot to build on in Carcross and was unable to do so. Now, it does not tell us in the paper when the--it says "barring further demands, seven lots will be available for private individuals". I wonder if the Commissioner could tell us when.

Mr. Chamberlist: Demands by whom?

Mr. Commissioner: Mr. Chairman, I think it is a reasonable assumption that we are talking about for this building season. Now, I know the problem that is involved and the Honourable Member who represents the district and myself have had considerable discussions, some of them quite heated about the disposition of this property in Carcross and Venus Mines. I take the full Administrative responsibility for providing this property to Venus Mines. The situation was that these people required property to house their employees on and they needed it within the townsite. There is a considerable amount of privately held property in Carcross and they were able to buy some of it for their needs from private individuals. The rest of their needs, we have attempted to see that they were fulfilled from property that was owned by the Territorial Government. We were most anxious to get these people located with their housing needs in the townsite so that ultimately, we are not faced with school bus costs and ultimately, we may be able to do something about a sewer and water system which is going to be very badly needed in the future. I know that, from a strictly ethical point of view, should we say, possibly this property should have been put up for public tender, I am well aware of this. As I say, I take full responsibility for the Administrative decision which made this property available to Venus Mines.

Mr. Dumas: Mr. Chairman, I have no argument whatsoever with the property being made available to Venus Mines and the other twelve lots Indian Affairs, etc. What I am concerned with is one, there are no lots available to private individuals who are citizens out there and want to stay there and want to buy a lot, they're not connected with Venus Mines or Indian Affairs or R.C.M.P. or anybody else. It says barring further demands, seven lots will be available for private individuals. What further demands? In other words, what I am saying is that Venus Mines comes along and says, well, look we want those other seven lots; do they get those seven lots and any private individual's left out in the cold? This is the thing that I am concerned with.

Mr. Commissioner: Mr. Chairman, I think that I can give reasonable

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Mr. Commissioner continues.....

assurances that Venus Mines' requirements have been met. This is my information that I have at the present time.

Mr. Shaw: Mr. Chairman, I wonder if the Commissioner can inform the Council as to whether or not the lots that are in the hands of private people are available for sale and, if so, are they available for sale at a reasonable cost? Or are they just not for sale?

Mr. Commissioner: Mr. Chairman, lots or property that are privately held are at the disposition of the owner. He may choose to sell or he may choose not to sell. I am sorry, I cannot answer that question.

Mr. Shaw: Mr. Chairman, if I may--I didn't phrase the question correctly perhaps. I merely asked if the Commissioner could inform Council as to his knowledge of whether they are available for people to buy, let's put it that way. Are they available or are they not available?

Mr. Commissioner: Mr. Chairman, this is a very difficult question to answer and say either yes or no. I think that anything has a price and I am quite confident that the owner of any piece of property in Carcross, if he is offered what he considers to be an appropriate price, anything he has got is for sale. I think this applies the world over. It is not confined to Carcross. If the Honourable Member is asking the question, "Is there a considerable amount of residential property listed with realtors or with for sale signs on it in the Carcross area?", the answer is no.

Mr. Dumas: Mr. Chairman, I can add to that that there are quite a few lots out there that are presently vacant but are not for sale certainly at any reasonable price. They are for sale if you want to pay an astronomical figure. On the other hand, I know of quite a few lots that are for sale at a reasonable price. In my role as a realtor, I have had one or two enquiries from people about purchasing lots out there and I have been able, in some cases, to steer them to private individuals and sales have been effected, but there is not much of it going on. I can say that, Mr. Chairman and, of course, people are turning to government to make more lots available, and this is what I am primarily interested in.

Mr. Chamberlist: Mr. Chairman, certainly the largest land owner in the area is the White Pass. I understand they have a large number of lots there and they have offered some of the lots for sale at what they considered to be a reasonable price and it is a matter of bartering whether their price is reasonable or not. They are for sale. However, the concern that I have felt about the transaction of government lots to Venus in the Carcross area, and I have made my position known through the Commissioner, is that these lots should have been offered first to the local inhabitants who have been trying to get lots for so long and of the seven lots that will be available, and this says will be available--that is in the future, not now because it says will be--this again is subject to barring further demands and my question would be by whom, and whether or not this will take place this year or next year, the choice lots have been chosen and the lots that are left are in one big sand dune. There are many reasons why the people in Carcross are very concerned that lots are not being made available on an equal basis to them. I can say this Mr. Chairman, that when I have made representations to the Commissioner, he has done whatever has been reasonably possible to alleviate the distress of people who require lots in the area, so, I don't think we could fault the Administration completely in this regard. I think that an attempt is being made now to close the padlock on the stable after the horses have escaped. I don't think it is the responsibility of the Commissioner himself. One of his officers, I think, was responsible in this area and I am not satisfied with the answer that Mr. Commissioner gave that he was himself fully responsible for this situation. It was big of him, but knowing the circumstances and who was responsible, I say that we cannot accept that particular

Mr. Chamberlist continues.....

answer. However, I feel sure that any matters relating to lots now in the Carcross area, will be discussed with the representative of that area. This is something that hasn't been done in the past, something that we have been asked by the Federal Government to do, and this is something that we are asking the Administration to do as well. When it comes to the disposal of land and subject matter like this comes up, the Councillor should be brought into the discussions in relation to it. Thank you, Mr. Chairman.

Mr. Chairman: May we now proceed? The next Sessional Paper is Sessional Paper number 28. Councillor Chamberlist.

SESSIONAL
PAPER #28

Mr. Chamberlist: Well, I just introduced these papers in block. I wonder if Mr. McKinnon, perhaps, would like to.....

Mr. Chairman: When you introduce these papers, I believe that they should be discussed or not introduced.

Mr. Chamberlist: Alright then, Mr. Chairman, I would like to discuss insects in Watson Lake. Usually, the Honourable Member would perhaps object if I got into his area, but as I have discussed the dead in Watson Lake, now, I am discussing the insects. I would wonder, Mr. Commissioner, whether the programme of spraying for insects has been completed or is it to be continued and how many insects have suffered as a result.

Mr. Commissioner: In the terminology of nature, I don't know just what is referred to as the insect life on this planet but it would appear to me that some of them were suffering in Watson Lake and that is what brought on this question. However, I can assure you that the insect spraying programme for this year is in its final stages of completion at the present time. It may well be that the effectiveness of the material that we are now using so that we comply with the Fisheries and other various pollution control agencies requirements, is maybe not as effective on the biting type insects as some of the things we were using before. Maybe this is what gave rise to the proliferation of insect bites on one of the Honourable Members during our recent sojourn in Watson Lake. However, I can assure you that the programme has indeed been looked upon as generally effective, even if it was not quite as effective as it might have been in certain areas of Watson Lake.

Mr. Chairman: May I just, in speaking from the chair, say that if Council had stayed and worked on Friday, as they should have, they could have watched the town being sprayed. That is when it was sprayed, on the 27th rather than the 26th.

Mr. Livesey: I was wondering, Mr. Chairman, if anyone had suggested a little ground fogging down there. It might help out.

Mr. Chairman: Next paper is Sessional Paper number 29.

SESSIONAL
PAPER #29

Mr. Chamberlist: Yes, Mr. Chairman, I am quite pleased to speak on this Sessional Paper because here we have a full sessional answer as purported to be by the Administration an answer, because it says "the following is the answer". But my question was, what are our administration costs? Not one figure has been supplied. I have asked, Mr. Chairman, what are our administration costs for the Department of Municipal Affairs; will they be more or less when the city boundaries are extended to the metropolitan plan and if I recall, I didn't say will they be more, but how much more. I was asking for--this again is the second time I have had an answer without getting the dollars and cents. This is the second time I have asked for this. I have now received two Sessional Papers relating to the same question and I still haven't got an answer. Now, I wonder, Mr. Chairman, if Mr. Commissioner can indicate whether he could perhaps talk kindly to some of these people and get the answer that has been requested.

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Mr. Commissioner: Mr. Chairman, the answer that the Honourable Member is looking for (a) is an impossibility to give him at this time. The total cost of the operation of the Department of Municipal Affairs were approved by this Council in the Budget, so that figure is a known and accepted figure and it is broken down in the Budget as to where these monies go. Will they be more or less when and if the city boundaries are extended to the metropolitan area? Certainly, if the city boundaries are extended to include the metropolitan area plan, the Administrative requirements of the Department of Municipal Affairs as it applies to this area will be less and therefore the cost should be correspondingly lower. As to exactly what they will be, Mr. Chairman, I am sorry, we cannot answer that. One of the questions that will be answered, or one of the answers that will be forthcoming from studies of the Steering Committee and the sub-committees that they form will show what the net effect will be on Territorial Government Municipal Affairs Department costs and the net effect of the city of Whitehorse administration costs, if and when the boundaries are extended.

Mr. Chamberlist: Mr. Chairman, surely if as the Commissioner says that this information will be made available at a later date, why can't it be made available now? Certainly Council has got the right to know how much, in dollars and cents, is going to be involved and this general answer doesn't give the information that I have asked. It is subject to that information that I know whether it is in the interest of the taxpayer as a whole in the Yukon to apply the metropolitan plan. Now, this is important and this is a question that was raised with respect by the Chairman, Councillor Taylor, relating to different alternatives. Now, different alternatives would have to be considered if the dollars and cents of the situation does not apply promptly. This is why I want to know the dollars and cents situation. I am thinking like a businessman and I want to know this and I cannot get this information.

Mr. Commissioner: Mr. Chairman, the reason that the answer cannot given as the Honourable Member wants it, is because it is simply (a) not available and (b) not definable at the present time. Part of the studies of this Committee, one of the sub-committees that will set up, undoubtedly, will be a Committee on finance who will take a look at the whole problem and indicate (a) what lesser cost will accrue to Y.T.G. and (b) what increase cost will accrue to the city government. It is absolutely impossible to give, at this time, a firm and definitive answer because if I come forward at this time here and put forward a paper that there will be a decrease of x number of dollars in Y.T.G. administrative costs if boundary extension is effected and further research and further programming finds out that this is not exactly as indicated here, why, naturally, I have supplied misinformation to the Council and this we are not interested in doing. I appreciate what the Honourable Member wants; I personally want to see this. I am no more satisfied than he is but I am also satisfied with the fact that it is impossible to give this definitive answer at this time.

Mr. Livesey: Yes, Mr. Chairman, there is a lot involved. Just as soon as the transfer takes place or the transfer of power takes place, I think it is more than obvious the costs are going to go up. Whether you say they are going to go up directly to the Department of Municipal Affairs or go up through some other means doesn't really matter at the moment. There is no question about it. Usually, one of our--if we go in for more economy, it costs us more to get a better economy. This is normal for government. There is no question about it--they do, they go out of their way to cut down on the expenses and naturally, when you get it in the Budget, it is twice as much as it was a week before. This is the way they operate; they have always operated that way. This way as far as I can see, well, if you take the blind down in one area and put it up in another, what is the difference. Quite obviously, the metropolitan plan will be getting more grants. If they don't get something from one pot, they will get it from another pot. This is normal. This is what will go on. It is bound to go on.

Mr. Livesey continues.....

Not only that, however, I would like to ask the Commissioner a question right now, Mr. Chairman. As far as, and I accept a little conjecture on his part right now because I think it is quite unfair to ask for a precise answer, when the next Council takes over, and I understand that possibly two of the Committee members that are elected members, will be interested in municipal affairs, will this interest include the metropolitan plan inclusive with Territorial affairs or will it be a separate thing, particularly just controlled by a municipal body? Perhaps the Commissioner doesn't appear to understand what I am asking. Will Municipal Affairs be then controlled more when we have the elected people sitting with the Commissioner, as part of the Committee, than it is now?

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Mr. Commissioner: Mr. Chairman, this Council has the ability to eliminate the Department of Municipal Affairs completely, if they wish to do so. All they have to do is vote no money. Now, you can have this apply to every department of government. You can either have it as luxurious or as spartan as you wish. It is simply a matter of how much money you provide them with and when the Honourable Member asked me if Municipal Affairs is going to be--I think his question is will Municipal Affairs be a more efficient department or a lesser efficient department when it is coming under the scrutiny of the Executive Committee as opposed to the individual scrutiny that it possibly gets at the present time, I am unable to answer that question. It entirely depends on what the public is going to demand in the way of sophisticated municipal service. It also is going to depend to a very large degree upon what policy line is developed in the Executive Committee as to what role Municipal Affairs is to actually play in the development of government in the Yukon Territory.

Mr. Chairman: We will stand in recess until 2:00 o'clock.

RECESS

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Tuesday, June 30, 1970
2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to order. Have you anything further on Sessional Paper No. 29? The next sessional paper is Sessional Paper No. 30.

SESSIONAL
PAPER #30

Mr. Chamberlist: Mr. Chairman, the information has been received. I'm sure the Honourable Member from Watson Lake will now be able to pass this information over to his community, and we are interested in obtaining funds for maintaining the situation there.

Mr. Chairman: I am sure that the Member from that area is quite aware of what is going on.

Mr. Chamberlist: Well, it's not the impression I got.

Mr. Chairman: The next Sessional Paper is No. 31.

SESSIONAL
PAPER #31

Mr. Chamberlist: Mr. Chairman, can the Commissioner indicate any of the reasons for the large number of resignations which he indicates, whether some or most were due to dissatisfaction in the department itself.

Mr. Commissioner: Mr. Chairman, I am not prepared to pass any judgement on any of the resignations that are recorded here at this time.

Mr. Chamberlist: Supplementary, Mr. Chairman. I wonder if the Commissioner is prepared to say whether any of these people who have resigned are long-time teacher employees of the Territorial Government?

Mr. Commissioner: Mr. Chairman, I don't want to be absolutely firm on numbers here, but either four or five of the resignations that are recorded here in these totals represent teachers who are long-time on our teaching staff and, for reasons of their own, have seen fit, either due to wage or families deciding to leave here or various reasons of this nature, have tendered their resignations at this time in recognition of the time that they have...the good service that they have given to the Yukon Territory. This long service was duly recorded in a similar manner that we do for other members of the Public Service, and they attended a ceremony for this in my office approximately three weeks or one month ago.

Mr. Dumas: Mr. Chairman, I would just like to make one point that the percentage turnover 27.55 is considerably less than the percentage turnover in the City of Vancouver which continually goes between 30 and 35%, and the average in most districts of Western Canada is around the 30% mark.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Commissioner could indicate how many of this 58 resignations, including the contracts which are not renewed which make up a 62, are teachers with just one year contracts, in other words, have only been here in the past year.

Mr. Commissioner: I'm sorry, Mr. Chairman, I hesitate to answer that question without getting actual figures of what I am speaking of. I think the item of four under here of contracts not renewed, I would tend to feel that those people involved would be the one year people. Now, I don't think it will be very difficult for me, during coffee break, I'm sure that by coffee break time this afternoon I'm sure that we could have this information that the Councillor is asking for and I wonder if Mr. Clerk would be kind enough to get it so that we can give it to the Honourable Members at this time.

Mr. Chairman: At least 32 is to be discussed tomorrow morning. The next is Sessional Paper No. 22.

SESSIONAL
PAPER #22

SESSIONAL
PAPER #22

Mr. Chamberlist: Mr. Chairman, the Sessional Paper No. 22 is a paper which purports to apply to the questions that I have raised with reference to Canadian Sovereignty in the Yukon. At the outset of my remarks, Mr. Chairman, I would like to make it clear that the only reason that these questions have been put, is an attempt to ascertain from the Federal Government whether their powers are powers of administrative capabilities, or whether the powers are powers that have been resolved from ownership. The first paragraph in the reply which has been given in Sessional Paper No. 22 absolutely amazes me. The lack of research obviously done by the Federal Government in attempting to answer this question, or perhaps the research that has been done and has been distorted not to give the true facts of the situation is really amazing and certainly there is room for criticism. It certainly shows a lack of background knowledge of the area that we know as the Yukon. The statement itself is in conflict, especially the reference that the political development of Canada commenced 1867. It's amazing because the Union Act of 1840, which is a clear act of when the political entity of Canada first commenced, we just have to consider the main is a union activating party, is an act to reunite the Provinces of Upper and Lower Canada and for the Government of Canada. Now, this is the name of the act yet the Federal Government tries to either blind us or certainly attempts to cover-up the true situation by commencing their reply with the words, "Political development of Canada as a separate State began in the year 1867". I think the Union Act of 1840 gives an outright lie to the statement that has been presented by the Federal Government. They have gone further to make reference to the.....

Mr. Shaw: Where has all the crew gone?

Mr. Chamberlist: I don't know, perhaps they are not interested in the progress of the Yukon. The reference made to the Rupert's Land Act of 1868 and the words that they used in the reply, "In 1868, the Rupert's Land Act authorized the acquisition by the Dominion of Canada of 'Rupert's Land and the North-Western Territory'", also has been abbreviated because the Act authorized Rupert's Land to be brought into Canada and those areas of North-West Territory that were claimed, or purported to have been claimed by the Hudson Bay. The Yukon was not claimed by the Hudson Bay or was it purported to have been claimed by the Hudson Bay. And, if they would have gone through the records of the Hudson Bay, no doubt I think perhaps they did do this, they would have found in fact the Yukon is not included in those areas of land that was deeded by Charles II to the Hudson Bay Company, nor was the Deed of Surrender to Canada, nor in the Deed of Surrender did it include the area that we know as the Yukon. My purpose, as I have already stated, is to show that, in my opinion, although the Federal Government of Canada have had administrative powers over the Yukon Territory because they took those powers, this doesn't mean that they have the ownership of the Yukon. The history of Canada itself really destroys completely the Sessional Paper that has been submitted by the Federal Government in this regard. The history of the Constitution of Canada is really wrong by Royal Proclamation in 1763 which has never been changed before the Constitution of Canada was made, this was brought forward by a firm of attorneys by the name of York & York, who were engaged by what was referred to as the Board of Trade and Plantations of England who dealt with all lands that were contained in the Crown of Chancellery. Now, the Crown of Chancellery was made up of various business merchants in London who decided among themselves what the Constitution of Canada would be. As I said, in 1763 by a... this proclamation can be found in the 1952 Revised Statutes of Canada, Volume No. 6, that the, a very interesting part of the declaration that was made was this, "And we do further declare it to be our royal will and pleasure for the present as afore said, to reserve under our sovereignty, protection and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said new governments, or within the limits of the territory granted to the Hudson Bay Company and also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the west and north-west of the afore side". In other words, the proclamation was to protect the Indians in those areas but not to claim the land. Now the same Board of Trade and Plantations were used

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and I bring this up for most of the people who have looked into some history of Canada, and particular the north-west, and I know that the Crown of Chancellery also governed the colonies of what was referred to as New England. I think the North American continent was wholly referred to at that time. In a rule by the International Court at Le Hague in 1923, it would show that sovereignty and ownership are inseparable but government and ownership of land can be separate. This is the situation in the Yukon. When Mr. Digby Hunt was with us last week in Watson Lake, and I had a short discussion with him on this matter, and I referred a liking to the war, the Second World War when the government went into Germany and administered the government there, and I said, this was government administration that went in there, not ownership and he said "Oh yes it was, it was unconditional surrender", and I thought to myself this is another reasoning behind the lack of knowledge that members of the Federal Government participate in because, although we administered, the allies administered the Government in Germany as a conquered country, it did not take the ownership of the land. I think there is necessity to recognize that the sovereign rights should belong to the residents of the area and I say that in certain areas the sovereign rights can be proved to belong to the Yukon, that the mineral rights belong to the Yukon, and as I pointed out yesterday, that the Territorial Lands Act of 1950 referred to land to include mineral resources, etc. Now, the section that the Federal Government has replied to when they say, "It is hereby ordered by Her Majesty, by and with the advice of the Privy Council, that from and after the fifteenth day of July, one thousand eight hundred and seventy the North-Western Territory shall become a part of Canada upon the terms set forth in the hereinbefore recited Address." This is quite true, but even at that time the Yukon did not form part of the North-West Territory so that what was asked for in actual fact was, what that area of the North-West Territory that had been claimed or purported to have been claimed by the Hudson Bay Company, so it certainly was not applicable at that time. Now, the last paragraph on the first page refers to the resolutions that were carried in the Canadian Parliament to authorize the acceptance by Canada of the Northern Territories. Now the Northern Territories is not the North-West Territory, it's a separate thing again and it didn't include the Yukon which was north-west. What it referred to, and there is ample report in the original proclamation itself because it gives the area and designates the area where the islands of the arctic are comparable, and there was no reference at all to the Yukon, or the area geographically know as the Yukon. The first paragraph of page two of the Sessional Paper is quite misleading because, when Canada requested the definition of the boundaries of Canada, what was given was not included in the, the Yukon was not included in those boundaries. Now these can be seen by the latitudes and longitude of the boundaries given. What has also been left out here was when, in 1825, as a matter of fact it started in 1823 when there were discussions going on between Russia and the United States to purchased that area of Alaska, of Russian Alaska in which the Russians were trading, Russia had only, at that time, I beg your pardon, I'm way ahead, that in 1823 when the discussions going on between Britian and Russia with reference to the border to be designated as Russian, it wasn't a treaty, but there was an agreement as to what would be Russia, considered to be Russian land and Russian property, but there was nothing in that agreement that said that the rest of it, east of what was declared to be the Russian border at that time would be British property. In fact, it was in 1867 when just before Seward, John Seward, the then Secretary of State for the United States, requested Russia to claim more of the land before the purchase was completed, and it was only at that time that the American Government purchased what was then considered by Russia to be part of Russian Alaska, so that the information that had been given in this paper to that regard, is wrong. You see the Order-in-Council, dated July 31st, of 1880, which said, "From and after September 1, 1880, all British territories and possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such

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Territories or possessions, shall (with the exception of the Colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada....", but at that time the Yukon was not a British Territory, it was never claimed, there is no record in the British archives or the Canadian archives that this was so. There is no evidence that it was ever claimed. I call Members of the Committee's attention to something that becomes really laughable when the Federal Government could admit to the first line in the second paragraph, "Canada, however, appears to have given no documentary recognition to the fact that her boundaries had been extended until 1895." Of course, it was given no recognition, it was unable to because it was never transferred to it. This was the reason and I suspect very strongly that the Federal Government are well aware of this. While there is no dispute that the Federal Government in 1897, by amending an order, turned the Yukon into a judicial district of the Northwest Territories and you will find that all laws and statutes relating to the Yukon, stems from that base, and that's all. No where before that date is there any evidence that the Yukon was turned to Canada as part of Canada's land, no evidence at all. There is an admission here, right in this very Sessional Paper in the words, "Canada, however, appears to have given no documentary recognition", it's an admission in itself. It closes up in answer to that question by saying, "Thus it was from 1897 from the Canadian point of view that the present land area of Canada extended to the Arctic Ocean, etc." An admission, that from 1897 they had considered the Yukon as part of Canada, and we must all agree that there is the factual recognition that the Federal Government has administered this area. But certainly there is no recognition that the Federal Government owns the land, they have taken this and put it in their statutes, that they own the land. We recognize again I say, that we are administered by the Federal Government, but I say, and I am sure that there are those in Ottawa who agree with me, and many people who are much more constitutionally advanced than I am, agreed that there is no ownership of the land as far as the Federal Government is concerned, and I come back to the ruling from the International Court at Le Hague of 1922, that government and sovereignty does not always go hand in hand. In other words, the International Court ruled that because you have government in an area, this doesn't mean you have sovereignty over it, because government and sovereignty are inseparable. We have here, and I repeat, we have here government without ownership. And, I say this is the strongest argument that the Yukon has for maintaining that the natural and mineral resources of the Yukon belong to the Yukon and that the argument that has been put up by Ministers of the Crown that the mineral resources of the Yukon belong to the whole of Canada, not only is morally incorrect, it's illegally incorrect. Now, you know this paragraph goes on to say that they did delimit that part of Canada now known as the Yukon Territory as the Yukon District of the North-Western Territory. They didn't refer to it as a Yukon District, they left a very important word out, they just refer to it as the Yukon Judicial District which is vastly different from that area in the North-West Territory now where they refer to it as the Franklin District and also the Mackenzie District. It would be noted that the only area that was referred to as a judicial district was the Yukon and that was in 1897. So that in answer to my first question, which was, "Would the Commissioner ascertain the date that the area know as Yukon was transferred by the Imperial Government of Canada", there is no answer because the date hasn't been given. We have received another superfluous sessional paper of garbage, because this is all it is. We have been given words to try and satisfy us. Now, when it comes to the answer to the second question, which really takes the cake as far as I'm concerned, the question was, "I have received information that the Yukon Field Force was sent to the Yukon on a special request of the United Kingdom to protect its Sovereign Rights. Can the Commissioner obtain from the Federal Government when the Sovereign Rights of the United Kingdom ceased to exist in the Yukon?" What does the Federal Government give us for an answer? They give us for an answer, "As far as the second question is concerned the Yukon Field Force according to George F.G. Stanley, in his Book "Canada's

Mr. Chamberlist continued....

Soldiers", now what type of government administration, lord almighty would go and pick up a book out of a public library and say this is the answer to a question. But surely they must have some records in the Parliamentary Libraries there that to give an answer to a simple question, so they come up with an answer by getting a book out of the library and says Joe Blow's book says this, and this is what we base our answer to your question. Is this the way to answer a legislative body to a question that has been asked of them? But even the content of the letter itself it goes on to say in the last paragraph, "Therefore, it would appear that there is no question of British Troops being garrisoned in the Yukon", and it says "even if there were", you know there is no question, even if there were, this is coming from government, they are arguing with themselves. Suppose this wasn't the case, even if it were, "once these Orders-in-Council of 1870 and 1880 were passed, the mere presence of British troops would not be sufficient action on the part of the British Government to have that area revert to the United Kingdom". Nobody asks that question, whether the area was to revert to the United Kingdom. Nobody asks that question at all. Mind you, I can feel the concern that some of the bureaucrats must be feeling, that perhaps part of their little old empire, their empire, might be taken away from them. They can be concerned about that too. I can't help but think that there was a lack of search in their own archives, you know, and when you refer back to, again if we go back to the British North American Act, even if we apply completely the suggestion that has been made by the author of this....and this is a paper that Commissioner Smith should never have signed, he must have been signing papers like mad and just let this go through, but I can't even admit to him being the author and I'm sure he wasn't the author on this, but even if we go back to the suggestion of the first line of this paper, the political development of Canada as a separate State began in 1867, notwithstanding that I have already given the information of the Union Act of 1840 which says it is an act to reunite to the Provinces of Upper and Lower Canada and for the Government of Canada. This is the name of the statute and they say that there is no political commencement until 1867, but surmising this was so, how then.....

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Mr. Chairman: Order, please. I must advise the Member that his time has now expired.

Mr. Chamberlist: I wonder if Members of the Committee will give me time to.....

Mr. McKinnon: Oh, continue most assuredly.

Mr. Chamberlist: Thank you. Then if we go back to Section 109 of the British North America Act, and Section 109 of the British North America Act make it quite clear that all lands, mines and minerals, royalties, etc., belong to the provinces in which they are situated or arise subject to any trusts, etc. Now this is in the British North America Act and it is my submission that although the Federal Government are administering the Yukon Territory they have no ownership but indeed they have our mineral resources in trust. The British North American Act says that, and that the courts have already ruled that the Territorial Legislature is like to a Provincial Legislature in most areas, so that this is a greater argument again for us to strongly say reverse your decision that the mineral resources of the Yukon Territory are for the benefit of all of Canada and say that you hold them in trust for us. I think that the search for truth is one of the strongest impulses of mankind and, by God it is necessary for us to find out the truth in this particular matter. It is time that we become a political entity. It is not good enough for Yukon to be considered a geographical expression only and I hope that the time will come around when we can really say to the Federal Government, and I hope as a result of more research and more facts to bring home to the Federal Administration that they indeed are administering the Yukon

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Mr. Chamberlist continued....

Territory but that they don't own the Yukon Territory and get them to change their view that indeed the mineral and natural resources of the Yukon do belong to the people of the Yukon, and I hope that, Mr. Chairman, that Committee will, by their expression at least, agree with the supposition that I have put to them. Thank you, Mr. Chairman.

Mr. Chairman: Is there anything further on this paper?

Mr. Shaw: Yes, Mr. Chairman, this is quite an interesting.....

Now, it's quite interesting. The only thing that, there are certain things that were somewhat ambiguous in those days, there seems to be no doubt about that. The Prime Minister of our great country, he, it took him quite a long time to proclaim any type of sovereignty, or whatever you may call it in the Arctic areas, probably because it took quite a lot of rooting around to find out how that, in fact, did belong to Canada. It would appear to me that somehow in some of these volumes they did find out that that was part of this country and decided to put in certain restrictions or attempt to. Now, I don't know what research has gone on in this particular thing except that what the Honourable Member from Whitehorse East has discussed, but, I think we can come back to a little more modern times than 1847 and say talk about 1906, I don't remember this because I wasn't born but I did happen to read a couple of periodicals once in a while, and at that time I think there was what you call the Canada-Alaska Boundary Dispute. Canada had a representative, the United States had a representative and the Imperial Government had a representative, Floyd Alvinston, he was the one that sold us down the pike on this particular thing, that's what I feel as far as Canada was concerned. But Teddy Roosevelt at that time was wielding a big stick and he was doing pretty good, and they decided, you guys can talk after I'm through, you know, they decided these eminent....whatever they may have done, they decided that the boundary was a certain line on a certain latitude and they carved it out, and in the process, of course, they kept the Yukon from the seaways. But, the United States must have had something or these legal begals at that time must have had something to base their findings on where that line should be, and I feel positive that if the Americans had felt that this Yukon Territory did not belong to Canada they would have extended that boundary line quite a lot further east than what they did. This wasn't the Yukon-Alaska Boundary Dispute, this was the Canada-Alaska Boundary Dispute between two countries. The United States must have felt that this was Canada otherwise they would never have given in, they would have wanted a lot more land than what they have already. As it was they chiseled out all the seaports so we are hemmed in and can't get out with our products unless another government allows us or permits us to do so, and if you don't believe me you stick around for about two weeks and you might find out. So, there is something perhaps in that that the Honourable Member from Whitehorse East has not looked into. What did they base their rights, what did Canada base its right to the Yukon, or the United States Government on to that section of Alaska, so that they could compromise and come up with this particular boundary? That's a very good question that will probably need some answering at some time.

Mr. Chamberlist: Mr. Chairman, I'm well aware of the boundary dispute and settlement that was made at the beginning of this century. But if the Honourable Member from Dawson was to have listened carefully, he would have taken note that I had said that the only claim that Canada now makes is effective from 1897, so that, because before that time there is no record at all of the land that we know as the Yukon as having been transferred to Canada's Sovereignty. It is obvious that during the agreement that was made between the United States and Canada with reference to the international border, between Alaska and Canada, but had the United States recognized in a de facto manner the same thing that we recognize now, we ourselves here, that the administration of the Yukon was by the Canadian Government. Now, I agree with this, and this is what the American Government has recognized, and this is why the American Government didn't claim the

Mr. Chamberlist continued....

land for themselves because they know there was administration and would create an international problem. But I say that because they just simply administered the Yukon and they did not create ownership by way of claiming or purporting to have claimed or transferring by another government that they, in fact, do not own but administer the Yukon. And, because, I repeat, because that position has never changed and in any event because of the proclamation of 1763, which relates to the protection of Indians outside those areas of the Hudson Bay Company, that the Hudson Bay had, that in fact it was open range. Open land that was administered by the Canadian Government. Now, none of us want to be anything than part of Canada and we accept the recognition that we are part of Canada, but we as Yukoners must say to the Federal Government, you administer us but you don't own our land, that we are in the same position as the sovereign rights that have been granted to the provinces, that the section 109 of the British North America Act clearly defines that and that no distortion of these facts will lead us as Yukoners to believe that the mineral resources of the Yukon belong to anybody but the residents of the Yukon. There is no dispute at all in any way, and if we have to base it on what international law at least in Canada wish to participate in the rulings and understandings of international law, and the rulings that have been made as between a difference between government and sovereignty and government and administration we have got to recognize that we here are placed in a position of having simply a geographical entity and not a political entity, and it is up to us, Mr. Chairman, to do what we can to recognize that the Yukon has sovereign rights of its own in relation to ownership, that when we are able and have accepted the complete administration and the complete political entity of our own area, certainly that is a time for us to be taken completely into the motherhood of Confederation so that we indeed line up with the other provinces and get the same treatment that they are getting, because we are not getting what we are entitled to have and that is a basic dollar and cent value that our natural and mineral resources bring to the Yukon and this would benefit the people of the Yukon. We are not getting it and we should stick our head out and say, "We want it", but in the meantime if you say that they don't belong to us, say openly that we are holding those resources in trust for you, and this is where I think that successive federal governments have denied to the people of the Yukon that very basic thing, that the resources belong to the people of the Yukon, that until such time as we are ready to completely govern ourselves that they are holding this in trust, and I think that we should ask that they change their tune to say, that in fact, they do hold it in trust for us.

Mr. Chairman: At this time I'll declare a recess.

SESSIONAL
PAPER #2:

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order.
Have you anything further on Sessional Paper No. 22.

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Mr. Livesey: I'd just like a couple of minutes, Mr. Chairman. I think that probably what the Honourable Member for Whitehorse East should have explained to the Honourable Member for Whitehorse, or Dawson, in relation to his problem about the settling of the Alaska Boundary dispute was simply the fact that there were supposed to be three judicial Members elected to represent the United States, three judicial Members for Canada and Great Britain. However, the President of the United States being a good politician, he sent over three politicians rather than judicial members and Canada and Great Britain supplied the judicial members and he sent them over with the demand that you do as I say, you follow the principle that I am going to demand or else and this is what they did. The dispute was as to whether the boundary of Alaska between Canada and Alaska was to be settled on the basis of ten leagues from the head land or ten leagues from the inland waters. Of course the argument went against Canada and the United States voted for the ten leagues from the head land and the delegate from Great Britain went along with him so we got stuck. That was the problem there. However, in relation to this other question I think the whole gist of the argument surrounds the perplexity of the Dominion Parliament as it was known in 1869 as to who actually did control the Northwest Territories and of course prior to that as we know the Ruperts Land owned by the Hudson's Bay Company was sold to Canada for 300,000 pounds sterling which they raised, I believe, on the London Stock Exchange. This was how this was bought. However, in 1871, this came from the British Government, upon request from the Dominion Parliament, to show that Canada had control; they wanted something to show they had control over it and of course they got the British North America Act of 1871 and I think the principle was the most important section of the Act, which was provided for us was Section 4 which allowed the Dominion Parliament to provide peace, order and good government in the Northwest Territories and as you have heard me say many a time that it has not been my thinking that we have been provided with peace, order and good government. Nevertheless, that is the situation. What is missing, however, is the word "sovereignty", it is missing and we are not the only people who recognize this fact. I think that Judge Sissons mentioned this on a number of occasions that the word "sovereignty" was missing, therefore, we are some form of a colony and therefore we are not attached to Canada proper at all. I would like to bring up one point, however, and I think it a legal one, and that is that possession is nine points of the law. And if possession is nine points of the law, Canada does possess the Northwest Territories, then I don't doubt at all as to who owns who and I would say, if this is so, Canada owns the Northwest Territories and Canada has full control over not only the Northwest Territories but the Yukon and everything within the outer boundaries of the country; so in my estimation, I don't know exactly what may come of this discussion but it would seem to me that the fellow that has the goods, he owns them until somebody can wrest them away from him. I think this is the position of the Federal government at the moment; they have nine points out of ten in their favour and I would rest my case on

Mr. Chamberlist: Well, I have to reply, I am forced into the position of replying. Just because the Honourable Member from Carmacks-Kluane again hasn't distinguished between administering and ownership, by the very same token where the Federal Government today say, through their Territorial Lands Act that they have Crown lands and they pass over to the Commissioner for administration of those lands. This is a separation right there. It shows that the lands, even if we have accepted completely the Territorial Lands Act where there is a separa-

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Mr. Chamberlist continues...

tion, or administration over a certain area but not ownership. Now, we will use the same argument and go back and this is what happened in the early days. There was administration without ownership. We are subjected to exactly the same thing now. It is interesting to note a small paragraph that was entered into a report by a man named Roger Smith who was employed by the Federal Government as far back as 1940. He said that the Quebec Act of 1774, the Constitution Act 1791, the Union Act 1840 and the British North America Act 1867 do not alter in any essential respect the constitution of Canada drafted by York and York in 1763. It is important to note that there was no confederation of the provinces of Canada. The Interpretation Act of 1889; and this is most important, enacted 22 years after the British North America Act, Section 18, para. 3, the expression colony shall mean any of her Majesty's dominions exclusive of the British Island and of British India and where parts of such dominions are under both essential legislature and local legislatures, all parts under the central legislation shall, for purposes of this definition, be deemed to be one colony. In 1889 Canada was the only colony with a central legislature and local legislatures. Now, obviously we recognize that Canada had local legislatures and a central legislature in 1867 but it did not have anything to do with the Yukon at that time so therefore it speaks for itself by not having anything to do with the Yukon, and coming a little... and administering it, it had administrative powers without ... powers and this is the whole crux of the thing. I think it is necessary to keep that in mind all the time. Thank you.

Mr. McKinnon: Mr. Chairman, several comments. It has been a particularly edifying and educational afternoon. I commend all Members for the homework and research they have done into the historical evolution of the Yukon Territory as an entity and I of course have come to the same conclusion as the Honourable Members have come to, only I think after quite a simpler analysis of the problem. I don't think there is any way, shape or form that the Federal government, unless they are willing to change the rules of Federalism that they have applied to different provinces coming into confederation since 1867 that they can deny in any way, shape or form the undeniable fact that the resources of the Yukon do belong to the people of the Yukon and I say that in light of this it is history of Canada when the provinces were given responsible government and then after they proved their ability to government, were given their resources and of course the latest example is when Newfoundland came into confederation with absolutely no indication at all they would lose or put into trusteeship to the Federal government any resources that they did happen to have or not have and I think it is an indisputable fact of live that the resources of the north do belong to the people of the north. I've heard nothing from the Federal government officers that they intend to change the rules of federalism now that Canada is a hundred year old and I think that it is just facts of life that the day that we have conducted the experiment of responsible government to the point where we are able to go to the Federal Government and say "now look, we have shown ourselves capable and responsible of governing ourselves and now like any other area of Canada we demand the right to our resources." I think we have been fair with the Federal government and have told them that once the battle of responsible government had been won that we would be back to them to ask and demand what is our right and which are our resources, and I don't believe that though there will be rantings and ravings and of course there has always the problem of seizing control from the senior government who has the power that within the course of history and in the final analysis that the rights and the privileges and the very real ownership of these resources will not be passed on where they rightfully deserve to rest and that is with the people of the Yukon Territory.

RECESS

Mr. Chairman: Are we clear? I will declare a brief recess.

RECESS

Mr. Chairman: I will now call Committee back to order and we have with us Dr. Shields to assist us in several matters. The first is Motion No. 3. Councillor Chamberlist.

MOTION #3

Mr. Chamberlist: Mr. Chairman, I wonder if the witness can indicate what brought about his position to reduce the music program in the schools.

Dr. Shields: The decision was not necessarily to reduce the music programs in the schools. The present staff of the Yukon teachers now, elementary teachers, have Class 3 and at least six years of experience and the programs over the past ten years of elementary school training have emphasized that performing arts and the fine arts in elementary education to the point at the present time where a teacher has a minimum of ninety hours of elementary school instruction in music. We felt that the elementary teachers were capable of handling their own music programs without bringing in specialist teachers in choral music.

Mr. Chamberlist: I wonder Mr. Chairman if Mr. Shields could indicate whether it is the intention, by doing this, of withdrawing the type of effort that was given by the music teacher at Takhini Elementary School which involved all the children in a musical program, just say recently. There was a fear, as I understand it, that this kind of program will now be dispensed with. Is there any comment that can be made with this regard?

Dr. Shields: The Department has no intention of reducing this program, and if we do find a weakness we will be very prone to immediately introduce in-service training to correct it. We will be very conscious of it.

Mr. Chamberlist: One more question relative to this, the music programs. Have the teachers who have been on a part-time basis as music teachers been offered positions in the academical end of it if they are qualified so to do?

Dr. Shields: Letters went out to the three teachers involved and we asked them what their wishes were; if they wished to continue teaching and none of them replied. They did not wish to continue teaching.

Mr. Chamberlist: Well, with respect, Mr. Chairman, if none of them replied does this mean that they do not wish to continue teaching, as the witness has indicated.

Dr. Shields: None of them replied that they wished to come on to the staff. We offered the opportunity for them to come on to the staff as permanent teachers. I would like to point out that one of the teachers teaching music part-time did not have a credential, the other one had a credential that was lapsing so there was one teacher who would have had a credential which would have been acceptable but the teacher did not care to teach full-time.

Mr. Chamberlist: In other words, can Committee take it, Mr. Chairman, that all programs that hitherto have been carried out by music teachers who have been employed on a part-time basis is to cease?

Dr. Shields: We do not anticipate using music teachers on a part-time basis with the staff we have at the present time but the special programs that they have carried out such as music concerts and so on, we would not anticipate these would be diminished at all.

Mr. Chamberlist: Some thought was obviously given to the answer, in the hesitancy, Mr. Chairman. I wonder if, then, the witness would indicate whether or not the programs that have been commenced can be continued by the teachers that are taking part, are just doing it on a short-period basis during their normal curriculum of the school year.

MOTION #3

Dr. Shields: The Department feels that this program can be carried on effectively with the staff that we have yet.....co-operative teaching that we are using.

Mr. McKinnon: Mr. Chairman, I think there is no use beating around the bush, could be a little more direct and more blunt than we are being at the time, at this moment and the reason why there is no teacher specialist in the field of library, music, is the simple result of one word "money". When the last budget was cast down the throats of the Territorial Government we were told that it was a hold the line budget in every Department, that there was no way that there was going to be any increases in the O & M even though we had built more schools and needed more teachers in the Yukon Territory. We had to cut the cloth accordingly and that is the reason it is exactly the amount of money that you have and you are going to have to cut out any frills or find some moneys to be able to operate and maintain the schools with teachers that we have built as this is all the money that is forthcoming. One of the ways that we cut out or found more moneys for the operation and maintenance was taking out the library specialist and the music specialist. We have had a policy of building very good library facilities, music facilities in the schools and I think it was a shame that at this time we had to cut out the music specialists who were doing a fine job in these schools, extra staff who were being paid as part-time specialists and we had to curtail the program that we had because we just didn't have the money to continue these programs and I hope Mr. Chairman that in the very near future the moneys can be found to be able to put this music and library operations back to staffing with expert help on a part-time basis to be able to bring the facilities which we have, which are fine, and maximize these facilities so that everybody benefits, particularly the students who are in the school system and this was exactly the case. It was a simple amount of dollars that you have to operate with, now cut out any frills where you can and this was what was cut out of the budget.

Mr. Chamberlist: Now, Mr. Chairman, referring to the second paragraph of Sessional Paper No. 2. I note that reference is made--therefore with new methods of co-operative or team teaching the need for part-time elementary music teachers has diminished. It doesn't say that it is not required. It says it is diminished. Now, later on we have, in the same program, music will therefore continue to be an integral part of the elementary program and its importance will not diminish. Now, it seems to be a little bit of jargon there; I wonder if the witness can explain that particular paragraph.

Dr. Shields: In your teacher-training programs of the western provinces the fine arts, art, music, library sciences are emphasized in the training of teachers as much as reading. In the recruiting of teachers we specifically ask this question: "Are you prepared to participate and give direction in art and music?" and the answers is always affirmative from the ones we hire. We also pursue further qualifications in music and this is why we select our teachers carefully. We feel that we can maintain the music program with the highly trained teachers that we are presently paying employees. If I might add, Mr. Chairman, four years ago we had approximately 48 teachers with Class I; now the average teacher has Class III or better and we feel we have the staff to carry on this music program.

Mr. Chamberlist: Mr. Chairman, I wonder if either Mr. Commissioner or the witness could indicate how much, or perhaps Councillor McKinnon can indicate how much is being saved during the year by dispensing with the part-time music teachers?

Mr. Commissioner: Mr. Chairman, it is impossible to relate this to precise dollar bills. What you are attempting to do, as Dr. Shields has indicated, you are attempting to up-grade the whole standard of qualifications for teachers. The average cost per teacher in the Yukon Territory has risen far greater than what the actual salary increases because as Councillor Dumas knows who sits on the Salary Negotiating Committee, it is our earnest desire to recruit teachers

Mr. Commissioner....

in the Class II and above area and dilute our recruitment program in Classes I and II so that the question that is asked by the Honourable Member as to how much absolute dollars are being saved at this time cannot be answered. There is no absolute dollar saving, in fact I would say there is an absolute dollar expenditure because in the process of eliminating or maybe not eliminating but diluting the numbers of teachers holding class I and class II certificates the cost of recruitment has gone up considerably and will continue to go up as we attempt to recruit and retain people in the teaching staff who have higher classification as a basic criteria of the recruiting.

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Mr. Chamberlist: Mr. Chairman, there seems to be a conflict there. The Chairman of the Financial Advisory Committee stands up and says the answer to this problem is money. Now, the question that I asked is related to money. Mr. Commissioner says we can't... what money it is. Well surely if the answer to the problem is money it follows, how much money, and this is what I am concerned about at this particular moment.

Mr. Dumas: Mr. Chairman, I can give an approximation. It is approximately \$16,000 saving for the school year.

Mr. Shaw: As far as I am aware, Mr. Chairman, there are no music teachers employed by the Territorial Government teaching any of the children outside of the City of Whitehorse and its environs. Not only has the City of Whitehorse a three man band on the Council, they also have a band in the City of Whitehorse. They have an instructor, they have instruments. Now, I do not think they even have a cymbal or a flute in any other part of the Territory. I have noticed that over the years but I had realized that it is a matter of a small population and a very expensive program and accepted the fact that we just did not have the money. Now, it appears that some member or members wish to extend the program that they already have here, which is a very good program which does not exist in other areas of the Territory in which the other members of the Territory have acknowledged the fact that it is large enough here to have a band or music and yet the call is for more which seems somewhat unreasonable to me. I do think that it would be wonderful if we could have piano teachers or flute teachers or what have you in all these areas. I think music is a wonderful thing for children to have. I wish that more people did take music lessons and it would be a lot better than to listen to these juke boxes all the time, but it isn't possible to have that. We just haven't got the money. What money we can get, what we can really squeeze out all goes to this metropolitan complex that you have here. Now that is all we can do and I feel that it is somewhat unreasonable to say give us more. So that is what I have to say on the musical education of the children of the Yukon and I hope that we will have some money that we can get some good square dance music going throughout the country and that can only be done by the school children.

Mr. Livesey: Do I understand correctly that it is the lack of money why we can't get musical education outside of this area throughout the entire length and width of the Yukon, is this correct, lack of money?

Mr. Chamberlist: Mr. Chairman, I wonder whether the Commissioner could indicate whether or not this is a precedent for all future years that the music programs will not be continued with in the manner that they have been in the past.

Mr. Commissioner: Mr. Chairman, I don't think that I would attempt to answer that with a yes or a no because it is going to be entirely dependent upon what extras that the Budget Programming Committee and Members of this Council deem are within their financial capabilities to provide and it isn't only a matter of the question of enriching the educational program with music. It may well be a question of enriching the educational program with many other things,

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Mr. Commissioner continues... multiplicity of languages and many, many other things that the program can and possibly should be enriched with so I think really that the question, if I may be permitted the opportunity, Mr. Chairman, is that a precedent that the educational program is not going to be enriched beyond this present austerity; I would say the answer is no, I am sure that the educational program will continue to be enriched not only with music but with many other fields and will be done as a consequence of when more and easier funds are available to do so.

Mr. Chamberlist: Mr. Chairman, this is just aside from the question of music and teachers of music in the schools. I think it would have been far nicer music for me if the Council had had this paper which, for which the question was asked April 14th, the answer is printed on May 20th and the date submitted, I sure would have been much happier if this had been done earlier, before there were certain resignations of members of the teaching staff who were interested because there could have been discussion with some of these teachers to take a different view of the position. There was no opportunity to explain to the teachers the remarks that for instance have come up at this table or any matters that I could have had the opportunity to question the Administration on. I think at this time Mr. Chairman, I bring it to the Administration's attention that far too often are we getting answers to our questions much later than they can be of any use to us in dealing with the subject matter and I think it is a criticism I am sure the Administration will accept because they must understand that we around this table cannot deal intelligently with subject matters where we haven't had the opportunity to delve into the matter. I would hope that Mr. Commissioner, Mr. Chairman, would take note of my remarks and do something about advising his administrative personnel that answers the questions be given as promptly as possible not only to help us but to help administration because then we don't get annoyed with administration. While I am on my feet the question in relation to the librarian that I would like to ask, I have read just the other day the standards of library services for Canadian schools which has been referred to in the first paragraph of the first page of this and I am quite in agreement that where the job only requires that of a library clerk, it would not be fight for the Territorial Government to pay qualified teachers to do simply a library clerk's job. It has been drawn to my attention Mr. Chairman that one librarian teacher who was asked whether she would take on her teaching facility, now this new policy was coming into being, whether she would want to continue to teach. She said yes, and she was given this new teaching job, but then it was brought to my attention that the job that she had vacated was filled by a librarian and I am wondering whether there was any reason for this to happen and whether this is the policy now of putting librarian teachers into positions notwithstanding remarks that are in the Sessional Paper. I wonder if the Administration could answer that, either the Commissioner or the witness, Mr. Chairman.

Dr. Shields: The teacher you are referring to, Mr. Chamberlist, taught between Christ the King High School, had looked after the library at Christ the King High School and Christ the King Elementary School, is now in Christ the King Elementary School. A library clerk handles the Christ the King Elementary School. A library clerk will handle the Christ the King High School, but a teacher may work with that library clerk or spend some time in there with him, but they won't be classified as a teacher librarian. We have other classes which will consume the majority of their time.

Mr. Chamberlist: All right Mr. Chairman, let us talk dollars and cents. How can we regulate those remarks that the witness has made when we are dealing with savings. Surely, if we are taking on extra bodies we add the amounts of moneys together; the amounts of moneys being paid out must be greater than that being paid out to a teacher librarian. Now could I have an explanation of that.

Dr. Shields: This teacher spent a half day at Christ the King High School and we do not have any program where a teacher now spends half a day at Christ the King High School in charge of a library and I don't anticipate it will happen.

Mr. Chamberlist: I didn't ask that question. I am pleased that without mentioning any names the witness recognized the situation of which I speak. I am talking about dollars and cents, not where a person will be at a given time but the amount of moneys that will be paid to additional people to do this job and the amount of moneys being paid by one person who is doing both jobs. Is there a dollar and cent saving, is it more efficient and where is the dollar and cent saving.

Dr. Shields: In the Classification with Personnel doing it we had teacher librarians acting as Clerks and now we have Clerks acting as Clerks.

Mr. Chamberlist: Mr. Chairman, with respect, I have asked for dollars and cents and I am being told about teachers and librarians and different classifications. I understand this, but dollars and cents, how much is the person who was teacher librarian, how much was she getting and how much now is the same teacher who is still employed and the three librarian clerks, what are they getting, the total of those three, was that less than the total of one.

Mr. Shaw: Mr. Chairman, I think that the Honourable Member from Whitehorse East has not perhaps considered that the teacher librarian at say a salary, I don't know what it is but is here some place, about \$9,000 a year as a librarian and her functions were mostly as a clerk. Now, this \$9,000 a year body takes the position of a teacher in a classroom at \$9,000 which was filled at that capacity and in her place you get possibly some one who is earning \$5,000 or \$6,000 or \$4,500. That was my interpretation of the changes. Am I correct, Dr. Shields?

Dr. Shields: That is correct.

Mr. Chamberlist: It is obvious that when what is referred to as a leading question is put to a witness he ...up to answer and this, Mr. Chairman is what the Honourable Member has put.

Mr. Chairman: I must remind all Honourable Members that this is not a Court Room and let us keep our ...

Mr. Chamberlist: I must remind the Chair, with respect, that the witness is here and the witness can be asked questions and I would ask the Honourable Chairman not to speak in such a manner, posing to a Member of this Council that asks questions in the interests of the public. Now, if we are going to have an argument let us have it right now. I am asking a proper question.

Mr. Chairman: Order, please, I would advise the Honourable Member that he is being held in contempt of this Committee.

Mr. Chamberlist: Ahhhh! cut out that nonsense you, do you want to get some salt on your head, call that contempt?

Mr. Chairman: Order, order

Mr. Chamberlist: Oh, go to blazes!

Mr. Chairman: Mr. Speaker, will you kindly resume the Chair?

CITATION
OF MEMBER

Mr. Chamberlist: I rise on a point of order. I don't know whether the speaker can resume the Chair until a Motion has been made for the Speaker to resume the Chair?

Mr. Speaker: Order. The point was made by the Chairman of Committees that Mr. Speaker do now resume the Chair is in order.

CITATION OF
MEMBER

Mr. Speaker continues...

I will now call the House to order. May I hear the complaints from the Committee of the Whole?

Mr. Taylor: Mr. Speaker, I cited the Honourable Member for Whitehorse East to be held in contempt of Committee for failure to pay attention to the Chair and by reason of not keeping his mannerisms and his speech parliamentary.

Mr. Speaker: May I hear the opinions of the various Members of the House on this point? The Chair has asked the floor for opinions on the question raised by the Chairman of Committees.

Mr. Shaw: Well, Mr. Speaker if you ask my opinion I would say that the Honourable Member for Whitehorse East did not sass the Chair back if we could put it in that term and that is not in conformity with the Rules of Committee, as far as I can go at this stage.

Mr. Speaker: Are there any further discussions on the question of disorder in Committee of the Whole.

Mr. Dumas: Well, I might say, Mr. Speaker, I have heard worse.

Mr. Speaker: How does the House wish to proceed on this question?

Mr. Shaw: Mr. Speaker, being a Chairman of Committees is a very difficult task and I think it behooves every Member, when the Chairman calls them to order, to take it in the spirit it is given and I think, and I know, I was in the Chair for some time previously and when order is called for I do feel that the Members should, with all respect, listen to the Chairman. If Members from time to time argue with the Chairman on a particular point, then we have rules which are not worth the paper they are written on and I think it does behoove every Member to, when the Chairman instructs them, to follow along accordingly. I don't think that this is an instance where anyone would go to jail for anything like that but it does bring out the fact that we have our rules and we should abide by them for the general well being and the betterment of the Council and Committee itself. Those are my remarks, Mr. Speaker.

Mr. Speaker: Is there any further discussion.

