

COUNCIL CHAMBERS

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COUNCIL OF THE
YUKON TERRITORY
CANADA

SESSIONAL PAPERS
AND
LEGISLATIVE RETURNS

Second Session

1972

I N D E X

1972 (SECOND SESSION)

Volume I Pages 1 - 114

Session Dates - Tuesday, December 5, 1972 to Friday, December 8, 1972.

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ERRATA

- Page 11 Explanatory Note for Bill #32 reads:
- "The purpose of the Bill is to transfer the administrative functions connected with the Coroners Ordinance to a Chief Coroner. The powers of the Commissioner will be retained for appointments and the enactment of delegated legislation. Opportunity is taken to remedy a deficiency by enabling the Chief Coroner to take over an inquest or hold another one himself in appropriate circumstances.
- Scales of punishment have been brought into line with other Ordinances in some sections."
- Page 26 Explanatory Note for Bill #34 reads:
- "This Ordinance must now be repealed to enable effect to be given to the new Lands Ordinance when it comes into force."
- Page 63 Title adopted "as read" should be "as written".

VOTES AND PROCEEDINGS
OF THE
COUNCIL OF THE YUKON TERRITORY

Page 1
Tuesday, December 5, 1972
3:30 p.m.

The Second Session of the Council for the year 1972, being the Sixth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 3:30 p.m. on Tuesday, December 5, 1972.

The Members present were:

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

The Clerk reads the Proclamation.

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

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

Mr. Clerk: There is Mr. Speaker.

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

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

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

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

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

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

Mr. Commissioner gives his Opening Address (set out in Sessional Paper No. 16).

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

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

Mr. Chamberlist: Mr. Speaker, I would move that the Commissioner's Opening Address be given consideration on a day following.

Mr. Speaker: Is there a seconder?

Mr. Tanner: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Whitehorse North that the Opening Address of the Commissioner be given consideration on a day following. Are you prepared for the question? Agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

BILL #32 Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson
INTRODUCED that the Bill, Bill No. 32, An Ordinance to Amend the Coroners' Ordinance be introduced at this time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane for leave to introduce Bill No. 32, an Ordinance intituled An Ordinance to Amend the Coroners' Ordinance. Are you prepared for the question? Agreed? Leave granted.

*MOTION
CARRIED*

MOTION CARRIED

BILL #33 Mr. Chamberlist: Mr. Speaker, I beg leave to move, seconded by Councillor
INTRODUCED Watson to introduce the Bill No. 33, intituled An Ordinance to Amend the Local Improvement District Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane for leave to introduce Bill No. 33, an Ordinance intituled An Ordinance to Amend the Local Improvement District Ordinance. Are you prepared for the question? Agreed? Leave granted.

*MOTION
CARRIED*

MOTION CARRIED

BILL # 34 Mr. Chamberlist: Mr. Speaker I beg leave to move, seconded by Councillor
INTRODUCED Watson to introduce the Bill No. 34, intituled An Ordinance to Repeal the Lands Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane for leave to introduce Bill No. 34, an Ordinance intituled An Ordinance to Repeal the Lands Ordinance. Are you prepared for the question? Agreed? Leave granted.

*MOTION
CARRIED*

MOTION CARRIED

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

ADJOURNED

ADJOURNED

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

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

Mr. Clerk: There is, Mr. Speaker.

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

Mrs. Watson: Mr. Speaker, I have for tabling this morning Sessional Paper No. 17 and the Report on the Committee on Education, Legislative Return No. 20, and the Annual Report of the Department of Education pursuant to section 6 of the School Ordinance.

Mr. Chamberlist: Mr. Speaker, I have for tabling this morning Sessional Paper No. 16, Commissioner's Opening Address, Sessional Paper No. 18, Klondike Gold Rush International Historical Park, Legislative Return No. 19 dealing with the Mayo Receiving Home, all regulations since Council last sat, pursuant to section 37 of the Interpretation Ordinance, all land transactions made since Council last sat pursuant to section 6 of the Yukon Lands Ordinance, and the Auditor General's Report for the fiscal year April 1st, 1971 to March 31st, 1972 pursuant to section 26 of the Yukon Act.

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

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning, that it is the opinion of this Twenty-Second Wholly Elective Council, that the Governor-in-Council be requested to dissolve this presently constituted Council of the Yukon Territory at the earliest possible moment and that a new election be called pursuant to section 9 of the Yukon Act.

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

Mr. Tanner: Mr. Speaker, I have Notice of Motion concerning the sittings of this House.

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

Mr. Stutter: Mr. Speaker, I have Notice of Motion re the Municipal Ordinance. MOTION #3

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

Mr. McKinnon: Mr. Speaker, before we leave Notices, if you would call again please.