Mr. McKinnon: Mr. Speaker, I think that I have seen often in this House where tempers do fray between Members who are following a certain line of thought and the Chairman of Committees who may feel that the questions they are asking and the way that they are asking them does not really make the House a better place to be a part of and I feel that in the course of debate we have seen tempers frayed to a much greater extent than we did just a few moments ago and I think that both Honourable Members from the moment the Speaker took the Chair have calmed down considerably and we could continue the debate in Committee. I think perhaps maybe the Honourable Member from Whitehorse East should be rapped over the knuckles five times with a wet noodle and given a black star for his day's performances and we can continue work on Committee with the assurance from the Honourable Member from Whitehorse East because he is also an expert on Parliamentary Procedures that he will listen to the desires of the Committee Chairman from this point on.

Mr. Chamberlist: Mr. Speaker, I feel that I should rise here to point out to Mr. Speaker that Members of Committee are permitted to question witnesses and when the suggestion is made by a Chairman of Committee that this is not a Court of Law it removes from the intelligence of Members of this Committee the fact that they know that they are sitting in a legislature and it is not a Court of Law. We know this and the suggestion that is made by the Chairman, I would say, is out of order and that the Chairman should be the one that should come under discussion as to whether he is conducting

Mr. Chamberlist continues...

himself in a proper manner because surely, Mr. Speaker, it is quite within the bounds of a Member of this Council or right in Committee to put questions forward which are logical and reasonable questions. If the questions are not understood by the Chairman, I regret his lack of knowledge in these matters and therefore I humbly apologize to the Chairman for the lack of his knowledge and I can't do any more than that.

Mr. Speaker: I am sorry, that form of apology is not acceptable by the Chair. The Honourable Member for Watson Lake.

Mr. Taylor: Mr. Speaker, I can only say in this matter that this type of thing has gone on for three years and I felt, normally I declare a recess in order to cool things off and I have never found it necessary to take this action in the Chair, that is over....years. I might say that the question of a witness in this Chamber, it is my duty as Chairman of Committees for this House to ensure that the witness it not on trial in this House. He is here to answer questions and not to be harassed, may be the word; however this is not the reason for the contempt citation in Committee. It is a contempt citation for exactly what I stated, for just being contemptible to the Chair and all it represents.

Mr. Speaker: Is there any further discussion.

Mr. Chamberlist: I might like to close up with the remark I am not contemptible of the Chair, it might be possible that I hold the individual in contempt but of the Chair or this House, no!

Mr. Speaker: Is there any further discussion.

Mr. Shaw: Well, Mr. Speaker, regardless of who is in the Chair, whether it be the Speaker's Chair or the Chairman's Chair, one must respect the Chair regardless of who is sitting in it, it is not the individual and when one casts any aspersions either upon the Speaker or upon the Chairman it is addressing the Chair.

Mr. Speaker: Yes, I might say from the Chair that no business is possible as far as the House is concerned if either the Speaker of the House or the Chairman of Committee is not held in full respect and I do realize that, especially at the end of the Session and especially when at this particular moment we are winding up the period of three years in office of the House that it is possible for people and Members of this House not knowingly, but otherwise, to perhaps do things which they otherwise would not do and I would ask the Honourable Member for Whitehorse East to please give every opportunity to the Chairman to conduct the business of Committee of the Whole and to refrain, as far as possible, from any aggravation, any further aggravation at this point. And with those words I feel that this matter is closed.

Mr. Chairman: At this time I will call Committee back to order. Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think one of the points that the Honourable Member for Whitehorse East is trying to find out about is as to whether the one person who was moved from the job of looking after the libraries and two schools was replaced by two library clerks to look after the same job and I wonder if the witness could tell us this Mr. Chairman.

Dr. Shields: The clerical staff are already available in one school. The clerical staff was extended a half a day in the other school. There is a difference of about \$6,000 in the costs.

MOTION #3 Mr. Chamberlist: So that I take it, Mr. Chairman, there is an increase in costs as a result of this.

Dr. Shields: Savings in cost, I am sorry.

MOTION #11 Mr. Chairman: Have you anything further on Motion No. 3? Clear? All right, the next matter before Committee is Motion No. 11. Moved by Councillor Livesey and seconded by Councillor Taylor that the Superintendent of Education, Dr. Reed Shields be asked to attend in Committee as a Whole to discuss progress related to the establishment of higher education facilities on the North Alaska Highway. It is also related to Sessional Paper No. 32. Councillor Livesey.

Mr. Livesey: Mr. Chairman, as all Members of Committee know there were three important and distinct meetings on the Alaska Highway between the last Session and this one in which Dr. Shields attended with Mr. Ferby to discuss with the parents at Beaver Creek, Destruction Bay, Haines Junction and intermediary points the question of higher education on the northern Alaska Highway and to ascertain by the record of the views of the parents what they wanted on the north Alaska Highway as far as higher education is concerned. All Members realize there is no higher education on the North Alaska Highway at the present moment and although there are a considerable number of families in that area no facility for teaching those families in the community exists. The whole thing has been a very upsetting sequence of events over the last decade or more and I felt that it is high time that this situation was cleaned up. During those meetings the Superintendent of Education and I and others listened to the views of the parents and it was more than obvious that a form of higher education was necessary in those areas to look after the needs of the people. The points raised were, I think, as far as the Beaver Creek parents were concerned, they would be quite happy with a secondary school of education at Destruction Bay. They would be quite prepared to let their children to to a school there. However, when we went up to Destruction Bay there was a delegation from Haines Junction and Destruction Bay people agreed also that it should be at Destruction Bay; however the delegation from Haines Junction pointed out that, I suppose, knowing the time elements involved in government decisions and how if you want something done you might have to wait a year to get it into operation. They felt that grades nine and ten should be established in Haines Junction in the interim period between now and the time when a secondary school was established at Destruction Bay. Well, my question to the Administration, in my estimation, was not primarily a question related to the problem of junior or senior high schools in the Yukon. My question was in relation to the establishment of a higher form of education on the North Alaska Highway, between Whitehorse and the border, and I am sorry to see that Sessional Paper No. 32 deals I think more in a generalization than it did with the specific question. Now it seems to me that the recommendation which is as follows, as the end of page five, none of which the previous four pages deal with in any specific way; a junior secondary school be established on an experimental basis in 1971-72 at Haines Junction, for two years to include Grade Eight from Haines Junction, Nine and Ten from the three Communities on the Northwest Highway, the efficiency and adequacy of the school be evaluated yearly that the wishes of the Northwest Highway communities and the reports from the Department of Education be reviewed prior to consideration for the building of centralized school facilities at Kluane Lake. Now, what are they talking about here? The people of Haines Junction....the people of Destruction Bay and Beaver Creek are worried about next fall, this is what they are worried about. They want to know what they are going to do with their children next Fall, so they say, Haines Junction will have this in 1971-72 and I presume that this is the budget period which is going to extend the Haines Junction suggestion for another three years. And we won't get it until 1971-72 even at that; so we are not talking about next fall at all. What we appear to be talking about is next year! That is what I would think, 1971 which I presume

Mr. Livesey continues...
is after the Spring Session and after the possibility of discussing the next financial agreement with the Federal government... If you are going to talk about 1971-72, does that mean that after all the problems that will arise at that time that they are going to have a situation already cleared up by the fall of 1971. I haven't seen things work that fast yet so I would say this is suggesting 1972....a two year program, which is three years from now before that program will be over so therefore what this means to me is that Beaver Creek and Destruction Bay will see no higher form of education in either area for about three years from now and I suggest, Mr. Chairman that this is far too long and has nothing to do with the questions that we discussed it is much too distant. What we are after right now is that we want some.....that is what was stated time and time again and we want some action now. After all this is June and the parents along the Alaska Highway are going to have to figure out what to do with their senior children this Fall and they want to know. This is the same problem we get from year to year over the last decade or so. It hangs on and hangs on and on and the next thing you know they will have to move, this is what will happen. So you upset the whole community. You get people going hither and yone and then it all settles down again like a dust storm. And then they start off and they run into the same problem and the same dust storm starts again, every summer, every spring, the arguments are there. I know. I have listened to them on a continuous basis and I recommend Mr. Chairman to the Committee that we get something done with a little better basis than what I see in this recommendation. I don't think this is going to satisfy anybody, no one at all. Now, if this is the case I wonder if I could ask the Superintendent of Education as to the question now of what is stopping the program of going into operation. Is it once again a question of money, no money, we can't operate? There is nowhere we can go, we can't provide higher education on the North Alaska Highway. I think it is the only place in the Yukon that hasn't any higher education facilities where that number of people are involved, nothing. Now we have on the south leg of the Alaska Highway, we have highschool facilities at Watson Lake, and the north leg of the Klondike Highway we have high school facilities at Dawson and Mayo but from the north leg of the Alaska Highway, from Whitehorse to the Border there are no junior or senior grades, none, nothing. This is the place which needs some action. I just want to ask this question, Mr. Chairman, is this the case, no money, is this the answer?

Dr. Shields: As far as Education budget, it did not include either O & M or Capital consideration for changes at the Haines Junction community . to initiate a school in 1970 or 1971.

Mr. Livesey: So the answer then, Mr. Chairman, is that there is no money, no funds. So we go through the same procedure once again, this year. We upset everybody. We've got to move around the country or the children have to leave home and maybe they have got to go to places where people don't want to go, the parents don't want them to go and I would suggest to Committee that this is far too slow, far too slow. I personally don't feel that this is the answer. I'd like to hear from other Members of the Committees.

Mr. McKinnon: Mr. Chairman, what are the projections for the students that would use the Grade 9 and 10 facilities at Haines Junction from Destruction Bay, Haines Junction and Burwash should a junior secondary school be established?

Dr. Shields: Mr. Chairman, this question was a general question. I filled in a report on the Northwest Highway but it was not included specifically in this one because this question included all outlying points in the Territory. But there has been a report specifically in the meetings of the Northwest Highway and a recommendation for it.

MOTION #11

Mr. McKinnon: Do we get these breakdowns of the number of students from these areas on the North Highway that would be using the facility in Haines Junction were it built? I think another pretty important question is, I know that many parents, and this is one of the problems that I hear. I think there is not a community in the Yukon that I don't visit that I don't hear that they want their children educated in a community as far as they can go and as far as it is economically possible. They don't intend, if there is only one or two students that you can provide the facilities for higher education there but where the student population does warrant it that further educational facilities should be established, and I am in agreement with this philosophy and I have no objections of the establishment as quickly as possible of a higher educational facility on the Alaska Highway if it could be proven by the projection of students that such a facility is necessary and I certainly would like to see the figures on the projected school enrolment in this area.

Mr. Livesey: I would like to add, Mr. Chairman, that the whole, the beginning of page one is a misnomer, in my opinion. It says on April 15th, during the 1970 Council Session (2nd) Mr. Livesey asked the Commissioner to undertake a study respecting the necessity for secondary education at outlying points in the Territory. I was not on my feet at that time to talk about any outlying points in the Territory. The discussion was about secondary education on the north Alaska Highway. That is precisely what it was, and this is what I got as an answer.

Mr. Commissioner: The figures as requested by the Honourable Member, Councillor McKinnon, they can definitely be provided and certainly were part of the background for the total concept and I am very sorry Mr. Chairman that the Honourable Member who raised this questions takes exception to the fact that this information is brought forward for all outlying areas in the Territory but at the time the discussion was underway I rose and pointed out that the problem of the provision of higher or secondary education exists not only on the north Alaska Highway but in many other points in the Territory and that is where the so-called misconception has arisen. Now, there is a point in time when Councillor McKinnon exactly hit it right on the head when he said that where the student enrolment justifies it and I think that this is really the question, the answers that Councillors want to see; what is the justifiable student enrolment for higher educational facilities to be provided and to what level can they be provided. The general policy as initiated by this Council many years ago has been followed without fail and it is to provide the highest possible and practical level, grade levels in every community in the Territory when the student population justifies it. I doubt very much, Mr. Chairman, if Dr. Shields has these student population figures along with him now. He may have them and I am not aware of it but they can readily be obtained.

Mr. Livesey: Yes, Mr. Chairman, in defence of Dr. Shields I will point out that Dr. Shields provided each meeting with the figures and Members and parents joined in discussion at these meetings also pointed out that we have quite a number in Whitehorse at the moment that are going to schools in Whitehorse.

Mr. McKinnon: Mr. Chairman, a point of policy, is this mandatory if secondary education facilities are provided in the community that those students attend that facility. I am thinking of a secondary school being built at Haines Junction, then would a person from Beaver Creek who wanted secondary education have to go to the school at Haines Junction, rather come to Whitehorse because there is the other side of the coin too from parents, I hear, that would rather the children be at the larger facility where there are more options, if they are going to have to be away from home anyway. I think in all fairness that all sides of this argument should be aired before Committee.

Mr. Commissioner: Mr. Chairman, attendance areas are mandatory. Whatever area that the grade level is provided in, the student who lives in that area must attend there.

Mr. Livesey: Mr. Chairman, this was explained by Dr. Shields to the people at all three meetings and I believe that we certainly heard conclusive recommendations by both on what they require and I wonder if Dr. Shields could provide Committee with the results of our three meetings on the Alaska Highway.

Dr. Shields: I don't have the report with me, Mr. Chairman but the report has been completed and I could have it for you in a few minutes, or whenever you wish.

Mr. Chamberlist: Mr. Chairman, what I would like to know and it is a case of dollars and cents again. I wonder if the Administration has any way of saying how much money is being spent now on transporting and keeping the children from outer areas in the Whitehorse area to receive their high school education and how much of this money would be saved if there was a facility set up in let us say Haines Junction. It would appear to me that there must be some costs involved even in the transferring and housing of children, let us say from Beaver Creek at Haines Junction. I wonder if I could have an answer to that.

Mr. Commissioner: Mr. Chairman, this information, with certain limitations, can be provided but I think that Committee must bear in mind that it is not always a question of absolute costs; it is a question as to whether or not a satisfactory school program can be provided when the numbers of boys and girls are very limited in the higher grades so that we will gladly supply this information as requested by the Honourable Member, but I would ask the Committee to bear in mind that it is not always a cost of absolute dollar bill. I may say that as a rule of thumb, costs for educational purposes are approximately \$1,000 per pupil per year for the operation and maintenance cost of the Territorial school system. It costs, depending on the dormitory facilities, but I think the hostels in Whitehorse are about as good an example as we have of where a dormitory facility is provided, the costs are generally in excess of \$2,000 per pupil per year to provide the dormitory facility. Now I think Dr. Shields may have a more finely defined figure for the last item but as a rule of thumb I think this is a reasonable figure for that type of dormitory facility.

Mr. Chamberlist: I wonder Mr. Chairman if the Commissioner can indicate if he has at any time obtained the cost of providing a facility in the Haines Junction area, a structure, and what would have been saved if a structure had been built two or three years ago and the F.H. Collins School, for instance, not been expanded to the size that it is expanded now. I don't know if there has been anything done.

Mr. Commissioner: Mr. Chairman, I am sorry that I was not in the administrative arm of government at the time that the decision was made for the expansion of the F.H. Collins school. It was done around this Council table and I am sure that the Honourable Members who sat here at that time were provided with satisfactory and ample information that satisfied them that no matter what happened with the secondary school facilities in other communities in the Territory, the F.H. Collins' expansion had to take place in any event. I am quite confident that that assurance has already been given to the Council at a prior date, Mr. Chairman. We are certainly prepared to attempt to satisfy the Honourable Member's question in this regard.

Mr. Dumas: Mr. Chairman, in a discussion like this we just have to say it is going to cost a lot of money if we are going to go ahead with this school system on the north Highway because you are still going to have to transport students from Beaver Creek and Kluane and all along the Highway and pay the room and board, or help to pay for it while they are at Haines Junction, which is what we are doing now with the students. The number of students who will not have to move will probably be about fourteen or fifteen, I would suggest, in the Haines Junction area. The Capital outlay, it was suggested by the

MOTION #11

Mr. Dumas continues...

Superintendent of Education, would be somewhere in the neighborhood of \$200,000, I think, for the type of buildings that would be required to go ahead with this program, so we have to look at this thing, rather than on the money basis, we have to look at the merits of education in the districts.

Mr. Commissioner: Mr. Chairman, with respect, I would like to suggest that there is no monetary advantage to be gained at all as it is a simple question. If we are going to recruit and retain a stable work force in any community in the Territory, we have to do our utmost to provide municipal services at a level that is acceptable to the people who we want to live in that community and one of the first municipal services and the first considerations that any family, or an individual, whether he will come and stay in a community is the level and the standard of the educational facility provided. The question is, can we provide the educational facility up to a satisfactory level and can they be maintained at an acceptable standard in such communities as we are talking about here now - I believe ultimately it is Destruction Bay, in the Kluane Lake area. This is really the criteria. I beg Council to have to accept the fact, Mr. Chairman, that there will be no monetary savings of any kind. It is not going to cost anything less for a boy or a girl who lives at Beaver Creek to be roomed and boarded at Destruction Bay than what it is going to cost to room and board him in the City of Whitehorse; it is going to cost just as much money and maybe a little more. So, it is simply a matter..I think as a government we have certain basic obligations in the community and one of them is to provide the highest possible standards of services to permit us to recruit and retain a stable force that we want, particularly in the hinterland of the Territory. I am positive that I speak for my Administration and I am sure I would echo what all Members of Council would...that wherever it is practical and possible to have these higher educational facilities they should be provided. The question before us right now, Mr. Chairman is, can they or can they not be provided satisfactorily for September, 1970 and the advice that I have from the Department of Education is that they cannot be satisfactorily provided for 1970. They can be satisfactorily provided and it is recommended that they be provided for September, 1971.

Mr. Livesey: Mr. Chairman, what we are talking about is a high school at Destruction Bay in 1973, so they are going to provide.... When we had this meeting at Haines Junction and Destruction Bay a delegation from Haines Junction pointed out that while the government is getting the wheels in order and getting all the various accommodations fulfilled and provided, they would have Grade 9 and 10 at Haines Junction. They did not say set up a High School at Haines Junction. They said they wanted Grades 9 and 10 at Haines Junction, exactly that. However, they did not say they wanted to wait until 1973 before you started something at Destruction Bay. This is still only 1970, that is three years from now and that is not fair thinking. I am pretty sure on that. As far as any relief to the situation is concerned, I can assure you that the only reason they are talking about Destruction Bay is because it is a more centralized location than any other place on the Highway and even now, Haines Junction of course is only 100 miles from Whitehorse and for the people at Beaver Creek it is 300 miles. That is a totally different situation altogether. I personally feel, Mr. Chairman, that any question of waiting three years for this type of facility is just going to cause more problems than ever, that is the size of it. Instead of having an interim period at Haines Junction, while the Territorial Government is making up its mind what it is going to do at Destruction Bay, well you are destroying the whole thing and

Mr. Livesey continues...
no relief for three years. This is what it amounts to. You can figure it out for yourself. The people on the north Highway pay enough as it is; if they want hospital services it is 300 miles, if they want high school services, 300 miles; if they want justice it is 300 miles. That is the whole thing. This is exactly what they have to put up with. Now you are talking about the establishment of business and establishment of government operations in the outlying areas. I don't know how you hang on to your staff or even in some instances how you get them appointed where there is no consideration for the problems along this line at all, no consideration. People that we meet in these outlying areas won't go out there if their young people are going to want to go to high school in a few years. They say, no, Mary has to go to high school. We are not going out there. So what do we get, certainly we cannot attach ourselves to the area of people who would ordinarily be willing to go to these outside areas and stay and live there if these services were provided and I think, Mr. Chairman, this idea of putting this off for three years is a most disappointing answer to the question that I raised as a serious issue and it is not the first time I have raised this question. I have raised it over the years and still even now. You are telling me that we are going to have to wait another three years to get something established here. If this Hudson's Bay Mining and Smelting goes ahead, and I understand they are going to go ahead at Mile 1111. My information is they are going to put up a concentrator there and of course some people naturally say no, all they will do is employ single men. I don't believe any such thing. I have heard figures of at least, approximately, twenty-seven children. This is the figure I have heard, 27, 26, 24, 18 to 31. I would not know what it will be and I don't think anybody else does but if you are going to employ 100 or 115 men in this day and age I don't think you are going employ that many there, that is for certain. You are going to be employing married men and a school will be needed. So they are going to need more than this. They are going to need more than the facilities they have at Destruction Bay now, not only for the high school but for the elementary school as well. How are they going to get along with the present enrolment there. Let us take a look once again at Beaver Creek School; 49 students there and we don't have any mine established out there at the moment but there are still 49 students. This is a problem and I don't think, Mr. Chairman, that this paper is solving the problem at all.

Mr. Chamberlist: Mr. Chairman, I can't understand why the figures aren't available on this paper, what is the need pupil-wise. What is the projection. How can you discuss this unless you know how many children are going to be involved in this?

Mr. Livesey: Mr. Chairman, this is what I say, the Department of Education have these figures and they were supplied to every meeting at Beaver Creek, Destruction Bay and Haines Junction, every meeting got these figures. I don't see why we can't have them now and the Sessional Paper certainly didn't give us - it has just a little bit of a line at the end of it on a very important issue and didn't deal with the question at all in my opinion. I would respectfully suggest, Mr. Chairman, that these figures be provided for Committee, the figures we want, enrolment figures and all the figures that were provided for the parents at the three meetings on the Alaska Highway.

Mr. Chairman: Any further requirement for Dr. Shields at this time?

MOTION #11

Mr. McKinnon: Mr. Chairman, one final comment. We are in a bad position here and it does not matter how much Council does not like it but it is pretty impossible for us to commit and negotiate a budget now for capital expenditures in either next year or any one of the next three years no matter how desirable we feel a program should be instituted in educational facilities on the north Alaska Highway and I would be the first to come to the defence of the Honourable Member for Carmacks-Kluane and say that I don't know of a Session that I have been on this Council that he has not raised this problem of higher educational facilities on the north Alaska Highway and if the projections can be shown that such a facility is necessary, that it should be built, probably maybe in Destruction Bay; if the commitment of the parents are that they would rather send the children north on an experimental basis seventy miles to Destruction Bay rather than 100 miles into Whitehorse, I would be the last one in the world not to go along with this type of thinking and the first one in the world to agree with the parents in the Carmacks-Kluane area and try and in future years negotiate monies from the Federal government so that these facilities can be built. I am sure the Honourable Member can appreciate the problem that Council finds itself in as its term is just about to expire in another week in committing future Councils to this quite substantial amount of capital expenditures in the future on an unnegotiated budget.

Mr. Livesey: Mr. Chairman, I am worried about next Fall. I want a better answer than this.

Mr. Chamberlist: There is no way, Mr. Chairman, with respect, that anything can be done to help the situation next fall. We cannot do anything about it now, Mr. Chairman, as Councillor McKinnon has just said. There is no way out of the situation. As Councillor McKinnon has said we have no way of committing next year's situation.

Mr. Commissioner: Mr. Chairman, the general philosophy of the Federal Government with regard to the provision of money to the Yukon Territorial Government for capital purposes to create school facilities is one that all we have to do is show that there is a pupil requirement and we are given the money. I am not aware of any occasion that we have been even asked to cut back any way, shape or form; all we have had to show is that our pupil projection was realistic and reasonably provable and we were given the money to build the schools. Insofar as Haines Junction, Kluane Lake, the north highway system is concerned, if we can show that there is indeed a pupil enrolment where it is practical and possible to have a standard of education facility that is acceptable in the eyes of the curriculum requirement this day and age, we will not run into any difficulty in getting the capital from the Federal Government. However, I think myself that the whole nub of this question is, is there, before September 1971, an adequate pupil enrolment to even embark on the venture? Now, this is really the criteria. Is my knowledge correct on this, Dr. Shields. We will supply these figures to the Honourable Members here and at that point in time I am quite confident the question is answered. The provision of facilities as indicated in this paper is the date at which the pupil enrolment will justify the creation of it on the basis outlined.

Mr. Shaw: Mr. Chairman, there is one thing I wonder about at times and I think it is a good time to raise this question to Dr. Shields. Are teachers so specialized now that, and I am referring to smaller communities such as referred to in the discussion in progress right now, that a teacher can go into a community at Haines Junction or Destruction Bay and teach say Grades 8, 9 and 10, or teach 10, 11 and 12? Do they just all have to teach one grade, eleven, twelve, or eight; it appears to me that in the past, and we got some very

Mr. Shaw continues...

MOTION #11

learned people in the course of Canada's history where they went to one-room schools and had eight and nine grades and only one teacher and possibly it is still in effect in some areas. Can't the teachers teach Grades 8, 9 and 10 or 10, 11 and 12 with only one teacher and have a class of ten pupils?

Dr. Shields: I would suggest, Mr. Chairman, that the educational program would be quite diluted but with the pupil-teacher ratio in conclusion number one we suggest that when the enrolment figures in 7, 8 and 9 the preceding year reached 14 students per grade that would mean that we would have in 8, 9 and 10 the next year 42 students as a minimum. We could handle a program like this with approximately 2.5 teachers and I outlined a curriculum here which we would present. It would not be as broad as in Whitehorse but it would be a sound curriculum. There are teachers who are diversified enough to teach all of the language arts and all of the science arts and I believe that we can recruit this type of teacher and the market is now, the market is in favour of those doing the recruiting at the present time and will be for the next decade.

Mr. Shaw: Mr. Chairman, perhaps we are getting too arty about this. We should get down to the reading, writing and arithmetic part of it. There are many people in the Territory, perhaps not too many, but there were when I first came into the Territory, who took correspondence courses and went on to University from those correspondence courses. There was nothing wrong with that. You don't have to have a great, big fancy building to turn out an intelligent Canadian citizen and are there not many programs where you don't have to have physics or this particular art course. I think if we take the average of the student who started school and finished up in the, passed grade twelve departmental examinations; you will probably find the drop-outs at about 50% in any event, or even more than that, maybe 60 or 65%. So, what we are doing is providing an enormous structure possibly where many students don't necessarily want that big structure or all these varied courses. There are many people in the Yukon, Mr. Chairman, who have said to me, and I agreed very much with it, they said I didn't want the academic course part of it; the big benefit to me... they have told me Mr. Chairman, that the greatest thing we have instituted in the Yukon Territory, or between us and the senior Government, was vocational training. There are many, many children and possibly the majority, as I think the statistics will prove, that do not wish and have no desire to go on to extreme high academic learning. They do want to get their eight or ten, sufficient to permit them to qualify for vocational school. This vocational school here is the best thing we ever had in the Yukon and perhaps we should get down to more reading, writing and arithmetic, as I say, because it does not appear to me that the fancy courses are producing as they should be producing.

Mr. Livesey: Mr. Chairman, what the Committee may not know is that there are two schools at Haines Junction right now and one had to be abandoned, of course, because it was too close to the settling pool from the sewage system when it was built and surrounded by private property and there was no way of expanding it. That is why the other school had to be built in an area where it could have been expanded. But these two buildings are there and the first school that was built in Haines Junction by the Territorial Government is now being used as quarters for teaching staff, but it is still a school. That is what it was and was built for and that is why the Advising Committee of the school, to get around the usual malarky that nothing could be done

MOTION #11

Mr. Livesey continues....

suggested that what should be done was to look for other quarters for the teaching staff and use the school which is now being used as quarters for the teaching staff as a means of providing higher education that they need there. That was the reason they were doing it, because they know perfectly well, and have heard the argument time and time again, there is no money. What they did is they went out of their way to try to eliminate this opposition which they knew they were going to get anyway, on that basis and I think they went around it in a very sensible manner. What they wanted was buildings off the Experimental Farm after the Department of Agriculture pulled out of there and I raised this question also before the meetings on the Alaska Highway and when did I get my answer; about three or four weeks to a month after the paper was needed, long after the Session was closed and in fact the last Session was so far in the moth balls when I got the answer there was no possible way in which I could have used the information I finally did get as to the recommendation with regard to the Experimental Farm. This is going on on a continuous basis but this is why they wanted, for instance, the home on the Experimental Farm, perfectly good enough for anyone, including the finest teachers in the country, that home at the Experimental Farm. And this is what the Committee, the School Advisory Committee recommended. This is the reason they raised it; trying to get around this objection. This was their idea and I didn't blame them, good strategy but it does not seem to work in other areas where the control is and that is the problem. I want Committee to understand this, Mr. Chairman, that there are two schools at Haines Junction right now and the other school, in my estimation, apart from the main one, can certainly be used for a high school and accommodation for the teachers can be found elsewhere if necessary. However, we are not talking about this, apparently now. We are talking about 1973 and that I think is very disappointing.

Mr. Chamberlist: Mr. Chairman, I have two questions to ask the witness. My first question is, can the witness indicate what was the percentage of failures of Departmentals in the Dawson City school.

Dr. Shields: This year?

Mr. Chamberlist: This year.

Dr. Shields: August is the time that the reports come out on the success of the June, 1970 grade twelves, Department of Education.

Mr. Chamberlist: Well, couldn't the witness give any indication of last year, the percentage of failures?

Dr. Shields: I'm afraid I could not give that answer at the present time.

Mr. Chamberlist: I suppose the witness is aware of what the failures were?

Dr. Shields: I am aware there were failures, but the exact percentage I would be guessing.

Mr. Chamberlist: I have another question. It has been brought to my attention, Mr. Chairman, that any student that attends school and has not been taking an academic course, when he reaches grade ten and then decides he wishes to go on to University, he has to lose one grade and go back again before he can take the academic course; is this correct?

Dr. Shields: With the use of flexible programming which we use, he would lose some time but he would not lose a grade; he might have to make up a subject or two but this can be done in a one school year.

Mr. Chamberlist: Thank you.

Mr. Chairman: Have you any further questions for Dr. Shields?

All Members: Clear.

Mr. Chairman: Thank you Dr. Shields....

Dr. Shields exits.

Mr. Chairman: What is your further direction at this time.

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

Mr. Dumas: I'll second the Motion.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10.35 A.M. to discuss Bills, Sessional Papers and Motions. I can report progress on Bill No. 6. It was moved by Councillor Shaw, seconded by Councillor Livesey that the three Members representing the Whitehorse area be appointed to be the Members representing the Council on the Steering Committee on the Extension of Whitehorse City Boundaries. This Motion carried. Committee recessed at twelve noon and reconvened at 2:00 P.M. Dr. Reed Shields attended Committee to discuss matters related to education. It was moved by Councillor Gordon, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? May I have further indications of the Agenda for Thursday.

Mr. Taylor: Mr. Speaker, in respect to the Agenda we have several Bills and I believe Sessional Papers that have not yet been dealt with, to deal with on Thursday.

Mr. Speaker: Are there any further additions to the Agenda for Thursday morning? Is there any further business?

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

Mr. Speaker: Adjournment has been called. Are we agreed? The House now stands adjourned until 10:00 A.M. Thursday morning.

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Moving to Motions, Motion No. 12, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse North, "That the present name of the Dawson Elementary-Secondary School be changed to the Robert Service Elementary-High School". Would the Honourable Member for Dawson be now prepared to move Motion No. 12? MOTION #12

Mr. Shaw: Thank you, Mr. Speaker. This is a fairly simple request to name one of our educational institutions after a very distinguished citizen, a former citizen of the Yukon. It's the only time in that particular area that his name is used, with the exception of his cabin. The government certainly has never recognized him in this particular area by officially naming any institution after him. I think this is most appropriate. But, further to that, I have made another change there, Mr. Speaker, to put High School, Elementary-High School, instead of Elementary-Secondary School. It cuts down on a lot of words and I think it's more indicative of what the school actually is. If you asked a student, "Are you going to school?", he would say, "yes"; "what school are you going to?", he would say, "I'm going to high school". I cannot recollect people saying, "I'm going to secondary school", and yet for some reason or other it seems to be quite a fad to call them secondary schools. I think perhaps the more common usage is high school rather than secondary school, so I have made a slight change there. That is about the sum total of this, Mr. Speaker. I would certainly be very pleased if Council would concur with this very innocent motion.

Mr. Dumas: Mr. Speaker, I tend to agree with the motion, with naming this school the Robert Service School. It's a good idea, but I certainly can't agree with calling it a high school. This is a throw back from the dark ages. The terms that are now used for schools on the secondary level are secondary schools all across Canada, and I think for us to revert back to high school would be a bad move. I can agree with the naming of the school the Robert Service School, but I can't agree with the high school part of it.

Mr. Speaker: Is there any further discussion on Motion No. 12?

Mr. McKinnon: Mr. Speaker, I see two motions here. We have a motion by Councillor Taylor that the new school at Faro be named the Vangorda School. Why can't we name the school at Dawson simply the Robert Service School? Why does it have to be the Elementary-Secondary or Elementary-High School? It's just thrown in to confuse the issue at any rate.

Mr. Speaker: To whom is the question addressed?

Mr. McKinnon: I would like to ask the Honourable Member from Dawson whether he would be prepared, if an amendment were moved, to simply call the school at Dawson the Robert Service School, or is that just too simple for everybody to understand?

Mr. Shaw: To answer the question, Mr. Speaker, I would be very pleased to accept that change. I can't change the motion myself, but in answering the question, I have put that because it seems to be a habit to include all these things in the name. I'm quite agreeable to that, Mr. Speaker.

MOTION #12

Mr. Chamberlist: Mr. Speaker, I would suggest that Members of Council give permission to the Honourable Member from Dawson to change his motion himself and accept it as such.

Mr. Speaker: I'm sorry. Any change by the originator of any motion is completely out of order.

Mr. Dumas: Mr. Speaker, I would like to move an amendment to the motion. I move that the words "Elementary-High" be eliminated from the motion so that the motion will now read: "That the present name of the Dawson Elementary-Secondary School be changed to the Robert Service School".

Mr. Chamberlist: I would be pleased to second that, Mr. Speaker.

Mr. McKinnon: Ah, another earth-shattering problem solved.

Mr. Speaker: Order, please. If I have the motion correctly, it has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse East, that the words "Elementary-Secondary" be removed from the Motion No. 12 ...

Mr. Dumas: Point of order, Mr. Speaker, "Elementary-High" would be removed. The change that was requested was that "Elementary-High" be removed.

Mr. Speaker: The motion now reads, the words "Elementary-High" be removed from all the words after the word "the Robert Service Elementary-High School". Am I now correct?

Mr. Dumas: Somewhere in the area.

Mr. Speaker: I wonder if the Honourable Member would mind providing the Chair with the motion in writing, please. I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: I will now call the House to order. It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse East, as an amendment to Motion No. 12, that the words "Elementary-High" be removed from Motion No. 12, so that the motion would now read "That the present name of the Dawson Elementary-Secondary School be changed to the Robert Service School". Is there any discussion on the amendment to Motion No. 12?

Mr. Shaw: Just one small point, Mr. Speaker. I think that it's a wonderful way to settle an area of conflict by taking both of the areas out. I think I am quite in agreement with the alternation.

Mr. Speaker: Question has been called on the amendment to Motion No. 12. Are we agreed? I will declare the amendment carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Is the House now prepared to ask for the question on Motion No. 12? Question has been called on Motion No. 12. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #13

Mr. Speaker: Motion No. 13, moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, "That Sessional Papers No. 33 and 34 pass into Committee of the Whole for discussion". Would the Honourable Member for Whitehorse East be now prepared to move Motion No. 13? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 14, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson, "That the new school at Faro be named the Vangorda School". Would the Honourable Member for Watson Lake be now prepared to move Motion No. 14?

MOTION #14

Mr. Taylor: Yes, Mr. Speaker. As Members of Council are aware, we now have a new school in the community of Faro, and a name has been sought for this new school rather than calling it the Faro School. The name selected was the Vangorda School as contained in the motion. This is named in honour of a very colourful and active old-timer in the area, on the Upper Pelly, during the early part of the century. He was in partnership with another very colourful old-timer of the era, Iver VanBibber. They freighted, trapped and prospected along the Pelly River in that particular area, and possibly Mr. Vangorda could well be one of the first prospectors in that immediate area. It is for this reason and it's only fitting that the school be called the Vangorda School.

Mr. Speaker: Is there any further discussion on Motion No. 14? Order, please. Question has been called. Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 15, moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East, "It is the opinion of Council that a \$75,000 grant towards the building of the Y.W.C.A. in Whitehorse be made available from the Yukon Consolidated Revenue Fund in the 1970-1971 fiscal year. This grant to be considered the total grant from the Government of the Yukon Territory towards this project and will be made only upon satisfactory completion of major financial arrangements between the Y.W.C.A. and the C.M.H.C.". Would the Honourable Member for Whitehorse North be now prepared to move Motion No. 15?

MOTION #15

Mr. McKinnon: Question.

Mr. Speaker: Is there any discussion on Motion No. 15?

Mr. Taylor: Mr. Speaker, in all honesty I couldn't sit and hear the question called without noting that there are many areas of the Yukon Territory where there are better ways to spend the \$75,000, if this \$75,000 is available. Now, we debated this at some length at Watson Lake when Council last sat at that community. I can think of many projects in my area that are wanting, and I'm sure in other areas of the Yukon, other Members are in the same boat. I do not feel that this is a wise expenditure of public funds at this time, especially in view of the fact that we do have these needy projects in the other areas. Consequently, my vote will be contrary to this motion; I will oppose it.

Mr. Dumas: Mr. Speaker, I think that the Honourable Member has tried to give the impression that this money is money that is being handed out as a gift and being thrown down the drain, and for which there will be no return to the Territory. Mr. Speaker, I would like to remind Council once again that the total investment for the building that will be going up in the Whitehorse Area is approximately a million dollars, a little more, that the residence will be used primarily for single girls coming into the Territory and coming into Whitehorse from all areas of the Territory. I think that the \$75,000, Mr. Speaker, is very well spent.

Mr. Speaker: Is there any further discussion on Motion No. 15?

Mrs. Gordon: Mr. Speaker, I'm torn between two loyalties today. I fully agree with the concept of the Y.W., and I think when I spoke last on this subject in Watson Lake, I asked if any priorities had been removed from the budget that could be reinstated. I can name one, a \$10,000 repayment of capital that has not been made in my district, and they need that \$10,000. I fully agree with the concept

MOTION #15

Mrs. Gordon continued ...

behind the Y.W. I have made personal contributions and intend to make further contributions to it, but one of the things that I deplore in this Territory today is that we're not looking after part of our major capital, our young people. We need Social Workers in the outlying communities; we need leadership training; and if we're ever going to make decent citizens out of our upcoming generations, I think possibly \$75,000 would go a long way right now. I can see that you say, "Oh, this isn't capital, this is O. and M.". If our young people aren't our capital for the future, I don't know what we can consider them. This is what they have to be. We certainly lack leadership training and Social Workers in our outlying communities. As I say, I'm torn.

Mr. Shaw: Mr. Speaker, this \$75,000 was money that had been put to one side in the first instance to create accommodations for students going to Vocational School in Whitehorse, so in this particular instance, this capital cost to go towards accommodations in which these students can later utilize, I do not think is particularly out of line. I am willing to go along with the motion, Mr. Speaker. At the same time, I do feel that this project -- it does appear to me, and I may be wrong -- is somewhat of a grandiose and I have quite some trepidations about later operating costs of this institution. I may be wrong in that, but I also feel, Mr. Speaker, that the Territory isn't really in a position to spend large amounts of money to finance institutions. We're not in the same position as the provinces are with the same amount of capital money. We are in an entirely different position. Where a third of an institution or a third of the costs, or a quarter of the costs, as it has been stated that some of the provinces do give in grants to these organization, both Men and Women Christian Associations, that's not a large amount when they're taking in millions and millions of dollars, but to the Yukon Territory, it's a pretty big expenditure. I just hope, and I wish it every success, but I still feel and I'm very concerned about what might happen in the future in the way of who is going to pay the shot if it doesn't pay. I think that this organization must be now in the position that it is going to be up to them to make this operation work or to fall on it, and that further continuing operation grants should not be given. That's, of course, another story. However, I will concur with the motion, Mr. Speaker, and I certainly hope that it does work out.

Mr. Chamberlist: Mr. Speaker, I have made my position clear on the funds to be allocated for this particular purpose on the basis of what the Administration has indicated that there is no further need of these funds during the fiscal year of 70/71, and I of course will go along with the motion. The sociological needs of the Territory, they will be filled by the Y.W. organization, and certainly there are areas of the Territory, especially the territory of Watson Lake, where the needs of sociological health is sorrowly needed. I think that as a result of the program, that the need will also be expended to that particular area and the Honourable Member from that area should be very, very pleased that this is to take place. I certainly agree with the need for an organization of this description and facilities, for that organization be made available. I also, with respect, agree with the Honourable Member, that maybe there will be a source of worry at a later date with reference to the operation of the institution, but it has been made clear by this motion that there will be no further funds and no further grants made available. I accept the concept of the motion itself.

Mr. McKinnon: Well, Mr. Speaker, we have debated this item quite thoroughly I think, and I don't want to prolong this debate too much longer. I don't know who has been beat around the bush more with this grant money, the Territorial Council or the Y.W.C.A. I think it has been a pretty sad state of affairs right from the beginning in misrepresentations and the absolute untruths which were told both to the Members of the Yukon Legislative Council and the people from the Y.W.C.A. with different government agencies just refusing to accept the responsibility of who should provide what monies towards grants for the Y.W.C.A. I think that this is a fairly sensible grant considering that it is replacing dormitory accommodation with other dormitory accommodation; instead of a transient trailer-type unit, we're going to have a

Mr. McKinnon continued ...

lovely complex in the middle of the city which will be of great benefit to the whole of the Territory, and I think to the students who are coming to Whitehorse to further their education both in the academic and the vocational training programs. I think two things should be noted in the motion: one can't bind future Councils with what they would like to do if the Y. did need operation and maintenance costs, but I consider this to be the total grant of the Territorial Government towards this project and if I continue to sit on this Council I would very strongly object to any operation and maintenance and future capital grants to this project, and I think that the C.M.H.C., being the prime lender in this instance, would be the people who would have to come to the rescue of such a project or would have to foreclose if the project didn't prove itself to be viable. One thing that did worry me about the Y. project originally was that many thought it was quite a grandiose scheme and that if there weren't enough ladies to fill the accommodations, would they be able to allow one of the stories of the Y. building to be used for male accommodation. This has all been settled, and if the building is not filled with women, they will be able to give one of the floors over to accommodate male transients or young males who need accommodation in the City of Whitehorse. So, I think it's well on its way to becoming a success. I feel badly about the way that the Council and the people from the Y. have been lead down the garden path by different government agencies and officials on this one. I think it's usually the instance where this Territorial Council has to take the responsibility finally and say, "Well, let's put an end to all this nonsense that's going on and let's resolve the thing once and for always", and I think that this is one of the ways that we can do it. I would like to say that there is no malice at all towards the Honourable Member from Watson Lake. He's indicated that he's going to vote against this motion, but we'll certainly welcome the young ladies from Watson Lake with open arms, Mr. Speaker, in spite of his vote.

Mr. Speaker: Is there any further discussion on Motion No. 15? Would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes the Chair.

Mr. Livesey: Mr. Speaker, as you know, it has not been my policy over the past three years to leave the Chair very often to discuss questions of this type of importance on the floor for obvious reasons. However, this is a question, in my estimation, which is of extreme importance and it's of extreme importance I think in relation to the needs of the people outside and beyond the Whitehorse Area at this time. Now, as far as the Y.W.C.A. project is concerned, or any Y.M.C.A. project is concerned, I am 100% behind both of these organizations as far as their work is concerned, no question about it. One way or the other, both organizations are working for the young people of this country and have been for many, many years. I want to make that point clear so that there's no doubt about what I think about it. However, when it comes down to a question of priorities, this is the point I would like to bring to the attention of the House this morning, Mr. Speaker. I think the question of priorities here has been misplaced and that is the point I wish to make, not the question of whether what the Y.W.C.A. is doing is right or wrong. I don't see anything wrong with it. It's a good thing, although I doubt very much if any children from the outlying areas can come to Whitehorse and accept those accommodations, not because the Y.W.C.A. doesn't want them, but because of the cost. So, I wouldn't think the high school students from outside Whitehorse are going to use the Y.W.C.A. accommodations because the cost is too high. So, what do we have? We have the same problem on the North Alaska Highway, in my district, as we've had for many years, and something that I've brought up time and time again, and that is a question of higher education for the children of the North Alaska Highway from Whitehorse to the border. Let's not forget that in these outlying areas, all these outlying communities, Mr. Speaker, contribute to the economic benefit of this area and they contribute to the economic benefit of large communication centres such as this. I think they should have, and

MOTION #15

Mr. Livesey continued ... are entitled to full recognition of their rights as well, and I don't think this is being done, I really don't, Mr. Speaker. This is my sincere opinion on this question. Once again, as you will notice if you read Sessional Paper No. 32, you will find out that the high school problems on the North Alaska Highway are going to be shelved as far as a permanent site is concerned at Destruction Bay, to 1973, yet we have \$75,000 in the budget here right now that could do some good work in this regard, and it's being put to some other use. Now, I want to bring this out loud and clear. I personally, Mr. Speaker, think that this is a wrong move, and in my estimation, I think that the parents, not only from a government's point of view or from an employer's point of view, but from the very essence of the fact that a good many parents now living outside this Whitehorse Area want to keep their children at home. They want to have a little more supervision over their own children. They want to keep an eye on them, and I don't blame them but there is only one way they can do this as far as high school is concerned, and that is to establish high school benefits in the outlying areas between Whitehorse and 1202. It's the only area of that length of highway, I think, in the whole of the Yukon that has the type of population and centres that it has, the number of community centres, that has no such facility. Those people need that facility and it doesn't look as though they are going to get it as far as Sessional Paper No. 32 is concerned. It's just another brush-off. "Let them wait", that's what I read out of Sessional Paper No. 32, Mr. Speaker, and I can assure you that if I had the chance to vote, I would not be voting nay to this proposal, but I would be voting, by my vote, for a little better contribution from the Territorial Government towards the needs of the people on the Alaska Highway. Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Is there any further discussion on Motion No. 15?

Mr. Chamberlist: A question of order, Mr. Speaker. The Honourable Member who moved the motion has already spoken and therefore the debate is closed in any event.

Mr. Speaker: May I ask the House if all Members have now spoken on this question? Is the House prepared for the question on the motion? Are we agreed?

Mr. Taylor: Division, Mr. Speaker.

Mr. Clerk: The Member from Dawson?

Mr. Shaw: Yea.

Mr. Clerk: The Member from Whitehorse East?

Mr. Chamberlist: Yea.

Mr. Clerk: The Member from Whitehorse North?

Mr. McKinnon: Yea.

Mr. Clerk: The Member from Whitehorse West?

Mr. Dumas: Yea.

Mr. Clerk: The Member for Mayo?

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Watson Lake?

Mr. Taylor: Nay.

Mr. Clerk: The division is five to one, Mr. Speaker.

MOTION #15

Mr. Speaker: Thank you, Mr. Clerk. I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 16, moved by the Honourable Member for Carmacks-Kluane Lake, seconded by the Honourable Member for Dawson, "That the Council request that the status of the Yukon and Northwest Territories within the C.P.A. be taken under consideration at the next meeting of the Commonwealth Parliamentary Association (Canadian Area)". I wonder if the Honourable Member for Watson Lake will please take the Chair?

MOTION #16

Mr. Taylor takes the Chair.

Mr. Livesey: The reason I brought this to the attention of the House this morning is in relation to a resolution passed at the Commonwealth Parliamentary Association (Canadian Division), meeting in St. John's, Newfoundland, last year, at which I was present. After quite considerable discussion on the assembly floor of the Provincial House in Newfoundland, the assembly decided to propose the following motion, but they did realize at that time, of course, that the actual members that can belong to the Parliamentary Association are in reality only those people who have full status as responsible governments and they govern themselves such as provinces of Canada. However, with us, they were quite prepared to help not only the Yukon, but the Northwest Territories, to obtain an area of recognition in the association, something that has not been done before. The motion was read out by Mr. Speaker Clark. If I understand the motion correctly, "That at the next Area Council Meeting, the status of the Yukon and Northwest Territories within the C.P.A. be taken under consideration if requested so to do by the Northwest Territories and the Yukon. Those in favour of this motion, please say aye, contrary nay. I declare the motion carried." Now, I felt that when I was at this meeting, Mr. Speaker, this was a tremendous opportunity for the Yukon once again to advertise itself and to get to the provinces what the Yukon is all about and what we stand for, and to promote ourselves across the whole of Canada. I found out that this exactly is what was working. As all Members of the House probably know, Mr. Speaker, I went down there as an observer, however, I was amazed when I got there because a seat was provided on the floor of the Assembly Chambers for the recognition of the Yukon Territory. There was no member from the Northwest Territories, so Mr. Speaker Clark decided that the member for the Yukon would represent both the Northwest Territories and the Yukon Territory at this conference. I thought that was also more than flattering, and I was more than pleased by the discussions that took place. I believe they went out of their way on purpose to provide in the discussion on the Assembly floor, areas of discussion that perhaps no one else but the representative from either the Yukon or Northwest Territories could discuss, and that was the question of our move towards provincial status and more responsibility in this northern area. Without wishing to go too far with this particular report, I would like to read a report just to show Members of the House, Mr. Speaker, just exactly what they did think of the presentation at that time. This is a report by the Saskatchewan Branch of the Commonwealth Parliamentary Association which came to me recently from Speaker Snedker, of the Provincial House, and it reads as follows: "The representative from the Territorial Assembly of the Yukon delivered a most excellent address, describing in detail that part of Canada, its people and their problems, climaxing by a ringing appeal to the rest of Canada to support the hopes and aspirations of these Canadians for provincial status and the right to administer their own affairs as a free, self-governing province within the Canadian Confederation. His excellent, factual address and stirring plea convinced many of the validity of the case he so ably presented and will be supported by all those who believe in the extension of freedom and human liberty through elected government. It was the opinion of many that C.P.A. Area Conferences are more than justified if only to provide a forum for discussion such as the foregoing, where no other Canadian forum is provided in which the democratically underprivileged can

MOTION #16

Mr. Livesey continued ... publicly state their case before members of all provincial legislatures and parliaments of Canada. All appropriate that this appeal should be made in the Province of Newfoundland against the background of the long and heroic struggle of that province for self-government." This is only one of several reports of that type and nature which came from the conference, and I would ask at this time, Mr. Speaker, if the House would give favourable consideration to my motion.

Mr. Speaker: Is there any discussion?

Mr. Chamberlist: Mr. Speaker, this subject shouldn't go by without comments from other Members of Council. I think that the Honourable Member from Carmacks-Kluane going to this conference in the capacity of the Speaker of the House here certainly presented a basis for having the other provinces recognize the requirement and proper needs of the Yukon Territory. It is somewhat unfortunate that those in the Northwest Territories didn't consider themselves that much important to go ahead and make their own representations, however, I would say, Mr. Speaker, that the necessity to support the motion and clearly outline to the Honourable Member that this House is quite pleased with his efforts on the Yukon Territory's behalf, is an important requirement so that he may, when he goes next time, continue to conduct himself in the manner that he has done in this regard. It is very important that the Yukon Territory be recognized wherever possible in Canada. Thank you, Mr. Speaker.

Mr. Dumas: Mr. Speaker, I was going to make the same point, that I think the Honourable Member should be congratulated on the fine job he did in representing the Yukon Territory, and the Northwest Territories also, at this meeting, as indicated by the report, which he read, and by other reports which he tells us came from the conference. I think that he should receive the congratulations and thanks of all Members of Council.

Mr. Speaker: Is there any further discussion?

Mr. Livesey: Mr. Speaker, I would just like to add also that there -- it's in French, but there is also an address of welcome given to the member from the Yukon and to the Yukon people generally from Mr. Guy Lechasseur, Quebec City, showing that the Province of Quebec was also very interested in the Yukon and in the north generally, which I thought was very kind and very generous. I might also add at this time, so that everyone will know the exact position, I have also just received another invitation from Speaker Lucien Lamoureux, of the House of Commons, to attend the next one in Ottawa. I give that to the House as information, Mr. Speaker.

Mr. Speaker: Question has been called. Are you agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Livesey resumes the Chair.

Mr. Speaker: Are there any questions?

Mrs. Gordon: I have a question for Mr. Commissioner this morning. I asked two questions, one on Monday and one on Tuesday. I wonder if he has the answer to either of them today? May I enlarge on it? One was on the dental program and the other was the proposed date for the Canadian Transport Commission.

Mr. Commissioner: Mr. Speaker, I wonder if I might be permitted the privilege of giving answers at this time to considerable of the verbal questions that are outstanding, and I believe one or more of them, no doubt, relate to the Honourable Member's questions.

Mr. Speaker: Please proceed.

Mr. Commissioner: Councillor Dumas asked what the disposition of the escarpment signs was. The Federal Department of Transport has advised that approximately twenty signs have been erected along the escarpment area to-date. More signs are being prepared and will be erected as soon as possible. Councillor Gordon asked when the school dental program is going to be upgraded to Grade VI in the outlying areas. National Health and Welfare has advised that they are presently in the process of securing authority for the recruitment of additional dental nurses and the equipment for them to use. When this equipment and staff have been obtained, the pilot project will be extended throughout the Yukon. Councillor Livesey asked how many areas throughout the Yukon are now contracted out to Acorn Timber Limited and if the company was removing the logs as per their contract after cutting. Forestry has advised that there are two areas contracted out to this company; one is in the Marshal Creek Area and is a general timber permit, and the other is in the Pelly-McMillan Area which is a Forest Management Area. Logs are being removed from the Marshal Creek Area, however, production will not commence in the Pelly-McMillan Area until this winter. Councillor Taylor asked if Councillors could receive copies of the Royal Canadian Mounted Police Annual Reports. We have ordered copies of this report and when they are received, they will be distributed to the Members. Councillor Chamberlist asked if the rates between the Yukon and Alberta will be reduced as were the rates between Alberta and the Yukon. Canadian National Telecommunications has advised that the rates between the Yukon and Alberta will be reduced to the rates between Alberta and the Yukon effective July 5th, 1970. By the way, the rates that are being referred to here, Mr. Speaker, are long distance telephone rates. Councillor Taylor asked if the campgrounds at Watson Lake and Simpson Lake will be upgraded this year. Forestry has advised that the only new development scheduled for this year is at Francis Lake, however, all other campgrounds are being maintained as usual. A further question, Mr. Speaker, that was asked that I believe has been answered, but I think it might be best if I repeat the answer at this time; the question was asked by Councillor Chamberlist as to how many of the teachers who left our employ this year were first-year teachers, and the number is 25. Councillor McKinnon asked if Forestry is maintaining the campground at Mile 28 on the Aishihik Road. Forestry has advised that this area is not officially recognized as a campground, but they do provide garbage disposal barrels and picnic tables. There were plans to develop the area two years ago, however, the plans were deferred because of questionable road maintenance when the Aishihik Airport was closed. Further to this, Mr. Speaker, I would like to advise the Honourable Member who asked the question that we are going to be consulting further with Forestry on this because it has since come to our attention that while we are not officially maintaining the road to Mile 28, it is in very good condition and is receiving considerable use. As a consequence the forest fire danger alone would seem to indicate that there should be some special consideration given to this area at Mile 28 although it is not at the present time officially recognized as a campground. Mr. Speaker, I note that there are still some questions outstanding; I believe two of them apply to Councillor Gordon, and I would like to advise that as soon as this information is made available, I will ask permission to rise in the House to give answers to them, even if it is not at the regular time during the day.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

Mr. Chamberlist: Mr. Speaker, I have one question arising out of the answers given re the Pelly-McMillan Area. It is my understanding, Mr. Speaker, that Mr. Commissioner said that the logging would not commence until winter of this year. My understanding, Mr. Speaker, is that the contract expires in December. Is it the intention of the Acorn Timber Limited to proceed prior to the contract expiring or in the winter period after the thirty-first of December?

QUESTION RE
ACORN
TIMBER
CUTTING
RIGHTS

Mr. Commissioner: Mr. Speaker, I can certainly see the relevance of the question that is raised by the Honourable Member, because if the firm who has the contract and it expires in December, are not going to

Mr. Commissioner continued ...

make use of it until after the expiry date, there either will be a new contract or they're not going to be operating under the present one, and I'm afraid that the information that I have before me now just doesn't give me the necessary background to answer the Honourable Member, but we will endeavour to get that answer. I can't promise it for tomorrow morning, but we will see that it is made available.

QUESTION RE
ACORN TIMBER
CUTTING RIGHTS

Mr. Chamberlist: Mr. Speaker, a further supplementary to that point, when the Commissioner is getting this information, could he find out if the contract is not proceeded with prior to December 31st and a new contract is made, will the deposit be increased from the measly \$10,000 to something substantial so that the contract will be properly carried out or the deposit will be lost?

Mr. Commissioner: Mr. Speaker, if memory serves me correctly, when the question was asked of the witnesses who attended Council a few days ago, the deposit that was referred to -- I don't know which of these areas that we spoke of. The Honourable Member assures me that it was the Pelly Area. I would like to suggest that the message came through quite loud and clear to those in the Federal Government who are responsible for establishing this amount of deposit, but I am certainly quite prepared to bring this matter to my Minister's attention directly so that the question of deposit can be possibly looked at in a more realistic basis than what it appears to be at least on the surface at this time.

QUESTION RE
FORESTRY'S
LAND

Mr. Chamberlist: Mr. Speaker, another question. Mr. Commissioner, at Watson Lake, I asked a question re the disposal of the land that has been reserved by the Forestry Department as a result of them obtaining the Experimental Farm, would they be releasing the other areas. I wonder if Mr. Commissioner at this time has any information in this regard?

Mr. Commissioner: Mr. Speaker, I am afraid not. It would appear that we have not had this looked into, but we will certainly endeavour to have an answer for the Honourable Member tomorrow morning. I recognize the question very clearly being asked, and I must apologize to the House, Mr. Speaker, for not having that answer.

Mr. Speaker: Are there any further questions?

QUESTION RE
SCHOOL DENTAL
PROGRAM

Mrs. Gordon: Mr. Speaker, I have a question arising out of the answer given re the dental program. I am wondering at this time if, when a youngster is taken on the initial program in Whitehorse which goes to Grade VI, why he is taken off it because he is unfortunate enough to accompany his family to another area, and because he happens to be in Grade V and the program only covers to Grade IV, he is cut off it. He has already started on the program, but because he has moved to another community and that community's program doesn't go to that point, he is withheld the services that were started out in the first place in Whitehorse, because it happens to go to Grade VI and the outlying areas go to Grade IV.

Mr. Commissioner: Mr. Speaker, I certainly appreciate the anomaly that is created in this regard, but I can well imagine that our inquiries would result in being told that what service is going to be extended in the school has got to be extended to the boys and girls throughout the school. It would be very difficult to extricate one or two individuals from a particular grade and extend the service to them simply because they have had it in another area. Really, what the answer to the Honourable Member's question is, for us to encourage Health and Welfare to get the program brought up to the same level throughout the Territory as what it is presently made available in Whitehorse. Now, I'm sorry I cannot answer, Mr. Speaker, with definiteness as to the fact of whether or not it goes to Grade VI in any other community other than Whitehorse; I do not have this information. But, certainly, the whole program should at the first possible opportunity be brought up to the same level throughout the Territory, and if the Honourable Member would

Mr. Commissioner continued ...

be satisfied with my assurances that we will continue to press Northern Health to do this, as being the proper answer to the question, not try to define individuals within it, I would be most happy to exert any pressures that I can in this regard.

Mrs. Gordon: Mr. Speaker, may I thank Mr. Commissioner, because the implication that was in the newspaper report was that it was covered to Grade VI throughout the Territory, and this is not correct.

Mr. Dumas: Mr. Speaker, in view of the fact that we will probably be shutting down on Friday, I would like to follow up my question on the signs on the escarpment. I am aware that D.O.T. has put signs on the escarpment; they have put them along the top of the escarpment to warn people coming from the airport side not to go down the hill. The children that are down at the bottom of the hill and want to climb the escarpment is what I'm concerned with, Mr. Speaker, and it was only six weeks ago that a child, in climbing the escarpment, fell some twenty feet or so and was quite badly hurt. I wonder if Mr. Commissioner, Mr. Speaker, would see if D.O.T. would mind putting the signs or some signs down at the bottom of the escarpment.

Mr. Commissioner: Mr. Speaker, this is a more than reasonable situation, and I'm sorry that I wasn't aware of the peculiarity of the problem as raised by the Honourable Member, and certainly we are quite prepared to speak with the authorities within the Department of Transport to see if their signing program cannot encompass both ends of the problem, so to speak. Thank you, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, as far as I understand, trucks on Territorial highways are allowed to travel with a load of up to 96,000 pounds G.V.W. I believe. Now, if one found that the roads were just being torn to shreds because of these weights and the flow of traffic, who has the authority to limit the load weights on the vehicle traveling the Territorial highway?

Mr. Commissioner: Subject to the possibility that the order in which I say this is correct, basically, engineering advice is really the criteria. This engineering advice is based upon that which is tendered by our own Engineering Department in consultation with the Federal authorities, and this results in prepared Commissioner's Orders coming for my signature, which gives effect to these load limitations. Now, as I understand it, the Honourable Member is saying, what happens if, as a consequence of this technical advice that road damage, resultant road damage is in excess of what would normally be anticipated, who has the authority? The same authority as established the load limitations in the first place, Mr. Speaker, has the authority to reduce it or escalate it, our own Engineering Department in consultation with the Federal authorities, which, as I say, results in recommendations to me that are in Commissioner's Orders.

Mr. McKinnon: Supplementary, Mr. Speaker, then there is no agreement between the mining companies, or the transportation companies that are hauling the base metals, and the Federal Government as to what load limits are going to be allowed on the highways in the Yukon?

Mr. Commissioner: Mr. Speaker, when you use the word agreement, I would want to check my answer on this before I give it. I think that really what the Honourable Member is saying is there any prior understanding as to what, under normal conditions, the load limits would be, and I would want to determine that answer. I would be very pleased to bring it back for the Honourable Member's information, Mr. Speaker.

Mr. Speaker: I will now declare a fifteen-minute recess.

Mr. Speaker: We will now call Council to order. We are in the question period. Are there any further questions? Will the Honourable Member for Watson Lake please take the chair?

Mr. Taylor takes the chair.

Mr. Speaker: The Honourable Member for Carmacks-Kluane.

Mr. Livesey: Mr. Speaker, I have a question for the Commissioner. I wonder if the Administration can give me any information on the report that there is defoliant being used on the U.S.R.R.A.L. Pipeline in the Yukon. This pipeline, in explanation, Mr. Speaker, is the U.S. eight inch pipeline that runs from the Canadian-Alaskan border down to Haines, Alaska. QUESTION RE USRRAL PIPELINE

Mr. Commissioner: Mr. Speaker, we would have to seek time to secure an answer to that question.

Mr. Livesey: I have a further question. I understand there are a number of abandoned trucks and cars on the Campbell Highway. Is it the intention of the Territorial Government to provide some form of regulation in order that this situation is cleared up? QUESTION RE ABANDONED VEHICLES

Mr. Commissioner: Mr. Speaker, I am quite confident that we have regulations or laws on the books at the present time to sufficiently, on the surface or at least in writing, prevent the continuation of this situation. Enforcing these things is another matter and quite often we find that on all roads in the Territory, vehicles become abandoned for one reason or another. In many instances, ultimately, it winds up as an expense to the Yukon Territorial Government to remove them. I don't know just exactly what the Honourable Member has in mind here and I don't know how serious the situation is. I assume that the vehicles that he is referring to are not blocking the road. I don't hear any questions about traffic being impeded, but if people abandon a vehicle, I don't know what we can do about it.

Mr. Shaw: Mr. Speaker, in respect to this particular problem, would it not be, I would ask the Commissioner this, correct procedure to charge the last person that had that vehicle under his registration with abandoning said vehicle on the road?

Mr. Commissioner: Mr. Speaker, I think that, no doubt, this could be done. I think also that Council Members are aware that this business of abandoning vehicles is a North American problem. There are some instances, I believe, when there have been suggestions made that the original purchase price of the vehicle include an amount to take care of the cost to the public of ultimately destroying the vehicle after it has served its useful life. It is all very well to charge people and trying to collect on these things, but we may well find--I think that every situation would have to be looked upon on its merits and we had better make sure that we aren't finding ourselves going through a bunch of legal proceedings at the cost of the taxpayers and then finding ourselves in the position of not being able to effect any recovery on it. Many times, these abandoned vehicles, the reason that they are abandoned is that they have no market value in them. So, the answer to the Honourable Member's question is in the affirmative but that I would certainly say that every situation would have to be judged on its merits.

Mr. Livesey: I have a question addressed to the Commissioner, Mr. Speaker. Is it correct that the Territorial Government has now purchased trailers, and are now going to place them on subdivision lots in Carmacks for the use of the government? QUESTION RE TERRITORIAL PURCHASE OF TRAILERS

Mr. Commissioner: Mr. Speaker, I cannot say that the trailers have

Mr. Commissioner continues.....
 been purchased. I think that this would be incorrect, but it is
 certainly our intention to do so.

QUESTION RE
 EDUCATION

Mr. Livesey: And one final question addressed to the Commissioner,
 Mr. Speaker. With regard to the programme by the Department of
 Education over the last number of years of the separation of slower
 students from other students, is it correct that this programme has
 now been abandoned, and if so, why?

Mr. Commissioner: Mr. Speaker, this has to come from the Department
 of Education, and I would have to get an answer to that question for
 the Honourable Member.

Mr. Livesey: Thank you, Mr. Commissioner.

Mr. Livesey resumes the chair.

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

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the
 Chair and Council resolve itself in the Committee of the Whole to dis-
 cuss Bills, Motions and Sessional Papers.

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by
 the Honourable Member for Whitehorse West that Mr. Speaker do now
 leave the chair for the purpose of convening in Committee of the
 Whole to discuss Bills, Motions and Sessional Papers. Is the House
 prepared for the question on the motion? Are we agreed? I will
 declare the motion carried and the Honourable Member for Watson
 Lake will please take the chair in Committee.

MOTION
 CARRIED

MOTION CARRIED

Mr. Chairman: Mr. Clerk, I wonder if we could have Mr. Legal Adviser
 here to proceed with the amendments to Bill 1 and Bill 6, at this time.
 I will declare just a brief recess.

RECESS

RECESS

SESSIONAL
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Mr. Chairman: I would like to now call Committee back to order. The
 next Sessional Paper is Sessional Paper No. 34.

Mr. McKinnon: Mr. Chairman, if we are dealing with Sessional Paper
 No. 34, as I understand it, the problem is that Mr. Commissioner has
 to be in touch with the Cabinet by this afternoon, at the latest, so
 that they can put the machinery into operation to dissolve this
 Council on July 10th thereby allowing the election date to be Septem-
 ber 8th. Now, I have heard arguments from various Members, informally,
 and I am inclined to agree with them. What they are saying is that
 no matter what matter came up before this Session of Council that we
 would be saying that we were going to be dissolved on the July 10th,
 no matter what. That precludes any further debate on any matter after
 July 10th. However, I explained the other side of the coin. It seems
 to me, rather unlikely that we will be finished in this House on
 July 10th and it seems unlikely that this Session will actually go
 beyond tomorrow afternoon. I think all Members of Council are hope-
 ful that we will be able to prorogue this Council on tomorrow after-
 noon. Now, as far as I understand from the Commissioner, and I would
 like to ask him the question, if we were not willing, as requested
 by formal motion, to give a concurrence to holding the election on
 September 8th and if this concurrence was not sent to Cabinet today,
 is it then unlikely that September 8th could be the voting date for
 the next Territorial election in the Yukon?

Mr. Commissioner: Mr. Chairman, that is a fair statement of the situa-
 tion.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Well, Mr. Chairman, under the Election Act, do we not have to hold the election within three years of the last election?

Mr. Shaw: Mr. Chairman.....

Mr. Dumas: Point of order, Mr. Chairman. I would like an answer to my question from the Legal Adviser.

Mr. Legal Adviser: Without looking it up, I couldn't say. I don't think it matters much how old the election is. The life of a Council is three years until Council dies.

Mr. Livesey: Mr. Chairman, I have what I conclude to be authentic information with respect to the repeal of the Yukon Act, to the effect that if this body, this elected body, wants to change the present Elections Ordinance in one instance, in relation to the voting age, this is acceptable and no problems arise. However, if this body wants to change the Elections Ordinance of the Territory to alter it in any fundamental way or alter it in any way or repeal it in any way beyond this condition, then the question of the election on September 8th cannot take place and it will take place in December of this year, rather than September. This, I think, was amply described under section 14 of Bill C212 that was discussed in the House of Commons and the question, of course, arises from time to time, and from election to election as to whether the elected body feels that what we have is now adequate for the next election. These questions are, I think, Mr. Chairman, given rise to because either we think that the election is fair and equitable for all people or we want to amend something that is old-fashioned or think it is now old-fashioned, or we do not want to amend it. It is quite clear, I think, even under the explanations that we are given with reference to section 14 of Bill C212 that anything beyond the question of the age limitation will obviously alter the date upon which an election can take place. This is amply explained, so, if anyone wants to say that we are certainly going to make a definite commitment right now before we have even discussed the question, I think they have the horse before the wagon, Mr. Chairman.

Mr. Dumas: Mr. Chairman, two points here. One is that we are asked about lowering the voting age and this is the problem that must eventually be decided. My other question is this; if the election were not held until December, would this Council have to carry on in existence until then?

Mr. Commissioner: Mr. Chairman, I do not have the exact date, but this Council's life will automatically terminate at a date in October, and I am sorry, I don't have exactly what that date is. That is when this Council will terminate. Mr. Chairman, while I am on my feet, may I say something? The question, I think, that Council was concerned about is what amendment to the Elections Ordinance, if the election is to be held on September 8th, can be accommodated? I have a letter addressed, as a consequence of representations that were made before the House of Commons Committee on Indian Affairs and Northern Development and by direct communication, by telephone, I personally had with Mr. Hamel, Chief Electoral Officer. He says:

"Two officials from my Office attended the meetings of the House of Commons Committee on Indian Affairs and Northern Development held last week to put forth my views on the effect which substantial changes in your election ordinance would have on the conduct of the forthcoming election. They also informed the Committee of the substance of our recent telephone conversation and of the fact that I would be prepared to issue special instructions and undertake all necessary measures, should the Council decide only to lower the voting age. However, I must insist that this exceptional provision be spelled out in the legislation.

To this effect, the Department of Indian Affairs and Northern Development is presently preparing an amendment waiving the application of the provisions of the Canada Elections Act to any change in the election ordinance relating to the age qualification of electors in

Mr. Commissioner continues.....
the Yukon.

Some people have expressed the view that the waiver should extend to all changes which the Council may see fit to enact and I feel that I should make a clear cut statement at this time in anticipation of any misunderstandings which may arise.

As you know, the provisions setting out the qualifications of the electors and candidates are elemental to elections. Most irregularities in the conduct of an election, in the absence of bad faith, do not serve to vitiate an election, unless they are of such proportions as to put in doubt the results of the election. But if people who are qualified as electors are refused a vote or if people who are not qualified are given a vote, good faith notwithstanding, subsequent legal proceedings will inevitably follow as has been demonstrated in the past and indeed is the reason why the Chief Electoral Officer is now conducting elections in the Yukon Territory.

These changes in qualifications have to be taken into account at every stage of an election and involve virtually all election officers. Every enumerator, every revising officer and agent, every deputy returning officer and poll clerk must be fully aware of these qualifications to properly perform his duties.

Because of the geography of the Territory, the only sure means available of ensuring that all officials are aware of these qualifications is through the manuals of instruction issued to these election officials. It takes one month to embody any changes in all the books of Instructions used in territorial elections. After this has been done, returning officers have to be briefed. They, in turn, have to brief their officials on these changes.

These factors, applied to the present situation, would mean that if

- (a) the Yukon Act is amended in the Commons before the end of June, and
- (b) the Council amends the election ordinance at the end of June, and
- (c) the writs are issued on the 11th of July,

it would be impossible to effectively conduct the election on the basis of the amended ordinance.

One change, simple and easy to understand, well publicized all over the Territory throughout the period of the election, instead of amending all the books of Instructions, would be feasible. I am prepared, therefore, to undertake to put into effect the legislative will of the Council should this be restricted to the minimum age required to be an elector. If I were to attempt more than this I feel I would be derelict in my duties."

This is signed J.M. Hamel, Chief Electoral Officer. I trust, Mr. Chairman, that this will clarify for Council the question about the time of the election as it relates to any changes in the ordinance. In other words, the Chief Electoral Officer is telling us that if it is deemed advisable by this Council to make one change and one change only in the Elections Ordinance, namely as it applies to age, and this change is effected promptly, he is quite prepared that Council dissolution takes place on the 11th of July. The election can, therefore, be held on September 8th to give effect to that change. If Council wishes more than this one change, it must be understood that the electoral officer is not prepared to give effect to those changes if the election is to be held on September 8th. In other words, the 8th of September with dissolution on the 11th of July will permit a change in the age. Any other changes will require that the election be held at a later date, and this is so spelled out in the amendment to the Yukon Act which I am sure the Legal Adviser would be prepared to explain to Council if they wished.

Mr. McKinnon: May I have one question? I would just like to know if the Chief Electoral Officer is acting in his capacity as Chief Electoral Officer for the Yukon in stating his viewpoint; that he is correct; that he has this authority; and that if there are any other changes, other than the one which is the lowering of the voting age, the election cannot be held on September 8th.

Mr. Legal Adviser: That is as I understand it, Mr. Chairman.

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Mr. Chamberlist: Mr. Chairman, I beg to differ with Mr. Legal Adviser on this point, although he says he understands it. The Canada Election Act certainly gives the power to the Chief Electoral Officer to administer and administer only those areas of the Territorial Election, but it is up to this Council to lay down the conditions of the election and the qualifications within the ordinance. My concern is that, at this time, under item 46 of the Bill C215, which has gone through Parliament--and for those Members of Council who, I am sure have received their copies of Hansard Twenty-second and Twenty-third, which debated that particular area of proxy--it would appear to me that there would be no reason at all why everybody in the Yukon who has the right to vote should not be given the right to vote, notwithstanding that he is out of the Territory. My concern is not so much for lowering the age to nineteen, but to give those people that have been deprived election after election of a vote, simply because of business or other reason they have been unable to be in the Territory at that time. I think that the changes to the Canada Election Act were so necessary that we should follow up, Mr. Chairman, in exactly the same way. Certainly, there might be administrative problems as far as the Chief Electoral Officer is concerned, but I disagree very strongly with the suggestion that the Chief Electoral Officer can decide whether or not we can make any amendments to our ordinance. Now, he hasn't actually said that. What he has said is if we make these amendments, then he could not administer the election by the 11th. Well, quite frankly, if he says that you can make one amendment, I cannot see why we can't make two amendments. Now, this is why I felt that when dealing with this Sessional Paper 34, that we cannot give a definite answer until we go into the Bill itself. I think that the Bill should come first and as a result of that Bill, then the answer would be forthcoming to the Chief Electoral Officer. This is my feeling, Mr. Chairman, that we should make provision for everybody in the Territory who has the right to vote, to vote. This can be done by just saying that--words to the effect that the Canada Elections Act mutatis mutandis shall apply to the Ordinances of the Yukon Territory, in relation to that particular area. I see nothing wrong with that, and I feel that we have a responsibility to see that as many people as possible who are franchised, are not disfranchised simply because of a situation where they might not be available in particular areas.

Mr. Legal Adviser: Just one point, Mr. Chairman. With respect, I would say that the debate now, with respect to the chair especially, is going slightly off on a tangent when the paper is dealing with the date of election. When there is a Bill to be discussed, these matters could be discussed, so that the advice to be given by the Council will be clouded by this debate here. Instead of getting a clear yes or no to a question of when the date should be, we will be getting a cloud of contradictory opinions. It might be advisable, in view of that and with respect I would suggest, that the House go on to the Qualification of Electors Bill, Committee stage and debate the qualifications of electors. When that has been decided, then come back to the date in view of the decision on the qualifications.

Mr. Dumas: Mr. Chairman, this is all very fine, but the problem that is facing us is a problem that is here today. We have got to come up with an answer with regards to the date of the Territorial election. Now, I agree with the Honourable Member from Whitehorse East, and I think that the idea of proxy voting in the Territory is a very good one. I think that everybody who is entitled to vote should, in fact, be able to vote. I wonder though, if we haven't got two or three separate problems here and we are lumping them all together. As a result we may be throwing out the baby with the bath water. We want to lower the voting age to nineteen; generally, we want to have the election on September 8th. I agree that we want to have everybody voting in the Territory, but it may

Mr. Dumas continues.....

be that this is a problem that must be faced at some other time. We have been told, Mr. Chairman, in no uncertain terms by a Chief Electoral Officer of Canada that this is the way things are and this is the way things shall be. I don't like it. It may be another case of being dictated to by an Ottawa bureaucrat. I don't know; but I do know that the practical problems that face us right now are the problem of setting a date for the election today, lowering the voting age to nineteen, before we prorogue this Session.

Mr. Chamberlist: Mr. Chairman, this may be, and I have no argument with the remarks made by the Honourable Member from Whitehorse West, but it seems to me pretty harsh to remove from a group of people the right to vote for four years in this Territory. It was bad enough three years, but for the extension of the life of the Territorial Legislature, it now means four years. This is what it means because there is no election for four years, you see. The Honourable Member has indicated that we change this at the next Session of Council, but the next Session of Council will be after this election, so that there are four years hence before another election comes about. This is the point that I am making. Now, are we fulfilling our function by not acting and by not acting, are we depriving a group of people of the vote that they are entitled to have. This is the thing that bothers me and it does bother me. Do I support the basis that the Chief Electoral Officer who administers the Election Ordinance, can tell us what to put in our legislation? This is what is being implied, with respect, Mr. Chairman, for it seems to me that the way it was read out, this was the intent.

Mr. Commissioner: With respect, Mr. Chairman, the paragraph that applies is where the Chief Electoral has pointed out that this condition is written in or what was priorly to be written into the amendments to the Yukon Act, and, indeed, it has been written in, Mr. Chairman. It is not this Council's prerogative at all. It was the prerogative of the Parliament of Canada and has been written right into the changes in the Yukon Act.

Mr. Livesey: Here it is. This is subsection (2) of section 14.
"Notwithstanding anything in the Canada Elections Act, if an election of Members of the Council of the Yukon Territory is held in the year 1970

(a) before the month of December, the age qualifications of the persons as electors at such an election shall be those established pursuant to section 14 of the Yukon Act as amended by this section and enforced on the day that the writs of elections are issued; or

(b) after the month of November, the qualifications of persons as electors and the qualifications of electors to vote at such an election, shall be those established pursuant to section 14 of the Yukon Act as amended by this section and enforced on the day that the writs of election are issued."

This, to my way of thinking, is distinctly separating what you may do and what you may not. What it says you may do, if you want to have the election in September, you can change the age, but you can't change anything else. If you change anything else, the election is going to be held in December. That is the way I read the facts.

Mr. Chamberlist: I beg to differ, Mr. Chairman. The position with reference to proxy voting in the Yukon Act is mute. The qualification as to age is wanting but whether the qualified voter who has had his age reduced can vote by proxy is not even referred to. I would say, with respect, Mr. Chairman, that the Honourable Member from Carmacks-Kluane is not reading into the legislation the intent of what is meant by the qualifications, and I would ask Mr. Legal Adviser to look at that particular point. It is mute with reference to any other area, but the lowering of the voting age. It does not say, nor does it give any intent that no other areas of the ordinance can be changed. All it says is that for the purposes of the Territorial election, the age can be reduced. It is my submission that we have the right to amend the ordinance in whatever way we want to amend it. Certainly,

Mr. Chamberlist continues.....

I agree that there might be some difficulty involved in the Electoral Officer properly administering the area, but aren't we talking about two different things? Aren't we talking about a question of whether we could carry out the administration of the ordinance or whether we have a right to change the ordinance? I wonder if Mr. Legal Adviser could indicate this.

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Mr. Legal Adviser: It is very difficult to debate complex legal questions in this Chamber, because a certain amount of to-ing and fro-ing goes on. Batteries of lawyers have devoted their time to bringing forward these sections and the operative instructions which were given to the lawyers basically were to so organize the law that if an election is held in September, the age qualifications at least, will be reduced--can be reduced. There is a basic section in the Canada Elections Act which has the effect of delaying, for election purposes, any qualification that is made in respect of voting. The way Mr. Hamel reads this is, that if any change is made, in the first place, it cannot operate for six months, but he then goes on to say that if the Parliament which made that law, sees fit to change the age qualifications, he would be administratively able to organize his election but no other. Parliament seems to have accepted his advice and to make it possible to reduce the age for a September election. It has also accepted his advice on the other matter, and has made it impossible to effect any other qualification change until after December. Even then, I draw the attention of the House to the fact, that the Chief Electoral Officer will not be able change his handbook and his instructions and would be relying on the publicity given by this debate and the local press and by follow-up circulars so that people would know that there has been a reduction made in the law because handbooks would not be changed. He is not telling the Council what they can do and what they cannot do. He tendered advice to the House of Commons and the House of Commons has accepted that advice. It is a legal argument as to whether or not the residence clause can be changed. Now, I think he would see that one of the qualifications to cast a vote at an election is that you must be personally present and cast that ballot, but on the date of the election the people about whom we are talking will not be within the Territory. Therefore, it is an extra qualification. It is giving a qualification. Now, this is a legal argument and it is difficult to resolve it here but, I would, myself, be extremely worried about carrying on with legislation to change other qualifications and making it possible for other people to argue out in the Territorial Court or other courts whether or not the change should be effected within the six month period. We would be running a very, very doubtful election and I think Mr. Hamel is not far from the mark when he says, in effect, please, don't make life difficult for a future Council by adding any change at this time.

Mr. Shaw: Mr. Chairman, we have various things to consider at this particular time. One of them is the changing--lowering of the voting age, which I am sure all Members agree with. The other consideration is, as the Honourable Member from Whitehorse East has suggested, proxy vote, and I'm sure all Members agree with that. At the same time, we have to consider the time involved. We have to consider what the Chief Electoral Officer has said; we have to consider what the acts that Parliament just passed indicate. That very clearly indicates to me, Mr. Chairman, that this is what they will accept if we wish to lower this voting age. Now, there may be ways and means of getting around to get something in and still hold the election, but to me it doesn't seem possible. The other alternative, Mr. Chairman, will be to hold an election in December. Well, anybody that would suggest holding an election in December in the Yukon Territory, has got holes in his head. Even taking the chance that we might have to call an election at that time, it is practically--I won't say impossible--but it is absolutely unthinkable to hold an election at that time. We do have different choices to make. We can say we want completely everything that we can think of or, we can take half of this cake. Now, this can be changed at a later date. It can be

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Mr. Shaw continues.....
changed by the next Council. In fact, that is a pretty good campaign platform, I would say, to get something like this introduced, but that is not the point. The point is that we have a sure thing right now, and to muddle it up at this time, to me, would be a mistake. Now, that is my opinion of it and I am going to stay with it, Mr. Chairman. I think that it is unfortunate that all these changes to the Yukon Act couldn't have taken place, say, six months ago. Had that have been the case, then, of course, we would have had adequate time to make the necessary changes. We have to take the facts into consideration and the facts are that we are somewhat squeezed for time and, therefore myself, I am quite content to go along with the particular section and get the nineteen year-olds voting and then take the amendments later on.

Mr. Chairman: I wonder, from the chair, if it might--or Committee might concur on the suggestion we deal jointly with the Sessional Paper now under review and Bill #8. In this case, I will stand Committee.....

Mr. Chamberlist: Just one question, Mr. Chairman.

Mr. Chairman: Proceed.

Mr. Chamberlist: I wonder if Mr. Legal Adviser would answer this question, whether or not I am correct or incorrect in saying that the function of the Chief Electoral Officer is to administer the election but that the Election Ordinance of the Yukon Territory prevails at the election, subject to certain sections of the Canada Election Act.

Mr. Legal Adviser: Subject to the Yukon Act and the Canada Election Ordinance, there are certain things we can do and cannot do and it depends on each aspect as governed by its own particular section. There is no one superior to the other. If within the power given to the Council, they make a certain rule or regulation, then that is supreme. If they have not, then the Canada Election Act ordinary rule applies. Each one is a different kettle of fish.

Mr. Chairman: Well at this time, we will stand Committee in recess until 2:00 o'clock.

RECESS

RECESS

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2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to order. I believe it was decided that at 2:00 o'clock we would proceed with the general discussions as concurred prior to recess with the reading of Bill No. 8. With your concurrence I'll proceed with the reading of the bill.

BILL #8

Mr. Chamberlist: Mr. Chairman, before we read the bill I would like to make a general statement on the bill itself. This morning the Commissioner read a letter and I noted it was dated June 5th, outlining the Chief Electoral Officer's comments with reference to any amendments to Election Ordinance. This morning I indicated that I would be more in favour of seeing additions to that ordinance by way of including the proxy voting as outlined in Section 46 of Bill C 215 which has just passed the House of Commons. A few days ago I requested the Administration to attempt to ascertain from the Chief Electoral Officer whether he would be in favour of increasing the requirements so that we may include proxy voting, and I cannot accept, Mr. Chairman, that this letter of June 5th, which is long before the time that I had asked for information from the Chief Electoral Officer as the information. I understood from the Executive Assistant Commissioner that information had been requested but the time that we had got up on Tuesday no information has been forthcoming. It is my wish, of course, to wherever possible as I have indicated to have all groups of people in the Yukon obtain the vote but I don't feel that I would be doing right if I would suffer one group not to have the opportunity to vote because the other group cannot get the vote. Of course, I will not be strong in my endeavors to having included the proxy voting but I want to make it clear that this is an error that is in the situation now and that every endeavor should be made at the earliest possible time soon after this election to make provisions that in case there should be by-elections or anything of that nature, or in case for some reason that the Council do not agree with the concept of the Minister's direction to the new proposed cabinet that will be sitting or the Minister may just prorogue Council at any time after the first day of sitting as he has the power to under the new terms of the Yukon Act so that at least the privilege of proxy voting will be available, and under those remarks, Mr. Chairman, I think we can continue because I've outlined exactly my feelings in this particular matter.

Mr. Legal Adviser: Mr. Chairman, the basic position is that the amendment of Section 14 of the Yukon Act that Council has given me authority by the Federal Parliament to change the qualifications. If they make a change, they make it under subsection (2). They have no other power.....qualifications. If they make a qualification change in relation to age then by virtue of the Federal Legislation will come into force in sufficient time for election to be held under the change in September. Any other change does not come within the purview of the amendment of the Yukon Act and will be ultravires in this House.

Mr. Chamberlist: Well, I'm not going to go into a legal argument with Mr. Legal Adviser at this time but I don't agree with his interpretation as I have already indicated in that area and I'm prepared to let it rest on the basis that I have already indicated and I'm leaving it at that.

Mr. Livesey: Mr. Chairman, I don't follow the fact that it is ultravires of the House at all. I think that the Council can make changes but the result will be that if they make these changes then the election will be in December rather than September. Not ultravires, they can certainly change an ordinance, it is up to us if we want to change an ordinance we will change it and if we don't want to change it fine and dandy. However, the only change that we can make

BILL #8

Mr. Livesey continued....

as far as the Federal Act is concerned, I think that the information that I have on it is quite clear, we can make this change alright and it would be within the meaning of Section 14 of Bill C 212 and therefore the election still could take place on September 8th. But, if we do make a change over and beyond that then the election cannot be held in September and will be held in December. That to me is a clear enough indication of the results of what has come out of Bill C 212, and, of course, if I am somewhere along the line legally incorrect because of a misunderstanding or a misinterpretation, I certainly bow to those who can prove that this is something different than what I have suggested. But, according to the information I have, I understand that my interpretation is correct because I've checked it not only once, but three times.

Mr. Chairman: I will proceed at this time with the reading of the Bill and this is Bill No. 8. (Reads Bill No. 8.)

Mr. Shaw: Mr. Chairman, on this Section 2 of this one, I was trying to see the difference of that and the existing ordinance and the only thing that makes any difference to what we already have is subject to subsection (2), and I'm just trying to see where the change comes in, that's all. Could the Legal Adviser....

Mr. Legal Adviser: I haven't got a copy before me, Mr. Chairman, but the purpose is to remove the disqualification when it is intended that persons appointed to assist the Commissioner would actually be drawing money, drawing salary, he would otherwise be disqualified and this is to remove the disqualification and put him outside that.

Mr. Dumas: Mr. Chairman, there doesn't seem to be any discussion on this and as there isn't I would like to move that Bill No. 8 be passed out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mr. Shaw: I will second the motion, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, before I leave the Bill, I wonder how much work is involved in, if Mr. Legal Adviser has looked into the situation now that we seem to be pretty well arriving at the age of nineteen for most adult type permissions. Are we looking at the age of nineteen for the age of consent and everything in the Yukon Territory in the near future?

Mr. Legal Adviser: We are. I have instructions from the Commissioner to examine what legislation will be necessary to bring into force either one or a series of laws which would have the effect of making the age for effective legal power either eighteen or nineteen instead of twenty-one. We would expect hopefully to have legislation at the next Sessional Council.

Mr. Shaw: Mr. Chairman, that law should indicate the responsibilities which are reserved until one is twenty-one years of age.

Mr. Legal Adviser: Apparently the situation is that the age twenty-one dates back to the age of chivalry when one became a knight and there is no other reason for it that is known to the law except that it just happened to be carried on by custom for something like 800 years.

Mr. Chairman: I have a motion before me, moved by Councillor Dumas and seconded by Councillor Shaw that Bill No. 8 be reported out of Committee without amendment.

Mr. Livesey: Just a minute, Mr. Chairman. I think this is ridiculous to try to rush this through. We have got to be able to look at it and under Section 2 of the Ordinance it says, and I wonder if Mr. Legal Adviser could give me some assistance on that, (Reads Section (2) of Bill No. 8). Well, either that it is subject to Subsection (2), that is all that has been added because it already says the following persons are not eligible to be nominated or elected as Members of the

Mr. Livesey continued....

Council in Subsection (1) of Section 9. That is what it says. All that has been added is subject to Subsection (2). Well, naturally, normally, Subsection (1) is subject to Subsection (2) surely. I wonder if Mr. Legal Adviser could advise me if I am making the proper interpretation.

Mr. Legal Adviser: The Honourable Member is making a correct interpretation, but it is necessary in a matter like this to remove beyond all doubts and to make quite sure that a person who is, would otherwise be disqualified is now not disqualified. It's merely a style of drafting.

Mr. Chamberlist: Mr. Chairman, I agree with Mr. Legal Adviser because what has been added, look back to Subsection (g), sub sub (g) has been added. It makes it necessary now to protect those particular Members who are going to help the Administration to carryout those works without being excluded from being a Member of Council. I think if the Honourable Member will look at it a little bit more closely he'll see that there is the protection, otherwise he would be quite correct in what he says.

Mr. Livesey: Yes, well, this is what I don't understand about the duplicate wording because it seems to me it is already in there and if...all it does then is clarify the additional sub (g) to Section (2). This is about all it can do though it seems to me that it is already there in the first place though perhaps it is just a question of technicality.

Mr. Legal Adviser: It's a question of technique. It looks a bit bad when you see it in the raw but when you see it in the full it will be more clear.

Mr. Chairman: Is there any further discussion on this motion?

Mr. Livesey: Yes, one more question. Who decided that the age was going to be nineteen.

Mr. Chairman: I believe this was the decision of the Legislature by motion. Are you prepared for the question? Are you agreed?

All: Agreed.

Mr. Chairman: Any contrary? I shall declare the motion as carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: The next item of consideration related to this is Sessional Paper No. 34. What is your pleasure in relation to Sessional Paper No. 34?

Mr. Chamberlist: Does the Administration require a formal motion on this particular....

Mr. Legal Adviser: Yes, please, Mr. Chairman.

Mr. Commissioner: Yes, please.

Mr. McKinnon: They are too excited, there is something wrong.

Mr. Chamberlist: We are a little bit suspicious, we have just heard our master twice.

Mr. Commissioner: Our apologies for the unanimity at the Administration level.

Mr. Chamberlist: Mr. Chairman, at this time I would move that Council dissolve not later than July 10th, 1970. I thought I best put the year in just in case.

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Mr. Chairman: I'm just wondering for the advice of Committee if it wouldn't have been better to move that Council concur with the recommendations contained in the Sessional Paper, and then we would cover both areas of discussion both of dissolution and the election date.

Mr. Shaw: I would be pleased, Mr. Chairman, to second the motion to fire this group.

Mr. Livesey: Mr. Chairman, this is the first time in all the time I've been on Council that the Council has been asked their opinion as to when they want to get excommunicated. I don't know what kind of democracy this is turning out to be, but anyway it reminds me of the fellow that goes to the gallows, you know, and instead of the law pulling the trigger, they say, now we are scared to pull it and we don't want to but would you mind reaching over and pulling the handle because this is real democracy I must say. This is really bending over backwards, Mr. Chairman, when they ask you to flip the switch and if this is good for us fine and dandy, I'm not opposed to it, but you know it's a funny thing, you know, in other words we don't want to do it, now you tell us that we have got to do it. And as I say I have never seen this before and this is something that they have been reading up in...or a few others, why perhaps this is really a study, this is a study of dissolution and perhaps this is dissolution, who knows.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Shaw that Council concurs with recommendations outlined in Sessional Paper No. 34. Are you prepared for the question. Are you agreed?

All: Agreed.

Mr. Chairman: Are there any contrary? I shall declare the motion as carried.

MOTION
CARRIED

MOTION CARRIED

BILL #1

Mr. Chairman: I am wondering at this time with the concurrence of Committee before proceeding with the next sessional paper if we could clear up Bills No. 1 and 6 at this time. Mr. Legal Adviser I wonder if we could now clear up Bill No. 1 and could you take us through the series of amendments?

Mr. Legal Adviser: Mr. Chairman, I am happy to announce to the House that myself and my assistant have been through the Bill and it represents the changes which I outlined to the Council the last time this Bill was before the House. I don't think it is necessary to go through them again but all the changes which were then indicated were being made are now issued to the House by the means of fresh pages. I don't think it is necessary to speak of them again.

Mr. Chairman: Yes I do believe that from the Chair that the major amendments other than typing errors and this type of thing have been concurred upon by resolution in Committee meetings of previous days but...

Mr. Chamberlist: I have gone through them and I'm satisfied that all the amendments that have been suggested have been included.

Mr. Chairman: What is your pleasure in relation to Bill No. 1?

Mr. Dumas: Mr. Chairman, I would like to move that Bill No. 1 be passed out of Committee as amended.

Mr. Chamberlist: I second the motion.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill No. 1 be reported out of Committee as amended. Are you prepared for the question? Are you agreed?

BILL #1

All: Agreed.

Mr. Chairman: Any contrary? I shall declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: We shall proceed to Bill No. 6.

BILL #6

Mr. Legal Adviser: The only amendment that I am aware of is my request to the House to change the title from the present title to read, "An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes", because this Bill doesn't actually do a transfer, it enables the Commissioner to do so.

Mr. Chamberlist: Well with respect it doesn't enable the Commissioner to do it until the certain things before that are done and I'm sure Mr. Legal Adviser is aware of that. However, I did recall that the Honourable Member from Carmacks-Kluane had asked, and I think it was indicated by Mr. Legal Adviser that the name would be changed from an Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the Municipality of the City of Whitehorse to the Municipality of the City of Whitehorse and this was out of courtesy to the Honourable Member which is no different that I will agree.

Mr. Legal Adviser: No doubt the Legal Adviser did say this but it was an aberration on his part, Mr. Chairman. On further research into the details of the proclamation which was issued on the creation of the City of Whitehorse, we found it was designated at that time as the City of Whitehorse.

Mr. Livesey: Yes, I would like to rise on that one, Mr. Chairman. I have never heard of an incorporated city without a charter. Now, there are lots of things I haven't heard about and no question about that, but you know it does surprise me about what goes on in this north country between sunset and sunrise, there is no question about that, the things that go on in the Yukon and in government and believe me this is that type of operation. Lets face it, that's it! That's a full description, there is no doubt about that, and how you can have an incorporated city with a charter I wouldn't know, but if you can have one well God Bless them all, I say this is wonderful. It can't happen apparently anywhere else but you can certainly have it here and as far as I notice under Subsection (m) of the Municipal Ordinance, and you notice this headline which strictly referred to the City of Whitehorse it doesn't say anything about this...in relation to anything else but the Municipal Ordinance, so you have the City of Whitehorse under the Municipal Ordinance and don't forget the City is included in the interpretation section under the word, "Municipality", and it says, "Municipality means any part of the Territory established as a city or village under this Ordinance". Municipality means that so therefore if the Municipality means the City of Whitehorse I would say it's the Municipality of the City of Whitehorse. Now, if I am wrong in my interpretation and all those who have a degree of higher intellect and learning are going to accept this well, I hear some comments that I'm wrong on this, but it seems to me that if I read an interpretation section which says Municipality means any part of the Territory established as a city or village under this Ordinance, I would say it is a Municipality and as a matter of fact, I'm quite sure it is a Municipality irrespective of all the various wise cracks that I'm listening to on this particular aspect, Mr. Chairman, there isn't any doubt about it, this is the Municipal Ordinance within which and within the meaning of the Municipal Ordinance this particular thing has been set up. So, as far as I am concerned, I'm not opposed to the contents and the principle of the Bill, but I am opposed to the title.

BILL #6

Mr. Chairman: What is your pleasure in relation to Bill No. 6?

Mr. Shaw: I would move Mr. Chairman, that Bill No. 6 be voted out of Committee without amendment, or as amended, I beg your pardon.

Mr. Chairman: Is there a seconder?

Mr. Dumas: Yes, I'll second the motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 6 be reported out of Committee as amended. Are you prepared for the question? Are you agreed?

All: Agreed.

Mr. Chairman: Any contrary?

Mr. Chamberlist: At this time I want to record that I am only agreeing subject to the Order in Council being available.

Mr. Chairman: I must declare the motion as carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Livesey: And, Mr. Chairman, I would like to rise and I want my objection to the title recorded.

Mr. Chairman: I take it that the...Councillor Livesey wishes to have his objection recorded.

Mr. Livesey: Right, to the title.

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Mr. Chairman: The Chair must say in all fairness that the Chair can only report opposition to the motion which was discussed and I'm sure that the balance of the remarks by the Honourable Member will be contained in the Votes and Proceedings. The next matter of consideration is Sessional Paper No. 33.

Mr. Chamberlist: Mr. Chairman, I introduced this paper. I feel that because of the many questions here really asked for us to be agreed to, I feel that we should go through the paper and agree section by section and discuss any section that needs any clarification. I think that on page 2, the two requests that are made (a) and (b) are the ones that are the crux in the information that is required by the Administration, the first one (a) the establishment of the Executive Committee for the Yukon Territory to consist of the Commissioner, two Assistant Commissioners and two Members of Council, the latter to be appointed by the Commissioner on the advice of Council and to serve during pleasure, I don't feel anybody will have any problem in coming up with an answer to that. But then when we come to (b), the principles of the operation of the Executive Committee as outlined in this paper would have to be one of the things that would have to be discussed and I think that.....

Mr. Chairman: I'm just wondering from the Chair if I might advise Committee it was my intention to take each item, (a), (b), (c) and deal with them individually if Committee concurs.

All: Agreed.

Mr. Chairman: (Reads Sessional Paper No. 33(a))

Mr. McKinnon: Mr. Chairman, why should it not be called an Executive Council? Why an Executive Committee?

Mr. Commissioner: The terminology Executive Committee is a terminology that has been getting used in the pronouncement of my Minister, Mr. Chairman, I hesitate to.... I think the Honourable Member's question is why is it being called an Executive Committee, you know, instead of

Mr. Commissioner continued....

being called an Executive Council and I would hesitate to attempt an answer you know, outright through that question just on that basis. I think that I would have to do some research and see if indeed the question of the use of the word Council as opposed to the word Committee has been considered. I really don't know.

Mr. McKinnon: Mr. Chairman, there is a very great differentiation politically between a Committee and a Council. A Committee of any legislative body has the well...has founded historical implications, that Committee is only a part of that Council and has no continuity or no basis for continuity whatsoever. The Committee sits as a Committee of that House and that House only. When that House is dissolved that Committee is no longer in need. An Executive Council goes along the well defined lines of British Traditional Cabinet practice that keeps a government functioning even though a House is no longer sitting or has been dissolved, and there is case after case in the evaluation of Responsible Government throughout North America and particularly in the Provinces of Canada where the Rights of Responsible Government were denied the people because of the terminology of Committee rather than Council and the Federal Governments and the Senior Governments absolutely refuse to accept the principles of Responsible Government until an Executive Council rather than a Committee was formed. So, in the realm of political thought and theory there is a major and a very great difference between Committee and Council and I don't think that anybody would consider this a Cabinet System or any kind of an embryo system of Cabinet Government if it was only going to be a Committee of that Council and that Council only. Now in the other sections of the Ordinances that we are changing and in the sections that allow for the payment of these people who will be on this Executive Council it allows for them to be Members of this Council even though the House has been dissolved so the principle seems to be that they intended to continue as a Council and as an Executive Branch of Government even after a particular or certain sitting or any Council has been dissolved. So with this in mind I think that it's a most important point and one that I think Mr. Commissioner should get on with his Minister immediately, and I think that I'd vote for one will raise very strong objection if his Minister does not agree that this should be changed to an Executive Council rather than a Committee.

Mr. Chamberlist: Mr. Chairman,the Honourable Member from Whitehorse North's attention to (f), "The elected Members of the Committee will serve beyond the life of a Council to permit the Committee to function until a new Council has been elected". Now, this answers the question, I think, that the Honourable Member has raised. However, I am in full agreement with him and while Councillor McKinnon and I were in Ottawa the Northern Affairs Committee were asked specifically why this couldn't be done and they didn't understand why it couldn't be done, that the Executive be referred to us as the Executive Council and I feel that I support the thoughts that have been brought forward by the Honourable Member, but certainly there is provision in this paper for the continuing of the elected Members in the quasi Cabinet position.

Mr. Shaw: Mr. Chairman, in listening to the citation of the Member from Whitehorse North it is very sensible what he has put forth and I don't see any reason why it cannot be changed to Council. I wonder if the Commissioner has any opposite views to that?

Mr. Commissioner: Mr. Chairman, I am honest with you. I have no strong feelings myself one way or the other but I would certainly have to have the opportunity of researching the correspondence that has been conducted on this and see if indeed the word here Committee has simply crept in in common usage as part of our conversations or if indeed that this is the word that my Minister wishes used or if indeed it is something that has some flexibility to it and I can't be more honest with this at this time, Mr. Chairman, I just can't say.

Mr. Shaw: Mr. Chairman, my first thoughts were that Council really indicated only elected persons, however, when we look at the Northwest Territories Council we also find that there are appointed persons on there also, so perhaps that doesn't apply but it does fit in more or less with the...would then fit in more or less with something like the Privy Council and it does sound sensible. It would take some time to research this, I would assume, on the Commissioner's behalf, however at this time whether we can get that change made or not I would make the motion, Mr. Chairman, that this be changed to the Executive Council, the Executive Committee.

Mr. McKinnon: Mr. Chairman, Mr. Commissioner has asked for a chance to look into this subject and I think that I would be very happy to second the Honourable Member's motion, however, I would give the Commissioner the benefit of being able to talk to his Officers in Ottawa prior to the motion being made which I think should be supported by Members of Council. If we are going into this difference in the system of Government, we are going into it in trust and we are going into it in an effort to make it work in an area of openness and I think, Mr. Commissioner, that your Minister's advisers well know the political implication of the difference between the word Committee and the word Council and if they have studied any of their history on the emergence of government throughout Canada since 1867, they are certainly well aware of the ramification of the differences between the terminology Committee and Council and if they were prepared to go along with the change in the name then, Mr. Chairman, I would have to tell Mr. Commissioner that I was just a little bit more than suspicious.

Mr. Dumas: I'll just point out, Mr. Chairman, for the edification of Committee Members that in the original announcement you made November 12th, 1969, it was called an Executive Committee. I think it's very unfortunate that we had not picked it up at that time so that we could have discussed it over the last six months, but in his announcement it was called an Executive Committee and it was at that time we should have picked it up. I think that the point made by the Honourable Member from Whitehorse North is a very good one and if anything can be done about it at this late hour I certainly think it should be done.

Mr. McKinnon: I won't accept that, Mr. Chairman, because it was picked up and it was argued with the Minister, with his Assistant and before the Standing Committee and everyone has agreed all the way along the line it still comes back Committee Committee and I'm starting to get suspicious where I didn't have doubts before.

Mr. Shaw: Mr. Chairman, in making the motion I did it for the simple reason of giving very definite feeling of the Council of the particular matter. I have known in the past that things have slipped along and slipped along and slipped along, and when asked when this isn't done, we have been informed that Council would have to make a formal motion. So, that is the reason I make the formal motion, Mr. Chairman. I know in so making the motion that if the Minister is agreeable to the change, the motion will be effected; if he is not agreeable to the change, the motion will be ineffectuated. So, you've got nothing to lose and possibly something to gain.

Mr. Dumas: Mr. Chairman, I'll say right now to this Committee that I'm not willing to blow the whole ballgame on the strength of some terminological inexactitudes, and I agree, yes, I agree that it should certainly be Council, but we haven't come this far over the last three years to blow the ballgame at this stage of the game. In Item (f), as far as the extension of the Committee is concerned, it is allowed. Now, I think the motion as put forward is an adequate one -- it's not as good as we would like. I think we've asked the Commissioner to see what he can do about this thing in changing the name. I hope that he is successful, Mr. Chairman.

Mr. Shaw: I like the quotations from the Honourable Member for Whitehorse West -- terminological inexactitudes, I believe, is a lie, and I don't think it was a lie. You've got your terminological inexactitudes inexact.

Mr. Livesey: One point I'd like to make is that in the Interpretation Ordinance under Subsection (e) of Section 20, the word "Council" is defined as meaning the Council of the Yukon Territory. I wonder if this would mean that they would need an amendment to the Interpretation Ordinance? SESSIONAL
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Mr. Legal Adviser: Mr. Chairman, only when the word "Council" is used alone in legislation, but Executive Council and Governor-in-Council and so forth, they're all subject to the meaning prescribed in either our legislation or the federal legislation or provincial legislation. We make them what we want to make them.

Mr. Chairman: Have you anything further on Sub (a)? Are we clear then on (a)?

Mr. McKinnon: Mr. Chairman, I would move that Section (a) of Sessional Paper No. 33 be amended to read "The Executive Council of the Yukon Territory will consist of the Commissioner as Chairman, the two Assistant Commissioners and two Members of Council".

Mr. Chairman: I wonder if the Honourable Member would make out the resolution?

Mr. McKinnon: Be happy to.

Mr. Chamberlist: I wonder if we could correct this Sessional Paper? I don't think, Mr. Chairman, that we can correct a Sessional Paper. I think the wording used by the Honourable Member for Dawson was more in compliance with really what we want to get at.

Mr. Chairman: Yes, this is true. The Chair had not noted this but we can't amend a Session Paper, however, it may be that the Honourable Member can rephrase his motion to be more in keeping with the....

Mr. Commissioner: Mr. Chairman, it might be well to note at this time that my Minister will be giving me a written instruction about the formulation of this Committee and I think really the request here is that in this formal instruction that my Minister will consider changing the word Committee to the word Council. I think really this is the request...

Mr. Chamberlist: I might, Mr. Chairman, at this time find out that while Councillor McKinnon and I were with the Northern Affairs Department, the suggestion was made that the name of the Yukon Territorial Council be changed to Yukon Legislative Assembly and that this Committee be referred to as the Executive Council of the Yukon Legislative Assembly. It appears to have favour with the Members of the Northern Affairs Committee and they couldn't understand why I couldn't call it that, but it never happened.

Mr. Commissioner: Mr. Chairman, with respect I don't want to become involved with the questions relating to this but what you are in here is the process of evaluation here and the terminology that the Honourable Member has suggested it certainly meets with favour and it is the next step on the evolutionary process and I am quite confident that all Honourable Members and myself included will be very happy to see that day come when there are several of these terminologies that will come in the course of the evaluation of Responsible Government. They are not just coming all as one, should I say a fait accompli.

Mr. Chairman: Well now we will have Councils for everything. Boy Scouts Council, Church Councils, Legislative Councils, Executive Councils. There is Councils for everything.

Mr. McKinnon: Mr. Chairman, I would move that the Executive Committee outlined in Sessional Paper No. 33 be known as the Executive Council.

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

S.P. #33 Mr. Dumas: Mr. Chairman, I am inclined to agree with the motion but what is the alternative? What if the Minister of Indian Affairs and Northern Development comes back and says no?

Mr. Shaw: Speaking on the motion, I would have felt that in presenting that motion, Mr. Chairman, that consideration be given. I think that that is all we can expect, it would not put up a wall and it would be something that that type of prefix by that consideration be given at such and such....

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist that the Executive Committee outlined in Sessional Paper No. 33 be know as the Executive Council. Are you prepared for the question?

Mr. Shaw: Before we put the question, Mr. Chairman, I would like to propose an amendment to the motion prefix by that consideration be given. I'll write it out...

Mr. Dumas: I'll second the amendment.