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

Mr. McKinnon: Yes, Mr. Speaker, I have three Notices of Motion. That legislation be introduced at this Session of Council making it necessary for all contractors to pay the going Yukon wage in all Yukon projects and, two, forcing contractors to hire their work force locally if qualified people are available. And another Motion, Mr. Speaker, it is the opinion of Council that any resident of the Yukon referred to a specialist in Vancouver or Edmonton by a Yukon doctor have their transportation to and from either centre paid for in full by the Government of the Yukon under the terms of the Medical Evacuation Plan. And the third Motion, Mr. Speaker, it is the opinion of this Council that municipalities within the Yukon be exempted from paying fuel tax under section 4 of the Fuel Tax Ordinance, and be further resolved that it is the opinion of this Council that the fuel oil tax covering the period of April 28, 1971 to October, 1972 should be deemed not to be owing by the municipalities within the Territory to the Government of the Yukon. Thanks, Mr. Speaker.

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

Mr. Stutter: Mr. Speaker I have Notices of two more Motions. First one

TABLING
OF
SESSIONAL
PAPERS 16,
17 & 18,
LEGISLA-
TIVE
RETURNS
19 & 20,
REPORT OF
COMMITTEE
ON
EDUCATION,
ANNUAL
REPORT
DEPT. OF
EDUCATION,
AUDITOR-
GENERAL'S
REPORT,
REGULAT-
IONS, LAND
TRANSACTIONS
MOTION #1

MOTION #2

MOTION
#4, 5, 6

MOTION
#7, #8

reading Interpretation Ordinance and the second one that reads that the Territorial Council unanimously be requested that the Federal Government take immediate action to hold the rapid rate of erosion of the river bank adjacent to the Village of Old Crow, thereby eliminating the very strong probability of loss of life and buildings.

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

RECESS

RECESS

QUESTION
RE
WORKMENS
COMPENSA-
TION

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. On March 30, 1972 in reply to a question that I had asked the Commissioner regarding the Yukon Compensation Act, I would just like to repeat part of the Commissioner's reply at that time. This is taken out of context so you will have to forgive me if it is a bit unclear, "The remaining thing is the establishment of a Workmen's Compensation fund and the necessary legislative changes that will be, that we need the concurrence of Council, so that we can fund Workmen's Compensation here in the Yukon Territory as a publicly controlled item, in a manner that is similar to what is done in other provinces." We have made good progress in this, Mr. Speaker, we have a man coming here to assist us on the finalization of the proposal, who has just recently been retired from the Government of the Province of Alberta, where he held a senior position in this particular field. I would like to ask the Commissioner if this particular person did come and what are the findings of your conversation with him.

Mr. Commissioner: Mr. Speaker, I'm pleased to report that this gentleman, I'm sorry I don't remember his name or I would gladly give it to the Honourable Members, has been here and examined very carefully the information that we were able to supply him in connection with the funding of the Workmen's Compensation scheme. His reply is basically favourable and we are getting together at the present time, legislation which will require the Council's approval before we can actually implement it. Likewise, we are seeking the concurrence of the Federal Government in this scheme because we will require not only their concurrence with the findings of this gentleman, with regard to the actuarial problems that are involved, but likewise, we will need their financial backup, because I think that the Honourable Members will understand that while this scheme is basically self-liquidating, funding proposals in the early stages, wouldn't be very substantial. Reserves have to be built up so that there will be some place where we can turn to if a catastrophe was to hit. Subject to anything transpiring that will cause us to not be able to have this financial backup, or the actuarial information put together proves to be misleading, it is our intention early in the new year, to bring forward to Council the necessary legislative requirements for implementation.

QUESTIONS
#1, #2,
#3, #4

Mr. Taylor: Mr. Speaker, I have a written question which I would like a written reply. In view of the expressed desire by the Ross River-Faro-Carmacks area for a new constituency and a seat on Council, would the Administration indicate what progress has been made to date relevant to judicial redistribution in the enlargement of Council membership? I have a second question, which I would request a written reply. Would the Administration provide Council with details of the Report and recent application by White Pass and Yukon Railroad for an exceedingly large tract of land at Carmacks and the report of freezing further land applications in the Carmacks area as a result. I have further written question Mr. Speaker. Would the Administration ascertain from the Canadian Broadcasting Corporation what progress is being made in the provision of radio broadcast facilities in the community of Ross River and also in the provision of television services to the community of Teslin? And I have one further question, requiring a written answer Mr. Speaker. One, is the Administration giving consideration to extending the electrical power subsidy program to commercial users in the outlying districts in the forthcoming fiscal year and, two, if so, would the Administration indicate the extent of such subsidies.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner whether the government agencies had anything to do with the meeting of the Sub-Committee on the Employment of Native Northerners, which is the body of the Advisory Committee on Northern Development which met recently in Whitehorse, and whether any results were forthcoming from the meeting and whether there was any input from the Government of the Yukon Territory to the meeting, and whether there was any involvement of Yukon Native Groups in the discussion on Northern Native Employment?

QUESTION
RE
EMPLOYMENT
OF NATIVE
NORTHERNER

Mr. Commissioner: Mr. Speaker, this is a pretty far-reaching question. If the Honourable Member would allow me to bring back a written answer on this I would gladly provide the answers for the question, but I would appreciate it if we could give a written reply.

Mr. McKinnon: Fine, Mr. Speaker, thank you.

Mr. Taylor: Mr. Speaker, I have a question that I would direct to the Commissioner this morning respecting the Municipal Aid Ordinance, and in view of the fact that in Faro, the municipality of Faro were trying to provide services for 1,300 people approximately and are only receiving grants covering 863 people. I'm wondering if steps are being taken to correct this matter in the forthcoming fiscal year?

QUESTION
RE
MUNICIPAL
AID
ORDINANCE

Mr. Commissioner: Mr. Speaker, it is a very difficult situation and I think the Honourable Members will remember the discussions here before Council, when the question of the use of the Dominion Bureau of Statistics or Statistics Canada calculation figure was a basis for the grant under the Municipal Aid Ordinance, and I think also that Honourable Members are aware that that is the wording in the Ordinance at the present time. And I would not care to give any encouragement to see any means of basically changing the wording of the Ordinance to place credibility on any other kind of population statistics. However, there is no question about it; there is in some instances very obviously, more people getting services than what appears on the Statistics Canada population figures and also there is another possibility, that maybe there is a decrease in that population. So with these things in mind all I can say, Mr. Speaker, is that we are constantly open to any kind of positive suggestions in this matter, but basically we don't see any alternative but to stay with the Statistics Canada figures because in total for the whole Territory, they unfortunately are the only figures that the Federal Government will let us use to negotiate for financial consideration.

Mr. Taylor: In supplementary to that question, Mr. Speaker, I wonder if I might ask Mr. Commissioner if possibly the answer may not lie in permitting municipalities to hold local census under the watchful guidance of an impartial individual brought into the Territory for that purpose.

Mr. Commissioner: Mr. Speaker, in some circumstances this may have a lot of credibility to it, but in turn it is just not accepted at the Federal level and of course we are just caught in the squeeze of things. And I would be very pleased to have a conversation with the Honourable Member in regards to his suggestions as they will have a lot of bearing, but if we got into the senior government general policies and of course, in our bases we are securing funds which in turn prepare us to give funds to the junior governments, these are the unfortunate facts of life, as to the population figures, as approved by Statistics Canada. But I would be very pleased to speak further with the Honourable Member on it because I think that there is a genuine problem with regard to the community of Faro in this respect.

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning concerning Commissioner's Order 1972/389, Public Transport Utilities Ordinance. I note that Mr. Taylor is still the chairman of that committee and I will refer the Commissioner and his administration to the fact that during the debate on the Public Utilities Committee and the Ordinance, basically the discussion was that Mr. Taylor would be the chairman for a year and the secretary there on in. And I would ask the Commissioner whether he would not review this decision and find a chairman, other than Mr. Taylor, and have Mr. Taylor appointed secretary as was the general wish of the Council at that time.

QUESTION
RE
TRANSPORT
PUBLIC
UTILITIES
ORDINANCE

Mr. Commissioner: Mr. Speaker, we will certainly be very pleased to review this situation as to whether or not it will be possible to proceed as to the particular wishes of the House as expressed at that time. Right at this moment I don't know, but certainly I appreciate the fact that the Honourable Member has seen fit to ask us to review this and I assure you everything will be done.

QUESTION RE DAWSON BUDGET Mr. Stutter: Mr. Speaker I have another question for the Commissioner. Under the terms of the present Municipal Ordinance Dawson is obligated to submit a preliminary budget to the Commissioner's office by November 30th. First of all I would like to ask if that preliminary budget has been received, and secondly, was Dawson, out of its meager budget, able to provide any funds to go along with celebrations of the Klondike Festival, 1973?

Mr. Commissioner: Well, Mr. Speaker, I would ask for notice on that question and I will be prepared to answer it tomorrow morning, if that is satisfactory.

QUESTION RE HOUSING CORPORATION Mr. Taylor: Yes, Mr. Speaker, I have a question I would direct to Mr. Commissioner. In view of the fact that the Housing Corporation policies and activities are a matter of some discussion and concern throughout the Territory, I'm wondering if Mr. Commissioner could advise when we may be able to receive a report from the Housing Corporation on their activities and copies of their policy.

Mr. Commissioner: Mr. Speaker, if memory serves me correctly, I believe the Ordinance under which the Corporation is set up calls for an annual report to be tabled in the Council and I think that this calls for it to be tabled at the first session after the end of their first complete year, now this isn't a fiscal year, I don't think, Mr. Speaker, after their first complete year, and certainly we'll see that this statutory requirement was complied with, but in the meantime I'm certain Mr. Speaker, that the chairman of the Housing Commission and also the manager of it, would be readily available to any members of Council to answer any questions that they particularly have. I'm sure that if there are specific questions that Councillors have, I would be grateful to see that answers were provided here at this Session of Council.