Mr. Chairman: The amendment as proposed, moved....if you will bear with the Chair a minute we've got to see how we can make this fit into the main motion. We say that consideration be given and the motion reads that the Executive Committee outlined in Sessional Paper 33 be known as the Executive Council.

Mr. McKinnon: The motion now has both a mover and a seconder but really, Mr. Chairman, the motion is superfluous because there is nothing else we can do in this respect except to give an opinion in Council and the main motion is just as simple as that, it applies that it is the opinion of Council and there is nothing legislatively set up, it's a creature of the Minister of Indian Affairs, the formation of the Executive Council Committee, whatever you want to call it, if he wants to call it to the Executive Committee even after consideration of the Council's motion that's exactly the due consideration he has to give the motion, or do whatever he wants anyway.

Mr. Chairman: Well, the Chair is having difficulty in accepting the amendment inasmuch as it does not fit the main motion.

Mr. Legal Adviser: Mr. Chairman, may I suggest that when it comes to the time to make the main motion, that it be a simple main motion that the House approve of the principles outlined in this paper, subject to the following reservations or requests, and then there may be other requests that may be made, but it will be clear that the over-all approval is given and then the other things are requests or addendum, or something. It is just a suggestion.

Mr. Chairman: Does Committee agree with this proposal?

All: Agreed.

Mr. Chairman: Is the mover of the amendment prepared to withdraw his amendment at this time?

Mr. Chairman: Is it the wish of the mover of the main motion that this be withdrawn at this time? Is it the wish of the seconder that the motion be withdrawn? Is Committee agreed to the withdrawal of these motions? May I proceed then to item (b)? (Reads item (b)).

Mr. McKinnon: Why, why should not one of the elected Members be the vice chairman. You can hear the argument - because that would put him in an untenable position because he would be in the Chair and not be able to vote but this thing has not a chance of a proverbial snow ball you know where of working if the Members are not more or less in unanimous agree all the way, if you have a three-two split all

Mr. McKinnon continues. . .

the way down the line, the Committee won't last more than a month and then you will have to start looking for a new system or man the barricades, one or the other, and certainly if we are looking at going into this as a partnership in this transitional political change at this time, then why in heaven's name should not one of the elected members, in the absence of the Commissioner, be in the Chair, because certainly the Chair, the implication is that he give guidance and direction and we are not trusted far enough to be in the absence of a man as capable as the Commissioner, one of the elected Members, of guiding and directing and Chairing this Committee. I think we are getting a come-on.

Mr. Chamberlist: Mr. Chairman, further, what happens if the Chairman or the Vice Chairman is not here, so the Cabinet comes to an end, nobody to operate because there is only provision made for the Chairman and the Vice Chairman, so you get three, which is a quorum, of the five and you can't operate because either the Commissioner or an Assistant Commissioner are not there to sit in the Chair.

Mr. Legal Adviser: The questions appear to be directed to me, Mr. Chairman. The reason is because the Commissioner is an official who has custody of files, reports, etc. and it is just appropriate that if he is not there the official nearest to him carries on the files and takes over. This is just a question of convenience. It is not a matter of trusting anybody and if they are both absent then of course it is at large and somebody can take over. There is still a quorum with three.

Mr. Chamberlist: Mr. Chairman, reference was made to files and something has struck me. Is it the suggestion now that the elected Members of Council will not have access to the files. Is this the suggestion that is being made?

Mr. Commissioner: Mr. Chairman, I am sorry, this reference to files is for the birds. The people who sit on this executive committee or Council, or whatever terminology, are either going to sit there as Administrative equals or they might as well go home and they are going to have access to every piece of pertinent information the same as any other Member has, whether they be elected or appointed. And insofar as the, our attempt to lay down the ground rules here in conjunction with consultation with the Minister, we don't claim any kind of infallibility at all and I am quite confident that after we have had this thing in operation and we are permitted to get it into operation, after the thing has been going for a month, we will know about fifty times more about it than what we know now; those things which we are attempting to lay down some kind of ground rules now may be a pretty amateurish attempt but those things that we don't foresee any difficulty then will be the very things that will become difficulties and the things we see difficulties in at the moment will pass into oblivion in no time at all and this is as amateur an attempt as you wish to state this situation here. It may well be that before we have operated this thing for very long there will be many other things that we will want to lay ground rules on as well, but for people themselves who are sitting on this, when the executive committee gets into operation are going to lose their identity as to whether they are appointed people or elected people when they sit on that Committee, and if they are not prepared to lose their identify or cannot lose their identify in order to get a consensus of opinion on the matter before the group at that time it does not matter how many ground rules we have, or what we try to have to lay down here, Mr. Chairman, it won't work.

Mr. Chamberlist: Mr. Chairman, this (b) on page two requires us to approve by motion the principle of the operation of the executive committee as outlined in this paper. Now, if we approve the suggestion that there can only be the Commissioner or the Executive Assistant as the Chairman, we are approving the policy right there and then and I think we must be careful not to approve any part of this policy

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Mr. Chamberlist continues...

if we can visualize the, if we realize immediately the amateur way that this has been put forward, as suggested by Mr. Commissioner. I think it is of the utmost importance to have it clear that where the Commissioner is not capable of acting as Chairman because he is absent, why should not an elected member act as Chairman. After all it means that there are still two of the Administration staff and one member of the Committee in the Committee, while the other person acts as Chairman. His function would not be a voting function, but certainly to act as Chairman, why should there be objections.

Mr. Commissioner: The over-riding piece of legislation is the Yukon Act. The things that are going to be done to get this executive group set up are going to be done on the basis of Ministerial instruction. My Minister is able to give me direction and he is able to give my Executive Assistant direction to do something and in the terminology of the Yukon Act it says that where the Commissioner, for one reason or another cannot act, the person who holds the Administrator's position, or as we term it, the Executive Commissioner's position, will act in his stead.

Mr. Shaw: Mr. Chairman, at this stage of the game I cannot see why it is so necessary to have an elected member as the Chairman. In the first instance, having been Chairman of Committees for quite some time and watch the Chairman of Committees here in his capacity as such, as a service to this Committee, the other Members, Members other than the Chairman have a lot more say and a lot more scope than what the Chairman has. In other words, if I were cooking this up I think it is very good to have one of the Executives as the Chairman or the Vice Chairman I should perhaps say; as has been outlined by the Commissioner, you also have the Yukon Act to consider, in which the Commissioner, under the authority of the Minister of Northern Affairs who, under the authority of the Governor General and Privy Council and what not, they have the function of administrating, or administering the Yukon Territory. That is the fact as we all know so that to change that executive control you still have to change the Yukon Act some more and at the present moment it has not been changed. Now, possibly we don't like that, possibly we don't like many things, but at the same time we have to recognize the facts of life and that is one of the facts of life. Regardless of that, I cannot see when you have four people meeting, one is a Chairman, what difference does it make. You have a vote of two for a certain thing, if there are sides, and I am hoping that when this comes about that this small Cabinet will sit down and thresh out the problems in a rational style for the benefit of the people of the Yukon. But if they should, if difference should occur, you still have the majority, but if the Chairman votes what can he do about it, it is two to one. If we look at it from that point, the Chairman would get a vote and the Vice Chairman would get a vote and it is a case of a tie. I don't think it would work out that way, or if you put the Vice Chairman as an elected person then you have two administrators against one so these people have to get together and they have to try and iron the matter rather than in a voting manner and I, in line with the Yukon Act, I cannot see the holding up this on account of something like that because it does not mean that much.

Mr. McKinnon: It doesn't mean that much. In 1898 the elected Members of the Yukon Legislature has been fighting for a change in the government and now we have one little change of what we asked for and it seems that the Members of Council are just going to prostrate themselves before the Federal House and say we have the be all and the end all and everything included in this paper and we are becoming a province tomorrow because of it. They are minor, absolutely minor changes in the system of a colonialistic type of government to some sort of emergence of responsibility. That is all we are, nothing else. If any Member here thinks that I am going to bow and roll over and play patsy for the minor changes in this paper without putting up the most strenuous objections and arguments then they have just got the wrong guy standing here because I am going to object. The Commissioner has said that he acts under the direction so it has to

Mr. McKinnon continues.. .
 be from the directions of the Minister to direct. The Minister of Indian Affairs certainly realizes it. He said the fact that no provision was made in the changes to the Yukon Act, that no changes were made providing for the formation of an executive committee is it means nothing since the Commissioner may always act on the direction of the Minister. So here we have a rather fine policy that the Commissioner has said that the Minister of Northern Affairs admits and everybody in the Yukon knows exists that the Commissioner acts under the direction of the Minister. Now I am saying, why don't we have the vice chairman, or the deputy chairman who is going to act more on the wishes of the people rather than on the direction of the Minister of Indian Affairs and Northern Development. Why have the second in command also acting on the direction of the Minister of Indian Affairs. If we are going to formulate, we are going to be able to work some kind of an arrangement we are just going to have it extremely difficult for the first period. We have to be able to go in with the trust and the understanding that we are going to work together and from what I see, from what the Minister is willing to give is crumbs so far to the people of the Yukon and it is a pretty one-sided arrangement up to this point in time.

Mr. Dumas: Mr. Chairman, I would like to know what, in the opinion of the Honourable Member from Whitehorse North or the opinion of other Honourable Members, just what role they see the vice chairman playing and why it becomes important, if a vice chairman of the committee be an elected representative rather than appointed?

Mr. McKinnon: Mr. Chairman, anybody knows that any body that has a chairman, that chairman gives direction and guidance to any committee. That is the role of the chairman, is to give direction and guidance. Certainly, if we are supposed to learn, if it is supposed to be a two way process, the same as the Budget Programming Committee was, the appointed bureaucrats learning from the political people that all just isn't cut and dried, that there are political ramifications; that you just can't put things in bureaus and drawers and expect them to work out this way or that way. We learned this from this association. The other thing that was learned was that from the political end we found that though often mistaken, their hearts were in the right place, the bureaucrats. Now we want to continue this process. Certainly, if the chairman is the Commissioner and gives direction and guidance, then one of the elected members for the some day, I hope, when the Commissioner will be taking on the formal role of a Lieutenant Governor type of position and the ascendancy of the elected members will be complete, how can they know how to run a government if not given the opportunity of directing the executive council and of giving guidance and direction. This is what I say, it has to be a learning process for this period of time. What better process of learning than being able, an elected member to be able to sit in the chair and actually set, direct and guide the policies that the Yukon Territory is going to live under. I think that is the most valuable experience that one could ever ask for.

Mr. Chairman: Just prior to recess I believe Councillor Shaw wishes to speak.

Mr. Shaw: I do not appreciate some of the remarks just passed out by the Honourable Member from Whitehorse North. I have been working on this a heck of a lot longer than what he has and just because I don't see eye to eye with some matter he has then I am selling the ship and all this kind of baloney and election propoganda, in my estimation. Now, let us get at the facts of things and the facts are here right in the Yukon Act. The Commissioner shall administer the government of the Yukon Territory under instruction, from time to time, given him by the Governor-in-Council of the Minister. Now, that has not been changed by an act of Parliament. That is still in effect. Now you can do all the talking and squaking right from the top of the house, it does not alter the facts. I have to be pragmatic about

S.P. #33 Mr. Shaw continues..
these things, I have to understand just when something is that is not changed. When we change that point, when we change the administration of the Yukon Territory going into the hands of the elected representatives, then we have a horse of a different color. Once we are given that prerogative, then we take these duties away from the Commissioner but the fact is that he has them right now. We have been given the opportunity to work with him in an executive capacity, to work together to govern the Territory, and that is the first stage and a wonderful one which has taken seven years to get. Now we are starting to argue over who shall be a chairman and who shall not be a chairman and to me I don't think it has that significance. If someone can prove to me in a practical way where it does perhaps I would change my mind but I cannot see where this is such a big issue because these people must work together. These people must get together and the fact that you have a Chairman as an elected person is not going to stop the problems from coming up from time to time and the problems in resolving them, whoever it may be. I cannot see the difference and that is why I stood up on my feet, not that I am bow to anybody. I don't have to, in fact I have to bow down less than I ever had to.

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

RECESS

Mr. Chairman: At this time we will call Committee back to order. We were discussing sub-section (b) of Sessional Paper No. 33. Councillor Livesey.

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Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner can indicate whether this paper, this policy paper is in fact a policy paper of the Minister's or is it something on a local level.

Mr. Commissioner: Mr. Chairman, this paper has been worked up between myself and my Minister and our advisers. This is not local authorship but certainly is a result of consultations of the whole matter and bears my Minister's wishes with regard to the setting up of this executive group.

Mr. Chamberlist: Obviously then, Mr. Chairman, it was not with consultation of any Members of the Council. I would like to read into the record Hansard of Thursday May 14th, page 6978 during the debate on the Yukon Act and amendments to the Yukon Act and the Northwest Territories Act and the Territorial Lands Act, by Mr. Chretien, "I think we are facing a very far-reaching step in the Northwest Territories and the Yukon on the Committee that I will order the Commissioner to form. There will be two elected Members who are part of the Executive Committee. This is true that this is not provided in the Bill but this is because we want more flexibility. The fact that no provision is made for this in the Bill means nothing at all since the Commissioners always act on the direction of the Minister". From that you will gather that the Minister will be saying whether the Executive Committee or Council lives or dies so whatever we can get we should try and get around this table and if we can get the Minister to change his attitude on one or two of these things I think we should try and do it.

Mr. Chairman: May I proceed to (c) at this time. (Reads s.s. (c)). Are we agreed on this? (Reads s.s.(d)).

Mr. McKinnon: Mr. Chairman, I can only say that this is history in complete reverse order of the proper system of government that should be applied to the Yukon and it is here in black and white that it is going to continue at least for the foreseeable future and certainly the right order of things is that the Commissioner should be under the direction of the Committee rather than vice versa. He should be promulgating and passing laws as a good, nice fellow Lieutenant-Governor after the Cabinet has told him that these are the laws of the majority of the people which they decided they want to live under and these have been passed through Parliament but for all the crying and howls of delight from people of the Yukon that there is such a metamorphosis in the system of government as provided by the Minister and these changes as outlined in the Sessional Paper No. 33, it is going to be a long, hard grind.

Mr. Commissioner: Mr. Chairman, at this point I think that the basic thinking of my Minister with regard to the aspects of the requirements of the Yukon Act is that although the Statutory requirements in the Yukon Act is that the Commissioner shall administer the government of the Territory under instructions from time to time of the Governor-in-Council or my Minister is still going to stand. My Minister supports the giving the advice of the Committee, and especially the elected Members as full as possible consideration in determining the course of action to be followed by the Commissioner in any given situation. My Minister indicates very clearly that he will rely on my judgment to keep him informed of these decisions and also to keep them informed of various potential conflicts with Federal policy and that when necessary, consultation will be affected in these potential areas of conflict between the Minister and his office and myself before any action is undertaken.

S.P. #33 Mr. Chairman: Councillor Chamberlist, will you take the Chair.

Councillor Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I would like to say that this point is where the whole program will sink or swim. This is where it will fail, the whole experiment will go right down the drain because it is unthinkable and inconceivable that an elected representative of the people will work under the direction of bureaucrats. It defies all procedures and is just unthinkable that an elected representative would go and work under the direction of Administration. That elected representative must be answerable to the Legislature who in turn are answerable to the people of the Territory and as it states here in (d), the elected members of the Committee will serve full-time, during pleasure, under the direction of the Commissioner. This is not possible in a democratic society such as exists in Canada, in my opinion. What you could find, and will probably find, after the next election is held in the Yukon Territory that you are going to have seven elected representatives here in this room and (a) I doubt very much if you will find anybody from those seven who will accept the responsibilities on the Committee unless it is changed or altered and the whole thing will fall flat on its face, in my opinion.

Mr. Dumas: Well, Mr. Chairman, I must agree with the Members who have spoken earlier on regarding this point. I said before that I would not be in favour of blowing the ball game for a couple of rather minor points, at least these points that I consider rather minor. I think that this is a major point, Mr. Chairman, and I for one would be willing to say "go jump in the lake" on this point because here we have a situation, Mr. Chairman, where the Council elects two of its Members to sit on a Committee and the Commissioner fires them, possibly. It is an untenable situation. It is now becoming more and more clear here - I see the Commissioner and the Legal Adviser shaking their heads - it couldn't be any clearer, "under the direction of the Commissioner will sit full time during the pleasure under the direction of the Commissioner". Nothing could be clearer, Mr. Chairman. It seems to me that the only thing, the only advance we seem to have made in the three years is that we are going to have two fellows who have full-time, well-paying jobs.

Mr. Legal Adviser: This paragraph is not intended in the way outlined by the Honourable Member. The Council itself will appoint the Members to this Council. If they wish to resign they may resign. If the office is to be terminated then it is the Council who would terminate the office by a vote. This is not a question of the Commissioner hiring and firing. The Council will take the decision. During pleasure is a technical word.

Mr. Taylor: Mr. Chairman, this is quite clear. Only this Legislature can remove, under the Terms of Reference as outlined here, a Member who for one reason or another should not be in their opinion or wisdom, on this Committee, but what you have to decide here is, are the elected representatives appointed to that Committee by the future Council to be office boys to the Administration or are they to be working for the people? All this is co-related with the - you are asking here that these people disassociate themselves from businesses-private businesses now in order that they can give full-time to fulfilling this function of government. So, if you are going to do that you have to give these people cabinet status. They are not going to just walk out and rid themselves of their enterprises and go to be an office boy. Number two is, once that is done these people must be answerable to no one else but the legislature which has appointed them to serve on this Committee and if that cannot be done I say again, Mr. Chairman, this will never work. It is just absolutely impossible and until there is some clear-cut expression from the Commissioner, in consultation with his Minister on this point, the whole thing is a total failure. I think that this is

Mr. Taylor continues....

the most important item in this whole paper and in this whole experiment.

Mr. Dumas: Mr. Chairman, in the years that I have been sitting on Council we have come across the term "during pleasure" many, many times and we have always understood it to mean the same thing. Now if there is some other meaning in this particular paragraph at this particular time I would very much like the Legal Adviser to explain what he reads in that paragraph, by a sentence which says "will serve full time during pleasure under the direction of the Commissioner".

Mr. Legal Adviser: The meaning of the words "during pleasure" means, legally, that he can be terminated at any time. It would be better rephrased "The elected Members of the Committee will serve full time under the direction of the Commissioner, during pleasure". "During pleasure" is a two word phrase meaning that they have no right to a contract, no right to continuity, that when their office terminates it terminates but it is the Council which terminates them, not the Commissioner.

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Commissioner and ask Mr. Commissioner if in his wisdom, and very concisely, if he would give us his views in this matter of direction; how this is supposed to work according to the Minister and the Administration.

Mr. Commissioner: There is no problem here at all, Mr. Chairman, you can't have two governments, you can have one and if you are going to have two governments, the experiment will fail and if we have one government sitting down here at one end of the hall and these representing the two elected people and they want to go off on one track and the three appointed people who are sitting on this group want to go off on another track, we have two governments. There is no way of anything working at all and the matter of making the thing work is that there has to be a consensus found within the group in order to get anything done. One of these people is going to be in charge, I think the general consensus has been that the Department of Education will be one of the Departments that will come under the pervuew of one or the other of these elected people. Now, I don't see how you are going to make any government work, no matter whether the people who head it up are elected or appointed or how they got into the executive arm of the government. If the Department of Education is going to operate as a law unto itself. The Department of Education can only operate in harmony and in co-relation with all other Departments of Government because there is absolutely nothing that you do in the Department of Education that does not affect every other Department of Government. It has to come under some kind of centralized direction and this centralized direction is going to be the consensus of opinion that is arrived at in the executive council or the executive committee. There is only one way this thing can work and I think the Members of the present Budget Programming Committee, I think, expressed the situation very very well. The elected people learn that many of the things that the appointed people are attempting to do are, literally speaking, impossible from the political sense of the word and the elected people, or the appointed people find out that many things are impractical from an administrative point of view that the political people want to do. It has to be a teamwork operation and somehow or other you have got to have someone or other on this team who is going to co-ordinate the situation and at this particular instance it is going to be the Commissioner, no matter who it is that holds that position, whether he be an elected man or whether he be an appointed man. And the manner in which he is going to get his direction in order to do something is going to be at a meeting of the Executive Committee in which a consensus of opinion is going to be arrived at and no matter which Department is affected at that point. The co-ordination of the activity is going to come under the

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Mr. Commissioner continues...
 Commissioner of the day or whatever terminology you call it and there is no way out of it. It is just impossible. If you are going to have a team with two quarterbacks calling the shots it is not going to last very long. Anybody who is worth his salt who is going to try to be the leader of this particular management team is only going to operate and is only going to give effect to his management and is only going to have effective management if he has a consensus of opinion that he knows is going to be backed up by the rest of the members of that group. Now, you talk about having this individual responsible to this Legislature. It is not a question as to whether the individual is responsible to the Legislature or whose responsibility it affects at all; it is a matter of whether or not he is going to effectively co-ordinate the activities of that section of government that he has charge of with all other sections of government. I think that the Honourable Member would agree with me that there would not be very much point to the budget of the Department of Education being completely and utterly and totally exhausted if in the process of doing so there was going to be a particularly impossibly heavy burden placed on the Engineering Department. In other words we cannot embark on a school construction program if we don't have the physical capability of giving effect to it. There is nothing that can be done in the Department of Health, Welfare or Rehabilitation that does not affect the Department of Education, that doesn't affect the Treasury Department, that doesn't affect the Engineering Department. All these things have to be met and this is exactly what we are saying, in this section here. Now, I hope that I have explained the point, Mr. Chairman. If there is anything further I will be very, very happy to express myself as clearly as I can on this matter but the basic problem that is involved is that you cannot afford the luxury of having seven or eight or whatever number of Departments that we have in the Territorial government, each coming under a head, no matter whether he be appointed or whether he be elected, who is going off on a track of his own, without co-ordinating that path with the rest of the activities of the government and the co-ordinating instrument at this particular point in time happens to be the Commissioner of the day. He happens, at the present time to be appointed. We all are getting ready for the day, getting closer to the day, when a fully elected executive will be the order of the day here in the Yukon Territory and whoever happens to be the leader of that particular thing; you may call him something else other than the Commissioner, but he is going to have to be the guy at that point in time who carries the can for co-ordinating activities of all the various facets of government and gets the common policy on the road.

Mr. Taylor: It is clearly understood that the structure of this executive committee is still in such a way that the Administration have the uppermost hand. They have three members because they have Mr. Chairman, who is the Commissioner and two other administrators so it is three against two. I still cannot see why, or I cannot even see how you can make this thing work as long as the Commissioner then, he has to take his changes as I see it, on this Committee, how he can expected an elected representative of the people to be under his direction. We haven't - it cannot work - you cannot serve two bosses. You are serving the **people** or you are serving Administration, the bureaucrats and if it is just a case of a couple more executives you can go and hire them, you can hire brains, you can pay big money for it. You don't have to ask the people to go there and be office boys and that is exactly, in truth, what could happen. I have spent nine years in this House and I have worked very, very hard at trying to achieve the type of thing that we are attempting to get now and I think we have made some real gains but unless we can bend a little further in this regard we haven't made any gain at all but set the whole program seventy years, right back to 1898. I say to you this, Mr. Chairman, unless some change is made in the policy reflected here, I say this, that this experiment will fail and fail miserably.

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

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Mr. Taylor resumes the Chair.

Mr. Shaw: It has taken seven years to get to a point where we are now. Up to this point the Federal government, I think I can say most reluctantly, have been passing on more powers to the elected people of the Yukon and I think, in view of there not being the same type of a government in Canada, that we could perhaps call this an experiment. Once we embark on this program there will be many things, I think, come out of it that we cannot foresee at the present time; some may be good and some maybe not so good but there is one thing, I think that we all need to remember is that when we come to the Council table or when we are a Member of an Executive Council or Executive Committee we are still working for the benefit of the people. This experiment will be the first time that the people themselves have got the foot in the door to try and operate things in the Territory and though it is not a whole cake it is certainly part of a cake. Now, I have on various occasions been on a committee for budget planning and I have found that in relation to the amount of money involved and all this kind of thing, that rationality comes out of these kind of things. It has to. You may want to build this or that but the money is not there so you have to divide it accordingly and after a lot of discussions, you finally come down to a basis where you can do something within the powers you have and there is every latitude and every consideration to a rational approach to this. Now, when this Committee starts up I agree very much with what the Commissioner has stated that you can't have two governments; it is one, both the appointed and the elected members of this Committee are working for the people of the Yukon Territory and for Canada as a whole, surely. They must rationalize their actions and if the Administration becomes irrational, somebody will put them in their place. If the Council Members who are there become irrational then the Council itself will take the appropriate action. In other words common sense dictates how this is going to work and under the present rules, under the present statutes of Canada this is what we are going to have and this is something that is just as important for all Members of this Committee to try and work together for the common wheel. It isn't something where they go on with their own private ambitions; they are working for the people of the Yukon Territory. That is their job and they have to get along with the other fellow whether they like it or not and certainly you can't have one group going in one direction and another group going in another. The whole thing has to be co-ordinated. The Honourable Member from Whitehorse, from Watson Lake is very well aware of Budgetary Planning Committees because he has been on that Committee or the Financial Advisory Committee, that you have to sit down and give and take and you have to work the thing out so it comes under the common structure. You just can't go in this or that particular direction. Everything has to fit in in one package and I am very hopeful, Mr. Chairman, that this is going to work. I think that common sense will prevail and will work. It will be a little rough from the start, in fact it will be extremely rough but it will work. It is a step forward in the right direction and if we go a step forward in this coming group of Councillors and it works good, I think that at that time representations could be made by that Council to get a little more authority and certainly I would not want it to go back as far as 70 years. This will depend a great deal on the calibre of persons who are in this Committee. It will depend precisely and exactly on what kind of people are there. It is a start; that is all I can see. It is all the start that we are going to get by the changes in the Yukon Act and the existing Statutes. Now, to get any more, and it is perfectly OK with me but I think that Parliament will have to get down and work out again some more changes in the Yukon Act if it is going to be different.

Mr. Chamberlist: Well, Mr. Chairman, I feel that all Members of Committee should recognize that we expected what the make-up of the Executive Committee would be - two elected Members, two Assistant Commissioners and the Commissioner, but I think the words in the paragraph, sub-paragraph (d) were indeed, I would say, with respect

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Mr. Chamberlist continues...

to Mr. Commissioner, Mr. Chairman, very ill-chosen words. I think those words "during pleasure under the direction of the Commissioner" could have been well left out. Then it would have read "the elected Members of the Committee will serve full-time and be reimbursed from the Consolidated Revenue Fund approved by Council through annual operations. Because it is clearly understood by all Members what the position would be, but it seems to be that a knife is being put in and twisted and this is what I think most Members who have spoken feel strongly about. I recognize and I would be foolhardy I would suggest, with respect to every Member of Council, to recognize otherwise that under this particular set-up there is going to be a majority of the Administration of the Executive Committee where it is obvious that when it comes to a ruling on any particular matter and that the Chairman will have to rule, he may rule in favour of the elected representatives but he is more likely to rule in favour of the Administration because, as I have already indicated and have already been spoken on by the Minister himself that the Commissioners will take instructions from the Minister and it is obvious also that if the Commissioner did not take his instructions from the Minister and refused to be so instructed on a particular matter, he would be out of a job for not carrying out his boss's orders. So we know full well that we are going to be directed by the Commissioner whether we like it or not. Now, this I am prepared to face up to because it is one of the facts of life at this particular stage and after we have been trying what we are trying to get; we tried to get it in such a way we would have three members and only two members of the executive, or two Members of the Administration but this was denied us. So, I would suggest that though we are not, in the last twenty minutes or so, creating a tempest in a teapot because obviously I feel strongly, as any Member does here about the situation, and I would suggest and I would ask Mr. Commissioner to consider at this time, Mr. Chairman, whether he would allow those words to be removed from the Sessional Paper, because he signed it, and he can also authorize that those words be removed, those words "during pleasure under the direction of the Commissioner" which do not really mean anything because of the situation as is, but at the same time I would think it would be a very strategic withdrawal on his part in allowing the situation to be as it is going to be in any event. Thank you Mr. Chairman. I wonder if Mr. Commissioner would answer that?

Mr. Commissioner: Mr. Chairman, I don't see any harm in stating the facts as they are; that is all we have done.

Mr. Livesey: Mr. Chairman, I have been sitting and listening here to this discussion for quite some time and although I agree with some of the Members who have spoken so far on this particular point one thing I would like to say is this and I think that if you are going to approach the whole question of this new set-up with an air of distrust, and promote such a thing, you are going to defeat it by that action alone. There is no question about that, in my estimation. If two Members of the elected body are going to sit with the Executive body the Executive body know already they are going to have to trust each of those Members so elected implicitly. This is the only way you can approach the whole question of government and if there is distrust to start with nothing will ever come of it so the executive branch, as far as I can see, are certainly going to accept the fact, irrespective of the words that may appear in here and I certainly do understand, obviously the way the words are written that it could convey the wrong impression but at the same time the responsibilities of the two elected people who will subsequently be appointed by the Council to the executive body. The Executive body will know at all times, when they are making decisions, irrespective of whether it appears on this Paper or not but whatever they do will affect the political standing of the individuals that are being provided by the elected body to serve on the Committee or whatever other name one may wish to give it. So, I think it is going a little too far by saying that we distrust the

Mr. Livesey continues....

whole thing right now, before we even get it started. We are already saying that we think the Administration is going to put the elected Members in such a position that they will neither be able to move to the left or the right and forecasting doom for any operation of a committee. I think this is far too soon to make a stand on such a case. But, certainly, if we are going to go into the thing and we are going to accept it and the first thing to do is to make up our minds that we are going to make it work and to make it work we may have to accept things that on the surface of it may not appeal to us to start with but if we are going to go into something new how do you know what the problems are going to be. I don't think we do know what the problems are going to be and I think it is truly unfair to say we know what the problems are before they have even arisen because I think by doing so what we are doing is generating an atmosphere that could create the very problems that would defeat it and I don't think that is the way to approach it at all. I think the way to approach it is to go in there with the idea that we are going to make a success of it and if we make a success of it, Mr. Chairman, I am mightily sure door number two will open not too long after we have concluded and it has been proved that this is a success. Now, how are you going to open door number two if you are going to slam number one. That is the one I can't see. It is quite obvious that the two Members of the elected body first have to accept the facts as they are and that is that there are going to be three members of the Executive, of the Administrative appointed body there and the two Members from the elected group obviously will be presenting the people's point of view for the first time in the history of the Yukon right at the top. It has never happened before. How can we turn around and say it is not going to work. I don't see this. I think we have to show a little more optimism than that Mr. Chairman and I think the best way to show it is to conclude that we are going to make a success of it and I think if we do that we can all iron out the problems as they arise if we have that positive view and that positive form of thinking; negative thinking, in my estimation is going to destroy it and we don't need negative thinking. What we need is positive thinking and those people who will go in there, let them go in there with the idea that they are going to co-operate, they are going to understand what the idea and meaning of government is and they are going to work with the Administration. This is the only way it will work. There is no other way, in my opinion.

Mr. McKinnon: Mr. Chairman, I'm like the Honourable Member from Whitehorse East, I would rather thank the Administration for being brutally frank and honest in their approach in the paper as to the way that this executive council is going to work if established. I think the really difficult role to be filled on this executive council is definitely going to be the position of the two elected members. The Administration is going to be in rather a much better position than they have ever been prior; they are not going to be lambasted to quite the extent, I don't think, in the House as they were prior because Members who make these decisions are going to be in at the top level of the policy-making decisions. It is going to be an extremely difficult transitional period for these two Members who are in the Executive or who are on the Executive, particularly at the the first time and there is no possible way that the Minister of Indian Affairs and Northern Development is going to say that the Committee is going to be under the direction of one of the elected Members. We may as well face reality; we are either going to have the two Members in the Executive Council and that Executive Council is going to be under the direction of the Commissioner who administers control. There is going to be no executive council whatsoever and certainly there is going to have to be on their abilities, on their strength, on the integrity, on the persuasiveness of the Members on that Committee to be able to persuade the appointed Members that this is the right policy, that this is the right directive, that this is the right philosophy that this Committee should be following at that time and I think that if these elected Members haven't got the qualities and the ability to be able to do that, to be able to sway the Executive Assistant to the

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Mr. McKinnon continues....

Commissioner and the Administrative Assistant to the Commissioner then in all seriousness they are not the right men for the right job at this time in the history of the Yukon Territorial Government and this transitory period that we are going through at this time. I don't often throw ...phrases around the table like the Honourable Member to my right, but if I remember from my political science days the rather intangibles that very real rule of cabinet government, the primus inter pares, the first among equals rule applies to the Prime Minister. He is the same as the Cabinet Ministers. He's on the same status and he is the first amongst those Cabinet Ministers and certainly this is the position and this is the thinking and the feeling of the person on the elected body that goes in there. He is no greater or no lesser than those persons there but he still is first among equals because he is there on the express opinion and on the authority of the people of the Yukon Territory, and it is because of this he is going to be able to move his ideas and his policies to this Committee and he is going to get the Members from the appointed Executive to agree with them, and I think that the whole success or failure of it lies on the ability of the people from the elected level who are going to go on this Executive Committee. In fact it is such an onerous job and I can see the difficulties and how fraught it is for these first elected Members on this Committee that I rather pity those first two members and if I were not amongst them I think that I would be quite happy at this point in the Yukon history because it is going to be a tough one.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I feel I just rise to make one point clear. What I have noted, and I feel somehow very confident, that there is going to be a problem in this area, the problems in finding the people, as the Honourable Member has just said, to take this job. I don't know, I guess if the people will not accept, out of this next elected group, the two will not accept this responsibility, the whole thing has failed and I would not for one want to see it fail because as I say I have worked very hard towards this end and I want to see it work. This is one of the inconsistencies and I think we will be getting to another as we get a little further on in the paper and I don't like to throw gloom on things but this is the way I see it and at this coming election there are going to be many candidates in the Yukon Territory vying for seats on this Council and I think these things have to be spelled out very clearly so that they all understand what they are running for. They have to determine whether or not they are prepared to accept this type of responsibility. Hopefully the majority of people elected will but this is why the discussion now is so important because the people of the Yukon must know what is expected of them. They must know whether they are working for the people or whether they are working for the Administration and this is just one instance.

Mr. McKinnon: Couldn't we soften the blow just a little bit, Mr. Chairman ... "the elected Members of the Committee will serve full time during pleasure of the Council" because that is certainly what it is. The people from the Council are going to be electing these people to the Committee and they are serving pleasure and it does read, at first reading, I understood it to be the pleasure of the Council but on first reading to anybody it does look like the Commissioner's pleasure, not only his pleasure but his direction. It is a little tough to swallow, really.

Mr. Legal Adviser: Mr. Chairman, the word "pleasure" has a technical meaning. The Commissioner will actually sign any appointment or any authority they get. The authority for that will be the vote of the Council. It will be by motion, a formal motion in each case to be removed or not but I could conceive of a particular instance where it might be necessary, without a formal vote of the Council to remove

Mr. Legal Adviser continues...

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from him under certain circumstances such as a failure to secure re-election, so I don't mind changing the punctuation, or a change of position but it is not during pleasure of the Commissioner, it is just during pleasure.

Mr. Taylor: I will resume the Chair.

Mr. Chairman: Is there anything further on (d)? (Reads s.s.(e),(f),(g),(h)).

Mr. Livesey: There seems to be somewhat of an overlap between (g) and (h) where it says "each new Council will decide by formal motion at its first Session after an election whether the serving councillors should serve on the Committee or be replaced". This leaves it open for the Council to make a motion on it and yet in the following sentence it says "(h) the failure of the Councillor to be re-elected will automatically result in termination of his appointment" so therefore if (h) is correct then (g) is redundant, and if (g) is correct then (h) is redundant. So you have, supposing it was this body and we had elected two Members to serve on the Committee. So you are going to dissolve the Council in July we will say. They will carry on until the new election because obviously one cannot carry on without government so therefore government will be carried on by the elected body in the same way in which the Administrative body has been carrying it on over the years. However, here is the way I read it "each new Council will decide by formal motion at its first session after an election whether the serving councillors should continue on the Committee". I would consider the previous people from the previous Council still on the Executive body. Now, they are going to make a decision as to whether they should continue even though they are not elected. That is what it says. "each new Council", that means a Council following a general election will decide by formal motion at its first Session after an election whether the serving Councillor should continue so therefore they are going to have an opportunity to say whether they should or should not continue even though they are not elected. That is what I get out of it. Now, then (h) says the failure of the Councillor to be re-elected will automatically result in his termination. Now, as I say, one or the other is redundant because if he is automatically cut off because he did not get elected, why give the new Council a choice of saying yay or nay to their continuation. This is what I can't see. Can someone explain that?

Mr. Chamberlist: I would like to explain it Mr. Chairman, because it reads clearly to me that if there are two executive Members of the Committee after a Council has prorogued and there is a new election, they remain on the committee; if they run for re-election and they fail to be re-elected, then they automatically cease to be Members of the Executive. If, for instance, they do not, (that is in (g)), the idea is that supposing the two Councillors that are sitting on the Executive, Mr. Chairman, are re-elected, it is, they then retain their position on the Executive until the next Council Session and the Council will then decide whether those two will remain or whether the Council will elect different Members to the Executive. This is the way I read it and I wonder if Mr. Legal Adviser....

Mr. Legal Adviser: It is not intended to be a law drafted, they shall do this and they shall do that. There is an explanation. If everybody understands it then there is no need for a change.

Mr. Dumas: Mr. Chairman, if the words in section (g) words "subject to sub-section (h) were inserted at the beginning of that it would be perfectly clear.

Mr. McKinnon: Mr. Chairman, I rise in defence of the Honourable Member from Carmacks-Kluane, I think he has just pointed out that (g) is redundant.

Mr. Chamberlist: It is not.

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Mr. McKinnon: Certainly it is because if there are two Members of the Council and they are elected to the Executive Committee, if they are both defeated in the election, that is fine, (h) takes over that the failure of Council to be elected will automatically result in the termination of his appointment and Council at any time by formal motion under (e) can appoint anybody who they like to the Executive Committee. They can change those if they don't like on the Executive Committee and they can do whatever they want. There is no reason why, if things continue as they have, if the two Members more than likely will be forming the majority on the Council will be the leaders of the majority on the Council, are elected and are re-elected, why should there be any formal motion of the Council to prevent them continue with the Government, why should it not be on a continuing basis and certainly, Mr. Chairman, the Honourable Member from Carmacks-Kluane is right. It is redundant, superfluous and it is not needed in the instructions whatsoever.

Mr. Legal Adviser: Maybe it is not necessary but it is part of this deal that the Council, at the earliest possible moment after the election will confirm in office the people who come in and that is just taken for granted.

Mr. Chamberlist: Another point, there might be a situation for instance where the same people who have been appointed to the executive may not be running for office again. You see, but their office is still good until the new Members are elected so then they remain on the Council until after the date of the return of the Writ which gives and indicates the new Members. Then, from that time they are off. That is why it is necessary to be in there in any event because you have the two Members of Council, they are still Territorial Councillors because the Writ is on the 10th of July. This does not—we are still Territorial Councillors until the new Council, no doubt at all, where there are no members without a Territorial Council but...

Mr. McKinnon: It is the only government I know of, Mr. Chairman, that even following an election every four years, and even though they are confirmed as a government, have to go out of the House and pass a form of motion saying that they are the government, ridiculous.

Mr. Shaw: Mr. Chairman, these two people may be on and may be part of the party that gets re-elected back again but there may be certain new Members that have gone into the Council and feel that these are not qualified and it is necessary to change it. This gives the new Council the opportunity to accept or otherwise those that are in. I think it is necessary, myself, because the change may be desirable.

Mr. Chairman: May I proceed? (Reads s.s.(i)).

Mr. Dumas: Mr. Chairman, the Department of Rehabilitation, is that what we used to call Corrections?

Mr. Chamberlist: Do I understand now that we are changing the name of the Department of Correction to the Department of Rehabilitation?

Mr. Commissioner: Mr. Chairman, approximately in 1966, I believe, at the Fall Session, there was an outline indicated which was given approval by the Council to a general re-organization of the Territorial Government regrouping of certain administrative functions. This is the opportunity that is available now to group together those things which were agreed to at that time, namely the Health operation, the Welfare operation and if you do not wish to use the word "Rehabilitation" this was the word that was used at that time, but it is Corrections and Probations and also will possibly have away from the Welfare situation, not necessary away from it but part of the situation such things as alcoholic education, drug abuse and things of this nature. Now, as far as the word "Rehabilitation" is concerned, the question the Honourable Member asked "are we going to rename the Department of Corrections; I don't think there is any necessary for renaming the Department of Corrections but the word "Rehabilitation" in the Departmental terminology is to

Mr. Chamberlist: The point I make here "these Departments" in the first instance will be "so we are referring to the Department of Rehabilitation.

Mr. Commissioner: No, Health, Welfare and Rehabilitation.

Mr. Livesey: Well I think Rehabilitation, rather than being the name of a Department, is really the policy, is it not, although it has never worked.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, there are a couple of questions that I think everyone is interested in getting answers to in this area. The first thing is, will these people have cabinet status? Will they be cabinet ministers? The second question would be, will they have control of their budget within these Departments; in other words will a person who is assumably a Minister of Education, shall we say, will he have control of the budget within his own Department, and thirdly, will he be able to hire and fire the Director, who would then be his Deputy Minister?

Mr. Commissioner: Mr. Chairman, you cannot subvert the laws of the Territory. In the first instance the Administrative responsibility for the administering of the budget of the Department of Education would come under the direct day to day scrutiny of the Member of the Executive Committee for Education, or Member of the Executive Council for Education, as you wish to put it, but budgetary control would be one of the important things that he will be charged with as part of his day to day responsibilities. As far as the hiring and firing of civil servants is concerned, the civil servant comes under the protection of certain laws of the Territory and those laws must be obeyed, it does not matter who is administering them.

Mr. Taylor: This is where you get your answers. Indeed if someone took up one of these tasks he would have a deputy who owes him no loyalty whatsoever but owes loyalty to the Administration; in other words if this Minister found that the Deputy was not functioning in his job of running this Department and he wished to reappoint another Deputy by some means, it cannot be done. The guy just has to live with it, is that right?

Mr. Commissioner: That is a very, very poor way of putting it, Mr. Chairman, if I may be permitted the observation. I don't think this is a straight-forward situation. I think it is a question of the Minister of the day, the Member of the Executive Committee who has the Departmental responsibility brings the facts to the Executive Committee that the individuals who are involved, who are administering these programs are completely and totally incompetent in this field, certainly there is something got to be done about it and the question as to how it is going to be dealt with, it will be dealt with around the table of the Executive Committee.

Mr. Taylor: One more question. I noted the Commissioner's remark; he said the Minister or, and then he said the Member of the Advisory Committee. Could we have some clarification. Will these people have some sort of Cabinet status or what?

Mr. Commissioner: Well, Mr. Chairman, I don't know what you mean by Cabinet status. This is something in the dictionary. I don't know what you are even talking about. They are going to be Members of the Executive Committee and the terminology will be a Member of the Executive Committee for Education or a Member of the Executive Committee for Health, Welfare, Rehabilitation or Member of the Executive Committee for Public Works, whatever it is.

Mr. Dumas: Mr. Chairman, I can't see this being a real problem. If you want to get rid of an Assistant than you simply go to the Executive Committee and say that there is a personalyt clash and either he goes or I go and if I have to go I will go to Council

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Mr. Dumas continues...

before I go and it will be a whole new ball game again. And if in the final analysis it became a real problem you simply come to Council and say to the majority of Council which supposedly this person has behind him "I want to reduce this fellow's salary to \$1.00", and it is done.

Mr. McKinnon: I can see all this getting blacker and blacker and more frightening with every paragraph. Now, the Superintendents, that is what they are called under the Territorial system, that is the proper name for them, the Superintendent of Welfare and the Superintendent of Education. Now we are changing the rules of the ball game and it is going to be a Minister, a fellow who is going to run and they are going to set the policies and run a Department. You can call it by any name you want but as far as I am concerned he is going to be a Ministerial function of a Cabinet, that is what he is going to perform and certainly this person has the right and the authority to bring in a man as his Deputy who has, or is going to set the policy, or is going to administer the policies and going to set into motion the wheels that that Minister or that head of that Department wants him to do and the Superintendent stays in exactly the same place where he does to take care of the administrative details. And Mr. Chairman, I find it impossible to think of moving, of a person moving in to a Department and having a clash with a person who has been there for many, many years where it is almost impossible to change a person's thinking and ideas and practices and philosophies with all the other very difficult things to overcome. It is just an administrative impossibility to make that Department tip to the way that the elected Member moving in and trying to change policy the way he wants it to go and I cannot see any other area except in every function of Cabinet-type of government where the Minister, the Deputy and the Director, or the Superintendents are in that type of a line of command and we know that the Deputies in the Federal Government are switching all the time because of different Minister's preferences and likes and of course the Director's stay on in the Civil Service because they are Civil Service but the Deputy Ministers certainly aren't considered to be under the protection of the Civil Service Act as all other Civil Servants are.

Mr. Legal Adviser: As I understand the position of Deputy Minister, either in the Provincial framework or cabinet framework in the Federal Government, the Deputy Minister is a full time civil servant and he is responsible to operate a department under the direction of the Minister, but he has the protection of the Civil Service Regulations and Rules to protect him. He is not appointed by the Minister, it is a Cabinet decision to appoint or change or transfer a Deputy Minister and this is what the Commissioner suggested should be the position here.

Mr. Taylor: Mr. Chairman, I am amazed at the way this thing is getting diluted and there is not going to be a great deal left. It was my understanding as I think some Members have said, that we have got to work together in a feeling of mutual trust but I am becoming more suspicious - we should not be accused of mistrusting the Administration, it would appear that the Administration mistrusts the people and the elected representatives because it is just watering itself down and all we are really doing is asking two Members of Legislature to become Executive Assistants to the Commissioner.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything further on (i)? The next item is on page two (Reads beginning of page two (a)).

Mr. Dumas: I think it is probably the same question. I say tying the salaries of the elected members of the Executive Committee to the salaries of the appointed Members of the Executive Committee

Mr. Dumas continues...

is a mistake. The appointed Members of the Executive Committee are the Assistant Commissioners now and I believe receive some sort of increase each year and so forth, and this is just not done when you have elected people. You pay them a salary, you pay the sessional indemnity plus a fixed salary and it is that fixed salary for the next five or ten years and may be reviewed at some future date by some future Council; to tie them in to the salary that is paid to the appointed Members I think would be a mistake, besides I think there are two different salary ranges here. The Executive Assistant has one salary range and the Administrative Assistant has another so I think that what would have to happen is that Council and Administration might have to sit down and come up with something they consider a reasonable salary for that position over and above the indemnity paid as an elected Member of the House.

Mr. Livesey: Mr. Chairman, all the paper is saying is they are giving you limitations, that is all it says. It is just placing a limit on it and not saying it should be at any particular level. All it says it shall not rise above it, that is all it says.

Mr. Dumas: I'd like to ask a question of the Honourable Member then, Mr. Chairman. What shall it not rise above, the pay of the Executive Assistant or the pay of the Administrative Assistant.

Mr. Commissioner: Mr. Chairman, the terminology and relationship between the salaries, we are talking about maybe a few dollars. One is under a Federal Civil Service..

Mr. Dumas: But because of this you can't tie it in.

Mr. Commissioner: Well, all we are suggesting is that this is, basically speaking, not maximum limitations. It is going to have to be decided by the Council and the Executive Committee in consultation. We are suggesting that this would be basic minimum.

Mr. Chairman: Next item is (b) (Reads (b)).

Mr. Chamberlist: There are not going to be too many people who will be able to do anything under this particular section because I know I am not going to go and divest myself of all my interests that have taken me 25 years to build up because this is a ridiculous thing. I think it is too great a demand upon anybody, what exactly does it mean and what does it limit one to. Perhaps Mr. Legal Adviser will indicate that.

Mr. Legal Adviser: Mr. Chairman, I don't think it is intended to mean that any Member has to give all his money away. I think it is just to mean that we should adopt what has come to be accepted as normal cabinet practices, whatever that may be from time to time. It is getting stricter. This means he transfers his business interests, his ownership of business, operating business. He might have to divest himself of mining shares of companies which are organized within the Yukon Territory. He might have to sell, say, an operating business. This is just one of those things that must be done. It does not mean that he must sell his house and live in a tent. I think most ordinary people understand what is meant by this, conflicting interests is what was really meant.

Mr. McKinnon: Mr. Chairman, this is as clear as a bell, they sell, divest themselves of their business interests. So that means that any shares or any companies that I have I have to sell my interest that is in them.

Mr. Chamberlist: If I had the good fortune, or misfortune, as the case might be, to get into this position, I would have to just get rid of the things I have strived for for so many years. For those people who haven't any employment or business interests this might be fine because there is only one thing they are concerned about, but

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Mr. Chamberlist continues...

the people who have business experience and business training and by doing this, unless it specifically states what is meant by this and quite frankly ...I don't see how anybody could say that the person who has shares interferes with them devoting their full time to their new duties. Perhaps it depends on what type of shares are being held. Does it mean that if a person has shares in a company that owns property, get rid of these shares in this company because he has a rental unit. What does it mean? How far does it go?

Mr. Commissioner: Mr. Chairman, very obviously it means potentially conflicting interests and certainly I don't think that anyone who sits around this Council table now, has done in the past or ever will so do in the future, would want to expose themselves to having any accusation, be it accurate or inaccurate, ever castigated upon them or cast upon them that they had used information that they had received as a consequence of their privileged legislative position and now their potential executive position for their own personal enrichment. This is exactly what it says and the people who are going to sit on this Executive Committee are going to be privy to every particle of information that comes into these Administrative offices and this varies in range from what the potential of dozens of mining properties around here to what the future interests of Federal Government agencies, to what their spending policies, their expansion policies are in the Yukon and other parts of Canada in the next ten or fifteen years and certainly, Mr. Chairman, there has got to be some ground rules in this regard. The whole thing is potential conflict of interests. That is just exactly what it means.

Mr. Shaw: Mr. Chairman, I can see that some difficulties could apply to some people running or accepting this job, or perhaps I should say position. A person is a contractor, normal business and most of the big contractors deal with the Territorial Government. Obviously that person could not hold a job, the position of Executive Council, and still conduct his business that will do, in turn have contracts with the Government. I would not take it, Mr. Chairman that this means every business. I have a little business in Dawson, for example. I don't sell anything to the Government anyway. I refuse to sell anything to the Government so it would not really apply in a particular instance like that. I don't think, and I do believe the Government does get prior information to the individuals. They hear about such and such an oil company coming up to the Eagle Plains. They have a tremendous well so someone - a tremendous find of oil. So OK, you are in on this particular deal and you go and buy up the shares on this outfit and of course when the public knows of the announcement by that time the shares go away up and you make yourself a million bucks on the deal. Those kind of things I think are what must be considered. How a person having some small business or something like that, I could see that that would be somewhat stupid to have to get rid of that, but anything that could possibly have any conflict with, conflict of interests whatsoever, it cannot be, it positively cannot be in my estimation. Now, they must have some type of deal which applies to Cabinet Ministers both provincially and Federally. What it is I don't know, maybe it is just an ethical practice to get rid of - you do read and hear, Mr. Chairman, from time to time that so and so, when he went into his Cabinet post he divested himself of interests in certain companies that might create this conflict of interest and I think the same must apply here. Certainly I would not want to see any person on this Council or Committee that his business interests would in any way have dealings with the government. That cannot be because it would create an area of distrust amongst the population, the fact that somebody was in there and in a high position and was able to do business with the Government. It just cannot be. I don't know just how you would put all the different things together and say what was and what wasn't but there must be some general yardstick that can be used. I would certainly go for the fact that somehow or other this has got to be resolved.

Mr. Dumas: Mr. Chairman, this problem is resolved in the provinces and the Federal government and it is a very simple way of resolving it. You simply divest yourself of any conflict of interest. That is the sacrifice you make. If you are not prepared to make it you do not sit on the Executive Committee. It is just as cut and dried as that.

Mr. Dumas continues....

I realize it is asking a lot off people but then people have done it before over the last hundred years in the provinces and in the Federal government, that is the situation and it cannot be any other way, Mr. Chairman.

Mr. Livesey: Absolutely correct, Mr. Chairman, that is it and there are no two ways you can cut the pie any closer and any cleaner than that and for the obvious simple reason that whoever is going to sit with the Executive body is going to sit as a group and whatever is disadvantageous to one Member of the group is disadvantageous to all Members of the group whether they happen to have interests or not. The thing will be that the government by virtue of the establishment of the executive committee has to be clean. They have to have clean hands and everything else they do about themselves, as far as their operations are concerned, as far as people are concerned. Otherwise, all they are doing is attracting constant problems towards themselves; not only that you know how things can be invented. It is very easy to invent in the public mind, as you know, things that don't exist at all, but by virtue of what things may look like on the basis of circumstantial evidence. I personally, although I can see the problems possibly involved for certain individuals due to the fact that their tenure, shall we say, of office may be short-lived; under some circumstances this is possible and it is going to be a sacrifice, no doubt about that, but if anyone wants to go in there I think the best thing to do is get out from under and join with a clean slate and I have to go along with this question on that basis. As you probably know, through reading the press recently, why some, at least one Member of the B.C. Provincial government is now under accusation in the House because of interests in mining shares and things like that. I don't see anything wrong with that, Mr. Chairman. I think it is absolutely necessary.

Mr. Chamberlist: Mr. Chairman, this might be all well and good and I am not defending the situation that people should divest themselves of their interest; this is fine. But I would like a Member of this House to come up with a suggestion of how anybody who has created for himself business interests over twenty-five years and in two months from the time of an election is being asked to divest himself of his interests. You tell me where you can find somebody to sell so many hundreds of thousands of dollars worth of property that is involved in a company. You tell me some where you can go ahead and sell maybe thousands of dollars worth of share certificates when the market is low, just to divest himself of interests. You go ahead and tell me where you can do that; the only way you can do that is transfer it to your wife and your son; is that satisfactory, Mr. Legal Adviser, divesting yourself of the interests, or do you have to go and give away just because you want to serve your country, just because you want to serve the Yukon; is this is what is being asked of the people?

Mr. Legal Adviser: I couldn't say with authority, Mr. Chairman what the procedure is but I don't think it is a twenty-four hour job. This is a question of arranging to do this within an acceptable time, but it does not mean transferring conflict of interests to your wife.