Mr. Taylor: Mr. Speaker, in as much that Mr. Commissioner is quite correct on the statutory requirements for a report, I wonder if he could or would consider an interim report for members of Council at some early date.

Mr. Commissioner: Mr. Speaker, would a reasonable suggestion here be that I could ask the Corporation to supply something that is suitable for the Honourable Members, say after the first six months of operations, would this be a reasonable situation? I don't think we could expect it to be, you know a tremendously voluminous situation, but perhaps a narrative of what has been transpired, would this be reasonable?

Mr. Taylor: Yes, this would be acceptable to me, anything as soon as I could get it, I would most appreciate it.

QUESTION RE ELECTRICAL POWER DAWSON Mr. Stutter: Mr. Speaker, I have another question for the Commissioner. In April, 1972 some very concerned citizens of Dawson signed a petition requesting an investigation into the apparent high cost of electrical power in Dawson. Can the Commissioner give me any indication as to when the recently appointed Electric Public Utilities Board will be meeting to investigate these and other allocations?

Mr. Commissioner: Mr. Speaker it is not too easy for me to pin this right down because I think Honourable Members know that the Electrical Public Utilities Board came into being approximately a month ago give or take a day or week, and I believe that there is a period of two months permitted in the Ordinance from the time the Ordinance is brought into effect, and establishment of a Board, until such times as all utilities can come under its jurisdiction, have, to file their complete structure with the Board. Now that period of time will have to elapse and I would suggest that this must be rapidly approaching and it would be my feeling, Mr. Speaker, that as soon as this time lapse has passed by, that the Board will take action then on requests that they have before it and there will be other requests before it as well as the one mentioned by the Honourable Member from Dawson. I'm sorry

Mr. Commissioner continues

I can't report anymore fully on that at this time.

Mr. Stutter: Mr. Speaker I have a couple of questions I'd like to ask our Minister of Health. One, the first one I would like a written reply to and that is, I'd like to know the number of residents presently registered in the Yukon Medical Health Insurance scheme and the makeup of that registration. That is the number of families, couples, and single policies. Also, what are the approximate monthly expenses against the plan? I also have a couple of oral questions for him. I wonder if the Minister could give me any indication why I, and scores of other Yukoners, have not yet received my Y.H.I.S. card even though the plan has been in effect for eight months? Secondly, the second oral question is, as public funds are involved, may I see a copy of the contract between the insurance scheme and the computer firm in Vancouver doing the plan's accounting? QUESTION #5

Mr. Chamberlist: Mr. Speaker, firstly I should say that the cards that have been referred to are not Y.H.I.S. cards. I believe the Honourable Member means the Yukon Health Care Plan cards, which are manufactured in the east and they are manufactured in batches. There is a continual flow of these plastic cards coming in and as soon as they arrive they are mailed out. In the meantime, anybody that wants a temporary card, we now have temporary cards printed as a result of the holdup we have been receiving from the manufacturers. The question of the C.U.M.C. contract, this contract is available and we are quite prepared to table the contract for Honourable Members to see and I will have that made available. I don't recall is there any other questions? That's the questions for now?

Mr. Stutter: Yes.

Mr. Speaker: Are there any further questions?

QUESTION
RE
DISSOLU-
TION OF
COUNCIL
PETITION

Mr. Taylor: Yes, Mr. Speaker. During the course of last session it was circulated throughout the Territory a petition asking for dissolution of Council. And this was subsequently received by His Excellency the Governor General of Canada. I am wondering if to this date, the Administration could advise me if they have heard anything on this matter from the Governor General, or if he has indeed commented on this matter at all.

Mr. Commissioner: Mr. Speaker. It would be most inappropriate for the Administration to have received any communication from the Governor General. It would be the people who presented the petition who would have the replies.

Mr. McKinnon: Mr. Speaker. I wonder if I could ask Mr. Commissioner how the six sites were chosen for the proposed territorial parks system, whether there will be any input from the Council of the Yukon Territory as to the site selection, whether they can be changed, and whether further site selection will be discussed in the Council of the Yukon Territory?

Mr. Commissioner: Mr. Speaker. These sites are simply reservations that we have asked to be put aside in the hopes that at some day the Council will see fit to give us the legislative authority to go ahead and make them into a territorial park system. These sites were based upon the report that was made a few years ago to the Department of Indian Affairs and Northern Development on recreation area development or apartments or park area development by . . . if the Clerk could give me the man's name . . . Mr. Speaker, I can supply the gentleman's name . . . Mr. Baker, who I believe that Honourable Members remember, it was made some years ago and these are strictly reservations and that report of the matter will unfortunately have to sit for some little time because we are talking about potentially very large sums of money, but in this interim, if we do not seek the reservations at this stage of development of the Territory, we may well find that when we want them that they are just not available.

Mr. Stutter: Mr. Speaker, I want to ask the Commissioner if he would briefly bring us up-to-date on any new changes or anything that has happened regarding the proposed Capitol Building Plan.

Mr. Commissioner: Mr. Speaker, I think that Honourable members know that we have a site cleared. I think they know that there is soil testing going on there at the moment. We had hoped to receive some kind of preliminary sketch plans by this time from the Federal Department of Public Works. This has not happened. We have funding for the first year's work. It has been made available to us by the Federal Treasury Board and will appear as an item on the Territorial Budget which will be tabled early in the new year and beyond that, that is where the matter stands right at this moment.

Mr. Taylor: Mr. Speaker earlier in the Question Period, in answer to the Honourable Member from Dawson, the Commissioner indicated that possibly we will be having some very major amendments to the Workmen's Compensation Ordinance at the Spring session and I am wondering if these changes in the amendments would include matters other than the administration, and include matters as per representations made to Council from time to time over the course of the past two or three sessions.

QUESTION
RE
WORKMEN'S
COMPENSA-
TION
AMENDMENTS

Mr. Commissioner: Mr. Speaker, I would assume that the Honourable Member's question refers to benefits payable under the Workmen's Compensation Ordinance and I must admit that I am not entirely familiar with just how this will be dealt with in the Ordinance. I think at the present time, I think that Honourable Members know that the Ordinance calls for what is to be done and then the private employer has to go out and buy the necessary coverage on the private insurance market in order to cover his employees for those statutory benefits which the Council has laid down. And I believe that there will be a full examination of this as to whether this will occur as part of the amendments to the Ordinance, or whether this will be a separate item. I am sorry

that I cannot say, but certainly the benefit package is coming under the same kind of close scrutiny as the total administration end of the Ordinance is coming.

Mr. Chamberlist: Mr. Speaker, I would like to answer for the Honourable Member that all matters that have been raised by Council with reference to suggested changes in the Workmens' Compensation Ordinance have been given very close consideration and some of the changes will show when the legislation comes forth.

Mr. McKinnon: Mr. Speaker, supplementary to the question asked by the Honourable member from Dawson. I wonder if Mr. Commissioner could indicate when preliminary sketches are expected of the new Capitol Building? *QUESTION R. CAPITOL BUILDING*

Mr. Commissioner: Mr. Speaker, to the best of my knowledge they are expected early in the new year but I would have to check this further so that I could answer accurately in this matter.

Mr. Taylor: Mr. Speaker, I have a question that was directed to the Clerk of the House. Respecting Motion #30 of the last session, asking that an inventory be made of the Council furnishings and so forth. I wonder if this has been done and if copies can be provided the members, of this inventory.

Mr. Clerk: Mr. Speaker, the inventory has been done and copies will be provided for the members.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I have two written questions. One, what was the cost to the Government of the Yukon of Mr. Chamberlist, Mrs. Watson, and Mr. Fleming's trip to Northern Australia and where is this appropriation found in the budget? What was the cost to the Government of the Yukon of the Senior Administrative Staff meeting at the Cortino Lodge on the Haines Highway, and where is this appropriation found in the budget? And what was the cost to the Government of the Yukon of the Senior Administrative Staff meeting at Faro and where is this appropriation found in the budget? The second question, Mr. Speaker, how many tickets were made available to the Yukon for the Canada-Russia hockey game in Vancouver; were all of these tickets apportioned by lottery, and if not, who received the other tickets? Thank you Mr. Speaker. *QUESTION #6 & 7*

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

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I move seconded by Councillor Watson, that First Reading be given to Bill No. 32, An Ordinance to Amend the Coroner's Ordinance. *FIRST READING BILL #32*

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane that First Reading be given to Bill No. 32, An Ordinance intituled An Ordinance to Amend the Coroner's Ordinance. Are you prepared for the question? Agreed?

MOTION CARRIED *MOTION CARRIED*

Mr. Speaker: When will the bill be read for a second time?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 32, an Ordinance to Amend the Coroner's Ordinance, be given Second Reading. *SECOND READING BILL #32*

MOTION CARRIED *MOTION CARRIED*

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, An Ordinance to Amend the Local Improvement District Ordinance, be given First Reading. *FIRST READING BILL #33*

Mr. Chamberlist: Order, please. With respect to the . . . no Honourable Member is allowed to leave the House while the Speaker is speaking, and I would suggest Mr. Speaker, that the House recognizes decorum of the House by pointing this out to the Honourable Member.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane that First Reading be given to Bill No. 33, An Ordinance intituled An Ordinance to Amend the Local Improvement District Ordinance. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED

Mr. McKinnon: Mr. Speaker, if I could rise to a question of personal privilege, I have a very heavy cold and I forgot my hanky and I went to get one. Thank you, Mr. Speaker.

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

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: When will the bill be read for a second time?

SECOND
READING
BILL#33

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 33, an Ordinance to Amend the Local Improvement District Ordinance, be given Second Reading.