Mr. Chamberlist: How is there a conflict of interests if you are transferring your property and your interests. How can you do this; how can you expect anybody to do that in so short a time. Could anybody here tell me who has any business interests that they can transfer or sell or divest themselves of their property. This is a most unreasonable way to do it, but it is all right to say that where you divest yourself of interests where there may be a conflict, but you can you say what area and this is what I am asking Mr. Legal Adviser to say at this time so that the public who intend to run for office are guided that they may give thought as to whether or not they should indeed run for office, be guided by what the

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Mr. Chamberlist continues...

decision is. Now this is the important thing. If for instance the Administration would say what is meant by this, that you do not have a contracting company, that you do not have shares in a contracting company where the company will be bidding for Territorial Government work, say that, but you can't say, if you say they are expected to divest themselves of their current employment and business interests, this is telling you to get rid of everything that people have struggled for years, that have slept on a mattress for \$2.00 bought from a second-hand store.....struggled for 20 years and now I am told you know, if you want to serve the Yukon get rid of everything. I have to make my family suffer....this is the most ridiculous thing I have ever heard of. Let the Administration tell us exactly what you mean by it and it is this that I am asking the Legal Adviser to say now, what does Administration mean when they say "divest yourself of the interests", what are you talking about - tell the people but don't put it in such an ambiguous way that it can apply to anything and everything and then you make your decision afterward when something goes wrong. I think you should prepare candidates so that they know why they are running and what they cannot do. I say it is most improper to put in here a section like that, most improper.

Mr. Dumas: Mr. Chairman, I am sure that there must be a set of rules laid down in the provinces and in the Federal Government and I think we should be looking to adopt these set of rules, whatever they may be here in the Territory, and the sooner these rules are known the better it will be for all of us.

Mr. Commissioner: Mr. Chairman, all Members of this Committee are entitled to protection, not only the elected people but the appointed people, and certainly the internal rules of the Committee will no doubt spell out in very, very clear terms what is acceptable and what is not acceptable, but it is not fair to either the elected people that the appointed people should have business interests, nor is it fair to the appointed people that the elected people should have business interests, all of them as a group could conceivably become under public suspence as to what was transpiring at that Executive group. Now, this is a two-way street and I am quite confident that the Honourable Member who raises the question knows exactly the same as the rest of the group, that it is a very simple and easy thing in government particularly, with the type of information and generalizations that flow in and out of our offices, to find yourself in a very, very easy conflicting situation and it is going to be up to the group themselves to establish the rules that are going to be looked upon as those areas in which there is potential conflict and in which there is not. I am sure, as the Honourable Member has suggested, there are general rules available in the Dominion and throughout the provinces of Canada and these would be the ground rules to start out with. The Committee itself would no doubt..what to have the certain changes possibly made in them, but in the type of government that we have, the tremendous range of information that comes to bear and which has a bearing on executive decisions and has to be made known to all members of the Executive, the potential conflict of interests are far greater in our government at the present time than what they are in both provincial and Dominion governments because we not only have the normal provincial things that come to our attention, we also have all the Federal matters.

Mr. Chairman: I wonder, in view of the time, you would care to continue this debate when next we sit? What is your further pleasure?

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

Mrs. Gordon: I would second that motion.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 11:25 A.M. to discuss Bills, Sessional Papers and Motions. Committee recessed at 12 noon and reconvened at 2:00 P.M. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 8 be reported out of Committee without amendment and this Motion carried. It was moved by Councillor Chamberlist and seconded by Councillor Shaw that Council concurs with the recommendations outlined in Sessional Paper No. 34. This Motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill No. 1 be reported out of Committee as amended. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 6 be reported out of Committee as amended and this Motion carried, with Councillor Livesey opposed. It was moved by Councillor Chamberlist, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: We have heard the report of the Chairman of Committees. Are we agreed?

All: Agreed.

Mr. Speaker: Would the House be now supplied with the agenda for tomorrow?

Mr. Taylor: Mr. Speaker there are remaining three Sessional Papers in Committee of the Whole at the present time and I understand that Administration will be bringing one further Bill in tomorrow morning.

Mr. Speaker: Are there any additions? Is there any further business? What may now be your pleasure?

Mrs. Gordon: Mr. Speaker, I move we call it five o'clock.

Mr. Speaker: Adjournment has been called, Are we agreed? The House now stands adjourned until 10:00 A.M. tomorrow morning.

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order, and I have for your attention this morning the tabling of Sessional Paper No. 35. Are there any Reports of Committee? Introduction of Bills?

Mr. Taylor: Mr. Speaker, I would beg leave to move introduction of Bill No. 9, namely, An Ordinance to Incorporate the Village of Faro. **BILL #9 INTRODUCED**

Mrs. Gordon: Mr. Speaker, I would second the motion.

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

Mr. Chamberlist: Mr. Speaker, I would give Notice of Motion re Sessional Paper No. 35. **MOTION #17**

Mr. McKinnon: Mr. Speaker, on a point of order, how are we going to be able to process these? I would also like to make a Notice of Motion at this time, and I was wondering if I did so, whether we would be able to waive the rules today to be able to deal with the motion before prorogation?

Mr. Speaker: I think, from the Chair I might say, the House will provide every accommodation to Members in order that they might be able to clear up all their problems today.

Mr. McKinnon: Mr. Speaker, I would like to move then "That it is the opinion of Council that the Aishihik Road be maintained to Mile 28 and that the campground facilities at Mile 28 be maintained and improved by the Yukon Forestry Department". **MOTION #18**

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? We have nothing under Daily Routine this morning. Are there any questions?

Mr. Chamberlist: Yes, Mr. Speaker, I'd ask Mr. Commissioner whether the Plunkett Report, which is dated April 22nd, was discussed with anybody of Council, the Financial Advisory Committee, or Members of Council before this was acceptable to the Administration? **QUESTION RE PLUNKETT REPORT**

Mr. Commissioner: Mr. Speaker, I would confirm that this was discussed in Budget Programming Committee and their recommendation of acceptance of the same was the decision upon which I acted in this matter.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner could indicate then why consideration was not given to employees who are tradesmen employees where their rate scales now are 25% less than what the rate scales of like tradesmen working in the field outside of the Territorial Administration? **QUESTION RE PLUNKETT REPORT**

Mr. Commissioner: Mr. Speaker, if you were to give consideration to every possible facet in this kind of a wage and salary review, you would never catch up with the considerations. I appreciate very much the point that the Honourable Member has made. I have said at this Council before, and I would like to reiterate it again, that until such time as we have proper collective bargaining with our staff and their appointed representatives, there is going to be continuous question and criticism of anything else that is done by Administrative direction or edict in this regard. This report that is before you is the compilation and as far as I am concerned, is done by completely and totally neutral individuals who were hired for this purpose, and it is his name that is at the bottom of the

Mr. Commissioner continued ... report. I recognize that it is my responsibility in the final analysis to either accept or reject this. I feel that having accepted it, it was done on the basis that it was as perfect or imperfect a document as any criticism or praise that anyone would care to level at it on any one particular point. Mr. Speaker, I appreciate very much that the Honourable Member's question is raised, and it's a valid one, but I would also ask that he appreciate the fact that the alternative to this is collective bargaining, which, as the Honourable Members know, we are in the process of bringing about and are committed to in dealings with our staff.

QUESTION RE
PLUNKETT
REPORT

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner would indicate then for how long are these arrangements re salaries of all the employees going to be before collective bargaining can take effect to correct an anomaly which exists in relation to trade people.

Mr. Commissioner: Mr. Speaker, I would like to suggest that if one wants to examine this report very carefully, it was made approximately two months ago. I can assure you that the anomalies -- they are worse every day of the week. I would offer no way that they are ever going to be totally corrected either by collecting bargaining process or otherwise, and certainly we are hopeful of entering into collective bargaining with our employees as soon as the necessary legal matters can be taken care of. I believe that one of the major hurdles is already taken care of in the amendments to the Yukon Act.

Mr. Chamberlist: Thank you, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION RE
FIREARMS
RESTRICTIONS

Mr. Shaw: Mr. Speaker, in view of the proliferations of campgrounds in the Yukon Territory, has any consideration been given to legislation to restrict the use of firearms in these particular areas?

Mr. Commissioner: Mr. Speaker, I think that we are once again faced with a question of whether legislation is going to do any good or not. I'm sure that there's adequate legislation to prevent the misuse of firearms in any area in which the public is present -- maybe that's not the correct wording, but if Council in its wisdom feels that legislation specifically relating to campgrounds and places of outdoor public assembly related to the use of firearms, is desirable and necessary, an indication from the Honourable Members to this effect will have our immediate attention, Mr. Speaker, but I certainly do think that as long as we have individuals who seem to feel that because they are north of the 60th parallel that the minute they pull out a gun and start shooting there is no one within a country mile of them that can be affected by the consequences of their misdirected enthusiasm, I don't know what good legislation is going to do, Mr. Speaker. It would appear to me that one of the best things that we can do is to have some means of some form of campground permits. I think it was suggested two or three years ago here in Council that it's time that we had a charge for these campgrounds. It may well be that every car, upon entering the Yukon Territory, would be required the same as they are in a national park to buy a sticker which would permit the use of the campgrounds, and along with it they would get a list of the rules and regulations that apply in these campgrounds. This may be a partial answer, but until the individuals themselves are prepared to act no differently in the Yukon than what they are in their own backyard at home, why, we're dead. Of course, maybe some of the places these people come from -- maybe they do pop off 30-30s in the backyard just to keep the neighbours awake at night, I don't know, Mr. Speaker.

QUESTION RE
FIREARMS
RESTRICTIONS

Mr. Shaw: Mr. Speaker, to follow this particular question along, would the Commissioner not feel that in view of the fact that there is no control whatsoever now that a token control at least might assist the problem or restrictions?

Mr. Commissioner: Mr. Speaker, I'm in full agreement that it would, and I would undertake to have the Legal Adviser research those ordinances and laws which we have at the present time that affect the use of firearms, and if he feels that something supplementary to this, either by regulations or amended legislation, would be of assistance, why we would be most happy to bring forward our suggestions in this matter.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Mr. Speaker, along this line, I would like to direct a question to Mr. Commissioner this morning and ask him if it is anticipated that Conservation Officers will be placed in the field, that is, by the Territorial Game Department, prior to the fall of this year, and that is in the outlying districts other than Whitehorse? Will this be done prior to fall of this year?

QUESTION RE
CONSERVATION
OFFICERS

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative. The Councillor just caught me without the actual numbers that are involved, but I do believe that there is a provision in the budget for three Conservation Officers, two of whom will be stationed in the field outside of Whitehorse. I am quite confident that the Director of the Game Branch either has these people recruited or is in the process of doing so, so that they will be available in the field prior to the date as mentioned by the Honourable Member.

Mr. Speaker: Are there any further questions?

Mrs. Gordon: Mr. Speaker, in this House last spring, we extended services to the people in the Yukon under the Y.H.I.S. There's an additional service. But, of late we have taken a service that is very essential in our outlying areas in the withdrawal of the pharmaceutical facilities in our smaller hospitals. The drugs in the pharmacy are essential for the use of patients in the hospital, and the patients who attend clinics receive sufficient drugs to last one or two days, and their prescriptions are sent down to the drug stores in Whitehorse, and sometimes it's a week or ten days before it gets there. I'm wondering if we're giving with one hand and taking away with the other. Mr. Commissioner, would you advise whether you will look into this situation and see if something can be done about it?

QUESTION RE
PHARMACEUTICAL
SERVICES IN
OUTLYING AREAS

Mr. Commissioner: Mr. Speaker, I would certainly undertake to look into this situation. I'm not too certain just what is involved here, but it would appear to me that the idea is that Northern Health Services do not wish to be accused of infringing in the private sector of the economy, and possibly their reticence at infringement is what is difficult to deal with here. But, I can assure the Honourable Member that the matter will get looked into and she can anticipate hearing directly from us. Give us a week or ten days to find out just what is going on, Mr. Speaker.

Mrs. Gordon: Thank you, Mr. Commissioner. As a second question, last fall on our books we introduced An Ordinance to Provide for Vocational Rehabilitation of Disabled Persons. It has come to my knowledge that several people with disabilities have tried to take advantage of this Ordinance, and I would ask if the Board or the administrative facilities that would be necessary to establish this Ordinance and make it workable, have been made?

QUESTION RE
VOCATIONAL
REHABILITATION
ORDINANCE

Mr. Commissioner: Mr. Speaker, this is a participating program with the Canada Department of Manpower, and if the individuals involved, or the Honourable Member would care to make the individuals involved known to either myself or my officers, we would be very happy to look into the situation on an individual-case basis because this indeed is the method that is used. Insofar as the application of the Ordinance is concerned, I believe that I am aware of several instances where the program has been applied. I'm sorry I can't advise the Honourable Member as to whether it has been successful or not, but I know where it has been applied, and if the Honourable Member asking the question, Mr. Speaker, would bring to us the names and the situation regarding the individuals concerned, I will see that it is looked into.

Mr. Speaker: Are there any further questions?

QUESTION RE SMALL BUSINESS LOANS Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner could tell me what the interest rate will be on the small business loans?

Mr. Commissioner: Mr. Speaker, I cannot answer in numerical terms; I can say that the interest rate will be that rate which is applicable to Industrial Development Bank loans on the day on which the loan is made.

QUESTION RE AMENDMENT TO CANADA ELECTIONS ACT Mr. McKinnon: Mr. Speaker, I notice in the change in the Canada Elections Act that it calls for the political affiliation of a candidate to be listed on the ballot. I wonder if this change is going to mean at the Territorial election this fall, the people with the courage in the Territorial election to put a political affiliation after their name can do so?

Mr. Commissioner: Mr. Speaker, I'm afraid we'll have to have time on that. I'm sorry, but I don't know what portions of the Canada Elections Act, if any, have been promulgated in time to be applicable at this Territorial election.

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

Mr. Taylor takes the Chair.

QUESTION RE GRANT FOR KLUANE ASSOCIATION Mr. Livesey: Mr. Speaker, I have a question for the Commissioner this morning. In view of all the various amounts of money that appear to be floating around the Territory at the moment, I wonder if Mr. Commissioner could let me know if the Administration has now decided that the Kluane Historical and Community Development Association can be allowed to have their \$500 grant?

Mr. Commissioner: Mr. Speaker, grants of this nature, I think it was explained at a prior Session of Council, have been taken up entirely for this year, however, there are certain capital funds available for disbursement to such organizations through the Territorial Historic Sites and Monuments Board, and I have asked this Board if they would look at the request that has been made by the Honourable Member on a prior occasion. I'm sorry I cannot answer one way or the other as to what the recommendations of this Board will be in this regard, but it will not be operating funds, Mr. Speaker. If any grant is made through this, it will be on a capital grant basis. I may say while I'm on my feet, Mr. Speaker, that I have had the opportunity of visiting the work that is being done by the group referred to by the Honourable Member, and I can say that it is a very great credit to a small community, and certainly any help that can be forthcoming they are more than entitled to because they have put forth the effort in the first place themselves and deserve any assistance that can be forthcoming from the Territory generally. I would be most happy to use any influence or assistance that I can in this regard, however, I must reiterate in the negative insofar as any outright grant through the grants program to this group in this fiscal year.

Mr. Livesey resumes the Chair.

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

Mr. Commissioner: Mr. Speaker, may I say a word at this time?

Mr. Speaker: Please proceed.

Mr. Commissioner: Mr. Speaker, so that we can legalize a certain amount of thievery that may go on in the Chamber today, I will expect that all Members will depart with the plaques that they have in front of them when they're packing their goods and chattels today. I just wanted to rise to say that if any of the Honourable Members would like to have the dates of this Council Session and their sitting recorded on the brass plaques, on the name plate itself, if they would be kind enough to leave it with the Clerk, we will arrange to have this done and forward them to the Honourable Members as soon as it is attended to.

Mr. Commissioner continued ...

Mr. Speaker, I reiterate, if it is the Honourable Members' wishes to have this done.

Mr. Speaker: Thank you, Mr. Commissioner.

Mrs. Gordon: May I ask the Commissioner a question? Does this refer to today or in the future, after September 8th? It depends on what happens on that date. There may be a future date put on these.

Mr. Shaw: Mr. Speaker, would I be correct in assuming that the Commissioner would only have two firm proposals at this time?

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

Mrs. Gordon: Mr. Speaker, I wonder if Mr. Commissioner has any further word on the Canada Air Transport Commission's meeting date?

QUESTION RE
TRANSPORT
COMMISSION

Mr. Commissioner: Mr. Speaker, Mr. Clerk indicates in the negative. I am very sorry, Mr. Speaker, but getting answers to some of these things -- it's just like searching for the proverbial needle in the haystack, and all we can do is keep on trying and as soon as an answer is available, see that all Members of Council are advised of it.

Mr. Chamberlist: Mr. Speaker, unfortunately I must make a comment that we Members of Council have the same problem as well.

Mr. Commissioner: Mr. Speaker, that was a totally uncalled for and cutting remark.

Mr. Speaker: Seeing this is the last day, I'm afraid we'll have to let it go. May we proceed to Public Bills and Orders, gentlemen?

Mr. Dumas: Mr. Speaker, I would like to move Third Reading to Bill No. 1, An Ordinance Respecting Securities.

Mr. Taylor: Mr. Speaker, on a point of order, I believe that this Bill was amended and we'll have to give First and Second Reading to the amendment.

Mr. Speaker: That's correct.

Moved by Councillor Dumas, seconded by Councillor Taylor, that the amendments to Bill No. 1, An Ordinance Respecting Securities, be given First Reading.

BILL #1
AMENDMENTS
FIRST
READING
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that the amendments to Bill No. 1, An Ordinance Respecting Securities, be given Second Reading.

BILL #1
AMENDMENTS
SECOND
READING
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 1, An Ordinance Respecting Securities, be given Third Reading.

BILL #1
THIRD
READING
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that the title to Bill No. 1, An Ordinance Respecting Securities, be adopted as written.

BILL #1
TITLE
ADOPTED

MOTION CARRIED

MOTION
CARRIED

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

BILL #6
AMENDMENTS
FIRST
READING

Moved by Councillor Shaw, seconded by Councillor Gordon, that the amendments to Bill No. 6, An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #6
AMENDMENTS
SECOND
READING

Moved by Councillor Shaw, seconded by Councillor Gordon, that the amendments to Bill No. 6, An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #6
THIRD
READING

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 6, An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be given Third Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #6
TITLE
ADOPTED

Moved by Councillor Shaw, seconded by Councillor Gordon, that the title to Bill No. 6, An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 6 has passed this House.

Mr. Shaw: Mr. Speaker, I would move that Third Reading be given to Bill No. 8, An Ordinance to Amend the Elections Ordinance.

Mr. Speaker: I wonder, Mr. Clerk, if I could inquire at this time if this Bill has been amended?

Mr. Clerk: No, Mr. Speaker, this Bill was passed out of Committee without amendment.

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that Third Reading be given to Bill No. 8, An Ordinance to Amend the Legal Professions Ordinance. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried. Is the House prepared to adopt the title to Bill No. 8?

Mr. Shaw: Mr. Speaker, I would move that the title to Bill No. 8, namely, An Ordinance to Amend the Elections Ordinance, be adopted as written.

Mr. Speaker: I believe the Honourable Member should correct his motion.

Mr. Shaw: Well, I'll try again, Mr. Speaker. I would move that the title to Bill No. 8, namely, An Ordinance to Amend the Elections Ordinance, be adopted as written.

Mr. Dumas: I'll second the motion.

Mr. Speaker: There appears to be some confusion here, Mr. Clerk. I appear to have Bill No. 8 as An Ordinance to Amend the Legal Professions, and I have Bill No. 8 amending the Elections Ordinance. Thank you, Mr. Clerk. All is well. Would the Honourable Member for Dawson please proceed with his motion now?

Mr. Shaw: Mr. Speaker, I almost sound like a phonograph record. I would move that the title to Bill No. 8, namely, An Ordinance to Amend the Elections Ordinance, be adopted as written.

Mr. Speaker: Order, I believe it should be Third Reading.

Mr. Shaw: With respect, Mr. Speaker, I think I was right in order. I think that you are, perhaps, a little bit behind. But, if that's what you wish, sir, I will proceed.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Amend the Elections Ordinance, be given Third Reading.

BILL #8
THIRD
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 8, An Ordinance to Amend the Elections Ordinance, be adopted as written.

BILL #8
TITLE
ADOPTED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will declare that Bill No. 8 has passed this House.

Mr. Taylor: Mr. Speaker, at this time I would like to move that Standing Order 41 be suspended and that Council revert to Daily Routine for the purpose of further processing Motions and Bills.

Mr. Shaw: I will second the motion, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson, that Standing Order 41 be suspended in order that we may proceed to Daily Routine to discuss Motions and Bills. Is the House prepared for the question on the motion? Are we agreed? Are there any contrarily minded? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: You may proceed.

Mr. McKinnon: Mr. Speaker, I gave Notice of Motion this morning respecting the campground at Mile 28 on the Aishihik Road and I wonder if I could have permission from the Chair to proceed with the motion at this time.

MOTION #17

Mr. Speaker: Please proceed.

Mr. McKinnon: Mr. Speaker, the motion, seconded by Councillor Dumas, reads, "That it is the opinion of Council that the Aishihik Road be maintained to Mile 28 and that the campground facilities at Mile 28 be maintained and improved by the Yukon Forestry Department". I have discussed the problem with both the Territorial Engineer, Mr. Baker, and with the Commissioner, and it seems that the road at this point is only being maintained up to Mile 25, however, the road is passable up to the campground at the beginning of Aishihik Lake. Mr. Speaker is only too well aware, and I know all Members of Council know of the wonderful fishing and lake facilities at Aishihik Lake, and this campground is right at the beginning of this lake. Now, people who were visiting the Aishihik Lake campground two weekends ago informed me that there are as many campers and vehicles in at the Aishihik Lake campground as at the Otter Lake campground. Indeed, several weekends ago, there were fifteen or twenty campers and trailers and people pitching tents and enjoying the wonderful fishing at Aishihik Lake. So, it seems that if the campground is going to be used to this extent, and I'm sure that it will continue to be used even more so than it is at this time, it's only natural that it would be sensible to maintain the road three more miles. Also, Forestry, which has a policy of improving campgrounds and a schedule for improving the Aishihik campground, this schedule should be kept in effect. It has been brought to my attention that they are just doing minimal operation work at this campground and that the facilities are not the same and not the good facilities that are found in other campgrounds that the Yukon Forestry maintains. Both the Territorial Engineer and the Commissioner feel

MOTION #17

Mr. McKinnon continued ...
that it would not be too difficult to find money in Operation and Maintenance to do that which the motion asks to be done, and I think that all Members will agree that this would just be another added benefit of living in the Yukon, Mr. Speaker. Thank you.

Mr. Speaker: Is there any further discussion? Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

MOTION #18

Mr. Chamberlist: Mr. Speaker, I gave Notice of Motion this morning that Sessional Paper No. 35 move into Committee of the Whole for discussion. I didn't wish to discuss this myself, but as Mr. Speaker is in the Chair and the Sessional Paper is relative to his question put in the Second Session of this year, I have asked that it go into Committee as a courtesy to him so that we'll be able to discuss it.

Mr. Speaker: Question has been called. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have further indications of your pleasure at this time.

Mr. Taylor: Mr. Speaker, if we have arrived now at Public Bills and Orders, I wonder if I could have the permission of the House to proceed with First and Second Reading of Bill No. 9?

Mr. Speaker: Please proceed with the First and Second Reading of Bill No. 9.

BILL #9
FIRST
READING

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 9, An Ordinance to Incorporate the Village of Faro, be given First Reading.

MOTION
CARRIED

MOTION CARRIED

BILL #9
SECOND
READING

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 9, An Ordinance to Incorporate the Village of Faro, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

Mr. McKinnon: Mr. Speaker, before a motion is moved that Mr. Speaker leave the Chair, I wonder if I could have the permission of the House to make an announcement of what I consider to be of some import to the people of the Yukon?

Mr. Speaker: Please proceed.

Mr. McKinnon: Mr. Speaker, it has been brought to my attention that a committee of Parliament, namely, the Constitutional Committee of Parliament, will be in Yellowknife on the 14th of September, will be travelling to Watson Lake on the 15th of September, and then on to Whitehorse on the afternoon of the 15th and will remain in Whitehorse until 2:00 p.m. on the 16th of September. They will be inviting briefs, Mr. Speaker, and submissions from the people of the Territory on such subjects as what should be the fundamental rights of Canadians, do we need further symbols of national unity, and how should our parliamentary system operate and be improved. I think it is very important for the people of the Yukon to have a voice before this committee because at this time in the history of the Yukon, such subjects we all know are very dear and very close to our hearts. They will be studying and accepting briefs on such matters as on what changes we would like to see in government at the territorial and municipal level, and of course, all Members will agree, I think, that there is nothing that is closer to each Member's thinking than the changes in the constitutional setup as it applies to

Mr. Speaker: Order, I believe it should be Third Reading.

Mr. Shaw: With respect, Mr. Speaker, I think I was right in order. I think that you are, perhaps, a little bit behind. But, if that's what you wish, sir, I will proceed.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Amend the Elections Ordinance, be given Third Reading.

BILL #8
THIRD
READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 8, An Ordinance to Amend the Elections Ordinance, be adopted as written.

BILL #8
TITLE
ADOPTED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will declare that Bill No. 8 has passed this House.

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MOTION #17

Mr. McKinnon continued ...
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MOTION
CARRIED

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MOTION
CARRIED

MOTION CARRIED

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Mr. Taylor: Mr. Speaker, if we have arrived now at Public Bills and Orders, I wonder if I could have the permission of the House to proceed with First and Second Reading of Bill No. 9?

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BILL #9
FIRST
READING

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MOTION
CARRIED

MOTION CARRIED

BILL #9
SECOND
READING

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MOTION
CARRIED

MOTION CARRIED

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Mr. McKinnon continued ...
the Yukon. I only hope that all Members will take recognition and start preparing briefs and submissions to be able to present before this committee of Parliament when they travel to the Yukon. Thank you, Mr. Speaker.

Mr. Speaker: Is there anything further at this time?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council convene itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Motions and Sessional Papers. 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: The Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Taylor takes the Chair.

Mr. Chairman: The first item of consideration will be the Bill that we were working on when last we rose, and Sessional Paper No. 33. I think at this time we will call a short recess.

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Mr. Chairman: At this time, I will call Committee back to order. We are discussing Sessional Paper No. 33, page 2, subsection (b). Is there anything further on subsection (b)?

Mr. Chamberlist: I just want to ask, Mr. Chairman, whether the Administration is going to prepare or obtain a set of rules which will cover this particular section?

Mr. Legal Adviser: Subsection (b) of page 2? Yes, Mr. Chairman, we will be asking in whatever is the appropriate authority, for explanatory memoranda explaining what the current Cabinet practice is in relation to Cabinet Ministers' duties in this regard.

Mr. Chairman: Provincial and Federal?

Mr. Legal Adviser: We will try to find out on as broad a basis as possible.

Mr. Chairman: Subsection (c): "the two Council Members on the Committee are to be also members of the Advisory Committee on Finance and the Budget Programming Committee. The third member for the Advisory Committee on Finance is to be chosen from the Council in the usual manner. Council Members on the Executive Committee will also sit on the Legislative Programming Committee and other internal committees."

Mr. Chamberlist: I have a question. It seems to me that we are now being told to do what the legislative authority of the Yukon Act says that we can do. In other words, the Financial Advisory Committee is a child out of the Yukon Act and the Council itself can appoint the Financial Advisory Committee. Under this paragraph (c), it would appear that there is a compulsion being made upon the Council that, whoever they chose to be the executive members, must be chosen as well as members of the Financial Advisory Committee. Now, it may be that this is a good idea, but, aren't we being instructed in this particular manner?

Mr. Legal Adviser: No, Mr. Chairman, I think it would be wrong to take any of this Paper as being instruction to the Council. This is a proposal and the Council is asked to approve the proposal. If they don't approve it, of course, then something else will happen. I don't know what it is, but here the Commissioner is asking for approval to a proposal. This is one of the items for approval. Just like that.

Mr. Chamberlist: Well, Mr. Chairman, supposing that the Council decided not to have those two members as members of the Advisory Committee. Suppose they wanted to do otherwise. Why can't the Council do otherwise? Why must we say that the--the part that I'm objecting to is the part that reads that two Council Members on the committee are to be also members of the Advisory Committee. This is not for the Commissioner to say; this is for the Council to say. The Commissioner is saying it here. This is the point that I am making.

Mr. Legal Adviser: It is just that the Commissioner is proposing and the Council will be disposing.

Mr. Chairman: Alright, (d): "in other legislature, it is the normal practice to keep the role of the speaker separate from the executive. In this regard, Council should consider whether or not Mr. Speaker should be eligible to sit on the Executive Committee.

Mr. Chamberlist: I would like to hear Mr. Speaker's viewpoint on that, if possible.

Mr. Chairman: Mr. Livesey.

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Mr. Livesey: Yes, I think that we are moving towards division in the Territory and following, as we have for over a decade, the rules of the House of Commons, and referring, when we want definitions, to Beauchesne, Burionot, and Sir Erskine May, that I think that it is only necessary--Roberts is an American version--that the Speaker be as impartial as possible. As you know, there is a very difficult situation here due to the Yukon Act and the way in which the Council is made up for any member who takes on that form of an office. He has a bigger struggle to get re-elected than even those who come from the House of Commons in past years. At the moment, I notice, however, they have made a permanent formal Speaker, which I think is a far more reasonable way of looking at it than any other way. This, I think, is a far better situation because, there, you are making it as fair then for the Speaker as a member of your legislative body as you are for any other member. Every other member can, more or less, go full out and all out on his political thinking, but the Speaker sitting as he does to make decisions in the House, it is imperative that he be an impartial individual when it comes to making decisions. Therefore, he is in an entirely different position from any other member. I would say that--I would think, personally, that if we are going to progress along proper Parliamentary lines, it would be far better to make it possible for the Speaker to be as absolutely impartial as may be possible for him to be at that time. If this is any help to members of Committee, Mr. Chairman, I sincerely hope it is, because I feel, personally that the Speaker must be impartial. This is his position; this is his job. As you know, now we are moving into an area whereby we have--going to have --members of the next House are going to have to support the two members who are the executive members on the Executive Committee. Without this support, they won't remain there or can't remain there, because it is already in this Paper that if the Council decides they should be removed, they will be removed. In this way we are talking about majorities and if we are talking about majorities, we are really talking about, not full political thinking along party lines in the House, but we are thinking of political divisions on questions. Therefore, I would think that it is now more imperative than it has been before that the Speaker be impartial. Therefore, I would suggest, Mr. Chairman, that the Speaker should not be a member of the new Executive Committee.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I am very much in agreement with the Honourable Member from Carmacks-Kluane. I think that definitely the Speaker should be separated from the executive. Another thing, while I am on my feet, I would also feel, Mr. Chairman, that, and this hasn't been given any consideration and perhaps some people may feel it mercenary, but, I certainly feel that with the position of Speaker, there should be an honorarium to go along with his normal indemnity. Now, this doesn't have to be a large amount but it does have to reflect the additional duties that a Speaker has and the problems that are inherent with the Speaker's position. It is very fine for people to---the position of speaker, and I can speak with some knowledge, is not just as easy as many people think. They expect that person to be a person that can automatically wave his hand and everything goes smoothly in a Council. Well, that is not the case. A Speaker has to know what he is doing and at the same time, try to keep peace within. I can assure you that that at times is very difficult. Now, with this Council, it has been relatively easy. This is an extremely orderly Council, Mr. Chairman, but the last one was extremely disorderly and when the members do not comply with the rules, and so on, it is impossible for any man to put them in line. It just doesn't work. So, that is why I mentioned that, with the Speaker's position there should be an honorarium of some sort, additional to the normal indemnity. I wouldn't suggest any large amount but one that would recognize that that person is the one who has a great deal more work in the operations of the Council itself, than an average member who can come here and have no worries, whatsoever. He can get here at one minute to ten and one minute to two, but the Speaker, as a general rule, and also the Chairman of Committees,

Mr. Shaw continues.....

have to be here ahead of time to do a certain amount of work to lay out the work for the day and then after the day's work, they also have problems if they have work which they have to do which the member at large does not have. I thought I would just bring that up for consideration, Mr. Chairman.

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Mr. Chairman: Are we clear on (d)?

Mr. Chamberlist: Well, do we have to give an answer on this, Mr. Chairman? I think the Administration.....

Mr. Chairman: The Paper, as you have noted, goes on to suggest that the routines of the operation will be as flexible as possible and that it will be left to the Committee to develop some routines, and that the elected members will also be expected to take an oath of secrecy associated with the public office. It also notes that it will be necessary to make amendments to existing legislation to bring this about. Now, the Council is requested by motion to approve (a) the establishment of the Executive Committee for the Yukon Territory, to consist of the Commissioner, two Assistant Commissioners and two Members of Council, the latter to be appointed by the Commission on the advice of Council and to serve during pleasure, and

(b) the principles of the operation of the Executive Committee as outlined in this Paper. I believe that it was the intention of Committee yesterday to consider a draft motion embodying all matters and reflections that have been aired by Committee, and I am wondering if at this time, you would agree to a recess so that we might prepare such a motion.

Mr. Chamberlist: Might I suggest, Mr. Chairman, that we can dispense with (a) by passing a motion. Do it by two motions. Passing a motion and dispense with (a), that is, the establishment of the Executive Committee for the Yukon Territory, etc., approving it. Then we know that we have that dispensed with.

Mr. Chairman: I'm just wondering if Committee would agree to a short recess while we prepare this motion. Committee stands in recess.

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Mr. Chairman: At this time, I will call Committee back to order. I am wondering if Committee have anything further on this Paper.

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Mr. Shaw: Mr. Chairman, I have the following motion in relation to Sessional Paper #33: Be it moved that the Council approve the general outline of the proposal concerning terms for appointing two Members of Council to assist the Commissioner in the executive government of the Territory outlined in Sessional Paper No. 33 but request that prior to the issue of formal instructions by the Minister to the Commissioner, the following changes be made:-

1. That the name of the group be the Executive Council of the Yukon Territory.
2. That no formal Vice-Chairman be appointed and this office left to the decision of the Executive in due course.
3. That the terms of paragraph (d) of the paper be amended to read as follows:-

"The elected members will serve full time and be reimbursed from the Yukon Consolidated Revenue Fund an amount approved by Council through annual appropriations; that they be appointed and dismissed by the Commissioner on motion by the Council from time to time; that while serving, both elected and appointed members together with the Commissioner should be the effective executive organ of the Government of the Territory."

4. That the extent of the Council's duty to avoid conflict of interest follow approved cabinet practice in Canada and that further guidance on questions of detail be made available as soon as possible.
5. That the title of the elected members be "Minister" in relation to their executive duties.

Mr. Shaw continues.....

6. That an addendum be added to the instructions to make it clear that in so far as it is practicable to do so the conduct, practice and operation of the Executive Council should follow as closely as possible approved cabinet practice on the Canadian and British models.

Mr. Dumas: Mr. Chairman, I will second that motion.

Mr. Chairman: Would Committee agree that this motion, as enumerated by the Honourable Member from Dawson, be deemed as to have been read from the Chair? Have you any further discussion on the motion? Question has been called. Are you agreed? Are there any contrary? I will declare the motion carried.

MOTION CARRIED

Mr. Chairman: We have one Sessional Paper on Medicare. Would you care to proceed with that at the moment?

Mr. Dumas: We can probably clean it up, Mr. Chairman, with a little luck.

Mr. Livesey: Yes, I can see by the Sessional Paper, in reply to question number 5 which was asked by Councillor Livesey during 1970 Second Session of Council, the following is the submission from the Yukon Medical Association on medicare in the Territory. Now, the reason why I wanted this Paper brought to the attention of Members of Committee, Mr. Chairman, was, of course, because, on the one hand, we are being offered Medicare from the government's point of view, and on the other hand, we have another proposal from the Medical Association here in Whitehorse. I would like to hear this Paper, not only debated but I would certainly prefer, although I hesitate at the moment due to a late date to ask for representatives from the Association to discuss it. It would seem to me that this is something which we are going to have to make a decision on in the not too distant future and this may be an appropriate time to discuss the question as far as Committee is concerned. I was wondering, Mr. Chairman, if we could have further discussion on the Paper, or obtain a recommendation from Committee on the merits of the Paper.

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

Mr. Chamberlist: Yes, proceed Mr. Taylor.

Mr. Taylor: Mr. Chairman, the matter of Medicare in the Territory is a very complex one and it seems to me that in the last dying days of this newly elected Council, we could achieve very little in respect of medicare, at this time. Possibly, this should be a matter of primary concern for the new Council in the fall. I think that any attempt by Committee now to deal with this matter is very time consuming and worth it indeed to make the incoming Council in fall to--in other words, we might find this all duplicated by the new Council, and certainly we will. I would suggest that we leave this matter for the newly elected Council to decide in the fall.

Mr. McKinnon: Mr. Chairman, I wonder if the Commissioner's officers have been keeping track of the cost that would be involved if the Yukon were to accept the concept of Medicare at this time. What would be the additional cost to the taxpayers of the Yukon Territory at this moment, if the Yukon should decide to adopt the Medicare programme?

Mr. Commissioner: Mr. Chairman, I am quite prepared to circulate directly to Council Members the most up-to-date information that the Administration has on this. Very purposely, Mr. Chairman, the matter was not raised by the Administration at this Session of Council and the background of papers and material that we have on this is prepared and I am quite prepared to see that it is made available to Council as individuals, as Councillors. From the Administration's point of view, Mr. Chairman, it was very purposeful on our part not to bring this forward at this Session of Council.

Mr. Chairman: Any further discussion?

Mr. Dumas: Well, Mr. Chairman, there is one point that I would like to clarify, particularly for the benefit of the citizens of the Territory. There was a statement made some months ago by a medical practitioner on a local radio station that said it would cost something like fifty thousand dollars to introduce Medicare to the Yukon. The last paper that we had presented to Council indicated that it would cost something like three hundred eighty-eight thousand. Mr. Chairman, I think it is important that no snow-jobs be perpetrated on the people of the Territory, neither now nor in the next few months. I think we must be realistic. We know that the cost of a medicare programme, desirable though it may or may not be, is going to be much, much in excess of fifty thousand dollars, which is the figure that has presently been bantered about in public.

Mr. Livesey: There is another point though and that is, of course, we are going to have talk about hospital insurance. We certainly didn't go to the individual system, because I think it was more than obvious that the collections on the overhead was going to be far more than the premiums gained. I think that this collections system and premium system, practically everywhere you look at it, especially if it gets into a government type of operation, the collection system is out and the premium system, therefore, is also out. It is far too costly and too much money is being spent on administration. We are going to have to look at the whole plan and I certainly agree with the Member from Watson Lake that the plan will probably be more of something for the next Council than for this one. I thought it appropriate, however, that we should at least give it recognition and take a look at both sides of the question before we shelved it to one side and said well, let somebody else take care of it. However, it does seem to me that if we are going to start talking about administration of any problem of premium financing and we are talking about a costly item with costs on both sides, I would suggest--the premium system is far more costly than any other and this, I think, is amply demonstrated by the very reasonable operation of the Yukon Hospital Insurance Scheme in comparison to what it probably would be were it run on a premium basis. I think that a tremendous amount of the money received from the public in premiums would be shot up the chimney in cost of administration. This has been the problem, so we do have something to discuss. There is no question about that.

Mr. Shaw: Mr. Chairman, this Medicare is really a wonderful thing for the people of Canada in general, but, like a lot of wonderful things, quite frequently there is a pretty big price to be paid. We, the citizens of the Yukon, are at the present moment digging down in their pockets and paying taxes to keep this Medicare going in other areas of Canada, yet, at the same time, do not have the advantages of this Medicare in the Territory. On the other hand, when we look at what it is going to cost to introduce Medicare in this Territory, regardless of the merits of it, and I think we agree, Mr. Chairman, that the merits are admirable, it will cost a tremendous amount of money. I think that three hundred thousand dollars is a pipe-dream if you think you can get Medicare for the Yukon Territory for three hundred thousand dollars. I think you are getting closer to seven or eight hundred thousand dollars. The Federal Government will pay half approximately of the cost of Medicare. Now, I am not going to quibble about a few-- I'm just using an approximate figure.

Mr. Dumas: Just 35%.

Mr. Shaw: Well then, the Honourable Member has so kindly informed me, 35%. Now, just look at it on the outset. The doctors, then, will include everybody and you have the problem due to the sparsity of population and the area to be covered. If the people in Whitehorse can get full attention through this Medicare, full treatment and so on, then, we must give the same to Beaver Creek, Watson Lake, Ross River, Mayo and you name it. This will raise a problem in itself. You are going to have to have travelling doctors because these people are entitled to the same as those in the more densely populated areas. When you get all this summed up; you get all these problems resolved; you

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Mr. Shaw continues.....

get the system into operation, then what happens? Well, the first thing you are going to have to do is to say to the people of the Yukon Territory, this has to be paid for, so, we are going to have to raise the taxes. So we will have to raise the taxes to pay for our portion, which is 65%. That, I assume, has happened every other place, Mr. Chairman, that the people, the amount of cost goes up each year and, of course, the amount of attention that people require and perhaps have paid for through a form of taxes will sky-rocket the costs up and will provide a larger income for the doctors. Now, there is nothing wrong in the doctor making a larger income if he does a greater amount of work. I am not complaining about that, but, then the doctors, in turn, pay income tax and they will be in such a category that they will be paying 50% of their income tax back to the Federal Government. So, when you boil it right down, the Federal Government gets 50% of most of this and, in turn, kindly gives back 35%. In other words, it is going to cost the residents of the Yukon Territory a great deal of money. There is no question; there is only one way that you can get that money and that is by taxation. Myself, in the period of time that I have been here, I have been very leery. I think it is a wonderful thing to have. I really do. At the same time, I also have looked at what it is going to cost the people of the Territory to have this. Now, is that something that they can afford to pay, However desirable something is, and I'd like to get lots of things but I just can't afford them, the same applies to government. I do agree with the speakers before me, Mr. Chairman, that this is something for the next Council, but, this is a good time to discuss it here.

Mr. Chairman: At this time, I will call a recess until 2:00 o'clock.

RECESS

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2:00 o'clock p.m.

Mr. Chairman: I will now call Committee back to order. We are discussing Sessional Paper No. 35. Is there any further matter to be discussed?

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Mr. Dumas: I think it is clear, Mr. Chairman.

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

Mr. Taylor resumes the Chair.

Mr. Chairman: We have left in Committee one Bill and two Sessional Papers. The first is Sessional Paper No. 1.

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PAPER #1

Mrs. Gordon: Mr. Chairman, Sessional Paper No. 1 will die in Committee. There is no information forthcoming from the Department of Transport and it would seem that they are reluctant at all times to give any information as to air facilities, improvements or potentials, things of this nature in the Yukon, and I find it deplorable because if we are going to improve in any way our air facilities, I think in all honesty they should at least make public some knowledge for the people that are concerned.

Mr. Chairman: Anything further on Sessional Paper No. 1? The next Sessional Paper is Sessional Paper No. 15.

SESSIONAL
PAPER #15

Mr. McKinnon: Clear, Mr. Chairman.

Mr. Chairman: The next item of business and the last and final item for Committee is Bill No. 9. Councillor Shaw, would you mind taking the Chair a minute.

BILL #9

Mr. Shaw resumes the Chair.

Mr. Chairman: Do you require me to read the Ordinance? Proceed Councillor Taylor.

Mr. Taylor: I think before we proceed with the reading of this particular Bill, I would like to, for the edification of Members of Committee say a few opening remarks in respect of this Bill, and that is that this Bill is the result of a rather unique problem in the village and the development of Faro, Yukon. As you know, some time back the Commissioner of the Territory under and by virtue of the Municipal Ordinance, and I'm sure acting in good faith, did attempt to organize the Municipality under a village status basis in the Community of Faro, and as Representative of the area I take exception to it, basically, for the reason there was not sufficient dialogue between the residents of Faro and the Corporation and the Government all intertwine. Now, as a result of this Municipal Affairs and the Senior Administration of the Territory undertook to have several visitations and it all culminated in a meeting at Faro, I believe on the 1st of June. It was a good meeting, the Commissioner and Senior Members of his Administration attended, the people were invited to ask questions and get explanations of what it was all about. We have a good working select Committee out there as well, and when the matter was resolved and the vote was taken at that time, the majority of the people of Faro, a very substantial majority agreed that there should be a move towards the establishment of Organized Government in that Community. This also posed a problem because the existing Municipal Ordinance does not provide for the development of the townsite wherein you have one ratepayer, and so it was necessary to devise legislatively methods by which we could achieve the goal of village status and yet stay within the democratic process of Municipal Government in the Territory. Since that time and more recently, as a matter of fact, as recently as the last several days, the Anvil Mine

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Mr. Taylor continued....

Corporation and the Government of the Yukon Territory have been in solid, and I really mean solid negotiation on this matter, and the end product of these negotiations is the Bill that now we are preparing to deal with. Now, there may be some objections to the Bill in respect of the fact that it does not necessarily follow the Municipal Ordinance, but it cannot because we are dealing with this rather unique situation, which I am sure as we proceed through the Bill Mr. Legal Adviser would be better equipped to explain than I. So I'm going to ask all Members in considering this Bill to, in other words not go off too far off tangent on this thing until we get some explanations and I think as we proceed through it we will come to understand some of the unique problems that exist in this area. I can say before resuming my seat, Mr. Chairman, that this Bill is in keeping with the people of Faro which I have the duty to represent and also is in, the Anvil Mine Corporation is in agreement as well. However, if there are any substantial changes made by the wisdom of this legislative body to this Bill, it will be necessary to have the Bill withdrawn and all the negotiations must proceed again. Thank you, Mr. Chairman. I will resume the chair at this point.

Mr. Taylor resumes the Chair.

Mr. Chairman: I will proceed with the reading of the Bill.
(Reads Bill No. 9(1) & (2).)

Mr. Chamberlist: I would like the Administration to let us know, Mr. Chairman, where other than in the Municipal Ordinance has this Legislative Body the power to incorporate any area as a village, as a townsite or as a municipality.

Mr. Legal Adviser: Mr. Chairman, this House has the power to incorporate a municipality in addition to the power which normally rest in the Municipal Ordinance itself.

Mr. Chamberlist: Mr. Chairman, I am now voicing my disapproval at the manner that this is being done. That the Legislative Body has over the years created a Municipal Ordinance and as such I believe that all municipalities should comply with the requirements of the Municipal Ordinance. At this time I record my disapproval of the manner in which this is being done.

Mr. Chairman: Possibly Section 3 might clear the air a little bit, I'll proceed with 3. (Reads Bill No. 9 Section 3).

Mr. Chamberlist: Mr. Chairman, in this section itself the Village of Faro shall be a municipality and except where inconsistent with or otherwise. Well, we know it's inconsistent with the Municipal Ordinance. It is obvious, so we don't have to go any further because it says inconsistent with or otherwise. So, the way this is written with respect, Mr. Chairman, perhaps Mr. Legal Adviser may reset these words. It's because of these words in Section 3 that I raise my objection in Section 2. You see, the way I read it is that notwithstanding that you provide in another Ordinance where it is inconsistent with the Municipality, Municipal Ordinance in any of them it can't be done. In Section 5 of the Municipal Ordinance, Section 5(1) is the requirement when 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 fifty ratepayers he may place a resolution, etc. Now, it's obvious that it is inconsistent with that section of the Ordinance. I would suggest, Mr. Chairman that Mr. Legal Adviser, before we go any further, just review this particular Section 3 which I think would clarify the rest of the Ordinance. And I repeat, that here it is a two bound thing, not only is it inconsistent with the Ordinance, or otherwise provided then something can happen. I wonder if Mr. Legal Adviser could comment on that particular....

Mr. Legal Adviser: Mr. Chairman, this is a technical method of drafting. There are several hundred sections in the Municipal Ordinance. It goes on for a hundred pages about the Ordinance of 1959 plus several amendments since then. Well, it's quite impossible

Mr. Legal Adviser continued....

to list out each section where it is inconsistent with. We would have to amend in a small way hundreds of sections because we are dealing with a different type of voter here to the type of voter in the Municipal Ordinance, and right through there is inconsistency because the type of voter we are dealing with in this Ordinance is a different type of voter. There are temporary powers given to the man in Council of the Municipality through the appointment of Administrative Ministers to the whole shaft of sections that would have to be dealt with. So, rather than have a very big comprehensive Ordinance before you consisting of maybe a couple hundred sections, we have made it quite clear that this Ordinance prevails over the Municipal Ordinance whenever there is a clash. I can't think it could be clearer than that.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, with respect, has not taken notice of the point that I am making that that Section 3 refers to where there is inconsistency with the Ordinance. Now, obviously that it is inconsistent with Section 5 of the Ordinance. Now I would suggest to overcome this point, I think if it read the Village of Faro shall be a municipality as provided by this Ordinance and that subject to this Ordinance the provisions of the Municipal Ordinance shall apply. Then you dispense with this particular Section 5 of the Municipal Ordinance which, I don't think, we can go any further in this Bill today unless you clear the way of inconsistency that applies right now. This is my feeling.

Mr. Legal Adviser: I'm in the hands of the House. This appears to me to be a better section although the meanings are practically identical is what the Honourable Member said, I think it is merely a question of the use of English rather than the use of the meaning. We intend to have this latest Ordinance apply and this is clearly saying so, and it is providing for an accidental clash which has not been foreseen.

Mr. Chamberlist: Mr. Chairman, does not Mr. Legal Adviser consider that what I have suggested is better than what is written now where it makes it quite clear where it says, "and except where inconsistent with or otherwise provided by this Ordinance", and it's not otherwise provided in this Ordinance as long as there is inconsistency with the Municipal Ordinance. I think if we take away that area of inconsistency the rest takes care of itself because the other area that I was worried about and I have spoken to Mr. Commissioner on, and Mr. Chairman, he had pointed out to me now that the provisions of the Municipal Ordinance which would also make provisions for the Administrator to be put in if there is failure in the village status.... You see, I was concerned about that and certainly this is the other point and if this was removed, I don't think there would be any area that could be objected to because it would be taken care of, but as long as those words are in Section 3, I would say, Mr. Legal Adviser, that, Mr. Chairman to Mr. Legal Adviser that there is always the chance of any litigation taking place that the status of Faro as a village can be challenged because of the words, "where inconsistent" with the Municipal Ordinance. Now, this inconsistent I'm sure that Mr. Legal Adviser, Mr. Chairman, will agree with me that there is inconsistency there.

Mr. Legal Adviser: There is inconsistency, there is intended to be inconsistency.

Mr. Chamberlist: Well I don't follow. Mr. Chairman, I think that it means that if that remains if we approve that, I have to question every section because the same thing, it's going back into that, and I would say that we the Committee here would be doing the wrong thing if we don't recognize the inconsistency and the possible problems that might develop as a result of not clarifying the situation here, because the situation is certainly not clear to me and I wonder if any Members of Committee at this time will comment on this particular thing, because certainly there is something wrong with that section.

Mr. Shaw: It isn't the way I read it, Mr. Chairman. The village of Faro shall be a municipality. That's very clear and except where

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Mr. Shaw continued....

inconsistent with or otherwise, in other words, otherwise provided by this Ordinance, in other words, unless this Ordinance says that you can do it, and it is inconsistent with the Municipal Ordinance, then the Municipal Ordinance will apply. This is getting to be quite a war of semantics and that looks alright to me, not being a legal beagle I couldn't take an oath on this particular thing, but it does make sense and it seems to appear that this is the Ordinance that goes for the village of Faro and the Municipal Ordinance also applies but this takes precedence, that's what it appears to me.

Mr. McKinnon: Mr. Chairman, it seems to be a purely sematical problem because as the Honourable Member from Whitehorse East says it's clear to him and the way that he says it it's clear to me too because I'm not a drafter of the technical jargon of ordinances and his way seems that there is no chance at all of not being perfectly clear of what the ordinances intended to do, and Section 3 as it is written here, there does leave some rise for question. It's just what the Ordinance does mean, and if it does make it simpler to provide exactly the same meaning through a simpler type of language, then I say let's all go for the simpler type of language.

Mr. Legal Adviser: Mr. Chairman, the simple solution is not always the best. We are providing for two separate cases here. The overall position is that this particular ordinance must prevail in all cases. The two cases that I foresee are, first of all wherever specifically provided here that prevails, but also wherever in interpreting this Ordinance as against the Municipal Ordinance for inconsistency of meaning or relationship, then this Ordinance still prevails. If we limit it down that this ordinance prevails then we are lost wherever there is no provision made the Municipal Ordinance will prevail and this we do not want.

Mr. Chamberlist: I have indicated my position.

Mr. Chairman: May I proceed?

Mr. Livesey: Mr. Chairman, I have a question. Is it intended that this new Ordinance shall comply with the Municipal Ordinance under Section 5? It seems to me that Section 5 of the Municipal Ordinance makes a case of what shall happen, when, where, if and how, and this new Ordinance seems to obviate that fact. Is this correct or incorrect?

Mr. Legal Adviser: No, Mr. Chairman. This Ordinance will set up the village of Faro. If we were to wait for the provisions of Section 5 to become operative we'll be waiting until "tibsies".

Mr. Chairman: May I proceed? (Reads Bill No. 9, Section 4(1)).

Mr. Chamberlist: Eh, Mr....

Mr. Chairman: Subsection (2) possibly I should read with this. (Reads Section 4(a)).

Mr. Chamberlist: Mr. Chairman, here we are talking again about a Municipal Council and we are making a separate bill for the village. We are going to have three or four different forms of government here before very long, because if we have other areas that require village status and set up a bill for each area, we will have each district, each townsite, each village under a separate ordinance instead of trying to get all areas in an area that would be governed by a Director of Municipal Affairs with one Municipal Ordinance as the bible of municipalities in the Territory. I don't know why there should be a Mayor and Council appointed to a village, I don't know why there shouldn't be a reeve in any event because you are not making any differentiation and if you say reference is being made to the Municipal Ordinance and after all the Municipal Ordinance makes provision for a Mayor or reeves, if we are going to have a Mayor for village status what have we got for

Mr. Chamberlist continued....

suggestion about reeves in the Municipal Ordinance for at all. I am very worried indeed that about the amendment to this Bill as I have already outlined that we are going to get ourselves involved in definite legal obstacles and problems by people who will perhaps have accidents in the village because it will be a question as to whether the legal strength of a village is in effect, and quite frankly I can't support the idea of this Bill as long as there is no clarification of Section 3 in regards to the inconsistency of the Municipal Ordinance. Can't do it at all.