MOTION
CARRIED

MOTION CARRIED

FIRST
READING
BILL#34
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 34, an Ordinance to Repeal the Lands Ordinance, be given First Reading.

MOTION CARRIED

Mr. Speaker: When will the bill be read for a second time?

SECOND
READING
BILL #34
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 34, an Ordinance to Repeal the Lands Ordinance, be given Second Reading.

MOTION CARRIED

Mr. Speaker: Are there any further questions?

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

Mr. Speaker: Is there a Seconder?

Mr. Stutter: I second.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Dawson that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Public Bills and Sessional Papers. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I declare the motion carried and the Honourable Member from Watson Lake will please take the Chair in Committee of the Whole.

Mr. Chairman: And we have before us in Committee three Bills for discussion. The first Bill is Bill No. 32 namely An Ordinance to Amend the Coroner's Ordinance.

BILL #32

Mr. Chamberlist: An explanatory note for the records Mr. Chairman. (Reads Explanatory Note).

Mr. Chairman: We will proceed with the reading of the Bill, section by section in the normal manner. (Reads sections 1 and 2)

Mr. Tanner: Mr. Chairman, do you have a copy of the old Bill there?

Mr. Chairman: I'm afraid I have not got one available at the moment. Mr. Clerk if you leave you could provide...

Mr. Chamberlist: Mr. Chairman it is in the 1958 Consolidated Ordinances plus there is an amendment in 1966 Second Session - section 7.

Mr. Chairman: (Reads section 3)

Mr. Legal Adviser: It is to give the effect merely to remove a block on women serving on juries. The words "male person, male person, male person" appears in three places dealing with juries to be selected. The word "male" was taken out leaving that six persons be shown to serve on a jury.

Mr. Chairman: Clear? (Reads section 4)

Mr. Legal Adviser: It's a fine for a breach of the Ordinance.

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

Mr. Legal Adviser: Mr. Chairman, it is not shown in this that one change that you change the word "airplane" to "aircraft" and the second change is to substitute higher fines for breach of the Ordinance, but the substance of the section is unchanged.

Mr. Chairman: Just one question from the Chair. Could this, or could a person attempting to extract someone from a motor vehicle by use of a wrecker or by use of jacks or so forth, could that be inferred that he is interfering with the wreckage.

Mr. Legal Adviser: No, Mr. Chairman, except for the purpose of saving life or relieving suffering.

Mr. Chairman: Oh yes that's right too, okay. Anything further on 5? (Reads section 6)

Mr. Legal Adviser: Again, Mr. Chairman, this is merely substitution of a heavier penalty than before.

Mr. Chairman: (Reads section 7)

Mr. Legal Adviser: This is a substitute section, Mr. Chairman, appointing a Chief Coroner and giving him the power to take over an inquest in a proper case.

Mr. Chairman: (Reads section 8 and 9)

Mr. Tanner: Mr. Chairman, could the Legal Adviser give some advice to the House as to what type of person he had in mind or the Administration had in mind for the Chief Coroner, what would

Mr. Tanner continues

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be his qualification?

Mr. Legal Adviser: Mr. Chairman, the purpose of it is to remove direct personal involvement that appears in the Ordinance directed to the Commissioner and to substitute another official for the Commissioner who will, of course, be visualized as being a civil servant as party to the Commissioner and his functions. Who the person would be I don't know, but it will be some civil servant.

Mr. Tanner: Mr. Chairman, I'm not thinking specifically who the person will be, I'm thinking specifically of the qualifications of that person will be. He has quite a bit of power in this Ordinance.

Mr. Legal Adviser: It's not suggested Mr. Chairman, that he have special qualifications. It was basically an administrative function.

Mr. Tanner: Mr. Chairman, for example, would he have a legal background, a medical background what would be the qualifications for it?

Mr. Commissioner: Not necessarily, Mr. Chairman, no special qualifications are not required. It is an administrative position and it would be up to the coroner, who is acting to call upon medical advice and legal advice as the Ordinance already gives him.

Mr. Chairman: I believe in most cases the coroner is generally a Justice of the Peace, as well is he not?

Mr. Legal Adviser: Yes, he is.

Mr. Commissioner: This is quite correct, but I don't think one is dependant upon the other.

Mr. Chairman: Anything further on this Bill?

Mr. McKinnon: Mr. Chairman, I wonder if it should be written into the Bill or regulation, or some method of making sure that people who are serving on a coroner's jury that the Chief Coroner or somebody, the Legal Adviser of the Yukon Territory or somebody, instruct those people serving on the coroner's jury just exactly what their duty is, what questions they are able to ask and the procedure that the coroner's jury is to follow. I had the misfortune of serving on a coroner's jury in a particular gory case. And not one of the people that were selected on that coroner's jury, all good citizens, came out to do their duty, were really instructed as to what their actual duties were, what their powers were and what was expected of them. Now I think it is the responsibility of someone in the administration of Justice in the Yukon Territory that when you take six people or whatever number it is, off the street, that they be instructed fully, prior to their selection on the jury or prior to going into the jury, as to what they are expected to do. Everyone of us, after we had finished with our case were all, everyone of us said that would we have known prior to the selection, what our duties were, because we would have been a very much different jury than the one that we were. We were completely ignorant as to our rights, as to our privileges, as to our questioning ability and very many different things would have flowed from that jury had we been instructed. Now members of the legal profession, the Legal Adviser and other people who are fooling around with the law all the time, tend to forget that you are taking people into a completely foreign battleground, into a completely different milieu than they are used to, and they don't know what is happening and they are intimidated by you people running around in your funny little gowns. And I think it is incumbent upon the

Mr. McKinnon continues

people who are responsible for the justice in the Yukon Territory that this be done. I feel so strongly about this that I think it should almost be done by Order, that the Chief Coroner instruct those members of the coroner's jury as to what their responsibilities and to what their rights and privileges are as being members of that jury. I wonder if I could hear Mr. Legal Adviser on this, I'm looking for legal advice on this.

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Mr. Legal Adviser: I think, Mr. Chairman, the point is well taken. It is an administrative function, I would think now that once we do sluff the administration to the Chief Coroner to see that the coroners themselves are instructed in their duties and in turn when they are holding an inquest to pass on the instructions to the members of the jury who are selected to serve on each particular inquest. I think it will be an ongoing thing rather like a judge of the High Court charging a jury before it delivers a verdict as to what its duty is and what it should consider and how it should arrive at its verdict. I think this is possibly the method that you're getting at.

Mr. McKinnon: And Mr. Legal Adviser will be prepared to do this upon passage of this Ordinance and I know where the responsibility lies if I find the same problem once again.

Mr. Chamberlist: It want to indicate on the juries I have been on, the coroner has always indicated what is required of the jury members and perhaps it is unfortunate that that particular jury that the Honourable Member served on, didn't ask the coroner what was expected of them, and I'm sure he would have been able to tell them. Certainly, we should in this setup, indicate that the Chief Coroner should instruct the coroners to advise the jury people, there is no difficulty in that at all.

Mr. Legal Adviser: We would keep a standard type of charge that would be passed out to coroners for use which would better and be a reasonable charge. But it would be the duty of the Chief Coroner to deal administratively with this matter.

Mr. Commissioner: Mr. Chairman, I agree entirely with the comments of Councillor McKinnon. And I personally have been exposed to being on a coroner's jury several years ago and I ran into the same problems as he did and nobody really seemed to be too sure just what the jurors could and could not do. The system here that was established approximately three years ago, was the people who hold appointments as Justices of the Peace, is this the correct terminology, where they are brought into Whitehorse, I believe once a year, and a seminar is held, I think it is very beneficial and I would be very hopeful that as a consequence of this Ordinance, I trust that Council will see fit to pass the Ordinance, and as a consequence of this should be able to have the same kind of seminar-type thing for the coroners of the Territory as we have done for other part-time judicial officers who are appointed. And hopefully some kind of policy or instruction package that we could be able to perform would tend to alleviate to what degree that we have the type of problem the Honourable Member has voiced at this time. Because quite frankly this problem is very real and is fully in view of our coroners who are fortunate enough to have that kind of experience to pass on this kind of instruction to the jurors.

Mr. McKinnon: Before this is moved out of Committee, I know that I had remarked on it, that the last time the Coroners' Ordinance was to be amended was on section 3, which of course allows the sitting of women on coroners' juries, and I got into a lot of trouble that time and I'm going to get into a lot of trouble again, by voting against the Ordinance because I would like to keep the exclusion of members, of women from coroners' juries, as I said the one that I was involved in was particularly tragic, I knew the person involved, it was a young 14 year old boy who had become

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inebriated and was run over by a fully loaded United Keno Hill transport truck. And I tell you it was nothing left, I mean there was nothing left and, you have to get right down according to the coroner, and examine it and I was sick several times watching it. There was just nothing left of the person I had known prior. I don't want my wife and I don't want my daughter and I don't want anybody that doesn't have to go through that experience to go through it and I know I have discussed this with many women and most of them agreed with me, and in fact I would like to be excluded from coroners' jury if that could possibly be, but I know that I have to do my duties as a male citizen. I don't think it is necessary, we have enough male population that can do this necessary and very messy business and there was only a very few militant women that I talked to that agreed with the policy of putting female members on it if they could get away with it. I'm going to be in trouble once again with the liberationists, but it's my feeling personally and emotionally that if we can exclude, let's say our wives and our girlfriends or our daughters from having to serve on this jury, then I would move the exclusion of section 3 of this Ordinance.