Mr. Legal Adviser: Mr. Chairman, the word Mayor was chosen because a Mayor is the correct title of the head of a municipality, and the wish of the people there that their chief officer be called Mayor. It's intended that the election will take place at the normal time in December for the Mayor and his Councilmen. Pending that period between the date of the operation of the Ordinance until the first election, it is necessary to have an administrator to exercise the functions. It is also advisable to appoint an Advisory Council from among the citizens of Faro to advise him as to what the people want in carrying out his duties. This, as expressed in the margin as the Transitory Provision, and will fall down immediately the first election is over, and it is a necessary section to take care of the transitory position between now and December. It may be we may need less legislation such as this for other municipalities being set up, but when the Municipal Ordinance was drafted in 1959 it could not have been foreseen at that time the varying nature of Municipal Government in the Territory. This is a completely new form of Government which was not foreseen at that time and there are no ratepayers other than one or two in the municipality or the forthcoming municipality and we couldn't operate the Municipal Ordinance as presently drafted, we have got to make a special case for it.

Mr. Dumas: Mr. Chairman, am I right in assuming that this is a particular case insofar as this Council rubber stamped the decision to make Faro a village before anybody lived there, so that we can't or we don't have to follow the Municipal Ordinance in this case, and that this is an exception and that certainly there won't be bills like this coming forward, or quite unlikely bills like this will be coming forward to make villages of, say areas that are already settled, such as Watson Lake. Is this a correct assessment, Mr. Chairman?

Mr. Legal Adviser: It is not intended to bring forward a special bill for settlements moving forward into village status such as Watson Lake. This is a special case largely because of the property ownership situation in Faro. In other settlements people move in and develop a known property. Here, it is anticipated that the same position would evolve, that people would buy their houses and live in their houses. It so happens that on account of the nature of the operation there, one company is housing all its employees, that from a technical position it is a ratepayer and the people who are living in Faro are without any form of franchise whatsoever in relation to local affairs, and the purpose of this bill is to give people this franchise which is becoming a normal form of living in Canada today.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could indicate what would be the situation if the people of Elsa, or Calumet or Clinton Creek make the same application to provide themselves with a village status where the Company happened to be the taxpayer. Would the same thing apply?

Mr. Legal Adviser: I'm not saying what would apply but it certainly would be given every consideration at that time.

Mr. Chamberlist: So the suggestion now, Mr. Chairman, is being made that private companies will be able to incorporate the areas in which they live and have control over the local affairs simply because they are the bulk taxpayer.

BILL #9 Mr. Legal Adviser: No, Mr. Chairman, this is not so. This bill is an attempt to give the right of franchise and control to the people and take it away from the company. I resent the fact that this is a company deal in that way.

Mr. Shaw: Mr. Chairman, we have two ordinances that pretty well govern this smaller form of self government. We have the Municipal Ordinance and that was concocted back in about 1960. I don't understand, Mr. Chairman these two gentlemen on my left, as soon as I get up to speak they automatically get going. Just like pulling a switch.

Mr. Chairman: Proceed, Councillor Shaw.

Mr. McKinnon: You bring out the best in us, George.

Mr. Shaw: But at the time that the Municipal Ordinance was drafted and passed by this Council, Mr. Chairman, that was really designed to fit in with the two existing municipalities that we have. Later on as the Territory expanded in certain directions it was necessary to have another type of ordinance, because the Municipal Ordinance didn't fit in to permit local improvement districts to be formulated into village status and then into Municipal status. Now, it seems that in making laws in this Territory, we had so many exceptional and unique situations that it almost becomes impossible to draft anything that will be amendable and fit in with all circumstances. For example, as just been mentioned we have Clinton Creek. That is an area where there is quite a number of people living, however, to set up the municipal local improvement district or village in there would be pretty difficult because all the land is private property. The object of Faro was to have an open townsite so that's exactly what we have. And after that gets formed we find that we have one taxpayer there, namely the company. So, therefore, it's pretty hard to formulate a municipality because the people don't own property apparently, just one person owns the property. So, we have another unique situation, so to give a form of self government to these people it appears to me that through a great deal of work, a great many meetings, a great deal of thought, we are presented with an ordinance that will enable this village of Faro to operate in a democratic manner, that's the way it appears to me. Now, when we passed the Local Improvement District Ordinance, I was a Member of Council at the time, Mr. Chairman, there were many sections of it, it was quite complicated and actually it was put forth at that time and I think if we go back in the records we will find that when that was put forth it was with the idea of trying to get some type of an organization in this, that possibly there would have to be changes as time and experience pointed out that this won't work or that won't work so it wasn't something that couldn't be changed like any type of law. So, this has come to pass that the Municipal Ordinance that we have doesn't work or doesn't fit in entirely with this, neither does the Local Improvement District Ordinance, so therefore through quite some ingenuity we have an ordinance here that it appears will work, and I think that we just have to be flexible in matters such as this. As we know, before the Commissioner is immediately setting up an Advisory Council that isn't the normal procedure so we have to have something that is different to change what it would be a normal state of affairs would be quite wrong, but where an abnormal state of affairs in order to get some government there, it appears quite sensible to me, Mr. Chairman, that we do change it around. It seems to fit in with the wishes of the people and everyone concerned, and if we can make them happy there, if we can get this organized in a democratic manner, I think that that is the purpose of what we are here for. Some of the things maybe won't work but then I don't think there is a law passed or any, of any size, anyhow any ordinance of any size passed that isn't open up to law suits and what not following that. If you kind of look deep enough and hard enough and have enough time to do it so that I really feel is something that we can give a try to. I haven't gone through the whole works there may be some parts that are objectionable, I somewhat doubt it, but at least it would give a start to these people being able to become an organized community and later develop into a full fledged municipality.

Mr. Legal Adviser continued....

safeguard, a ratepayer representing not less than 50% of the rateable assessment of the village, which lets face it effectively would be the Anvil Corporation, has the right to object prior to third reading of any bill where a capital item of a greater amount than \$10,000 will be bought by virtue of the by-law or a total of capital items in the one municipal year of \$50,000. The \$50,000 amount was taken because the first budget of the Council is an estimated expenditure of \$50,000. So, if they propose to spend in a series of capital items more than one year's income then the major ratepayer can effectively object. Now, because there were no ways of voting on the money bill with only the three ratepayers, those sections do not apply to the village of Faro. There is no question that this is a compromise but the compromise is effected by giving an extended franchise to all residents both in money matters on rate setting on office holding that they would not otherwise have, and by removing from Anvil the power to object to many items of capital expenditure and limiting their power to a 50% majority instead of a two-thirds majority which they would have if the terms of the Municipal Ordinance applied. So, the compromise which has been effected is to limit the power of Anvil and to increase the power of the people living there.

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Mr. Dumas: Mr. Chairman, surely the notion that ratepayers shouldn't, or people who aren't ratepayers shouldn't vote on a money by-law is an archaic notion. In the past ten years in North America it has been the trend in urban centres for people to rent rather than to own. Because of this there has been a corollary trend in voting whereby people who rent have a, are entitled to vote in some cities now and this is becoming more widespread, Mr. Chairman, on money by-law the thinking being that the renter in fact pays taxes through his rent and the renter knows that if he votes for a money bill or a money by-law and the owner of the apartment that he is in is going to have to pay higher taxes, his rents are going to go up so he is just as responsible in these votes as is the person who actually owns the property. I suggest, Mr. Chairman, that to proceed with this what I call an archaic notion in this bill would be a mistake, in fact and particularly so when you have three ratepayers in a village. It's absolutely ludicrous to say that only the ratepayers will vote on a money by-law. Well it says in Section 11(1) anything over \$10,000 or in respect of capital item. At any rate, Mr. Chairman, I think that the compromise that the Legal Adviser suggests was reached is an inadequate compromise and is propagating a system which in most municipalities is being done away with.

Mr. Legal Adviser: I would agree that this is so. We are perpetuating an anachronistic system but the change has not been made yet in the Yukon. We visualize that this change may be coming, consistent with the rest of Canada but it's not necessary to make the change when you are making a special bill. The second thing we were aware of was that the contract which the resident workers of Anvil have with their Company is that the Company bear all the taxes and there is no increase in rent regardless of how high the taxes go. It is hard not to be aware of this when you are drafting a bill, so although I have every sympathy with the Honourable Member's suggestion in this particular case it is not true to say that the rent will rise if the tax goes up.

Mr. Chamberlist: Mr. Chairman, I don't disagree with the Honourable Member from Whitehorse West, I'm 100% with him, but the question I raised is another inconsistency relative to the Municipal Ordinance and what's happening here, this is the point that I was raising there and certainly I think that when the time comes along for this legislative body to start reviewing the Municipal Ordinance without, heard about its review taking place month in and month out, year after year that it's being done, we are going to do it, going to do it. Certainly that's one of the areas that will have to be looked into. My feeling is that there is another inconsistency that is not recorded between this bill and the Municipal Ordinance and because that inconsistency is there, the Section 3 of this Bill doesn't comply with the needs of Section 5 of the Municipal Ordinance and this is why I

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Mr. Chamberlist: Mr. Chairman, I would like for a moment to just review our responsibility in this matter, and I mean the present Council. I think we were in error because we were forced into a position of rubber stamping the cost of the land, if anyone wants to purchase the land. This is the reason why they are all taxpayers there, because the price of the land is so high that nobody can afford to buy the land to build a home of their own. When you take the prices that have been requested for commercial lots or even residential lots, to offset the cost of putting in services in there, there is the reason and we are responsible Mr. Chairman, for allowing that to happen. We are responsible and yet not responsible because if we had not have passed the bill dealing with the Anvil property we could have been accused of holding up the process of the Anvil proposition in its entirety. What does concern me though and I really am concerned is that if the people there want village status this is fine and we should give it to them, but I'm glancing through this Bill, I ask now how and who would be responsible if there are no taxpayers or ratepayers to vote money by-laws. Now, where do we get the answer to this. We know that in a municipality like Whitehorse and Dawson City it's up to the ratepayers and taxpayers to have a vote as to spending of money. Where in this Bill and I've glanced through it, but I wonder, Mr. Chairman, if Mr. Legal Adviser can say where in this Bill is there a separation for the taxpayers or ratepayers to have their vote on money matters. It's placed in the hands of the company, it therefore becomes not an open town as what intended but purely and simply a company operation. Now, how could we say that we are moving towards democratic process if we say to the people we are going to make provisions for you to have a vote to elect a group to be your Mayor and Council, but who of those electors will be able to vote in the case of the expenditure of money. Nobody except the company and I understand there are more than one ratepayer, there is three ratepayers there at the most. I wonder if any provision has been made in that particular area.

Mr. Legal Adviser: Mr. Chairman, if in answering that question would it be agreeable to the House if I gave an outline of the provisions with regard to voting and the expenditure of money and voting money?

Mr. Chairman: Committee agree? Proceed.

Mr. Legal Adviser: The difficulty the Administration is under is this, that in voting in a municipality there are two kinds of voters, a householder who pays \$180.00 a year I think in rent, or a ratepayer and spouse of a ratepayer. Now, when it comes to voting money expenditures by, or a borrowing part of the Council, the vote is limited to ratepayers and the expenditure must be approved by the majority of ratepayers. So you immediately come up against two difficulties in Anvil, one is that if we kept to the normal form of voter there would only be three company ratepayers who are able to vote, using a company vote and there would be no householders that we know of who pay this much money a year because they are under certain deals with the Anvil Corporation whereby they pay restricted amounts of rent for their accommodations. So we would have only three effective voters and three effective ratepayers in this municipality. Now this would effectively bar the people who are living there from any franchise either in relation to money or in relations to selection of a Council. It would also have the effect that nobody would be eligible to stand for Mayor or Council because a company is not eligible and that three ratepayers are in fact companies so we are effectively stymied in every way from effective operation of the Municipal Ordinance as it stands. So the compromise that was eventually reached by consultation with both parties was to give the vote as a vote to every resident as well as every ratepayer, also, to give eligibility for office to every resident in addition to every ratepayer. In regard to the expenditure of money, a compromise was reached that rather than give the whole par on bills expenditure of money to the majority of the ratepayers, we have a double block. First the Commissioner has the power to veto before the third reading any bill which is dealing with the expenditure of money or the borrowing of money. Independently of that

Mr. Chamberlist continued....
come back to that same thing again.

Mr. Legal Adviser: Mr. Chairman, I tell you that I don't feel too strongly that it's intended to be inconsistent with the Municipal Ordinance but the Municipal Ordinance gives the power to two-thirds of the ratepayers but we are to bring it down to 50%. We are moving at least in the direction suggested by one of the Honourable Members.

Mr. Chamberlist: The Honourable Legal Adviser says we are reducing it from two-thirds to 50%, but instead of two-thirds of three which is two, we are taking the 50% which is one and a half, which to me becomes ludicrous. If we were talking about whether there was 50 ratepayers or 100 ratepayers, you know, I can well follow that but we can't talk about two-thirds and 50% when we are talking about three ratepayers. This becomes nonsensical, you know, all we are talking about is percentages of between one and three, it's crazy.

Mr. Commissioner: Excuse me, Mr. Chairman, but the position that everyone is in with regard to the creation of local government in Faro calls for something very close to what you have before you now. We are satisfied that this is about the only mechanism that we have available to us. Now, as imperfect as it may be and I tend to agree with everything that was said around this table at the moment, in fact if you want another list of inconsistencies I will give you my own personal list and to add to the confusion here and they are endless, but, Mr. Chairman, in all honesty and sincerity this Council has the ability to give effect to this Ordinance to permit us to proceed if they so decide to do. If it does not prove to be a satisfactory or an even any kind of a workable situation at all the same body has the ability to eliminate the legislation at some future date, and in the meantime the protective items in the Municipal Ordinance that permit us to put in on an administrator as a municipality and as functions fail to exist or fails to operate, can be made to apply and I want to assure all Honourable Members, Mr. Chairman, that we in the Administration and the ratepayer of note of the present time are fully aware of the potential hazards that are involved. There is no one attempting to blindfold anyone else in this regard.

Mr. Chamberlist: You know, Mr. Chairman, really I should wait to the particular section, but I can't help but bring the attention of Members of the Committee to Section 7. It goes on to say, "Notwithstanding Section 240 of the Municipal Ordinance but subject to Section 241, any elector other than a corporation is qualified to be nominated and elected as a Member of Council", now if we go to 241 C, "has by himself, his partner or agent any interest with or on behalf of the municipality", you've got to finish up that because people that are employed by the Anvil Company are going to have interest on behalf of the municipality because it's a complete owned corporation and this is going to be the fact of it whether you say no or not it's still a company owned corporation and they are going to have an interest with the municipality, for one reason or another because who is going to carry out the work? Employees of the corporation or the corporation who are the taxpayer, or the municipality, well who is the municipality?

Mr. Legal Adviser: Faro.

Mr. Chamberlist: They are not, they are the corporation, they are the taxpayers.

Mr. Legal Adviser: Mr. Chairman, it's very clear here that we are setting up a special entry which will be a municipality, it will have its own employers, these may be employed by Anvil, in fact they most likely will. The fact that they happen to be employees doesn't affect their right to vote or their right to act or anything else. They may

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Mr. Legal Adviser continued....

side with Anvil in dispute, or they may not. This is up to them. But this does not mean they have an interest in the special sense with which interest is here. We are attempting not to have it a company owned town and this is the best deal we can come up with.

Mr. McKinnon: Mr. Chairman, isn't this the exact culmination of what everyone of us knew was going to transpire when we sat here and screamed about the lack of consultation of what was happening between Anvil and the Department of Indian Affairs and Northern Development and there were agreements signed and contracts given and they were signed on this date and they weren't signed on that day and we went round and round and round until we found out that there was an agreement signed between the company and the Minister of Indian Affairs and Northern Development that called for the development area to become an incorporated municipality under the laws of the Yukon Territory as soon as it is practicable and that was signed between the Minister and between the people developing Anvil with absolutely no consultation, no recognition whatsoever being given to the wishes of the Council of the Yukon Territory and you are in exactly the same position as being forced into a position that the Federal Government put us into and the agreement has been signed, its a fact of life, that part of the agreement between Anvil and the Federal Government was that this become a municipality without a by-your-leave of the Territorial Government. I don't know how we renege on a federal agreement that we were not even a party to in the first place and it's just one of those sad facts of live of the Government of the Yukon Territory that we see ourselves faced with every day around this table. Those are the facts.

Mr. Livesey: I have a question, Mr. Chairman. I wonder if the Administration can inform Committee how many people are involved in Faro, how many are employed by the company and how many are not employed by the company?

Mr. Commissioner: Perhaps, Mr. Chairman is best equipped to answer that question.

Mr. Chairman: Last count from the Chair is 900 men, women and children in the village of Faro.

Mr. Livesey: How many of the 900 men, women and children are employed by the company, how many not employed?

Mr. Commissioner: Mr. Chairman, I don't think those figures are readily available, but I think it fair to say that all the employable people are all those people who offer themselves for work in the community except those who were there when the service industry such as the Retail Store, the Bank, the School, Northern Canada Power Commission and possibly one or two other service industries are in the employ of the company.

Mr. Chamberlist: I think we can go on, Mr. Chairman because I think Councillor McKinnon has just, he has just placed it before us exactly as it is. We just in another position that you have got to go ahead with it, although the reference was to the setting up of the village and the municipality under the laws of the Territory and if that meant under the laws of the Territory in force at that time, not making new laws, and this is what the meaning of it, and this is what the intent was to organize Faro as a municipality under the laws of the Territory. Now, we find we are having a new law brought forward under which to bring forward a village status in Faro.

Mr. Shaw: I've asked the Honourable Member that when this particular thing was made in regard to the laws of the Territory, would that mean that if an amendment were made to the Municipal Act just after this agreement was made it wouldn't apply?

Mr. Chamberlist: Oh, this is different. If there was an attempt to amend the Municipal Ordinance for the purposes of it, I can see that, I can see some reasoning, but here we have an entirely new piece of legislation and this is the difference.

Mr. Commissioner: Mr. Chairman, in all sincerity and honesty with regard to this, the original plans as to home ownership and ratepayer status, if you wish to call it that, in the Community of Faro was that the Central Mortgage and Housing Corporation would accept guarantees from the employer in the area for the original building of homes and that they would be sold at possibly subsidize prices to the employees. In the process of negotiating a satisfactory labour contract in the area between the people representing the employees and the people representing the Anvil Mining Corporation another set of rules entirely came into play and that is why it is not possible for us to use entirely the laws of the Territory at this time with regard to the incorporation of this area.

Mr. Chairman: May I proceed? (Reads Section 5 and 6).

Mr. Chamberlist: It appears to me Mr. Chairman, that we are giving more than the Municipal Ordinance at this time. The Municipal Ordinance doesn't permit anybody under the age of twenty-one so is it intended to amend the Municipal Ordinance to control with this?

Mr. Legal Adviser: I wrote this section, I thought Faro might as well be with it.

Mr. Chamberlist: Oh, yes but....I am raising the question, Mr. Chairman, whether or not it is the intention of the Administration to withdraw to lower the age under the Municipal Ordinance so that everybody in the municipalities as well can get with it.

Mr. Commissioner: Mr. Chairman, the Council in its wisdom yesterday saw fit to establish voting age as basically age nineteen in the Yukon Territory. We are simply carrying on at this point what Council has already seen fit to establish and I am quite confident that if it is Councils wishes that this be carried on into the Municipal Ordinance, this is what will be done.

Mr. Chamberlist: Mr. Chairman, all I wanted somebody to say is say yes, you know. It's as simple as that.

Mr. Livesey: Mr. Chairman, this is not written therefore it's not implied. You can't say that our amendment to the Elections Ordinance for Members to the Yukon Council has got anything to do with the Elections Ordinance in the Municipal Ordinance. I don't understand the connections. They are two totally different pieces of legislation. I don't see how one laps over nor the fact that you have the drinking age has got anything to do with the Elections Ordinance. It hasn't. I mean, after all, if they are going to be able to vote, I think the age upon which they should be able to vote should be included in this Ordinance.

Mr. Shaw: Mr. Chairman, I don't think that this is anything to get terribly excited about. There goes McKinnon again. The Honourable Member from Whitehorse North I think he's got some laughing gas there. We will not have municipal elections until December. There will be a Territorial Council Session before that time and I would imagine that at that time an ordinance will be provided to permit nineteen year olds to vote at the municipal election.

Mr. Chairman: May I proceed? (Reads Section 7, 8, 9, 11(1)).

Mr. Livesey: I doubt if I am wrong on this one, Mr. Chairman. This would obviously mean then that the Council can operate within the purview of the company, and when the company objects the village status must submit.

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Mr. Legal Adviser: Not quite, Mr. Chairman. A lot of careful thought has gone into the drafting of this legal section, and if you notice a few extra grey hairs in my head, that section put them there. It appears that a ratepayer has a power, majority of ratepayers in the Municipal Ordinance to object the expenditure of any money as the result of a loan. Most municipalities operate on a permanent loan system. In Whitehorse this is a perennial loan system. This would effectively give the ratepayers the power to object to all expenditures other than the day to day expenditures, and if we walked into the position of having to run overdrafts in the bank and they'd probably object to that, then the everyday expenditures borrowed from the bank would be subject to objection as well. So, the first section here, Section 65, 66 and 67 of the Municipal Ordinance are the sections which apply to the ratepayers being able to object to money bills going through a municipality. Subsection (2) are the three sections which deal with striking a rate, day to day operational borrowing, and debenture borrowing. Those three sections tied together are all subject to the approval of the Commissioner, so that the power of the ratepayer to object to expenditure is limited to Section 11(1). Now, the difficulty was to find out what is a capital item because under normal circumstances Municipal Governments finance their capital expenditure by borrowing. But, it's in account of the term, what or what is not a capital item, so we put in Section 3 where in the event of a dispute, so that if the major ratepayer says that is a capital item we will not allow it, then the Council will at par to refer the matter to the Commissioner and then if they are not satisfied with his decision, they can appeal the matter to a judge of the court. This is with the intention of resolving day to day disputes, because it could be argued in relation to Territorial expenditures, for instance, the purchase of a typewriter was a capital item or a series of typewriters. Or it could be argued on the reverse side of the coin that the Council could pave a street by a series of \$9,000 expenditures and thereby operate outside the spirit of Subsection (1) of Section 11. This is admittedly a compromise in which there is a certain amount of loss or gain both to the Electors to the Council and to the major ratepayers, and the intention of the draft is to see so far as that is possible that the day to day operation and the mill rate setting and the every day borrowing from the bank will not be subject to objection by the major ratepayers, he will be limited to major expenditures. Anything less than that would emasculate the Council.

Mr. Livesey: Mr. Chairman, by virtue of this Ordinance we are going to empower people in the village of Faro that are not even property owners to the expenditure of Territorial taxes. Am I right?

Mr. Legal Adviser: No, Mr. Chairman, this is not correct. If we go by the Municipal Ordinance, there are only three ratepayers so that those three ratepayers are in effect any two of them or one of them in the case of the major ratepayer can effectively block all major expenditures of all kinds, as the Municipal Ordinance stands. We have limited their power to exactly what it says in Section 11(1). Now this may be a lot of pot. We must remember that 99% of the property in Anvil is owned by Anvil.

Mr. Chamberlist: Mr. Chairman, all we have said in effect is that the normal Territorial grants to municipalities, which would be granted to the village of Faro will be administered by an elected body of people who themselves are not tax payers, so that we are placing in the hands of those who are not tax payers, that have been in the Territory or in Faro, lets say, for six months, the funds of the tax payer of the Yukon. Now, I think that we should be careful about that, because what we are saying in actual effect is we are saying that to the people in Whitehorse, who have been here many years, and perhaps are not tax payers, we are saying to them notwithstanding that you have been here forty years, you're not a tax payer, we don't trust you with Territorial funds, grant funds that have been given to you, but we trust those people with Territorial funds who have only been in Faro for six months. Well, how can we say that?

Mr. Legal Adviser: Mr. Chairman, we can effectively say that because the Territorial Government does not exercise any form of day to day supervision of the Municipality of Whitehorse or Dawson. They are consulted from time to time, but the setting of the mill rate, the annual budget and so forth is not subject to the supervision of the Territorial Government. The effect of Subsection (2) of Section 10 will be that the by-laws setting up their budget for the year and expenditure of money as well as the mill rate must be approved by the Commissioner so that in return for giving them the money we are getting the right to supervise. In Whitehorse we don't get that right.

Mr. Chamberlist: But certainly, Mr. Chairman, Mr. Legal Adviser will agree when I say that the elected body to the village of Faro will be distributing those funds that have been given by way of grant. This done, it's amazing that in a local improvement district the people have to be ratepayers to be the trustees of a local improvement district, yet here we are going to give the powers to people, who are not ratepayers to administer more funds in the local improvement district, have got to administer. I'm concerned....

Mr. Legal Adviser: The only comment I have on that, Mr. Chairman, is that I'm happy that the two Honourable Members now see the difficulties and can foresee the difficulty we had in discussions with the company who said that they are expected to pay for the whole of the cost of the operation of the town when the people in fact have to pay nothing. It's icky mickie, mick mickie.

Mr. Shaw: Who is that? Mr. Chairman, I'm not too concerned of what I see of this that the tax payers' money being spent on this particular project in the form of grants as applied to municipalities for this reason, that taxes will be paid on the property to the Government as is normal. The only thing that is paid by one ratepayer or you split it into three. Now, this one or three ratepayers, it varies, depends on who is talking about it, have actually advocated their rights and given it to the other people and they are going to pay the shot. It is not as if we are just handing it out to somebody who is just going to leave the country, or somebody that is not accepting their responsibility as a ratepayer or tax payer. The rates and taxes I assume are paid except the person that pays them have advocated certain rights and given it, through a special arrangement, to the other people. So, really I'm not too concerned, they get a grant for one municipality and give them some form of self-government, I think it's really good and if it doesn't work perfectly it can always be changed at a later date. I think that the Council can be proud that they are not as hard bound as some people blame them for being, and that they are not willing to get out and see if we can make something work instead of picking it all to pieces. I think that this bill is constructive thinking, Mr. Chairman.

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

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Mr. Chairman: At this time we will call Committee back to order. I wonder if it is the wish of Committee that we proceed? (Reads Bill No. 9, s.s.(2), Sec. 11, 12, 13).

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Mr. Chamberlist: This takes the cake because the suggestion has been that this is a fine Ordinance and nothing imperfect in here, but notwithstanding that it is a fine Ordinance, the Administration is making provision for any imperfections. This is what it says; I think that is amazing. I mean the Administration underestimate the intelligence of Members of Council when they go and put in a section like that in there.

Mr. Chairman: (Reads Section 14 of Bill No. 9).

Mr. McKinnon: Mr. Chairman, after we had finished with the Local Improvement District Ordinance I said that there was not a chance that this baby was going to work and I am inclined to have the same impression of Bill No. 9, An Ordinance to Incorporate the Village of Faro, but in that instance we said we will give it a chance and I don't really think it has worked because of lack of provisions that were in it and I will be a rather surprised customer if I see this working to the perfection, noting the imperfections that are incorporated in the Ordinance.

Mr. Shaw: Mr. Chairman, if the Honourable Member from Whitehorse North is that type of young person, he would be prepared to take a chance on something working, even if it is not perfect.

Mr. McKinnon: Mr. Chairman, I've taken so many chances now, one more won't matter one way or the other.

Mr. Livesey: Mr. Chairman, I hope that Section 13 is not reminiscent of the trip of Apollo because you know 13 had a bad effect and in 13 this is where it seems to me that the Administration or those who have drafted, with good intentions, this Ordinance, more or less make a plea for their imperfections and I think that perhaps Section 13 is appropriate.

Mr. Chamberlist: Mr. Chairman, I will say that this Section 13 is simply giving to the Commissioner the right to make new legislation at any time because of the imperfections that are there. The idea of this piece of legislation is to get the village of Faro underway before this Council ends, so that in between now and the next Council coming along complete carte blanche is given to Administration to make regulations which are in fact Ordinances to overcome the inequalities and complete inequity of this Ordinance. It is a piece of legislation that we could have done well without, at the same time it is to attempt to help the area known as Faro to do something for itself. I think it is wrong. I think that Section 13 shows quite clearly that Administration knows that it is wrong because if it wasn't wrong they wouldn't specifically say that what we want to do is we want to be able to correct imperfect provisions as have been made in this Ordinance or the Municipal Ordinance. We are being asked now not to deal with one Ordinance; we are being asked to deal with two Ordinances. We are being asked to give the power to correct regulations in the Municipal Ordinance that apply to this one in there.

Mr. Legal Adviser: There are no powers within the Municipal Ordinance to make regulations. Any regulations that were made under this Ordinance would not apply to the Municipal Ordinance except in relation to this Ordinance. We are not trying to take extra powers or steal extra powers or just steal first base.

Mr. Shaw: Mr. Chairman, I would move Bill No. 9 out of Committee without

BILL #9 Mr. Shaw continues....
amendments.

Mr. Chairman: Just before we move, Schedule A forms part of the Bill and possibly I should read it. (Reads Schedule A of Bill #9). And I draw the attention of the Clerk, or Mr. Legal Adviser, I believe that in Section 11(1) the figures of Ten thousand dollars and Fifty thousand dollars should be written out. Is that correct?

Mr. Legal Adviser: I don't think so. We don't do that any more, Mr. Chairman. They are normally printed as figures.

Mr. Shaw: Mr. Chairman, I would move Bill No. 9 out of Committee without amendment.

Mrs. Gordon: I second the Motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Gordon that Bill No. 9 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I wonder if I could have an indication of those in favour of the Motion, please signify (4 hands in favor). Those contrary please signify (2). I must declare the Motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Committee has now concluded all the business which was placed before it. I wonder what is your further pleasure?

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

Mr. Dumas: I will second the Motion.

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

MOTION
CARRIED

MOTION CARRIED

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

CHAIRMAN
OF
COMMITTEES
REPORT

Mr. Taylor: Mr. Speaker, Committee convened at 10:50 a.m. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Shaw, seconded by Councillor Dumas that the Council approve the general outline of the proposal concerning terms for appointing two Members of Council to assist the Commissioner and the Executive Government of the Territory outlined in Sessional Paper No. 33, but request that prior to the issue of formal instructions by the Minister to the Commissioner, the following changes be made: 1) That the name of the group be the Executive Council of the Yukon Territory, 2) That no formal vice chairman be appointed and this office left to the decision left to the Executive in due course, 3) That the terms of paragraph (b) of the Paper be amended to read as follows: 'The elected Members will serve fulltime and be reimbursed from the Yukon Consolidated Revenue Fund an amount approved by Council through annual appropriation. That they be appointed and dismissed by the Commissioner on motion by the Council from time to time. That while serving both elected and appointed Members, together with the Commissioner should be the effective executive organ of the Government of the Territory. 4) That the extent of the Council's duty to avoid conflict of interest follow approved Cabinet practice in Canada and that further guidance on questions of detail be made available as soon as possible. 5) The title of the elected Members be Minister in relation to their executive duties. 6) That an addendum be added to the instructions to make it clear that insofar as it is practicable to do so, the conduct, practice and operation of the Executive Council should follow as closely as possible approved Cabinet practice on the Canadian and British models. This Motion, Mr. Speaker, was carried. Committee recess at twelve noon and reconvened at 2:00 p.m. It was moved by Councillor Shaw, seconded

Mr. Taylor continues...
by Councillor Gordon that Bill No. 9 be reported out of Committee without amendment. This Motion carried. It was then moved by Councillor Shaw, seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? May I have further indications of your pleasure at this time?

Mr. Taylor: Mr. Speaker, I can report to the House that Committee as a Whole has now concluded all the business which was laid before us and I believe that it remains now to have the effective prorogation procedures take place. There was an error, Mr. Speaker, I do believe there is one Bill to process.

Mr. Speaker: Perfectly excuseable at this time. How do you wish to proceed?

Mr. Taylor: Is it permissible at this time to give third reading to this Bill?

Mr. Speaker: Yes.

Moved by Councillor Shaw, seconded by Councillor Taylor that Bill No. 9, An Ordinance to Incorporate the Village of Faro, be given Third Reading.

Mr. Chamberlist: Mr. Speaker, I would just like to make one comment before the question is called. I believe that there is no room for bad legislation. It is my intent to vote against the legislation because I consider that the legislation that has been presented by the Administration is bad legislation. That will be my comment for refusing to vote on the Bill.

Mr. Speaker: Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION CARRIED

BILL #9
THIRD
READING

Moved by Councillor Shaw, seconded by Councillor Taylor that Bill No. 9, An Ordinance to Incorporate the Village of Faro, be adopted as written.

MOTION CARRIED

BILL #9
TITLE
ADOPTED

Mr. Speaker: May I have further indications of your pleasure at this time? Would the House be now prepared for the closing addresses?

All: Agreed.

Mr. Speaker: I will call a fifteen minute recess in order that things may be set up.

RECESS

Mr. Speaker: I will now call the House to order and at this time we will hear the closing addresses of the Members of the House. The Honourable Member for Whitehorse North.

Mr. McKinnon: Mr. Speaker, Members of Council. I suppose that with this prorogation and the election only two short months away that this opportunity should be used to fire the opening salvo of an election campaign. However, I think I have more important things to do at this time and I am sure there will be many occasions to make political speeches later. There are very few people who are given the opportunity to alter the course of history and even if the opportunity presents itself there are even fewer people who are able to accept the challenge and see it through. The course of the Yukon's

Mr. McKinnon continues....

history has been changed by the actions of this Council. No matter what the decisions of the electors in the fall, every Member at this table can rest in the satisfaction that he was not found wanting when called upon to make decisions that saw the beginning of the end of seventy years of stifling colonialism in the Yukon. This is so much more than most people are ever able to contribute to the life of a community, that all the frustrations, the confrontations, the set-backs and the failures were worth it a thousand times over. I can only thank each and every one of you for the opportunity and the privilege of having been a part of this peaceful, if often not so quiet revolution. And make no mistake about it, when a senior Government is forced to give up even the smallest part of its power base, the handwriting is on the wall and a revolution has in fact taken place. There is no doubt that two of us at least will not be back at this table this fall. If labels have to be given, and in politics it seems that it is mandatory, I imagine one could describe the Honourable Member from Dawson as the rugged individualistic, small "c" conservative, rather to the right of centre and the Honourable Member from Whitehorse West as the small "l" liberal advocate of the numerality in the "do your own thing" contemporary philosophy. Having enjoyed the friendship of both of them prior to their meeting, it was a constant joy to watch their progression as friends; after, to put it most politely, a rather cautious early relationship. They will always be a most, most impressive example of watching the generation and communications gap closing and terminating through the ability of understanding. The only people who know the contribution both have made to the Yukon are the other Members of Council, the Administrative staff and the press who cover our proceedings, but most important of all George and John know in their own mind what they have given and accomplished and this is the real and only reward any servant of the public can ever take away from politics, at one and the same time, the cruelest, the unkindest and yet the most rewarding of all careers. It is almost amusing at this point in time to watch the political machinations and the aspiring politicians crawling out of the woodwork, stumbling over one another in the rush to consolidate what political power is available for the first time in the Yukon due to our efforts. I suppose one could be granted just one cynical aside and ask, where were they when, but I did promise at the beginning this wasn't going to be that kind of speech. After two terms of office, Mr. Speaker, I am even more convinced than ever that Yukoners are a breed apart. They are willing to accept and enjoy fresh, exciting and unique concepts of government, politicians down to the disciplines and all the maneuvering of party rule do not have the courage nor the ability to propose or pass in other areas of the country. Mr. Speaker, no matter what party labels are attached to any or all of the candidates at the fall election, I can assure the Honourable Members, and the people of the Yukon, that my affiliation will read simply "Ken McKinnon, Yukoner". Thank you Mr. Speaker, Members of Council

Mr. Speaker: The Honourable for Whitehorse East.

Mr. Chamberlist: Mr. Speaker, Members of Council, one of the greatest satisfactions, I think, that an elected Member of a legislative body in the Yukon can have is the feeling of having done something for the good of the people. I say this because I feel the satisfaction in knowing that in the past three years I have participated in helping to bring to the Yukon more responsible government. Certainly, we have not the government that we would like to have but I do not think that it can be denied that responsible government is coming here and coming here pretty sharp. I can say, without fear of contradiction, notwithstanding the odd argumentative attitude that happens to all of us, and me included, in the Council Chambers, but I can say that the service of Council Members is a dedication to the people of the Yukon and to that area that we know as the Yukon that we all love. If we didn't love the Yukon we wouldn't go out of our way to take at times the ridicule and comments of an adverse nature that we all from time to time as elected Members have to suffer. The satisfaction of knowing what Council has succeeded in doing is something that I feel will always remain with me. I feel that even if, should it be that I were not successful in being re-elected at the next election, I would have

Mr. Chamberlist continues...

that satisfaction of knowing that I was one of the seven that brought to the Yukon a future that we can look to. I feel that it is time to recognize that we have been fortunate in having a Commissioner and some Executive Assistants who have been so far in advancing the thoughts of Council that they have helped us tremendously. We have all been critical of the Administration because we have been placed in the position of being the opposition but I don't think any one of us will deny that the help that has been given to us by Commissioner Smith and his head of departments and especially the two Assistant Commissioners, help that we could not really have done without. I think that at this time there is a special thank you that should be extended to the Legal Adviser who has been in the unenviable position of having to wear two hats, both very difficult to balance on his head at the same time and I think he has helped us by recognizing the true feelings that this Council has had towards getting this responsibility in the Yukon that the people of the Yukon really should have. I am pleased that I have participated also in bringing to the rest of Canada for the Yukon publicity in such a way that people in Canada know that Yukoners really want what we are looking for and that is equal status of citizenship with all Canadians. I think that what will happen now, and I am sure in future, as the result of the efforts of Members of Council, that there will be consultation towards what we are seeking, full responsible government. And Mr. Speaker, I think that the enthusiasm of Members in this Council has been such that at times we have gone beyond the area of what we have really wanted. But we have only made mistakes by accident but it is the means to the end that counts and I feel, Mr. Speaker, that the means to the end is coming along and I must at this time also express my thanks, Mr. Speaker, and I am sure other Members of Council echo my thanks to the members of the press who have passed on to the community of the Yukon, and the rest of Canada wherever possible the true aspirations of the people of the Yukon through their elected representatives. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Dawson.

Mr. Shaw: Mr. Speaker and Members of Council, in a politician's career the Swan Song is usually his most difficult address, nonetheless inevitable. While reminiscing, and to indicate how rapidly people's thinking changes, I can look back to twelve years ago at which time one of the first planks in my platform was to eradicate, if possible, the poisoning of wolves which in turn also poisoned other smaller animals as well as bird life. To substitute this type of control over the wolf population, in order to balance up what man killed, I finally was successful in introducing a form of wolf bounty. The Government's chief Mammologist of that time fought very hard to retain poisoning as an exclusive means of controlling the wolf population. Yet, on the news media a month or so ago this same man, now working in one of the provinces, was loudly declaiming pollution and destruction of the ecology in general. This in itself vindicated my action of that time, but more important, it showed how public opinion changes. This is a normal mark of political progress; the changing attitudes by the changing minds of the people. This is what a politician is always striving to keep up with. Another way that changes are brought about is through the election to public office of fresh, young political Sir Galahads. They replace the more mature Members such as myself and provide the desirable change. This, I trust, will happen in my case and younger people will play their part in the political evolution of this Yukon Territory. At the same time, the people of the Yukon also have their individual responsibilities to assure that the most qualified candidates possible should be elected to represent them. For the first time in Yukon's history we will be having elected Members of Council in executive positions. This will be a new ball game and means that those elected will now, in large part, govern and administer the affairs of the people of the Yukon, which has not been possible in the past. To elect people as independent party candidates has been the practice of the past and in my opinion will be a backward step rather than a forward step in the progress of the Territory. We can no longer afford the luxury of having seven Members of Council, all pulling their own

Mr. Shaw continues....

weight, but many in different directions, with their own viewpoint or political philosophy. There has to be organization at the grass roots, or to be more specific, the creation of Yukon political parties. I have found during my term of office, Mr. Speaker, that it is impossible, on a continuing basis, to know for sure that the general electorate require from their members on various issues. We all have our circle of friends and acquaintances who give us more of a pat on the back than a true, cross-section of public requirements. What we must have in the Yukon, if we wish to continue to expand our political progress, is to have organization and participation from the grass roots level. For Yukon's people to have their right say on how they shall be governed leaves no alternative but to create and support some form of political party by whatever name they wish to call them or what philosophy. These organizations could have some affiliation with Canada's major political parties, who at present have some form of organization. At the same time, they must have their independence from such, otherwise there are bound to be areas of conflict on federal matters which could fracture both elements. A Member of Council, who is advised, directed and subject to the discipline of an organized group can better create good government than as an individual. In the past we have depended to a great degree on the federal government. From now on, many of these decisions formerly made in Ottawa, will now be the responsibility of elected Members, which can materially affect the lives of most Yukoners. Surely it is everyone's business to assure that the best representation through organization should be a firm policy. By a party system, it will mean that the successful candidate who is elected will be committed to a Yukon policy, laid down by a Yukon party, who he or she represents. For effective government we can afford nothing less. In my period of office, Mr. Speaker, I have worked with many Councillors. There have been many clashes of political theory and interest. Arguments have been, at times, super-heated, and I might almost say super, super-heated but the remaining memory is of the fellowship involved. Of this present Council, where we had many divisions in internal matters, there has been a solid front to create the forthcoming, more responsible form of government and I can truthfully say that there is not a Member present, who in all sincerity, has not given his very best to further the interests of the Yukon and its people. The Commissioners whom I served under during my tenure of office have left me with fond memories. Commissioner Collins, an Ottawa man doing his utmost to truly represent the Yukon and successfully at that. Commissioner Cameron, our first Yukoner, to fill this important post, with a sense of humor second to none, and lastly, my good friend Commissioner Jim Smith, who was once my fellow Member of Council. Perhaps this training is the reason why he has had the patience of Job, digging up answers during the question periods. But more important is the contribution he is making to the Yukon with his executive ability and political awareness. Some of these qualities he no doubt acquired during his term as the Member from Whitehorse and I feel that he is doing a great job for the Yukon. At all times over these many years I have had the utmost in co-operation from all Members of the Administration whenever I had problems, and believe me, I had many of them, I had my share. For this I thank them all. I would be remiss, Mr. Speaker, if I did not express my sincere appreciation to the Clerk of Council and his staff, particularly those hard working girls who had to listen to us all day and type out reams of verbiage for most of the night. As this is my "last hurrah" I would thank you, Mr. Speaker, and all Members of Council for the consideration and courtesy that you have always shown me as the Member from Dawson. I feel it an honour to have been a Member of this body, gaining an educational experience I will long cherish. With my thanks go my best wishes for success and good health to all of you. My last thought is to express to the people of the Dawson Electoral District my sincere thanks for the confidence they have placed in me over these many years. It has been a privilege to have served them. Thank you, Mr. Speaker.

Mr. Speaker: I rise at this time to perform a very pleasant duty in honour and in tribute to the Honourable Member for Dawson on behalf of the Commissioner and all Members of this House. As you know, our friend and colleague from Dawson has been a Member of this House for twelve years and has worked very hard for the people of the Dawson area and for the people of the Yukon and I feel that this is perhaps one of our happiest moments when we can that type of tribute to a hard working, staunch friend of not only the people that comprised Members of this House but for the people generally in the north and I refer to the Honourable Member for Dawson, George Shaw. It gives me now, a great deal of pleasure to be able to present to him a present on behalf of the Commissioner and all Members of this House. (applause). Many congratulations, George.

Mr. Shaw: Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Mayo.

Mrs. Gordon: Mr. Speaker, fellow colleagues, Yukoners everywhere. Today has been, as we all know, the final day of the final Session of the Twenty-first Wholly Elected Council of the Yukon Territory. In reflection over the past three years we have run the gamut from levity to serious solemnity, from utter frustration to some fullness of acceptance. An evaluation of this Council at some future date will, I am sure, mark it as a turning point in the evolution of the political and constitutional development of the Yukon. Other Members have dealt most admirably with this topic at this microphone and during debate and there is little need for me to reiterate what has already been said many times. The people of the Mayo District conferred a great honour on me three years ago and I feel I have upheld the trust and faith they had in me. While I may not have been particularly vocal, I feel I have made a definite contribution. This term has been my educational period and today is my graduation day. Unless unforeseen circumstances intervene, I will be offering my services and experience that I have gained during the past three years to the electorate of the Mayo district for further service to them and the people of the Yukon. And right now I want to repeat something I have said publicly a number of times. I have not, and will not be associated with any Federally oriented political party. The evolution of political and constitutional development in the Yukon will bring about policies and philosophies particular to our part of Canada, the same as they did elsewhere. I will be offering my services under the same conditions and circumstances as I did in 1967, in a word, to work towards the future of the Yukon. Lest it be thought that I consider only the prestige attached to being elected to this august body, I would read the following entitled "A Reminder". "Some time when you are feeling important, sometime when your ego is in bloom, some time when you take it for granted you are the best qualified in the room, sometime when you feel that your going would leave an unfillable hole, just follow this simple instruction and see how it humbles your soul. Take a bucket of water and fill it with water. Put your hand in it up to the wrist, pull it out, and the hole that is remaining is the measure of how much you will be missed. You may splash all you want when you enter, you can stir up the water galore, but stop, and you'll find in a minute that it looks quite the same as before. The moral of this quaint example is "do just the best you can be proud of yourself, but remember there is no indispensable man". I add also a further quotation which has become my own philosophy and it is this: "To laugh often and much and especially to be able to laugh at yourself; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to find best in others; to leave the world a bit better whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived, this is to have succeeded". Time will prove how little or how much I have succeeded. Mr. Speaker, I would close by extending my thanks to yourself and to my fellow Councillors for the many courtesies and considerations tendered to me during my three years

Mrs. Gordon continues...

in this House. I would also express sincere appreciation to Mr. Commissioner and all members of his Administration for their co-operation during this time. To everyone in the Yukon, may you have an enjoyable summer and remember, on election day to make your decision as to the future of the Yukon. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Whitehorse West.

Mr. Dumas: Mr. Speaker, fellow Members of Council, ladies and gentlemen. It has been an interesting, and sometimes frustrating three years. I believe that the amount of work that went in to the government of the Yukon Territory by this Council has been rewarded by the progress that has been made over the past three years, particularly as regards constitutional reform. It is no secret, Mr. Speaker, that I will not be running again for election. My reasons are personal primarily but are also due to the pressures of business. We expected during the last three years, we hoped to achieve more, we have achieved as much, I suggest, as any Council might have achieved during that period of time. We all devoted just about all our time to trying to acquire the ends for which we believe all Yukoners strive; that is, the ability to be treated as Canadians equal with other Canadians in our country. Mr. Speaker, a politician's only reward is in doing his best and hoping that his best has been good enough. We can ask for no more. I, Mr. Speaker, have been very fortunate, for in being involved actively in politics I have received a bonus reward. I have made a new friend, a very close friend, a person who will be a friend, I am sure, for the rest his or my life; that is the Honourable Member, Mr. Speaker, from Dawson City, George Shaw. I believe he deserves the thanks of all the people of the Yukon and I wish now to extend my best wishes for the future. I have only to say now, Mr. Speaker, thanks to all of the Members of Council, thanks to all of the Administration who have been so helpful over the last three years. A special thanks, Mr. Speaker, to the many people of Whitehorse West and indeed of other parts of the Yukon who have lent their support to many of the efforts that I put forward over the last three years. In the final analysis, Mr. Speaker, government and democracy is people. The people of the Yukon are interested in what is going on in their Territory; they turn out in great numbers come election time, they keep keenly interested between elections. They have never failed during the last three years, Mr. Speaker, to remind me when I wandered astray from what they considered was best for the Yukon, and Mr. Speaker, in many instances have congratulated me when I have done what they thought was best. That type of participation, Mr. Speaker, that type of participation alone makes it worthwhile to have been serving the public for the past few years. In the last election campaign, Mr. Speaker, I made one comment. I promised that if elected I would do my best. I feel, Mr. Speaker, that I have done my best within the limitations of my personality and character. I could do no more than my best and I believe I have done no less. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Watson Lake.

Mr. Taylor: Mr. Speaker, Honourable Members. We have now reached the end of not only this Session, but the life of this Wholly Elective Council and this is the time normally and generally when the last of the politicking gets done. That is neither my purpose nor my intention today and so I shall leave that and direct my remarks generally to the area of the legislature itself. This has been, in my opinion, by far the most productive and indeed for the most part, the most unified Council I have experienced in my nine years in this legislature. Certainly we have had our failures as well as our successes, and indeed many triumphs and frustrations, but although we have expounded many very diverse opinions in the public form of debate here in the House, we have never waived from our united stand for more responsible government for the people of the Yukon Territory. The experiment of having two elective Members on an Executive Council should prove to be a most interesting one indeed, Mr. Speaker, and even though the

Mr. Taylor continues...

powers and responsibilities of these representatives have been somewhat watered down from what we originally conceived, it is my sincere hope that it will work and work well. I would like to take this opportunity, Mr. Speaker, to extend my sincere thanks and appreciation to all Members of Administration and their staff as well for the invaluable assistance, and indeed, Mr. Speaker, the encouragement given me in the course of my duties over the past three years. To my Honourable colleagues in the House I would like to say thanks for the patience and courtesies extended to me, not only in relation to the representations of my district but my duties also in the Chair. I would like to say, Mr. Speaker, I commend you all and I compliment you all on what I feel has been a tremendously well done job these past three years. To the two Members who will be retiring this year from the rigours of public office, Councillor Shaw Councillor Dumas, may I extend to you my very best wishes for a successful future in all your endeavours. You have served your territory well. For those Members who will be once again running in the forthcoming election, the duties and responsibilities of this House and the Territory it represents, may I sincerely wish that your political fortunes be good ones and that each and every Member of this retiring Council and the Administration alike do enjoy a very pleasant and rewarding summer season. I thank you, Mr. Speaker.

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

Mr. Taylor takes the Chair.

Mr. Speaker: The Honourable Member from Carmacks-Kluane.

Mr. Livesey: Mr. Speaker, Honourable Members of Council. The most significant change over the past three years in office of the present Council has to be the recent repeal of the Yukon Act by Parliament to allow for better working conditions for the Council and provisions for local government in matters related to the constitution of the elected body by removal of Federal restrictions in the Act and the added responsibilities and justice for the Territory. The setting up of an Executive Committee by the Minister of Indian Affairs and Northern Development, to be shared by two elected Members of the next Yukon Council, while fundamentally in line with some of my earlier suggestions of 1963, although different from our recent proposals, will provide the next Council with a solid and important form of responsibility. I believe sincerely that the Minister has done more by this move in one stroke than any other Federal Minister acting in a similar capacity for the good of the north in general and especially for the people of the Territory. The rest were sympathetic and full of promises but none produced the goods nor turned promise into action. It will now be up to the people of the Territory to show faith and good judgment in their selection of the next Council in order that the changes will bear fruit as a result of many years of hard work by this Council and others before it, to find a place in the decision-making body for the people. A wrong decision next fall could easily kill the faith of Ottawa in this move and set us back for many years to come. We have no choice but to make this new responsibility work if further doors are to be opened as we gain strength and confidence and the ability to govern ourselves. The next move could easily be a majority on the Executive Committee for the elected Members, and when that happens the tables will have turned completely in our favour. When attempting to pass judgment let us not forget that the key to real change is the economic prosperity of the north and the maintenance of good living conditions. The faith of those prepared to invest millions of dollars in our land must be nourished or withdrawal could bring defeat in short order. Sound and wise decisions based on the knowledge of conditions as they exist today in this era of complex government can only be gained from experience. Our future needs point to the absolute necessity for a far more serious look at government by the people than at any other time in history. To all those who may think that we are prepared for provincial status now, as an alternative

Mr. Livesey continues...

to what we have just gained from the Federal Government, let me say that such conclusions are unrealistic; too many imponderables exist at this moment to draw conclusions of that nature. One of the most interesting Sessional Papers to be discussed during this Session was Number 33. It dealt with the working rules of the new proposed Executive Committee and the appointment of two elected Members to act as Executive Assistants. It suggested that the elected Members will be responsible at the outset for Education, Health, Welfare and Rehabilitation which latter word is a new flowery handle for Corrections. The item which sparked the most argument was item 'b' page two which stated that Councillors appointed to the Executive Committee would be expected to divest themselves of their current employment and business interests in order to eliminate possible charges of a conflict of interest. This stipulation, will shake quite a few possible contenders or would-be political prophets, but is I think, an absolute necessity, the Committee is to maintain a clean bill of health in the public mind. Turning to other questions of importance with the thought that education is perhaps one of the top priorities related to the security of the individual and a means to gain all the benefits of modern living, it was surprising to find that Administration had not considered an earlier date than the one suggested for higher education on the north Alaska highway. The results of the Departments meetings with the parents along the Highway showed clearly that the need was now and not something for review in the future and while I realize the Administration cannot commit the next Council to an expenditure of funds, I feel that the facts were clear enough by all those who passed an opinion during the meetings on the north Highway. The economic benefits of higher living wind up in the capitol of the Territory in substantial amounts and it is only fair that returns should be made in order that we may continue to grow and prosper in isolated areas away from the amenities of the larger centres. Some of the benefits, of course, do wind up in these areas and on a recent trip to Pelly River and Carmacks I was pleased to see the good work done by the crews to keep the dust down during the summer months, especially in Carmacks the streets were black and shiny with new oil. It makes for more pleasant living. I was also pleased with the reaction from the average householder on the reduction in power rates for residents. The smiles were something to look at. No one can say that rural Yukoners do not appreciate attempts by the Government to make their burdens lighter and their tasks easier to manage. In closing let me say how much I have appreciated the honour to represent the people of Carmacks-Kluane Lake and my added responsibility as your Speaker for the past three years. It has been a pleasure to serve. I have both enjoyed and appreciated all the many fine things of friendship and respect which you have bestowed upon me and I can truthfully say that the position in the Chair could not have been more peaceful or pleasant. For this I thank you all. Let me also extend to all staff members, the Administration and particularly the Commissioner, my appreciation for all the many services rendered during my term of office. Last but not least, I would like to pay tribute to an honourable friend and colleague who is leaving the world of politics for a more quiet existence and I speak of George Shaw, a long-standing Member of this Council and a staunch contributor to this decision-making body. My wife and I wish him a long life and a happy one and all the blessings of good health do go with his choice of new freedom and semi-retirement from the rigours of the North. I thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Mr. Commissioner, the Council of the Yukon Territory have, at their present sittings thereof passed a number of Bills to which in the name and on behalf of the said Council I respectfully request your assent.

Mr. Clerk: Bill #1, An Ordinance respecting Securities, Bill #6, An Ordinance to Enable the Commissioner to Transfer all the Streets and Lanes in the City of Whitehorse to the City of Whitehorse, Bill #7, An Ordinance to Amend the Local Improvement District Ordinance, Bill #8, An Ordinance to Amend the Elections Ordinance, Bill #9, An Ordinance to Incorporate the Village of Faro.

Mr. Speaker: The House now stands adjourned in order that we may hear the Commissioner's closing address.

Mr. Commissioner: Mr. Speaker, Honourable Members of the Twenty-first Wholly Elective Council, as I am not running for election I think at this point I should be permitted to speak my mind. History, Mr. Speaker, doesn't divide itself into convenient triennial compartments and an analysis of developments within these kind of artificial constraints cannot hope to be very rigorous or very definitive. Nevertheless, it might be enlightening to sit back and take a broad overview of the developments during the past three years in the hope that it will help to provide some general parameters for assessing the shape of things to come. These have been years of growth and transition and expansion in all areas of life in the Territory. They witnessed a significant increase in the private investment and prospecting, acquisition, examination and exploration of mineral deposits. Assistance from public incentive programmes kept pace with these developments and new investments in mining ventures ensued. Mineral production based on value to mines before shipment increased from ten million dollars in 1966 to an estimated sixty million dollars for the current year. Its companion industry, the tourist industry, made remarkable progress too, increasing its contribution to the economy from seven million dollars in 1967 to an estimated ten million dollars for 1970. Other sectors of the economy such as construction, transportation, retailing and other service industries expanded in the wake of resource development; directly to provide inputs for the mineral industry and indirectly to service the growing domestic market consequent on population growth. A magnificent epilogue to this exciting period of economic growth came in the form of an instant town which rose out of the muskeg and the ultimate destructive forest fire and is now named the town of Faro. During these years the Territory continued its very close constitutional and working relationship with the Federal government. Within the Territorial government greater co-ordination between the legislative and executive branches found expression in the formation of our Budget Programming Committee, and to keep Councillors fully informed about the activities of the administration a monthly newsletter, I believe, has gone out without fail during the life of this Council. These, Mr. Speaker, represent "one small step" taken by an Administration dedicated to the evolution of a more responsible form of government for the Yukon. The "giant leap" came last week when the House of Commons approved the amendment to the Yukon Act, and these, accompanied by an Administrative directive from my Minister will, I believe, create for the Yukon a governmental structure with powers commensurate to its present capacity for self-government and its ability to assume the financial and other responsibilities entailed. The activities and deliberations of this Council undoubtedly played a significant role in this transition in governmental structure, and I would refer you, Mr. Speaker and Members of Council to my opening remarks to this the Twenty-First Wholly Elective Council in which I inferred that this was the coming of age of government in the Yukon and I think that it has found its expression and its culmination in this point. Economic growth brought in its wake an increasing influx of people into the Territory and government is obviously concerned with people. To govern a Territory is to govern the people in it and our activities consequently expanded to meet the needs of a growing populace. Building lots were one of the prime causes of concern in all parts of the Territory, they were made available, some in some instances late, but in ever-increasing numbers, not only here in Whitehorse but in other parts of the Territory as well. Over a million dollars was disbursed under the housing loan programme of the

Mr. Commissioner continues...

Territorial government and the ceiling on these loans was finally raised from Eight to Twelve Thousand dollars. Our goal in the field of housing continues to be "a decent home and suitable living environment for every family in our Territory!" As might be expected, the provision of elementary and secondary school facilities accounted for the bulk of government's expenditure. Student population rose from 3,500 in 1967 to over 4,000 in 1969. New schools were built where they were needed throughout the Territory and added to where this was called for. A kindergarten program was initiated in 1968 and Adult Occupational Training programs were introduced. As part of our efforts to provide better protection to persons and property a whole new series of fire halls was constructed and fire trucks provided in many of the communities in our Territory. The Corrections program was inaugurated and the Territory took over the operation of medium and minimum security institutions. A full range of social welfare services were provided to the people of the Territory who needed such services. A children's group home and two Senior Citizens' homes were built in Whitehorse and the first Children's Receiving Home opened its doors in Dawson City. Improved management of the public's business at the Territorial level of government requires skilful and highly motivated public personnel. A significant change was witnessed in the composition and size of the Territorial public service. And these, Mr. Speaker, represent a random sampling of the expansion in government activities which arose due largely to the growth in the economy of the Yukon. With the growth of the Yukon's population and the accompanying transformation in its social and economic life the responsibilities of this Council grew considerably. The complicated financial dealings which the Council and Commissioner must enter into with the Federal government over cost-shared program grants and the like, increased the legislative load. Your response to these challenges has indeed resulted in the metamorphosis of this Council from a forum of debate into an arena of action. In November, 1967, I spoke to you about disparity in living conditions in the Yukon and the need for remedial measures designed to equalize the cost of living throughout the Territory for all our citizens. A major step in this direction was the electric power rate equalization plan introduced recently with this Council's concurrence. Other areas such as heating fuel costs deserve detailed study. This Council presided over the destinies of the people of this Territory during a period which witnessed the publication of three major reports on Yukon. Dr. Carr's Report on the Yukon Economy and its potential proposed a blue print for the building of tomorrow's Yukon. The Travacon Study investigated the least cost means of transporting specified mineral products to tidewater ports. The healthy state of the Yukon economy and its tax potential found expression in the Touche Ross Study. The central theme of these reports was the great potential of the Territorial economy and its immense vista for development. Some of the most beautiful and perhaps least understood of this Territory's recreational resources are its forests. Fears have been expressed by this Council that extensive timber-cutting rights in these areas could cause esthetic damage to the forest and the loss of scenic values. We are dealing here with a national patrimony which must be applied not only for the immediate welfare of the Canadian people but also for generations yet to come, for whom we hold these resources in trust. This is a sobering thought which requires a sober and sagacious response. It is axiomatic that government services, like all other material things, must be paid for. During the tenure of this Council occasions arose where decisions called for either the reduction of basic services to the public or an increase in taxation. Realism dictates the latter and Council responded with apt measures. These, Mr. Speaker, represent some of the problems that were faced and solved by the Council. Much, however, remains to be done. The decade of the 1970's provides the Council and the people of the Yukon with a broad range of opportunities to live up to its promise. Everyone pulling together can help the Territory turn today's dreams into tomorrow's realities. The persistence of change and the need for adjustment to change are in fact the only future certainties known to man. Consequently there must be a continuous assessment of the role of the Territorial government in the life of the Territory to ensure that the machinery of government remains responsive to the ends it must serve.

Mr. Commissioner continues....

The broad question during the coming years will not be whether but in what way and over what period of time there should be further advances toward more responsible government. Yukon has now reached a stage where structural economic changes must be initiated if the Territory is to maintain the rate of growth it has attained during the past three years. Our economic development is far more than merely a Territorial preoccupation; it is an essentially national one. For it is a fundamental and obvious fact that the prosperity of Yukon is inseparably allied to the prosperity of the whole Canadian economy. Yukoners must and will develop their Territory, partly because it is rich in resources and partly because, like the mountain, it is there to be tamed. However, this development must take into consideration the people who are here now and who have been here for untold centuries. Where, throughout Canada, Indians make up only one per cent of the total population, in the Yukon sixteen per cent of the population are of Indian origin. They can and must participate as full partners in the excitement and wealth which are derived in the process of developing Yukon. Some economists contend that the growth potential of an economy depends to a large extent upon the natural quality of the people. Mr. Speaker, if the future of the Yukon can be judged from the vitality of its people, then the outlook for the Territory can be considered bright indeed. Mr. Speaker and all Members of Council, I want to express my personal thanks at this time for the very fine working relationship that has grown up between us in the course of the past three years. You came here full of trepidations and a certain amount of uncertainties, not only those who had sat here before but those of you who were new. I think that over the three years that we have had the opportunity of working together, we have shown to ourselves and to each other that the barriers that have existed over the years between the Administrative arm of government and the legislative arm of government have been broken down and indeed continue to be broken down until they cease to exist. To the officers who have served you I want to give you my special thanks, particularly to our Legal Adviser, to the Clerk of the Council and to the stenographic staff who work far beyond the call of their duty not only during Council Sessions but before and after to make it possible for this august body to conduct its affairs. I may say that this Council that is sitting here today is the last of the old days of this kind of a Council. There is a whole new ball game opening up come the calling of Council together after the next election and I am very hopeful that some of you who have worked so hard to bring this about will have the opportunity of returning and participating in the new ball game. To Councillor George Shaw who has been my friend, my confidant and my very good assistant on many, many occasions from the time that we started out as Councillors in 1958 until this day when he is sitting his last official day as a representative of the Dawson area, I want to express my very, very sincere thanks and to you, George, go the good wishes of myself and all my officers to yourself and your wife so that the retirement days that you are looking forward to are going to be filled with pleasure and that you are going to be able to look upon the days that you spent, ungratifying as they may have appeared at the time, to give you a lot of personal satisfaction as you see many of the things come to pass that you have worked so hard to bring about. Quite frankly, the Dawson area has never had better representation or can it ever hope to have any better than what you have given so devotedly of your years and the twelve years that you have sat around this Council table. Councillor John Dumas, who has indicated in his closing remarks today that he will not be standing for reelection, I say to you John, that you ave done a very fine job on behalf of your constituents. I am sure that at the age that you are at that we can look for your return to the political fields before your days in the Yukon are over with. I think that this is only a temporary good-bye just for the time being. To each and every one of the rest of the Members of Council, Mr. Speaker, and your good self, I wish you a very pleasant and successful summer and particular success at the hustings when you offer yourself to the voters of the Yukon and allow them to speak upon who will be representing them here at this legislature in the future. On behalf of my

Mr. Commissioner continues....

Minister and myself I say "thank you" for a job well done on behalf of Yukon and on behalf of Canada, and Mr. Speaker at this time I would like to give my assent to the Bills as enumerated by the Clerk.

Mr. Speaker: I would like to thank the Commissioner for his closing address and for all his kind words about Members of Council and the way in which we have worked to run the government over the last three years. I do feel that the Commissioner has worked with us, and as all other members of Administration have worked with us very hard and offered their full co-operation, for this I think the House will agree with me that we should tender our thanks at this time.

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

PROROGUED

April 21, 1970.

SESSIONAL PAPER NO. -1- 1970 (3rd SESSION)

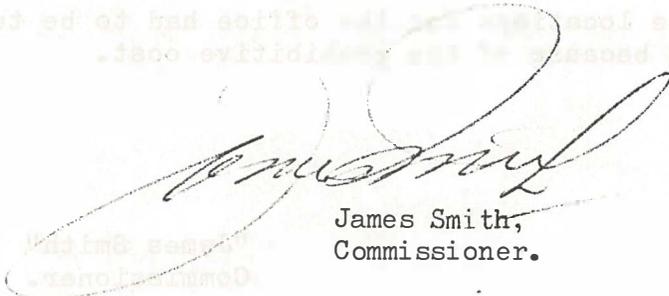
Mr. Speaker
Members of Council

Reference is made to Council's Motion No. 30 of December, 1968, also Sessional Paper No. 20 of the 1969 (3rd) Session, as well as Councillor Shaw's question during this latest Council Session concerning the request that Mr. Pickersgill visit the Yukon Territory.

I am now advised as follows. The Canadian Transport Commission plan wide range hearings of Northern Air Services in Whitehorse, Yellowknife and possibly Inuvik in June or July.

Any problems or submissions should be brought to the attention of the Secretary, Air Transport Commission, CTC, as soon as possible so that they may be included in the agenda of these proposed hearings.

I believe that Council can treat this as a reply to our numerous complaints and to our invitation to Mr. Pickersgill to visit the Yukon.



James Smith,
Commissioner.

April 16, 1970.

SESSIONAL PAPER NO. -2- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Vancouver Office of Travel and Information

On Wednesday, April 1st, 1970 Councillor Dumas asked if the Commissioner could tell Council when the Vancouver office that has been planned as an extension of the Department of Travel and Information will be opened and who will be managing it?

The answer is as follows:

The Personnel Department, in conjunction with the Department of Travel and Information, has interviewed a number of the leading candidates for the position of Manager of the Vancouver office and it is expected that an appointment will be announced within the next two weeks. No date has been set for the opening of the office, but it is hoped to have it functioning by mid-May.

Councillor Dumas also asked on the 1st of April if the Administration has any idea of the location of the office?

The answer is as follows:

A number of locations are now being considered by the Department of Travel and Information for the location of the Vancouver office. The Department plans to obtain street-level space in the downtown business core of Vancouver to give it a prestige location and also help attract inquiries seeking business and industrial information, on Yukon. The office is to be a "Yukon House", serving not only the lower British Columbia areas, but all of the West Coast (U.S. and Canadian) through its access with the communications media and information services.

Some choice locations for the office had to be turned down by the Department because of the prohibitive cost.

"James Smith"
Commissioner.

22 April, 1970.

SESSIONAL PAPER NO. -3- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Federated Women's Institutes of Canada
Resolution re Field Worker

We have received a letter from Mrs. J. Philip Matheson, the Chairman of NCWI Committee of the Federated Women's Institutes of Canada, enclosing a Resolution passed by the delegates of the Northern Canada Women's Institutes attending the seminar held in Yellowknife July 20th-30th, 1969. The Resolution requests that a full time Field Worker be provided to assist them with the programmes and work in the Yukon Territory and also that a grant of \$10,000 per year be set up to cover this Field Worker's expenses.

The following is a quote from the letter from Mrs. Matheson:

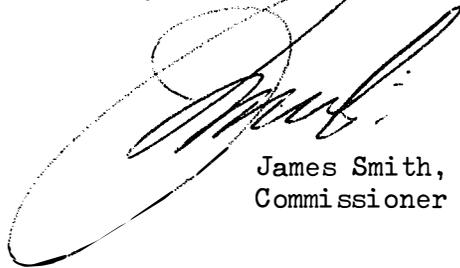
"The NCWI Committee respectfully asks permission to wait on the Yukon Territorial Council, when it is next in session, to discuss the enclosed resolution with you and the members of your Council.

If permission is granted, we will send two of our members to present the resolution in person and to answer any questions that may be asked.

We are confident that the work that is being done in the Women's Institutes is providing the native women, and others, with a wealth of knowledge that they could not have access to otherwise, and is aiding in their social and economic development.

On behalf of the Federated Women's Institutes of Canada, and as Chairman of the NCWI Committee, I would ask that we might have the privilege of an audience with you to discuss the resolution."

Please advise whether or not you wish to meet with this Committee.



James Smith,
Commissioner

FEDERATED WOMEN'S INSTITUTES OF CANADA
RESOLUTION RE FIELD WORKER

PREAMBLE

Women's Institutes, organized in Canada in 1897, have a magnificent record of vision and imagination in the education of women, developing them as leaders in their communities, assisting them to learn the important tasks of homemaking, nutrition and child care as well as fostering and adding to their skills in arts and crafts.

Realizing the great potential for community development inherent in this non-sectarian, non-racial and non-partisan organization, Government and civic leaders have encouraged the establishment of societies in 70 countries across the world. These autonomous groups, numbering over six million members, are affiliated together in the great international Associated Country Women of the World.

In 1960 the Federated Women's Institutes of Canada decided that Women's Institutes could be of great service to the women of northern Canada. They reached out to these women in their isolated communities, facing rapid change as modern methods and values penetrated their environment. Since 1960 Women's Institute members across Canada have contributed the sum of approximately \$28,000 to provide part time field workers, audio and visual aids, resource and craft materials, travel assistance and at the same time supporting the preservation of native culture.

That the program has been successful is proven by the fact that 14 Branches are functioning despite transient population; that a successful Convention was held in Inuvik in 1966, bringing together for the first time delegates from across the Northwest Territories; that in 1969, aided by the Associated Country Women of the World, a ten-day seminar was convened at Yellowknife, on "The Conservation and Development of Human and Natural Resources". This was attended by delegates from the Northwest Territories and the Yukon, 20 of whom were native women; that on two occasions craft work from the Northern Canada Women's Institutes has won international recognition.

At the seminar members were able to discuss mutual problems. All agreed that full time field worker(s) in the Territories would be of the greatest value and a resolution to this effect was recommended.

RESOLUTION - WHEREAS it is vital that all residents of the Yukon be involved in the social and economic development of the North; and

WHEREAS the Women's Institutes of Northern Canada are filling a need in the lives of the women in the social evolution of the North; and

WHEREAS in the Provinces of Canada members of the Federated Women's Institutes of Canada have available to them much assistance from Extension Branches of Provincial Governmental Departments and/or Universities, in the provision of Home Economists, Field Workers and Instructors to conduct short courses, leadership training program planning, and 4-H and Club work for youth;

THEREFORE BE IT RESOLVED that the Territorial Government of the Yukon be approached to assist the Federated Women's Institutes of Canada with the cost of providing a well qualified, full time field worker(s) for the Territory,

By (1) Allocating to the Federated Women's Institutes of Canada an annual grant of \$10,000 for this purpose;

(2) providing adequate office accommodation at Whitehorse for the field worker(s).

April 21st, 1970.

SESSIONAL PAPER NO. -4- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Question Re Damages By Exploration Companies

On February 4th, 1970, during the 1970 (First Session) of Council, Councillor McKinnon asked the following question:

"Mr. Commissioner, has the Director of Game been in touch with your office concerning possible damage done to land used by exploration companies in the northern Yukon and, if so, has this information been passed on to the proper federal authorities?"

A combined air patrol consisting of Game Branch personnel, Fisheries personnel and Yukon Indian Agency personnel was made out of Whitehorse on September 3rd to September 6th, 1969. This patrol visited several lakes north of Mayo where companies were doing certain mineral and oil exploration, as well as the Old Crow flats area.

The following were checked:

- POTHOLE LAKE Ulster Petroleum Ltd., Calgary. Camp clean and well maintained. There was a small crew employed in collecting fossil samples along Peel River Valley.
- OLD CROW FLATS Velocity Surveys, Calgary. Employed on seismic operations. Well operated clean camp. Six Old Crow natives were employed with this crew. No visible damage to fur or fish resource.
- HERSCHEL ISLAND Polar Ice Shelf Project crew camped here. Unable to land due to drifting pack ice.
- INLAND LAKE NEAR STOKES POINT Imperial Oil had an eleven man crew here doing repair work on equipment and seismic rigs for winter operation when a total of forty men would be employed on their leases. This camp consists of trailers mounted on skids.
- Camp fairly well operated and in clean condition.
- On the coast near this camp are possibly thousands of oil drums of different sizes containing fuel oil and gasoline or lubricants. This mess was left there when a radar station was abandoned. At this time it is not known whether the Federal Electric Company, who operates the Dew Line, or the Department of Transport is responsible for this source of pollution, as the barrels will eventually rust and allow the contents to escape into the sea.
- MARGARET LAKE Banff Oil Ltd. left a filthy garbage-strewn campsite here with broken bottles, garbage, building materials, propane tanks and oil drums at the waters edge.
- HUNGRY LAKE V. Zay Smith Co., Calgary, left a horrible messy campsite here similar to that found at Margaret Lake.
- KATHLEEN LAKE Approximately 80 miles northwest of Mayo. A campsite here was also looked at. A large number of jars and bottles containing different types of acids and other chemicals were abandoned at this site. It is understood several local prospectors used this camp but most are now out of the country. The Fisheries Department have stated they intend to clean up this site.

HART LAKE

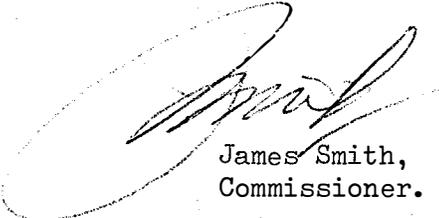
The campsite here was also left strewn with garbage and other abandoned articles quite similar to the condition noticed at Margaret Lake. The people responsible for this are now not readily available and Fisheries intends to take further action in due course.

The information collected during this patrol was supported by photographs and most of this evidence has been forwarded to those companies concerned by the Federal Fisheries Department, Pacific Region.

The Banff Oil Company and V. Zay Smith Company of Calgary have advised that crews will be sent to Margaret Lake and Hungry Lake to clean up the campsites used by them.

The Stokes Point situation is also being further looked at by Federal Fisheries as well as the other locations referred to and it is hoped that further camp cleanups will follow.

The situation in Old Crow flats is inspected weekly by a Forestry representative from Inuvik and information now at hand reveals that to-date only one portion of this operation has been questioned, and this was due to some unnecessary road bulldozing in a creek bottom a considerable distance from the Old Crow flats.



James Smith,
Commissioner.

May 8, 1970

SESSIONAL PAPER NO. - 5 - 1970 (2nd SESSION)

Mr. Speaker

Members of Council

COST OF MUNICIPAL AFFAIRS SECTION
WHILE PART OF THE ENGINEERING DEPARTMENT

During the last Session of Territorial Council, Councillor Chamberlist asked how much money was deleted from the Administration of Engineering when Municipal Affairs was set up as a separate Department.

(1) Employees Transferred to the New Municipal Affairs Department

<u>Title</u>	<u>Date of Appointment</u>	<u>Annual Salary At Turnover 31/3/69</u>
Municipal Inspector	Sept. 1/68	\$12,252.00
Fire Marshall	Sept. 16/68	11,676.00
Territorial Tax Assessor	Aug. 22/68	11,136.00
Clerk Typist II	May 25/61	5,940.00
Clerk Typist I	Dec. 14/67	4,440.00
Clerk Typist I	July 8/65	5,376.00
Clerk Typist I	June 5/67	4,884.00
Clerk Typist I (Casual)	-	4,440.00
Housing Administrator	Sept. 9/68	10,116.00
Building Inspector	Aug. 2/65	9,168.00
Clerk Steno I	Feb. 17/69	<u>4,440.00</u>
Total Salaries		<u>\$83,868.00 *</u>

* This figure does not include the Government's share of Superannuation and other fringe benefits which were provided elsewhere but not in the Engineering Administration.

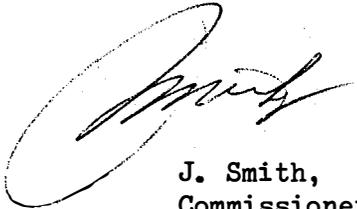
(2) Provisions Other Than Personnel Transferred from Establishment 900, Engineering Administration, at Turnover

<u>Primary</u>		
64	Material and Supplies	\$3,500.00
65	Utility Services	3,500.00
66	Repairs and Maintenance	150.00
68	Rentals	9,600.00
71	Miscellaneous	<u>500.00</u>
	Total other than Personnel	<u>\$17,250.00</u>

(3) Office Space

Three offices were vacated on the First Floor of Building #204 when three employees were moved to the Second Floor of Building #204 where the remainder of the Municipal Affairs component were already located. The three offices on the First Floor were subsequently taken up by Engineering Personnel. Again, the annual rental of \$3.50/sq.ft., which is paid to D.P.W. for Building #204, did not appear in Engineering Administration estimates as they were provided elsewhere.

The total cost of Engineering Administration attributable to the Municipal Affairs component while still associated with Engineering and as provided for in Engineering Administration was therefore \$101,118.00.



J. Smith,
Commissioner.

May 21st, 1970.

SESSIONAL PAPER NO. -6- 1970 (3rd SESSION)

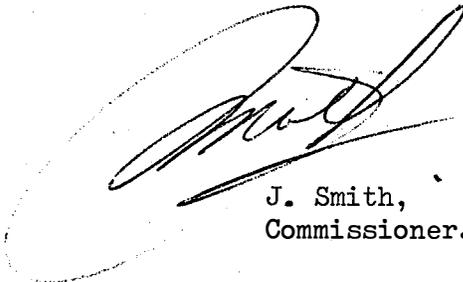
Mr. Speaker

Members of Council

Garbage Dumps - Highway Lodges

During the past two Sessions of Council, Councillor Dumas has asked whether the Territorial Government would provide garbage dumps at lodges along the highways in the Territory.

At the present time, it is the policy of the Territorial Government that the owners of the isolated lodges are responsible for the provision of garbage dumps to facilitate their establishment. No change in this policy has been considered.



J. Smith,
Commissioner.

MAY, 25th, 1970

SESSIONAL PAPER NO. -7- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Requested Investigation Into High Cost of Living

Council, at its 1970 (1st Session), passed a Motion inviting the Honourable Ron Basford, Minister of Consumer Affairs to meet with Council and others to consider making an investigation into the high cost of living in the Yukon.

The Motion was duly forwarded to the Honourable Ron Basford who advised by telegram that he, at that time, could not visit the Yukon but would advise as soon as possible.

On May 11 the Honourable Ron Basford wrote us and after apologizing for not replying earlier continued:

"Due to a heavy schedule at this time I wonder if you would be good enough to ask the Yukon Council if they could prepare a brief for my information in order that I might study it. If their report provides me with sufficient information to warrant such a trip, then I would be happy to consider the possibility of meeting with the Yukon Council."

Council's wishes in this matter are requested.


J. Smith,
Commissioner.

May 15th, 1970.

SESSIONAL PAPER NO. -8- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

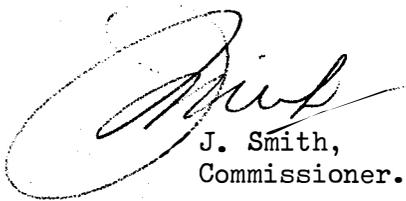
Question No. 6 - Cost of Forest Fire Protection

During the 1970 (Second Session) of Council, Councillor Livesey asked Question No. 6 as follows:

"What was the total cost for forest fire protection in the Yukon for each of the years 1967, 1968 and 1969?"

The following information has been provided by the Regional Director of Resources:

<u>Protected Zone</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>
Actual Fire Fighting Costs	\$255,118	\$172,244	\$1,252,251
Damage Value	200,466	23,278	1,392,874
Capital Maintenance & Repair	<u>325,000</u>	<u>320,000</u>	<u>526,900</u>
Total	<u>\$780,584</u>	<u>\$575,522</u>	<u>\$3,172,026</u>
<u>Unprotected Zone</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>
Actual Fire Fighting Costs	\$ 2,017	\$ 300	\$ 3,156
Damage Value	67,574	3,798	335,875
Capital Maintenance & Repair	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>\$ 69,591</u>	<u>\$ 4,098</u>	<u>\$ 339,031</u>
Grand Total	<u><u>\$850,175</u></u>	<u><u>\$579,620</u></u>	<u><u>\$3,511,057</u></u>


J. Smith,
Commissioner.

May 12, 1970

SESSIONAL PAPER NO. -9- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Question re: Administration Grant

The following question was asked by Councillor Taylor on April 7, 1970:

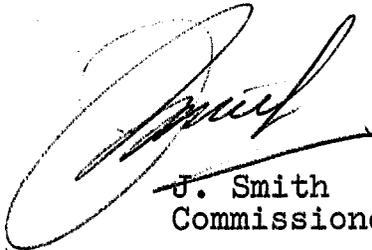
"Would the Administration advise Council as to whether provision is made in the current 1967/72 fiscal agreement for an annual grant to Local Improvement Districts and Villages of up to 50% of administration costs in such districts and villages?"

The REPORT ON THE YUKON TERRITORY, 1967, of the Interdepartmental Committee on Federal-Territorial Financial Relations makes reference on page 27 under the heading, "Encouragement of Municipal Government", to the recommendations of the 1962 Committee which recommended that:

"The Territorial Government give assistance toward the costs of administration by a special annual grant not exceeding 50% of administration costs annually to any one district or village."

As this is not specifically mentioned on pages 28 and 29 in the recommendations of the 1967 Committee, the answer to Councillor Taylor's question is that no provision was made in the 1967/72 fiscal agreement for a grant for administration costs.

So-far it has not been necessary to make such a grant because in fact the Yukon Territorial Government has paid the full operating costs of the few local improvement districts that we have.



J. Smith
Commissioner

May 28, 1970.

SESSIONAL PAPER NO. -10- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

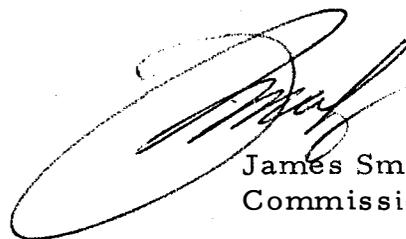
Question About Representation from the North

During the last Session of Council, Councillor McKinnon asked that the "Commissioner contact the Department of Indian Affairs and Northern Development or the Ministers who are making regulations affecting the north, and ask them to hold them up until representation is received from the people of the north".

In reply to this request, I have been advised by the Acting Assistant Deputy Minister of the Department of Indian Affairs and Northern Development that the Department will endeavour to ensure that the Yukon receives advance notice of any meetings of Parliamentary Committees which may be considering matters of interest to the Yukon residents. It would then be in order for the Yukon to request of the Chairman of the Committee concerned that a representative of the Yukon be permitted to attend the meeting to put the Territory's views forward.

It must be understood that the timing of some Parliamentary meetings are scheduled at short notice, however, I have the assurance of the Acting Assistant Deputy Minister that the Department will do what they can to keep us advised.

I realize the above does not entirely answer the question posed, however, the Department advised that consultation during drafting of regulations is another matter altogether. It is difficult, the Department points out, to see how northern residents can participate in drafting regulations or have input on internal government committees any more so, for example, than residents from other parts of Canada being included in regulation drafting affecting the areas in which they live. The Department does point out that it will endeavour, as far as possible, to have proposals affecting the north discussed with northern residents and the Territorial Council before being put into effect. This commitment must be qualified in that discussions will not always necessarily take place for the Federal Government must have the freedom to manoeuvre if circumstances make it desirable or if necessary in the national interest.



James Smith,
Commissioner.

May 28, 1970.

SESSIONAL PAPER NO. -11- 1970 (3rd SESSION)

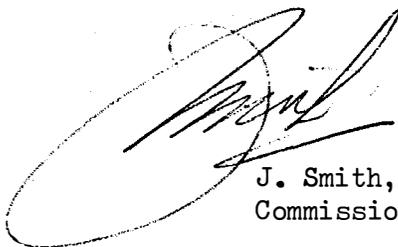
Mr. Speaker
Members of Council

Question Re Dawson Airport Lighting

On April 2, 1970, during the 1970 (Second Session), Councillor Taylor asked if it would be feasible to expect lights on the Dawson Airport in the near future.

I have been advised by the Department of Transport that, at this time, there are no plans to install runway lighting at the Dawson Airport.

The approach areas to this runway are obstructed with trees and rugged terrain, and clearing of this area, as well as installation of warning beacons on the surrounding mountains, would be necessary to facilitate proper lighting. The cabling expenses involved in this process make doubtful the possibility of the cost/benefit factor being favourable in the near future.



J. Smith,
Commissioner.

June 3rd, 1970.

SESSIONAL PAPER NO. -12- 1970 (3rd SESSION)

Mr. Speaker

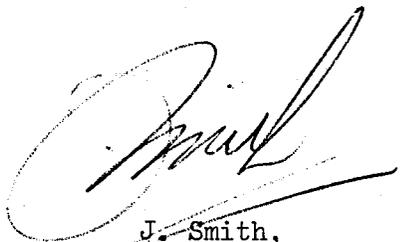
Members of Council

Question No. 9 - 1970 (Second Session)

During the last Session of Council, Councillor Livesey asked the following question:

"In view of the shutdown of activities at the Experimental Farm at Mile 1019 on the Alaska Highway, can the Administration indicate the proposed method and means of disposal, if any, and the possibility of acquisition of some of the lands and buildings for schools and other educational purposes?"

I have been advised by the Regional Director of Resources that effective April 1st, 1970 the property was acquired by the Department of Indian Affairs and Northern Development through Crown Assets Disposal Corporation in accordance with Treasury Board Minute No. 695918 of April 9th, 1970. The property will be used by the Yukon Forest Service of the Resources Branch in connection with their new forest management program.



J. Smith,
Commissioner.

June 5th, 1970.

SESSIONAL PAPER NO. -13- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Question Re Briefs on White Paper

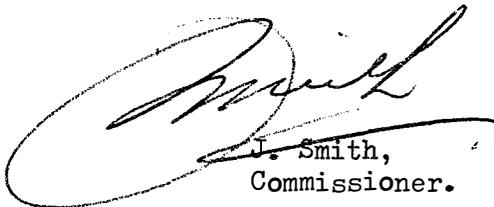
During the 1970 (Second Session), Councillor McKinnon asked the following question:

"I would like to ask Mr. Commissioner whether he has had a chance to study the brief submitted by the Whitehorse Chamber of Commerce and the Yukon Chamber of Mines on the White Paper to the House of Commons Committee on Taxation, and whether or not his government is willing to endorse the brief as presented by these Chambers."

The brief, as presented by our local Chambers, is an excellent paper and it appears to adequately cover the viewpoint of both the Yukon businessmen and the Yukon wage earners. However, before endorsing these views, I would like to ensure that the Honourable Members are aware of not only the Administration's comments but also my own personal views.

As a taxpayer and former businessman, I would heartily endorse the views put forth in this brief. I find that these viewpoints are a critical analysis of the White Paper intended to point out all of the deficiencies in the proposed tax methods and to illustrate the dollar effect that the White Paper will have on each individual in the Yukon.

As a member of this Administration, I cannot help reviewing the critical dollar position that this government, as well as all other governments, are currently undergoing. Money must be found to finance our education system, our welfare program and many other of our programs which do not support themselves. We as citizens and leaders in our respective communities must recognize this and attempt to provide not only critical analysis of government briefs, but also we must be willing to provide alternative methods for raising revenue dollars so that our governments can continue to provide the services demanded by the majority of our citizens.


J. Smith,
Commissioner.

June 10th, 1970.

SESSIONAL PAPER NO. -14- 1970 (3rd SESSION)

Mr. Speaker

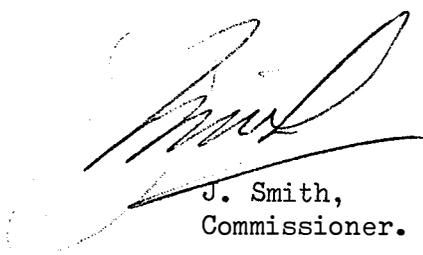
Members of Council

QUESTION NO. 8 - 1970 (SECOND SESSION)

During the last Session of Council, Councillor McKinnon asked Question No. 8 as follows:

"How many square miles of the Yukon Territory are under the control of the Commissioner?"

The area of land transferred to the control and administration of the Commissioner is approximately 1,850 square miles.



J. Smith,
Commissioner.

May 26, 1970

SESSIONAL PAPER NO. -15- 1970 (3rd SESSION)

Mr. Speaker
Members of Council

Question re: Problems with Porter Creek
Piped Water System

The following question was asked by Councillor McKinnon on April 8, 1970:

" Is the Administration aware of the condition of the water supply in Porter Creek area and would the Administration table a paper outlining the trouble in that area?"

The water source for the original piped water system at Porter Creek soon proved to be inadequate when the water table in the well dropped considerably and it became necessary to divert some of the water from Porter Creek through a gravel bed into the well in order to obtain a sufficient quantity of water for the system.

Due to the rerouting of the Alaska Highway, where it crosses the Porter Creek, this additional water source was often very muddy and a great deal of solids and muck entered the piped system.

In the summer of 1969 it was decided not to extend the system but to concentrate on obtaining an additional source by drilling three more wells and connecting them all together.

Two of the newly drilled wells proved successful but due to slow delivery of the new pumps these wells did not come into operation until the latter part of March, 1970. With three wells - the original and the 2 new wells - now in operation the Creek water is not used any more and the system will clear itself within a few months, while any difficult spot will be flushed out this summer as required.

Several comments have been received in recent weeks from Porter Creek citizens stating that the water in Porter Creek is now excellent.

The third new well proved unsuccessful and the Engineering Department has reported that the three wells now in operation will only provide an adequate water source for the approximately 400 lots now serviced by the system.

This has made it necessary to defer any new extensions to the present system until a new or additional water source can be obtained.

The following possibilities are now being looked into:

(a) The Porter Creek as a water source

Porter Creek could be developed as a source of surface supply if the intake from the creek was located above the point where it joins the highway ditch. This would eliminate a major source of potential contamination.

The Engineering consultant has estimated the capital costs to be:

(a) A dam and overflow structure	20,000.00
(b) an intake system	7,500.00
(c) a filtration plant - 210 gpm	85,000.00
(d) pumps and pipeline to distribution	55,000.00
(e) contingencies and Engineering	33,500.00
(f) to increase these facilities to maximum flow of 540 gpm which will be required	140,000.00
Total capital cost, estimated at	<u>\$341,000.00</u>

The disadvantage of this alternative would be the additional cost of operation which has been estimated at \$20,000.00 per year. This represents operation and maintenance cost over and above the annual cost for maintenance of the distribution system.

(b) Local Wells

It is not possible to say at this time if the required maximum flow of 540 gpm can be obtained from local wells.

The Engineering Department feels that one year of operating the system on the present three wells will provide us valuable information and if these wells are able to provide adequate water for the present serviced lots over such an extended period of time it is suggested that attempts be made to obtain two more wells.

Total estimated capital cost for such a program is \$50,000.00. The low inherent operating cost of a ground water well system makes it very attractive from an economic point of view.

However, it is doubtful that the maximum flow required can be provided by local wells.

(c) The McIntyre Creek as a water source

This would require an 8" supply line from the present McIntyre system to Porter Creek, storage facilities, and additional treatment facilities.

The total estimated capital cost is \$362,000.00 but the disadvantage of this alternative is again the additional cost of operation which has been estimated at \$27,000.00 per year.

(d) Connection to the City of Whitehorse system

The Consultants report of April 25, 1969 gives the following information in respect of the issues involved and cost estimates:

The Yukon River provides the fourth alternative supply. Although the new boundary of Porter Creek is within one mile horizontal distance of the river, the location of a water intake at this point is not practical because it is downstream from the Whitehorse and Takhini sewage disposal outlets.

The source of supply that is feasible is a connection to the Whitehorse supply system.

The supply available to Whitehorse is adequate to serve the entire area.

The main trunk mains installed or planned within Whitehorse are adequate to provide for the so called "DND Area" and Porter Creek, provided that the wastage of water is controlled. Present practices within the City of unmetered services and largely uncontrolled wasting to prevent freezing must be modified if such an area system is to be contemplated, otherwise existing main sizes and pump capacities will rapidly be inadequate.

The supply to Takhini and the former DND properties from the Whitehorse system is contemplated and has been in the negotiation phase for several years. Plans and specifications were prepared in 1965 but did not take into account the additional development now contemplated at Porter Creek.

The continuation of this supply system to Porter Creek is equally feasible by reversing the flow in the McIntyre Creek-Takhini supply line and booster pumping the water to Porter Creek. In such an event the existing reservoir serving Takhini could act as pump storage and also the existing pumphouse at McIntyre Creek would serve in an adapted capacity to house the Porter Creek booster pumps. The elevation of the DND storage tank is 2,360 to 2,381 feet. The static pumping head to the Porter Creek distribution system would thus be 120 to 140 feet and repumping costs would be approximately equal to that of the present well supply.

Factors affecting the adoption of a policy of obtaining water from Whitehorse for Porter Creek are:

- a) The total pumping head involved is approximately 422 feet plus friction losses. Annual power costs to provide an average flow of 100 Igpm will amount to \$4,600.
- b) The City of Whitehorse will have difficulty meeting this additional demand on its system unless active steps are taken soon to reduce the wastage of water within the City itself and from potential customers in the DND area.
- c) The Timing for such a connection to Porter Creek can only be accomplished when the DND area has completed the connection to the Whitehorse system. The negotiations and the design of the connecting system must take into account the contemplated growth in Porter Creek.
- d) The negotiations for a regional water supply between the three levels of government opens the door for wider discussions on regional development and planning. It would be well, therefore, to allow two years for concluding such discussions. The factors involved go far beyond the purchase of water.

In order to assemble basic data for comparative purposes with the other systems described it is essential to identify the components:

- a) Common to the entire system.
- b) Common to the DND area and Porter Creek.
- c) For Porter Creek use only.

To retain essentials only, in this report the basic design prepared by Newton in 1965 has been used. Prior to proceeding with actual construction, however, this design should be reviewed and brought up-to-date as regards new requirements, routing and new materials available.

(a) In common usage would be:

1. The new supply intake and pumphouse.

Estimated cost:	\$256,000.00
Annual Principal and Interest:	\$ 23,040.00

2. The new main from the pumphouse to Lewes Boulevard.

Estimated cost:	\$ 54,000.00
Annual Principal and Interest	\$ 4,860.00

3. The existing City storage reservoir and distribution system.

Newton's 1964 report places a value of \$56,718.91 a year for water delivered at the end of the City main as being a measure of the value of the City system including pumping. With general increases in labour and material costs the comparable 1969 figure is approximately \$75,000.00 per year. The City thus has annual costs of:

Existing operation and amortization:	\$ 75,000.00/yr.
Amortization of new supply and pumphouse:	\$ 23,040.00
Amortization of new main:	\$ 4,860.00
Total:	<u>\$102,900.00/yr.</u>

An attempt to arrive mathematically at a fair rate per 1,000 gallons for water delivered to a point of take-off is difficult due to our inability to closely predict water usage to recover a fair percentage of the total annual costs to Whitehorse. If unit consumption is decreased then unit price costs per gallon will rise even though the total costs will decrease. It would be fairer to assess the DND users and Porter Creek with a percentage of the annual costs of the Whitehorse system. With experience and time an equitable formula could be derived from actual data but in the initial three years we would recommend a lump sum annual payment to the City of \$7,500 from Porter Creek (or 7 1/3% of total) and \$15,000. from the DND area (or 15% of total). These ratios being related to population and per capita usage.

(b) With respect to items of common usage between the DND area and Porter Creek:

Newton assesses Porter Creek with 19.5% of the amortization costs of the pipeline from the City to the Alaska Highway. This was based on a ratio of initial usage.

Present day prices will increase the cost of this installation from \$124,000 to an estimated \$150,000. With the proposed increase in population at Porter Creek it is suggested that a more realistic apportionment be 33 1/3% based on projected usage.

The capital requirement for Porter Creek would thus be \$50,000 requiring an annual Principal and Interest payment of approximately \$4,500.

- (c) Under the common supply system Porter Creek would have exclusive use of the eight inch line from the traffic circle at the top of Two Mile Hill, to McIntyre Creek including the use of the present Takhini storage tank and the pumphouse. The assessment against Porter Creek for the use of these components is again a negotiable item. The costs of replacement are estimated at \$116,000 for eight inch main, tank and pumphouse. The depreciated value would be approximately two-thirds of this or an estimated \$77,000. The actual amount would be subject to negotiations.

The annual amortization of the amount would thus be of the order of \$8,500.

- (d) Of exclusive use for Porter Creek would also be an eight inch pipeline from McIntyre pumphouse to Porter Creek and pumps, chlorinator and boiler as originally described in Alternative III.

Capital cost estimate: \$120,000 amortized at \$10,800.

In summary:

The cost to Porter Creek for capital items involved in purchasing water from the City of Whitehorse are:

Share of Whitehorse amortization and operation	\$7,500.00/year
Share of booster pump and line to Alaska Highway	4,500.00/year
Valuation of Highway/McIntyre Creek line	8,500.00/year
Pumps, et cetera and pipeline-McIntyre Creek to Porter Creek	10,800.00/year
Increase in power costs based on initial usage of 100 Igmp	4,600.00/year
	<hr/>
	\$35,900.00/year
	<hr/>

This magnitude of annual cost for supply only would be an excessive burden for a 1,000 population settlement. Expressed as a unit cost it would amount to \$15 per month for 200 services.

In the longer term, considering 500 to 700 services this annual cost becomes manageable.

e) Fish Lake as a water source

To obtain gravity flow, the system could be tapped anywhere above the Yukon Electric hydro plant or even just below.

It is understood that each spring and fall, Yukon Electric has problems with ice blockages in the ditches and hence this water could become quite turbid for a short period and therefore, Fish Lake should be the only source considered.

- e) It is realized that if this source is contemplated, doubtless the supply for the whole metro area would be considered and not just Porter Creek. However, to service only Porter Creek would require an eight inch feeder main.

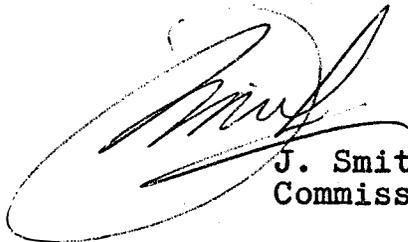
Estimated capital cost \$840,000.00

Additional operation cost estimated at
\$ 5,000.00

per annum.

Based on the above information the following recommendations are made:

- (a) The Single Family Residence concept for the Porter Creek Subdivision should be maintained, as the maximum requirement of 540 Igpm is based on said concept.
- (b) Extensions to the present piped water system should not be allowed beyond the existing serviced area until an additional and guaranteed water source has been obtained. This will mean, that lots can be made available for residential construction but with the clear understanding that no piped water services will be available at this time.



J. Smith
Commissioner

June, 18th, 1970

SESSIONAL PAPER NO.. -16- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Department of Agriculture - Experimental Farm
Mile 1019, -Alaska Highway.

During the 1970 (2nd Session) of Council, Councillor Livesey asked Question #9, which reads as follows:

"In view of the shut down of activities at the Experimental Farm at Mile 1019 on the Alaska Highway, can the Administration indicate the proposed method and means of disposal, if any, and the possibility of acquisition of some of the lands and buildings for schools and other educational purposes."

In April we learned officially that as of the first of that month the property was acquired from the Department of Agriculture by the Department of Indian Affairs and Northern Development through Crown Assets Disposal Corporation for use by the Yukon Forest Service in connection with the new Forest Management Program.

We also learned in early June that the Yukon Forest Service expect to use most of the buildings and facilities at the Experimental Farm. Moreover, the present Forest Station at Haines Junction may be transferred to this new site and should this occur it might be possible to allocate the present house and lot for use by the Territorial Government. There is also one house at the Farm that maybe available for either occupancy or removal. Land requirements for the nursery and tree planting areas have not yet been defined.

The final plans for the proposed Forestry Program have not yet been completed and it has been suggested to us that our requirements might be reviewed later this year with the Regional Director of Resources. It would appear then that at the present time and until such time as the program has been defined that the Department of Indian Affairs and Northern Development cannot make a firm commitment for the Territorial Government to use some of the buildings and facilities at the Experimental Farm.



J. Smith
Commissioner.

June, 18th, 1970

SESSIONAL PAPER NO. -17- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Federated Women's Institutes of Canada -
Seminar at Yellowknife July, 1969.

At the above Seminar which was sponsored by the Lady Aberdeen Scholarship of the Associated Country Women of the World, which was attended by both representatives of the Northwest Territories and the Yukon, a number of Resolutions emerged revolving around the liquor problem in both Territories as well as other matters. It was recommended by the Institute that the various Resolutions should be presented to the relevant authorities in both Northwest Territory and this Territory.

The first Resolution arising from a discussion of the liquor problem in the north reads as follows:

"WHEREAS the Women's Institute delegates, assembled at the ACWW/FWIC Seminar at Yellowknife, July 21-31, 1969, expressed concern over the results of excessive use of alcohol in the Yukon Territory, which causes child neglect, loss of employment, family breakdown, and/or imprisonment; and

WHEREAS the delegates felt that the services of "Committees of Concern" and "Alcoholics Anonymous", where they have been organized, are helping the people; and

WHEREAS the Government of the Yukon Territory receives revenue from the sale of alcohol;

THEREFORE BE IT RESOLVED that the Government of the Yukon Territory be asked to provide more adequate alcohol education programs for adults and children; and

FURTHER BE IT RESOLVED that the formation of "Committees of Concern" and/or "Alcoholics Anonymous" through the Territory be encouraged. "

Comments on this Resolution by the Administration are as follows:

The problem of alcoholism and more adequate alcohol education for both adults and children was recognized by the former alcoholism Director, an officer of the Department of Social Welfare. He administered a questionnaire on use of alcohol to all students in the Junior/Senior Secondary Schools, that is Grades eight to twelve. He also obtained information about other alcohol education programs carried out in schools in other parts of North America.

This information is being used by the Department of Education to prepare a proper program of alcohol education in High Schools in

the Yukon. This curriculum will be drawn up in close consultation with the Department of National Health and Welfare.

Members of Council are advised that as the total health curriculum in Yukon schools is being reviewed a program of alcohol education designed to meet the needs of the Junior/Senior Secondary Student in today's schools will be introduced as part of the curriculum.

The second Resolution passed by the Women's Institute refers to adult education programs.

The Resolution reads as follows:

"WHEREAS the Women's Institute delegates from the Yukon Territory, meeting with the Women's Institute delegates from the Northwest Territories, at the ACWW/FWIC Seminar in Yellowknife, July 21-31, 1969, learned of the Adult Education programs and services provided by the Government of the Northwest Territories; and

WHEREAS there is need in the Yukon Territory for similar Adult Education programs and services;

THEREFORE BE IT RESOLVED that the Government of the Yukon Territory appoint a Superintendent or Director of Adult Education, under whose direction adult education programs and services based on the needs and desires of the people, will be developed; and

FURTHER BE IT RESOLVED that funds be allocated to provide for both staff and services."

The Department of Education of the Government of the Yukon Territory has been involved in extensive adult education programs for the past six years. Adult education courses in Night School have been offered and vocational upgrading and refresher courses together with interest and personal improvement type courses. The programs offered have had a high degree of success, not only in economy of operation but in numbers of students participating.

The types of programs presented in the past under adult education night school are as follows:

- Vocational
- Automotive Electrical & Tune-up
 - Air Brakes for Mechanics
 - Basic & Advanced Electricity
 - Carpenter Upgrading
 - Diesel Mechanics Refresher
 - English for New Canadians
 - Bookkeeping; Beginners, Intermediate, Advanced
 - Typing; " " "
 - Shorthand; " " "
 - Machine Shop Practices for Mechanics
 - Welding

- Non-Vocational
- Oral French, Spanish & German
 - Living French
 - Art Techniques
 - Dressmaking
 - Accounting for Small Businesses

- Auto Mechanics for Women
- Native Beadwork
- Defensive Driving
- Physical Fitness
- Special literacy programs for
New Canadians and Indians.

The third Resolution referred to Recreational Services in the Yukon Territory.

The Resolution reads as follows:

"WHEREAS the Women's Institute delegates from the Yukon Territory, meeting with the Women's Institute delegated from the Northwest Territories, at the ACWW/FWIC Seminar in Yellowknife, July 21-31, 1969, learned of the services being provided by the Government of the Northwest Territories, through the office of the Director of Recreation; and

WHEREAS the Recreation Program in the Northwest Territories is providing opportunities for the development of the physical and mental well-being of all segments of the population; and

WHEREAS the Recreation Program in the Northwest Territories has been developed since the appointment of the Director of Recreation;

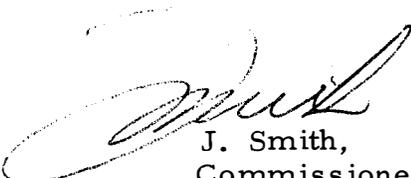
THEREFORE BE IT RESOLVED that the Government of the Yukon Territory be asked to appoint a Director of Recreation, to develop a recreation program which will extend into all the settlements."

The comments of the Administration on this Resolution are as follows:

The Recreation Branch of the Department of Education provides support for locally operated recreation programs primarily for youth, as well as Territory wide organizations. Conducts training programs and clinics for coaches, officials and participants, and operates some programs directly. In 1969-70, assistance in one or more forms was extended to fifteen communities in the Yukon Territory.

The Yukon's first Director of Recreation was appointed in November 1967. In line with our desire to have the Recreation Director and the Department of Education work in close association, so that the Schools throughout the Territory could benefit from Recreation Programs, the Recreation Director became a part of the Department of Education in November 1969.

A reply has been sent to the Federated Women's Institutes of Canada pointing out that their Resolutions have been placed before Territorial Council and also indicating that we are actively pursuing an Alcohol Education Program for our Schools, and that Night School Classes and a Recreation Program have been in operation successfully for some time.


J. Smith,
Commissioner.

June 19, 1970

SESSIONAL PAPER NO. - 18 - 1970 (3rd SESSION)

Mr. Speaker

Members of Council

PROPOSED TIMBER HARVESTING
TAGISH TIMBER HARVESTING UNIT - YUKON TERRITORY

As a result of Council's discussion during the 1970 2nd Session, of Sessional Paper No. 10, Federal Forest Management and Timber Disposal Policy, Yukon Territory, the Minister of Indian Affairs and Northern Development advised that the proposed advertisement of timber cutting rights in the Tagish-Marsh Lakes area would be withheld until this Session to permit further review of the matter. Arrangements have also been made for a senior departmental official to be available to explain and discuss with you, forest development proposals in this and other areas of the Territory.

The Department of Indian Affairs and Northern Development recognizes the need for consultation with the Territory on forest and other resource matters. In the case of forest development in the Tagish T.H.U., the proposed advertisement of timber cutting rights had not been issued, nor were any cutting rights granted prior to the submission of the previous Sessional Paper No. 10, as the Department wished to ensure adequate Territorial representation.

The following summary of events is submitted by the Department in the hope of providing a better base for further discussion:

1. In March, 1969, Acorn Timber Limited and Atlin Industries Limited (subsequently changed to Brameda Resources Limited) submitted preliminary applications for small wood cutting rights in the region of Marsh and Tagish Lakes, the Teslin River and the Nisutlin River, within the Teslin Forest Management Division in the southern Yukon Territory.

Both companies were advised at that time that no long-term, or large volume timber cutting rights would be granted in the area until improved forest inventory data were obtained and an assessment made of the allowable cut that the area might sustain. It was also indicated that possible future cutting rights would likely be granted on the basis of competitive tendering.

2. During the summer of 1969, a forestry consultant firm, Schultz-Therriault, conducted a forest inventory of the Marsh-Tagish Lakes and Teslin areas, on behalf of the Department of Indian Affairs and Northern Development, to provide the basic data necessary for an assessment of forest development potential and for the establishment of allowable cut levels.

A copy of this forest survey contract was provided to the Commissioner for information on July 22, 1969. Although there was no specific comment on the details or purpose of this survey, it was presumed that it would be at least in part, realized that this type of forest survey would normally be undertaken to determine the volume of timber that might be available in an area for harvesting.

During both the November, 1969, and April, 1970, Council Sessions, the discussion appeared to indicate that there was no knowledge of any forest surveys having been conducted in the Territory. The Department has found this rather difficult to understand, as the information was made available.

3. In August, 1969, Brameda Resources Limited applied for a 165-acre parcel of land on Tagish Lake, east of Carcross, as a site for a wood processing plant. This application was based mainly on a requirement to process timber to be cut in British Columbia and was presented independently from their application for Yukon timber. It has subsequently been confirmed, however, that the presently proposed sawmill operation is dependent upon the acquisition of cutting rights in both the Yukon and British Columbia, in order to support an economic and long-term operation. The proposed mill production of 20 million cubic feet per year is based on the provision of approximately 5 million, or 50,000 cunits, of raw material from the Yukon and approximately 15 million, or 150,000 cunits, from British Columbia. Provincial cutting rights have apparently not yet been firmly established but we have been assured by the forestry consultants representing Brameda that the company is in a favourable position to acquire these rights.

When the land application was submitted, the company had not been granted any cutting rights in the Yukon, nor had any guarantees or commitments been given and the Department was initially reluctant to consider the application. However, following representations from the Commissioner, who had apparently been in touch with the Provincial Minister of Lands and Forests to confirm Brameda's rights to British Columbia timber and the establishment of a processing plant outside of the Province, the application was approved in principle. An initial lease with option to purchase is still being negotiated for a 25-acre portion of the area applied for and the balance of the area will only be made available when there is a demonstrated need for additional land, and then only for the establishment of a wood processing plant. Council may be assured that any eventual lease will contain specific provisions for waste disposal and for land and water pollution control, and will be subject to the Minister's personal review.

4. The final Schultz-Therriault forest survey report on the Teslin Forest Management Division was sent to the Commissioner on November 20, 1969. At the same time, it was stated that on the basis of this report, the Department was establishing allowable cut levels and formulating procedures for allocating timber cutting rights. The letter also reiterated that a number of firms had expressed interest in obtaining substantial cutting rights, particularly in the Marsh-Tagish Lakes area and that the Department tentatively planned to invite proposals for the establishment of forest operations which would provide for full utilization of the available timber volume. Assurance was also given that due consideration would be given to recreation and other requirements of the area and that the granting of cutting rights in successive years would be dependent upon proven performance.

The survey report indicated that there was sufficient timber in the area to support a sizable forest industry but initial study suggested that the volume of timber actually now available for cutting might be less, although still adequate for development. This was based on a preliminary assessment of present operating and economic conditions; the fact that a portion of the present volume was scattered in small patches uneconomical to operate; and that there were areas where cutting restrictions would be necessary because of recreation and other land use demands.

Although a final allowable cut had not been established at that time, it was indicated to the Commissioner that initial cutting rights would have to be based on an annual allowable cut less than what the report indicated. The Department advised that the Territory would be kept informed on future progress and assurance was given that there would be an opportunity for consultation before any final forest development commitments were made. The Department received no response at this time and it was, therefore, assumed that the general proposal was at least tentatively acceptable to the Territorial Government.

5. By January 22, 1970, it was firmly decided to advertise timber cutting rights and invite proposals for the establishment of forest operations in the region of Marsh and Tagish Lakes and the Teslin River, which was designated as the Tagish Timber Harvesting Unit. A draft "Notice of Sale of Crown Timber" was sent to the Commissioner for comment and it was again indicated that the annual allowable cut suggested by the consultant would have to be reduced to allow for present operating and economic conditions and the possible withdrawal of certain areas where there might be conflict with recreation and other land uses.

The Nisutlin River area, which was to be established as a separate Timber Harvesting Unit, was not included in the proposed timber sale advertisement, as logging operations were already being conducted in the area under a timber management agreement with Timberline Development Services Limited and further cutting on this harvesting unit was not considered warranted at this time.

6. As a result of the final proposal to advertise timber cutting rights, the Commissioner then formally expressed concern to the Acting Director, Northern Economic Development Branch, on February 10, 1970, with regard to possible conflict with recreation and tourist development and suggested a possible cost-benefit study to analyse direct and indirect revenue that might be created and possible costs for required government programs.
7. It was thought that the Department's intentions to promote forest industry development in the Tagish Timber Harvesting Unit were fully understood but in view of the questions then being raised, the background material for Sessional Paper No. 10 was prepared by the Department for the sole purpose of providing information and hopefully clarifying the matter. In submitting this material to the Commissioner, the Department again emphasized that in any subsequent timber harvesting licence that might be granted, there would be extensive forest management provisions, land and water pollution control measures and protection for recreation and other land use.

As the Territorial Government were eager for the Department to provide land to Brameda Resources Limited for the plant near Carcross, it was concluded that the possibility of government programs; for such things as schools, roads and other social programs, had been considered. Furthermore, as such government programs would likely be required in connection with this sawmill operation, whether or not timber cutting rights were granted in the Yukon, the need now for a cost benefit analysis did not appear essential.

During the previous discussion of Sessional Paper No. 10, a number of questions arose regarding the suitability of Yukon timber for large scale operations and the adaptability of forest management and silvicultural techniques in the north. The forests of the central and southeastern Yukon, including the proposed Tagish and Nisutlin Timber Harvesting Units, are indeed suitable for integrated harvesting operations and could support the export of a substantial volume of wood products, without jeopardizing local territorial requirements. In fact, with the relatively high proportion of small diameter wood, it is only through integrated forest product operations and close utilization standards that the forest can be economically harvested and adequately managed.

The rotation age, or period required for successive cutting, for white spruce and lodgepole pine in the Yukon is estimated at approximately 110 to 120 years; not 200 to 400 years as has been suggested. This age is usually defined as the age at which a forest stand attains the maximum volume of timber per acre but it may also be influenced by the type of timber product required, processing methods, product price and long-term interest rates on forest land. The rotation age will also usually be less than the average age of old timber, as the older forest stand begins to decline in volume and quality. For example, mature and over mature white spruce saw timber on the Upper Liard River may be from 160 to 250 years old, but many of these stands are decadent and are more susceptible to damage by insects, disease and fire. In the Tagish Timber Harvesting Unit the average age of operable stands is estimated at 100 years, more or less, and there is sufficient age distribution, ranging from approximately 70 to 150 years, to permit a proper succession of cutting.

It has already been indicated that if cutting rights are granted, there will be provision for natural or artificial restocking of cut-over lands; protection of lake shores, recreation areas and wildlife and for land and water pollution control measures. These requirements will be detailed in a Timber Harvesting Agreement and any such licence will not grant any exclusive tenure on the area but will merely grant cutting rights, subject to approved annual operating plans and permits. This will include prior approval of specific logging areas, logging methods, location and standard of access roads and camps, provision of fire fighting equipment, waste disposal methods, etc.

In determining an allowable cut, certain cutting restrictions have already been considered. For example, areas such as the Tagish River, M'Clintock Bay and much of the area north of Marsh Lake up to the Alaska Highway have not been included and cutting would be prohibited. Also, the Territorial Timber Regulations already restrict cutting within 200 feet of a public road or within 200 feet of the ordinary highwater mark on the shore of any lake, and if necessary a greater restriction could be imposed. This is, in fact, one of the main reasons for granting only cutting rights, rather than fixed tenure, and requiring approval of annual operating plans. Through this system, a company will in effect have to periodically negotiate actual logging areas within the timber harvesting unit and it will be possible to limit or restrict cutting in any area. This, we believe, will permit full control over operations and will afford the maximum degree of protection to other resource uses.

Contrary to some expressions of opinion, clear cutting and mechanical logging methods can improve the natural restocking ability of an area or the success of seeding and planting operations, by providing a proper seed bed. It has been found that the use of tracked vehicle equipment and logging skidders in the boreal forest regions of the provinces in many cases enhances the land's ability to support regeneration by disturbing the duff layer and uncovering the mineral soil necessary for seed germination. Also, it is now common practice to scarify cut-over areas immediately after logging, to further improve site conditions. If natural restocking does not become established within a reasonable time, the forest company would be required to carry out additional site treatment and either seed or plant.

The Department is now embarking on a full scale silviculture and reforestation program for the Territory. As you know, the Department recently acquired the Experimental Farm facilities at Haines Junction, for use by the Yukon Forest Service for the establishment of a forest nursery. This is a significant step and, although the program will take a number of years to become fully operational, it will hopefully provide sufficient planting stock to permit reforestation of cut-over lands and other unstocked forest land where natural methods have failed. In conjunction with this program, some work will be started on regeneration and stocking surveys, thinning of over-stocked areas and other silvicultural treatments. These are long-range programs but they are necessary for proper forest management.

It is the Department's belief that industrial forest operations and recreation can be conducted simultaneously in the Tagish Timber Harvesting Unit, provided proper forest management controls are exercised - and these will be enforced if any cutting rights are granted. Two firms have expressed an interest in this area but at this time we are merely advertising cutting rights and inviting forest development proposals. The industry must assess the economics of the area for forest operations, within the management controls set by the Department.

Once again, it is hoped that this will clarify the matter for Members of Council and if there are any further questions these can be directed to the Departmental representative.

James Smith,
Commissioner.

June 12th, 1970.

SESSIONAL PAPER NO. -19- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

CASINO SILVER MINES LIMITED

The following is a statement containing the latest information on the development of the Casino Silver Mines property which I feel will be of interest to all Councillors:

Casino Silver Mines Limited holds mineral rights consisting of 426 claims in the Casino and Canadian Creeks area of the Dawson Range, 190 air miles northwest of Whitehorse, Y.T. Part of this property has been explored over a number of years; however, when 1968 exploration work indicated the possibility of a potentially sizeable copper-molybdenum ore-body, additional claims were acquired to bring the property to its present size and an agreement was signed with Brameda Resources Ltd. for further exploration of the property.

Under the terms of the agreement between Casino Silver Mines Limited and Brameda Resources Ltd., Brameda has the exclusive right to conduct a mineral exploration program on the Casino-Canadian Creeks property. In order to retain this right until June 30th, 1974, Brameda must expend not less than the following amounts on exploration of the property:

1969	-	\$150,000
1970	-	\$300,000
1971	-	\$500,000

In April of 1970, Brameda Resources Ltd. and Teck Corporation Limited entered into an agreement whereby Teck Corporation Limited is to participate in the financing and has gained managing control of Brameda. The new President of Brameda and Chief Executive Officer is Dr. Norman Keevil Jr.

Exploration

Silver-lead veins were discovered at the head of Canadian Creek in 1936; however, little work was done on these until 1963. Casino acquired the ground in 1964 and carried out extensive programs, including bulk sampling and 1,200 feet of underground drifting, in 1965 and 1966. Exploration work carried out in 1968 indicated that a potentially sizeable copper and molybdenum mineralized zone was centred on Patton Hill between the headwaters of Casino and Canadian Creeks.

A program of drilling was commenced in May 1969 by Casino Silver Mines and transferred to Brameda Resources Ltd. on June 20th, 1969. To-date, 30 drill holes at widely spaced intervals have partially explored an area measuring 6,000 feet by 3,500 feet. All completed holes show a fairly uniform distribution of finely disseminated copper-molybdenum mineralization in various facies of an altered Tertiary intrusive stock and in altered granodiorite.

Early in 1970 a winter road was completed from Burwash Landing to the property and a 100 man camp was constructed. A drilling program using 3 diamond drills and a rotary air drill was continued until cessation of this program in March 1970.

Brameda has reported that diamond drilling to-date indicates a deposit containing approximately 1,000,000,000 tons of mineral valued at Can. \$4.05 per ton at present copper and molybdenum prices and that a comparison of analyses from the diamond holes and corresponding completed rotary drill holes suggests an upgrading of values by 16%. Brameda has completed sufficient work and expenditures on the property to maintain its interest in good standing to June 20th, 1974.

Possible Size of Casino Development

Present studies of the possible size of the mining operation indicate a minimum raw ore production of 40,000 tons/day (Pine Point 10,000 tons/day - Anvil 6,600 tons/day) and a concentrate production of 500 tons/day of copper concentrates and 30 tons/day of molybdenum concentrates (Pine Point 1,450 tons/day - Anvil 1,300 tons/day).

The possible maximum production from Casino could be as high as 100,000 tons/day. The value of concentrates produced could range from \$200,000/day to \$500,000/day.

It is emphasized that exploration activity is at an early stage and that at least one year's, possibly two years', work will be required to substantiate present indicated tonnages and grade. Feasibility studies would probably require another year.

The economics of a low grade copper-molybdenum operation are complex and there is little experience built up in North America to-date. Nevertheless, the Brenda project has gone ahead in British Columbia and a 72,000 tons/day project in Arizona is in production.

These last named projects are open-pit operations - the only feasible method of mining where extremely large tonnages and low mining costs are prerequisites.

1970 Exploration Programs - Casino and Dawson Range

Brameda plans to resume the rotary drill program at the beginning of June, 1970. Geochemical surveys and geological mapping will be done on all of the 426 claims in the area. There will be a minimum of 5,000 feet of drilling done a month for a three-month period.

The "success" to-date of exploration on the Casino property sparked a major claim staking rush in the Dawson Range in late 1969 and early 1970. Approximately 10,000 claims were recorded and, irrespective of the possibility of a mine development, the area will be the scene of intense exploration activity for at least two years, and considerably longer, should Casino Silver Mines Limited and Brameda Resources Ltd. proceed with mine development.

At the present time, Atlas Exploration and International Mine Services are carrying out drilling programs and other companies holding claims in the area will carry out programs this summer. It is estimated that exploration expenditures in the area this season will be between \$3,000,000 and \$5,000,000.


J. Smith,
Commissioner.

Mr. Speaker,
Members of Council

Appointment of Members to Steering Committee
On Extension of Whitehorse City Boundaries

On June 16, 1970 a meeting was held to discuss the need to extend the City of Whitehorse boundaries. Present at this meeting, in addition to representatives of the Territorial Government, were members of the Whitehorse City Council and representatives of the Department of Public Works, the Department of Transport, Canadian National Telecommunications, and the Indian Affairs Branch.

Each of the agencies represented at the meeting was given an opportunity to state their respective positions on the proposed extension of the city boundaries to include all of what is commonly known as the Metropolitan Whitehorse Area.

A general discussion followed the presentations, and upon conclusion of the discussion the following resolutions were passed:

1. Be it resolved by this meeting that a boundary extension is desirable and is in the best long term interests of the City of Whitehorse and those surrounding areas delineated in the Whitehorse Metropolitan Plan.
2. Be it resolved that in connection with the Whitehorse Boundary Extensions a steering committee be formed. This committee to consist of the Commissioner and three Territorial Councillors, the Mayor and three Aldermen and a senior representative from the Department of Public Works; that this steering committee establish sub-committees to set areas of an administrative and technical nature.
3. Be it resolved that the date of March 31, 1971 be established as the goal for implementation of the steering committees proposals.

Pursuant to Resolution No. 2, Council is requested to nominate three of their members to act on the proposed steering committee.


J. Smith,
Commissioner

June 19th, 1970.

SESSIONAL PAPER NO. -21- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Y.W.C.A. WHITEHORSE, YUKON

Members of the Council will recall the discussions which have taken place regarding the proposed Y.W.C.A. to be located in Whitehorse, Yukon Territory. The Government of the Yukon Territory, the City of Whitehorse, and the local Y.W.C.A. have investigated a variety of possible avenues of financing the project in order to meet the needs of the community.

Early during the planning stage, the Federal Government was approached for a direct capital grant to defray the construction costs, but the Federal Government, in turn, indicated that it could not make a grant to the Y.W.C.A. as it is not the policy of the Government of Canada to contribute to local projects of this nature.

The advice of Mr. J. Hadden, Manager, Central Mortgage and Housing Corporation, Prince George, B.C. office, has been requested, and he has provided us with the following information:

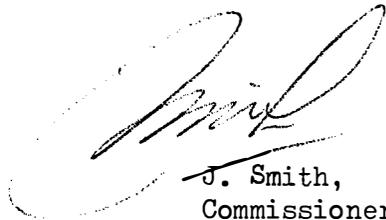
- (a) The original estimated cost of the project was \$903,000 but since tenders were submitted, the total costs, which have been reduced by negotiations, are now \$1,039,370.
- (b) The capacity of the building has been increased from 107 beds to 119 beds. The maximum amount that can be loaned per bed remains unchanged, but the total amount that C.M.H.C. can lend is increased from \$714,000 to \$833,000.
- (c) The cost per square foot of the proposed reinforced concrete building is \$25 per foot which is the average cost of construction for similar buildings in the Whitehorse area.
- (d) The original proposal was feasible with rents of \$60 for triples, \$75 for doubles and \$100 for single rooms. Even with the increased costs, the Y.W.C.A. hoped to retain the original rental rates, but in order to do so, it will be necessary to raise the difference between the amount of the C.M.H.C. loan (\$833,000) and the total estimated cost of the building (\$1,039,370), i.e., at least \$200,000.
- (e) The increased loan of \$833,000 is acceptable to C.M.H.C. only if it can be repaid, along with operating expenses, out of a rent that is considered reasonable.
- (f) From C.M.H.C.'s current review, the rents would need to jump another \$12 to \$15 per month (if the outstanding \$200,000 cannot be found), and the project is no longer feasible on a long-term basis even though it may fall due to the demand at the present time for this type of accommodation.

(g) In most provinces, where a non-profit group constructs and operates housing for lower income people (Y.W.C.A., Senior Citizens, Receiving Homes), a construction grant of one-third of the building cost is made.

The City of Whitehorse is prepared to donate the land for this project. This is estimated to be worth \$70,000. Private donations have made it possible to install pilings and footings. Total expenditures to April 30th, 1970, amounted to \$59,000 of which some \$55,000 was for architects' fees and foundation construction work. Cash on hand on that date amounted to only \$1,917. However, approximately \$35,000 was still outstanding from pledges and donations from businessmen and other interested people, which in the first instance, amounted to approximately \$75,000. Moreover, in late May another successful walkathon was held.

If the Council is prepared to vote \$100,000 out of capital funds for 1970/71, we have been advised that this amount can be made available as a first charge against the total amount of capital available in the new fiscal agreement to come into operation on April 1st, 1971.

As indicated above, it is the practice generally in the provinces to grant up to a third of the capital cost of non-profit projects with no strings attached and it would be appropriate for Council to make such a grant. Council's advice is therefore requested as to whether or not funds in the amount of \$100,000 should be provided for the Y.W.C.A. as a first charge against the 1971/72 fiscal agreement.



J. Smith,
Commissioner.

June 16th 1970

SESSIONAL PAPER NO. -22- 1970 (3rd SESSION)

Mr. Speaker,

Members of Council

Canadian Sovereignty in the Yukon

At the 1970 (2nd Session) Session of Council Councillor Chamberlist asked the following two related questions:

Question 1 -

"Would the Commissioner ascertain the date that the area known as Yukon was transferred by the Imperial Government to Canada".

Question 2 -

"I have received information that the Yukon Field Force was sent to the Yukon on the special request of the United Kingdom to protect its sovereign rights. Can the Commissioner obtain from the Federal Government when the sovereign rights of the United Kingdom ceased to exist in the Yukon".

Political development of Canada as a separate State began in the year 1867, for by the terms of the British North America Act a Federal union of the Provinces of Canada, New Brunswick and Nova Scotia came into being. These political units retained the boundaries that had already been established, with the exception that of the former Province of Canada was divided into the Provinces of Ontario and Quebec, the line of division between them being identical with the line of division that had existed between Upper and Lower Canada from 1791 to 1840, following the Constitutional Act, that had been modified during the period of their Union from 1840 to 1867.

In 1868, the Rupert's Land Act authorized the acquisition by the Dominion of Canada of "Rupert's Land and the North-Western Territory", although the full title to these Territories was not transferred from Hudson's Bay Company to Canada until 1870, and they were not actually transferred until 1871. Part of the Order-in-Council authorizing the transfer reads as follows:

"It is hereby ordered by Her Majesty, by and with the advice of the Privy Council, that from and after the fifteenth day of July, one thousand eight hundred and seventy the North-Western Territory shall become a part of Canada upon the terms set forth in the hereinafore recited Address."

Because of American incursions into the islands of the Eastern Arctic in the 1870's the British Colonial Secretary asked the Government of Canada if it wished to have the British Territories adjacent to those of the Dominion on the North American continent formally annexed to Canada so as to exercise "such surveillance . . . as may be necessary to prevent the occurrence of lawless acts.". Finally on May 3, 1878, Resolutions were carried in the Canadian Parliament to authorize the acceptance by Canada of the Northern Territories although at least one Member opposed the move on the grounds of expense. An Address was, therefore, made to the Queen from the Senate and Commons of

Canada requesting a definition of the North-Easterly, Northerly and North-Westerly boundaries of Canada. The area in question included what is now known as the Yukon Territory, for the North-Westerly boundary had been settled in 1825 between Great Britain and Russia. At any rate an Imperial Order-in-Council dated July 31, 1880, was passed which included the following statement:

"From and after September 1, 1880, all British territories and possessions in North America, not already included within the Dominion of Canada, and all islands adjacent to any of such Territories or possessions, shall (with the exception of the Colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada"

Canada, however, appears to have given no documentary recognition to the fact that her boundaries had been extended until 1895 when an Order-in-Council constituting certain provisional districts was passed. The description of the district of Franklin in the Order-in-Council was soon found to be defective for although the districts of the Yukon and the Mackenzie were so delimited as to include the northern part of the Continent with all the islands within three geographical miles the description of Franklin was not so worded as to include all the islands more than three miles from the mainland. An amending Order-in-Council dated December 18, 1897, was duly issued which corrected the former description of the districts of Yukon and Mackenzie so that they included the islands for twenty miles from the coast and a description of the district of Franklin was so revised as to include the Arctic Islands.

Thus it was from 1897 from the Canadian point of view that the present land area of Canada extended to the Arctic Ocean although at that time no specific mention seems to have been made of any claim to undiscovered islands or to a formal extension of Canada to the North Pole. Of more importance, however, was that the Order of 1897, did delimit that part of Canada now known as the Yukon Territory as the Yukon District of the North-Western Territory.

As far as the second question is concerned the Yukon Field Force according to George F. G. Stanley, in his book "Canada's Soldiers" was made up of two hundred and three volunteers from the Permanent Force, one hundred and thirtythree from the Royal Regiment of Canadian Infantry, and was sent by the Canadian Government of the time to assert and protect Canadian Sovereignty from the Americans. The troops first arrived in the Yukon in 1889 and the garrison was withdrawn in 1900. Mr. Stanley says "It was the presence of the red coated white helmeted Soldiers of Canada's miniature regular army. These were the first troops ever to serve in garrison in Canada's Arctic Territories".

Therefore, it would appear that there is no question of British Troops being garrisoned in the Yukon; even if there were, once these Orders-in-Council of 1870 and 1880 were passed, the mere presence of British troops would not be sufficient action on the part of the British Government to have that area revert to the United Kingdom.


J. Smith,
Commissioner.

June 22, 1970

SESSIONAL PAPER NO. -23- 1970 (3rd SESSION)

Mr. Speaker,

Members of the Twenty-first Wholly-elected Council of the Yukon Territory

I have the honour to welcome you to the Third Session 1970 of the Twenty-first Wholly-elected Council of the Yukon Territory.

The year's longest span of daylight is upon us today and the latest sunset. Another solstice, another tick in the great clock of time; and the earth swings back into summer.

The first puff of warm air has signalled another season for exploration to the lone prospector and the giant mining companies. As man's hunger for raw material upon which to build his society becomes greater, his desire to reach new plateaus grows stronger. In this continuing search of man for resources, Yukon, with its immense potential of untapped wealth, is in the forefront.

It is of significance that the first part of this Session is being held at a place which could best be described as the "Overland Gateway" to Yukon and its resources for tomorrow. It was also at Watson Lake that our attempt at participatory democracy blossomed forth into the first Local Improvement District of the Territory.

Mr. Speaker, in presenting the budget to the Council three months ago, I expressed the administration's view that the state of the Territorial economy reflects and to a great extent is shaped by, the state of the nation. Recent events such as the floatation of the Canadian dollar serve to underline the delicate nature of this complex relationship. While it is too early to assess the overall effects of the unpegging of the dollar on the Territory, its impact on an export-oriented resource based economy such as ours deserves careful study.

In 1969, the mineral industry in the Territory continued expansion at a healthy rate. Indications are that this rate will continue into 1970 and beyond.

United Keno Hill Mines continued production at 230 tons of ore per day. Development work proceeds on the Husky vein at Galena Hill.

Anvil Mining Company is still in its first year of production, and their operations presently involve the shipment of 700 tons of concentrates per day.

New Imperial Mines continued production, milling at the rate of 2,500 tons per day.

Production of asbestos fibre at Cassiar Asbestos Company, Clinton Creek amounted to 340 tons of fibre per day.

Coal was mined at the rate of 60 tons per day by Yukon Coal Company for use at Anvil mill.

Venus Mines Limited, whose mill in the Carcross area is nearing completion, plans to bring their gold-silver-lead-zinc property into production this fall.

Hudson Bay Mining and Exploration have announced production plans at the rate of 600 tons per day on their nickel and copper property at Quill Creek. It is learned that further exploration and development work is being carried out on their lead-zinc project at MacMillan Pass and by Kerr Addison on their Swim Lake Property.

Exploration is also going on at the well-known Casino property and many other mining prospects throughout the Territory. Yukon's mineral base has thus become stronger and diversification in output, both by commodity and source, has increased. On the other hand, the industry is not without its share of major challenges and uncertainties. On the domestic side, questions relating to further exploration, transportation costs and tax incentives require continuing attention.

Mr. Speaker, My Minister's recent announcement regarding the resumption, effective today, of the Northern Mineral Exploration Assistance Program will, I believe, contribute substantially towards expansion of exploration activities in the Territory.

Transportation costs have always played a dominant role in mineral development. The transportation factor will become significantly more important as the frontiers of mining are pushed into more remote areas. Under instructions from my Minister, a study to evaluate future role of railways in the development of resources in the Canadian Northwest has been undertaken by Messrs. Hedlin, Menzies & Associates.

Of great concern to the Territory are the proposals for tax reform which were issued by the Federal Government as a White Paper in October last year. If they were to be implemented as set out in the paper, the proposals may create serious problems for the Territory, in that they provide for significantly less favourable taxation treatment than at present for the resource industries which form the backbone of the Territorial economy.

I have pleasure in recalling, at this juncture, the recent announcement made by my Minister which is of special interest to small businessmen in the Territory. Under the Small Business Loans Accounts Plan, the Yukon will be provided with \$300,000 for the fiscal year ending March 31, 1971, to assist small businessmen who experience difficulty in obtaining capital in the Territory.

Mr. Speaker, we have now entered a decade where the quality of life, the elimination of unjust economic conditions and the improvement of the general quality of the environment are the things that more and more people are going to demand. Economic growth which does not contribute to these ends, or which, in any way, detracts from their achievement, will not be satisfactory. Although we must encourage development of the Territory's immense resources, it should be done under the clear ethic that economic progress will not be permitted, at the expense of the ecology or the indigenous people.

In deference to Council's wishes on this matter, officers from the Department of Indian Affairs and Northern Development will be available for discussions on the Tagish Timber Harvesting

Unit proposal. Mr. A. D. Hunt, Assistant Deputy Minister, and Mr. John Naysmith, Chief, Water, Forest and Lands Division, will be available on June 26 for meeting with the members of the Council.

The large body of legislation affecting the North, which is a prominent feature of the current session of the Parliament, requires the presence of my Deputy Minister at the nation's capitol. I have been requested to express his profound regrets to the Council at his inability to be here for the current Session.

Mr. Speaker, you will be asked to consider the following legislation at this Third Session, 1970:

Bill #1 An Ordinance Respecting Securities

The purpose of this Ordinance is to apply to securities and to persons dealing in securities. The regulations and controls which have proven necessary are now becoming common in other Canadian jurisdictions.

Bill #2 An Ordinance to Amend the Motor Vehicles Ordinance

The purpose of this Ordinance is to allow the use of flashing blue lights on truck trains.

Bill #3 An Ordinance to Repeal the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance authorizing the Commissioner to borrow A Sum not exceeding Four Hundred Thousand Dollars from the Government of Canada and to authorize the Commissioner to enter into an Agreement related thereto

In view of the enactment of the Loan Agreement Ordinance 1970, No. 1 (C. M. H. C. Second Mortgage Loans), Chapter 10, O. Y. T. 1970 Second Session, the National Housing Act (Canada) Second Mortgage Loan Agreement Ordinance may be repealed.

Bill #4 An Ordinance to Amend the Taxation Ordinance.

Bill #5 An Ordinance to Amend the Legal Professions Ordinance

The purpose of this Bill is to provide for the Federal Government appointed Crown Attorney to be entered on the Roll and to be properly qualified as a Barrister and Solicitor practising in the Territory.

**Bill #6 An Ordinance to Transfer all the Streets and
Lanes in the City of Whitehorse to the City of
Whitehorse**

The purpose of this Bill is to allow the Commissioner to transfer to the City of Whitehorse all of the roads, streets, and lanes within the city.

I have mentioned some of the important subjects of legislation which you will be asked to consider at this Session. You will also be invited to discuss a number of Sessional Papers that will be presented to you.

I trust that the material placed before you will enable you to carry forward your deliberations in a manner that will meet with your approval. My officers and I stand ready to assist you in any way we can. Along with my officers, I look forward to co-operating with Mr. Speaker and All Members of Council to make this a most productive Session.

**J. Smith,
Commissioner.**

May 20, 1970

SESSIONAL PAPER NO. -24- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

Music Teachers and Librarians

On April 14, 1970 during the 1970 Council (2nd Session), Councillor Chamberlist asked whether the Education Department is cutting out the provisions of music teachers and librarians in next year's staff establishment.

Changes in the school library organization. In 1969 the services of the Yukon Regional Library were obtained by the Department of Education to improve the operation of the school libraries. The analysis, classification, cataloguing and ordering of books and periodicals were done through the librarians of the Regional Library and co-ordinated by the Department of Education. This reduced the unnecessary duplication of library work at each school. With the use of the Regional Library services, the need for part-time librarians in the smaller schools diminished. The librarian's duties in general became: the circulating of materials, checking materials, binding and repairing, shelving and storage, typing, recording, taking inventory, and generally maintaining the physical arrangements of the library. As these are the duties of a library clerk, the part-time teacher librarians in the smaller elementary schools will be replaced by library clerks.

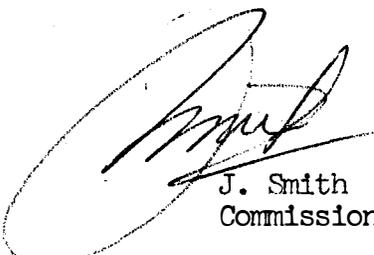
The library role of the classroom teacher. Many of the school librarians in the past have assumed the responsibility of the classroom teacher. This created a duplication of service. The training curriculum of a modern teacher encompasses sufficient instruction so that the teacher in a typical school can take his or her class to the library and provide instruction for the class in the use of the school library services. The teacher is trained in methods and techniques to encourage and promote the pupils' reading interests and ability; to foster an awareness of books; a desire to read them and to have a critical appreciation of the ideas in them. The teacher takes his class to the library regularly for free reading selection; to do research and assignments. To do this, each teacher must be familiar with the library programme; its resources, and the availability of materials. Today's professional teacher has these capabilities and his university training and experiences validate it. The Department of Education has carefully assessed each job responsibility and has made the change to avoid duplication of services. Library clerks operating under the direction of a supervising librarian are adequate and are recommended by the "Standards of Library Services for Canadian Schools."

Music Teachers. In 1969-70 the Department of Education utilized the services of four part-time music teachers in the Whitehorse elementary schools and two full-time band teachers in the elementary and secondary schools. The practice of using special part-time teachers at the elementary level has been re-evaluated because of the curriculum and teacher training programmes at the universities of western Canada.

For the past decade the elementary teacher curriculum has included an adequate programme of music training for elementary school instruction. All universities require a basic minimum of one music course and in some cases two music courses. The length of the course is a full year or two semesters. Each course is given for three hours a week and sometimes four. An elementary teacher therefore will have a minimum of ninety hours, with a possible maximum of one hundred and eighty hours of methods and material instruction for teaching elementary school music.

In addition to this, many of the teachers in the elementary schools are adequate and accomplished pianists. Therefore, with the new methods of co-operative or team teaching, the need for part-time elementary music teachers has diminished. It is definitely known that each elementary school has sufficiently trained personnel on staff to maintain a strong and satisfactory elementary music programme through the use of co-operative teaching. Music will therefore continue to be an integral part of the elementary programme and its importance will not diminish.

Part-time music teachers will not be required therefore in 1970. The full-time band teachers will still be used in the elementary and secondary schools, and the band programme will be extended as this is still a specialist field of training.



J. Smith
Commissioner

June 26, 1970

SESSIONAL PAPER NO. -25- 1970 (3rd SESSION)

Mr. Speaker
Members of Council

Question re: Litter Barrels and Signs

The following question was asked by Councillor McKinnon:

"What progress on litter barrel and sign project?"

The answer is as follows:

It was decided to use old 45 gallon oil drums for litter barrels. Some difficulty was encountered in obtaining 90 of these barrels but we were finally successful when White Pass Petroleum Division donated 90 leaking barrels to us. These barrels are in good to fair shape and after cutting the tops of these barrels out and steam cleaning these barrels, a contract was let for the painting and lettering. Sixty-one of these drums have been completed and the remaining 29 should be ready within one week.

On May 6th, quotations were received for 150 litter signs and after ordering from the low bidder, these signs were received June 25th. The signs are 30 inches wide and 48 inches high and read, "UP TO \$500.00 FINE FOR DEPOSITING LITTER ON HIGHWAYS".

We also ordered but have not as yet received ninety small signs reading, "LITTER ½ MILE", which will be placed as a warning of the location of litter barrels.

We propose to start installation of signs and the placing of barrels within approximately one week's time.



James Smith
Commissioner

26 June, 1970.

SESSIONAL PAPER NO. -26-1970 (3rd SESSION)

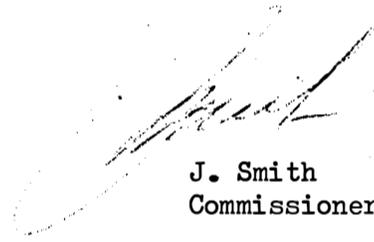
Mr. Speaker

Members of Council

The following verbal question was asked by Councillor Chamberlist during this Council Session:

"What is the interest rate on the Low Cost Housing Loans and will they be tied to bank rates?"

The answer is as follows: Interest rate is 9½%, and is tied to CMHC rates.



J. Smith
Commissioner.

26 June, 1970.

SESSIONAL PAPER NO. -27-1970 (3rd SESSION)

Mr. Speaker,

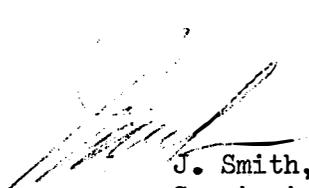
Members of Council

The following verbal question was asked by Councillor Dumas during this Session of Council:

"Are there any lots surveyed and for sale to individuals in Carcross? Did Venus Mines just buy twenty lots? Background on lot sold to a Territorial employee in Carcross."

Following is the answer:

1. Venus Mines have asked for 14 lots in the new subdivision. Commitments to Indian Affairs, R.C.M.P., one family relocation and one Welfare home amount to 12 lots. Barring further demands 7 lots will be available for private individuals.
2. Background on lot sold to Territorial employee is as follows: NW 34' of Lot 3 in Block 20 was originally occupied by a Herbert Morris as a squatter. He had applied for a lease but the lease was never executed. Mr. Morris sold his house on this lot to Mr. Schneider, a Territorial employee who has lived in the house for a year. Since purchasing the house Mr. Schneider has been endeavouring to purchase the land on which the house sits.


J. Smith,
Commissioner.

26 June, 1970

SESSIONAL PAPER NO. -28- 1970 (3rd SESSION)

Mr. Speaker,

Members of Council

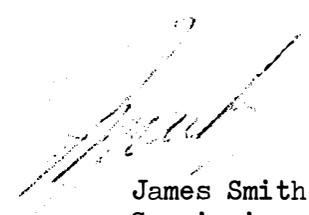
Spraying of Watson Lake for Insects

The following verbal question was asked by Councillor McKinnon during this Session of Council:

"Was Watson Lake sprayed for insects this year and when?"

Following is the answer:

"Yes, first application May 20 and 21st, 1970.
Second application June 22, 1970."



James Smith,
Commissioner.

June 26, 1970.

SESSIONAL PAPER NO. -29- 1970 (3rd SESSION)

Mr. Speaker,

Members of Council

The following verbal question was asked by Councillor Chamberlist during this Session of Council:

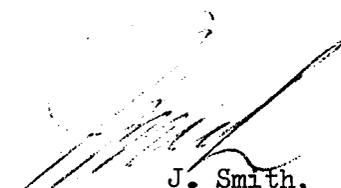
"What are administration costs for the Department of Municipal Affairs? Will they be more or less when and if city boundaries are extended to the Metropolitan Plan?"

Following is the answer:

The cost of supplying services to Porter Creek, Hillcrest and other communities in the Metropolitan Area, now in the Municipal Affairs budget, would cease to be the responsibility of the department when these areas are annexed to the city, and it can reasonably be assumed that the people now engaged in supplying these services would be detached from the Territorial Government and absorbed by the city.

In addition there should be some reduction in the office work now being done by Territorial Government departments. The Department of Municipal Affairs would have fewer tax notices to prepare, fewer bills to issue for water and sewer, and garbage collections, and as a consequence the Treasury Department would have fewer tax receipts to prepare, fewer utility bills to collect, and fewer cheques to issue in payment of invoices for supplies, etc. The reduction in clerical work, unless compensated for by increase in work due to expansion of other unincorporated areas, could result in a decrease in staff.

The Department of Municipal Affairs, besides supplying services to unincorporated areas, is also responsible for advising and assisting municipal councils in municipal administration. Any increase in the size and number of municipalities in the Yukon will make it necessary for the Yukon Territorial Government (and the Department of Municipal Affairs) to change its role from essentially a provider of municipal services to one of encouraging the development of local government and assisting, supervising and advising the municipal officials on the administration of their local affairs."


J. Smith,
Commissioner.

June 26, 1970.

SESSIONAL PAPER NO. -30- 1970 (3rd SESSION)

Mr. Speaker,

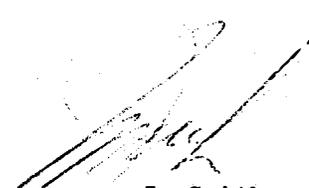
Members of Council

The following verbal question was asked by Councillor Chamberlist during this Session of Council:

"Is there any money available for maintenance on the Watson Lake Cemetery?"

Following is the answer:

Provisions have been made in the current estimates for the Department of Municipal Affairs, under Establishment 676 for \$1200 in respect of road and ground maintenance for cemeteries in other than organized communities at the rate of \$200 per cemetery for six cemeteries; as an unorganized community \$200 is available for maintenance at the Watson Lake Cemetery.



J. Smith,
Commissioner.

June 26, 1970

SESSIONAL PAPER NO. -31- (3rd SESSION)

Mr. Speaker
Members of Council

Question re: Teachers resignations and
percentage of teaching force

The following question was asked by Councillor Chamberlist:

"How many teachers resigned this year and what is the percentage of the total teaching force?"

The answer is as follows:

Total Staff 1969-70	<u>225</u>
Contracts not renewed	4
Resignations	<u>58</u>
Total	62
Percentage is $\frac{62}{225} \times 100$	27.55

This is 4.5 percent higher than in 1968-69.



James Smith
Commissioner

June 16, 1970

SESSIONAL PAPER NO. -32- 1970 (THIRD SESSION)

Mr. Speaker

Members of Council

Secondary Education

On April 15th, during the 1970 Council (2nd Session), Councillor Livesey asked that the Commissioner undertake a study respecting the necessity of secondary education at outlying points in the Territory.

Junior Senior Secondary School Programs 1970-71

In September 1970 the Department of Education will have four schools in the Yukon offering junior senior secondary education programs. Table I shows the location, the enrolments projected, grades taught, teachers required, and the teacher-pupil ratio.

TABLE I

Junior Senior Secondary School Structure 1970-71

Location	Enrolment Projected		Total	Teachers	Teacher-Pupil Ratio
Dawson City	$\frac{8 \& 9}{23}$	$\frac{10,11,12}{27}$	50	4.5	1:11.1
Mayo	$\frac{8 \& 9}{35}$	$\frac{10,11,12}{30}$	65	4.5	1:14.1
Watson Lake	$\frac{8 \& 9}{32}$	$\frac{10,11,12}{28}$	60	4.5	1:13.3
F.H. Collins Whitehorse	$\frac{8 \& 9}{370}$	$\frac{10,11,12}{485}$	855	46	1:18.6

Enrolments

	1969 Actual	1970 Projected
Watson Lake	47	60
Mayo	46	65
F.H. Collins	650	855
Dawson	33	50

TABLE II

Attendance Areas

School	Students Served
F.H. Collins	<ol style="list-style-type: none"> All public school students from Whitehorse grades 8 to 12. Separate school students grades 11, 12.

3. Separate school students from Christ the King High School, grades 8,9,10, for home economics, industrial arts, music, advanced bookkeeping and typing.
4. Grades 10,11,12, students from the Northwest Highway, Teslin, Carmacks, Pelly, Ross River, Carcross, and Old Crow.

Watson Lake All grades 8 to 12 students from Watson Lake, Upper Liard, and Lower Post residences.

- Dawson City
1. Grades 8 to 12 from Dawson City.
 2. Grades 10,11,12 from Clinton Creek.

- Mayo
1. Grades 8 to 12 from Mayo.
 2. Grades 9,10,11,12 from Elsa.

Junior Secondary School Programs 1970-71

In September 1970 the Department of Education will have two schools in the Yukon offering junior secondary education programs. Table III shows the school locations, the enrolments projected, grades taught, teachers required, and teacher-pupil ratio.

TABLE III
Junior Secondary School Structure 1970-71

Location	Enrolment Projected	Total	Teachers	Teacher-Pupil Ratio
Christ King High Whitehorse	$\frac{8 \text{ \& } 9}{58}$	$\frac{10}{44}$	143	7.5 * 1:17.8
Faro School Faro	$\frac{8,9,10}{16,12,6}$	34	2	1:17

* The students from Christ the King High School grades 8,9,10, take home economics, industrial arts, music, and advance courses in book-keeping and typing at the F.H. Collins School. Therefore, the teacher pupil ratio of 1:17.8 is high.

Comments on Enrolment. School populations in Whitehorse are increasing approximately from 13% to 25% each year. However, Christ the King High School population is decreasing. (November 1968 - 127, November 1969 - 140, May 1970 - 126).

Faro School is increasing. (November 1969 - 66, May 1970 - 114.) The anticipated school population for September 1970 is approximately 140 students. I would recommend that in the future, September 1971, Ross River students should attend the Faro School for grades 9 and 10.

TABLE IV
Attendance Areas

School	Students Served
Christ the King High School	<ol style="list-style-type: none"> 1. All Roman Catholic students from Whitehorse grades 8,9,10. (Roman Catholic parents may choose either the separate or public for school attendance). 2. All Roman Catholic hostel students.
Faro	Students from Faro 8, 9, 10.

Junior Senior Secondary School Expansion

The Department of Education has developed new innovations in education which have had a definite influence on the school system in the Yukon.

Kindergarten. The kindergarten student entering grade one has completed his reading readiness program. His vocabulary has improved and he is able to adjust better to the school and the learning experiences.

Continuous Progress. Students are kept with their peer group. Individualized instruction is emphasized. Texts of varied reading levels permit students to study mathematics, science, etc. with better understanding.

Better Trained Teachers. In 1967, 46 of 156 teachers had Class One credentials. (One year of teacher training.) In 1970 only 15 of 217 teachers will have Class One credentials. In 1969-70 the average Yukon teacher had Class Three (three years of training) and 5.8 years experience. The better trained teacher, especially in the elementary school, is more capable of handling individualized instruction and the greater range of learning aptitudes now found in the classroom resulting from continuous progress practice.

Extended Secondary School Programs. In 1967 two senior and one junior secondary schools were functioning in the Yukon. In September 1970 four senior and two junior secondary schools will be operating.

More Electives are available. With the construction of the two new buildings at the F.H. Collins School and the co-operative arrangement now functioning between Christ the King High School and F.H. Collins, whereby students at the former may avail themselves of a broader program of vocational subjects, school programs and course electives are more suitable for the students.

SUMMARY

1. The Indian student is not retarded in the primary grades.
2. The average student of sixteen years is in grade eleven. Drop-outs in junior secondary are rapidly decreasing.
3. More students are getting a higher education.
4. With the extension of the secondary school program in centres outside of Whitehorse, more students are attending school for a longer period of time.
5. School retention is shown by Table IV comparing students in grade 2 with those in grade 11.

Years	Grade Enrolment 2.....11		Grade 11 enrolment as a percent of grade 2.
1958	389	91	23.4 %
1969	452	162	35.4 %
1970 projected	497	197	39.6 %

6. Criteria for junior secondary school extension - attendance areas should be considered for the extension of the school program to grade 10 as soon as the preceding school enrolment figures for grades 7, 8, and 9, average approximately 14 students per grade. This would permit teachers to group grades 8 and 9 and maintain staff-pupil ratios for a minimum of 1:18 or greater.

Example

Grade	Enrolment	Groupings	Staff	Staff-Pupil Ratio
8	14	$\frac{8 \text{ \& } 9}{28}, \frac{10}{14}$	2	$\frac{42}{2} = 21$
OR				
9	14	$\frac{8}{14}, \frac{9 \text{ \& } 10}{28}$		
10	14			

The school would require two teachers for grades 8 to 10, one qualified in science arts (mathematics, science, health) the other qualified in the language arts (English, social science, second language.) The electives would be limited to commercial, (typing, record keeping, business fundamentals) or the performing and fine arts (choral music, drama, or art, arts and crafts.)

Junior Secondary School Organization and Courses

GRADE VIII		GRADES IX AND X	
Organization	Courses	Organization	Courses
Constants	English Social Science Physical Education Guidance French Science Mathematics	Constants	English Social Science Physical Education Guidance French Science Mathematics and/ or General Mathematics
Electives	Courses 8, 9, 10 Typing Record Keeping Art Arts and Crafts Choral Music Drama		

Two courses could be taught each year from a choice of six on a rotation basis.

Example		
1970-71	1971-72	1972-73
Typing Record Keeping	Art Music	Typing Drama

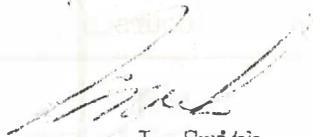
CONCLUSIONS

1. Junior secondary school extension should be considered in all schools or centralized school zones as soon as the preceding school year enrolment figures for 7, 8, and 9 average approximately 14 students per grade. (Teslin, Carmacks, Northwest Highway.)
2. To encourage and stabilize the educational system in the Yukon, all four presently operating senior secondary school programs should be maintained.

3. Every effort should be made to maintain local educational programs, to extend them whenever and wherever possible, and to reduce the necessity of bringing junior and senior secondary students into Whitehorse.
4. Hostel operations in Whitehorse should be eliminated (Tagish House). If hostel services must be utilized, then preference should be given to establish hostels to function as part of the school operation in the centres outside of Whitehorse and thus maintain larger student populations at these centres.

RECOMMENDATION

1. A junior secondary school be established on an experimental basis in 1971-'72 at Haines Junction for two years to include grade 8 from Haines Junction, grades 9 and 10 from the three communities of the Northwest Highway. The efficiency and adequacy of the school be evaluated yearly, that the wishes of the Northwest Highway communities and the reports of the Department of Education be reviewed prior to consideration for the building of centralized school facilities at Klwane Lake.



J. Smith,
Commissioner.

June 20th, 1970.

SESSIONAL PAPER NO. -33-1970 (3rd SESSION)

Mr. Speaker

Members of Council

EXECUTIVE COMMITTEE FOR THE YUKON TERRITORY

In his speech to the Council on November 12, 1969, the Minister of Indian Affairs and Northern Development announced his intention to constitute formally an Executive Committee to be composed of the Commissioner, the two Assistant Commissioners and a member of the Council. Subsequent consultation with the Council resulted in a decision to increase the number of Councillors on the Committee to two.

The purpose of this paper is to outline the arrangements and procedures for the appointment of two members of the Council to the Executive Committee.

The Executive Committee is a new and important development in the constitutional development of the Yukon and there is a need to have a clear understanding about the procedures for its operation. The following sets out in more detail the method of appointment, tenure and removal of elected members to the Executive Committee:

- a) The Executive Committee of the Yukon Territory will consist of the Commissioner as chairman, the two Assistant Commissioners, and two members of Council.
- b) The Assistant Commissioner (Executive) will be vice-chairman of the Committee and act for the chairman in his absence.
- c) The Council members who are to serve on the Committee will be appointed by the Commissioner on the advice of the Council.
- d) The elected members of the Committee will serve full time during pleasure under the direction of the Commissioner and be reimbursed from the Yukon Consolidated Revenue Fund, approved by Council through annual appropriations.
- e) Should Council, by formal motion, request a change in the appointment of one or both elected members of the Committee, the Commissioner will comply.
- f) The elected members of the Committee will serve beyond the life of a Council to permit the Committee to function until a new Council had been elected.
- g) Each new Council will decide by formal motion at its first Session after an election whether the serving Councillors should continue on the Committee or be replaced.
- h) The failure of a Councillor to be re-elected will automatically result in the termination of his appointment as of the date of the publishing of the official results of the election as required by law.
- i) Each Councillor on the Committee will be given administrative responsibility for overseeing the activities of a major department of the Territorial Administration. These departments in the first instance will be Education and Health, Welfare and Rehabilitation.

There are a number of other factors involved in the organization and operation of the Executive Committee which the Council should be aware of:

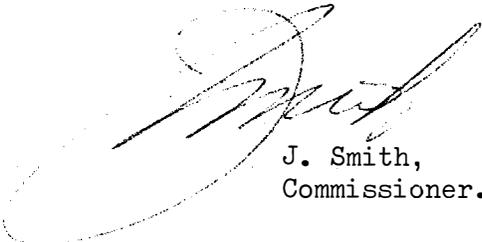
- a) The salary of the elected members on the Executive Committee should, including their sessional indemnities, be high enough to enable the Councillors to devote their full time to their new duties, and is not to exceed the remuneration paid to the other appointed members of the Executive Committee.
- b) Councillors appointed to the Executive Committee will be expected to divest themselves of their current employment and business interests in order to obviate any possible charges of a conflict of interest.
- c) The two Council members on the Committee are to be also members of the Advisory Committee on Finance and the Budget Programming Committee. The third member for the Advisory Committee on Finance is to be chosen from the Council in the usual manner. Council members on the Executive Committee will also sit on the Legislative Programming Committee and other internal committees.
- d) In other legislatures it is the normal practice to keep the role of the Speaker separate from the Executive. In this regard Council should consider whether or not the Speaker should be eligible to sit on the Executive Committee.

As far as routines of the operation of the Executive Committee is concerned, a flexible approach will be taken in the development of the actual methods by which the Executive Committee will conduct its business. In this context it will be left to the Committee to develop sound routines and procedures based on the experience and views of its members. Elected members will also be expected to take the Oath of Secrecy associated with public office.

In order to permit the appointment of two Councillors to the Executive Committee, it will be necessary to make appropriate amendments to existing legislation. These will be introduced at the first Session of the new Council this fall.

Council is requested by motion to approved:

- a) the establishment of the Executive Committee for the Yukon Territory to consist of the Commissioner, two Assistant Commissioners and two members of Council, the latter to be appointed by the Commissioner on the advice of Council and to serve during pleasure; and
- b) the principles of the operation of the Executive Committee as outlined in this paper.



J. Smith,
Commissioner.

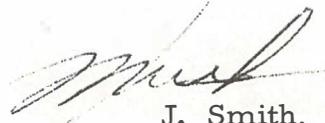
June, 30th, 1970

SESSIONAL PAPER NO. -34- 1970 (3rd SESSION)

Mr. Speaker
Members of Council

Dissolution of Council

In order to hold the forthcoming Territorial election on September 8 next it will be necessary to dissolve this Council no later than July 10. Council is now requested by formal motion, to give their concurrence to holding the election on the date planned.



J. Smith,
Commissioner

June 30th, 1970.

SESSIONAL PAPER NO. -35- 1970 (3rd SESSION)

Mr. Speaker

Members of Council

In reply to Question No. 5, which was asked by Councillor Livesey during the 1970 (Second Session) of Council, the following is the submission from the Yukon Medical Association on Medicare in the Territory:

"Medicare

First it should be stated that this Association appreciates your remarks made at the opening of this recent Council Session.

This letter represents the general views of the Yukon Medical Association on Medicare in the Yukon. It has been accepted that several items such as a fee schedule will require dialogue with the Yukon Territorial Government and hence will not be elaborated on in this brief.

- (1) It is felt that the Provincial Medicare Legislation of Alberta and Ontario should be the model for this Territory. These provinces tried to avoid making the doctor a pseudo civil servant.
- (2) It is our opinion that the doctor should be able to "opt in" or "opt out" of the Plan with any individual patient. The doctor would be required to notify the patient in advance if he intends to charge the patient and have the patient collect from the Plan.
- (3) The Yukon Fee Schedule for the last 2½ years has been the B.C. Schedule plus 20%. The Association feels that in the foreseeable future this is the most sensible approach.
- (4) The Association has no strong views on the inclusion of optometric services but feels that chiropractic services should definitely be excluded.
- (5) The establishment of a "comprehensive plan as an extra, to cover drug charges, ambulances, etc., would be indicated in the Yukon where so many government employees have become accustomed to insurance for drugs. Alberta has this provision.
- (6) It is felt that a Medicare Plan should be administered by a Commission of at least 3 persons, of whom one should be a doctor.
- (7) The financing of the plan is not in the doctor's domain, but a few comments are made because we have been dealing with Medical Insurance for years. It is definitely our opinion that a premium scheme should be devised rather than the costs coming from general revenue of the Territory. The experience of other areas is that costs inevitably escalate and when this happens the premiums can be adjusted. It is crucial that the majority of citizens contribute to the scheme by means of premiums. There will be a group of low income or irresponsible residents who will need subsidising and will represent an administrative problem. Regardless of this we feel that any apprehension about this group is misguided.

As a final remark, directed to the present, assuming that Medicare may be delayed. The majority of the Yukoners, probably 70% are already covered by Medical Insurance. The most unfortunate are the old age pensioners and

others on low incomes. The Association feels that if the Department of Welfare fixed a certain minimum income such as \$3,000.00 and declared everyone under this medically indigent, perhaps these costs could be shared with Ottawa under the Canada Assistance Plan, and thus achieve the principle of Medicare. The Yukon Medical Service Association could be encouraged to repeat its offer of individual insurance and thus help those who cannot buy Group Insurance.

This way at least 90% of Yukon residents could be covered by Medical Insurance which is the whole meaning of the game.

Yours sincerely,

W. R. Buchan, President."

J. Smith,
Commissioner.