Mr. Chamberlist: Mr. Chairman, I know that some people have personal feelings in this area and perhaps they're well-founded, but some of our wives nevertheless, feel notwithstanding, that the responsibilities are distasteful, they still feel that they have a responsibility to adopt as well. Again I would say this that I would not want it to be said that any discrimination had taken place. At a latter date we might be accused of discrimination and we are trying to clean up those areas where there will be no discrimination in any areas, men or women.

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I feel that I must speak for this, I'm not a militant woman, but I still feel that women can take their place and serve on the coroners' jury if they are requested to and so desire. In many instances in smaller communities, it is very difficult to get enough people who are willing to serve on one of these juries and I know that some of the women would be quite willing and prepared to assume this duty. It has been proven time after time that in situations of great stress or situations where there is something that a man might be quite chicken about, a women seems to come through and it doesn't seem to bother her too much at all. The fact that this is in here does not force women to serve on coroners' juries, but it gives them the opportunity to and I think we would be wrong and we would be discriminating on this piece of legislation by not giving them the opportunity to serve on coroners' juries.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 32 be passed out of Committee without amendments.

Mr. Chamberlist: Explanatory note for the record. The purpose of this Ordinance is to make provisions in Local Improvement Districts parallel to those already provided in respective municipalities; to enable local residents to object to any proposal to establish a Local Improvement District. Opportunity is taken to remedy a few small semantic areas which came to attention during the review of the Ordinance. Where the Commissioner proposes the establishment of a District, any ten adult residents may appear against it in which case an inquiry will be held.

Mr. Chairman: (Reads section 1). Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, as the Ordinance is written it was the "taxpayer" that would have the authority of dealing with setting up a District and we can transfer it now to voters or people who would be voters if a District is established rather than . . .

Mr. Chairman: (Reads section 2.)

Mr. Stutter: Mr. Chairman, I wonder if I might ask the Legal Adviser I found a little trouble with 2. 3(1) where the Commissioner received a petition. There is absolutely no mention as to what type of petition. Just a very vague reference to a petition.

Mr. Legal Adviser: In prescribed form.

Mr. Chamberlist: In prescribed form.

Mr. Stutter: In prescribed form, but prescribed form . . . Oh, I see.

Mr. Chairman: Where is the form?

Mr. Chamberlist: In the regulation . . .

Mrs. Watson: Mr. Chairman, I think maybe I could bring some light to this. Looking at the old Local Improvement District Ordinance it doesn't define very clearly the procedures the community should go through in their desires to form a Local Improvement District. And in order to clarify for them, the amendments were made within the legislation. Now this has come to light at the present time. There are several communities within the Territory considering becoming Local Improvement Districts. And the question has been asked, "What do we do if we . . . How do we ask to become a Local Improvement District? What is the procedure that we go through? What insurance have we that a Local Improvement District will not be forced upon us?" And it is for this reason that the amendments were made to the Ordinance, and the procedure is defined in section 3 where we have your petition to the Commissioner signed by ten voters, and then the posting of the notices and then the possibility of ten voters opposing the formation of a district. And then a hearing to be held. This should clarify for the residents of any community who are interested in forming such a district.

Mr. Chairman: I have a question from the Chair, of Mr. Legal Adviser: where the Commissioner appoints a person to conduct a hearing in the proposed district and makes a report, I was finding some recommendations; Who does this person refer to? Is this an impartial person, or is this the Inspector of Municipalities, or just who is it?

Mr. Legal Adviser: I would expect it to be an impartial person. The Committee has got to sit down and listen to what is said and make a report and a recommendation. The main thrust of the change, Mr. Chairman, sets up a procedure but it also takes away one step down the institution of a Local Improvement District. It means that the Commissioner

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in the old Ordinance could, whenever he was satisfied with legislation, he could establish a District and then it was established subject to the fact that the taxpayers could appeal. The appeal went to the Commissioner. Here, we moved it down one step and the public must first of all ask the Commissioner in order for the Commissioner to have any jurisdiction in the matter.

Mr. Chairman: I have one further question. It goes on to section 4 of the original Bill whereby the Commissioner must, in ordering a Local Improvement District, must specify the name and boundaries, the date and location of the first meeting and all this sort of thing, names of the first three trustees appointed by the Commissioner, and the terms of office of the first appointed trustee. In these original notices, I am possibly confusing two notices here, in his notice to establish a district should he not be required to point out the appeal process and the period by which appeal will be accepted, in the public notice. In other words, the notice not defining this, people not having this particular piece of legislation necessarily, would not know that they did have a right to appeal.

Mr. Legal Adviser: It would be a normal thing to publish in a notice that any person wishing to appeal may appeal in the following manner by making application to the Commissioner.

Mr. Chairman: By a certain date.

Mr. Legal Adviser: This is normal policy. If we were drafting a notice we would automatically put that in the notice bringing attention to the people of what their rights were. First of all, why this is being established, how it is being established, what it is composed of, and then the remedies that lay in anyones hands to block it. It should be laid down in those terms.

Mr. Tanner: Mr. Chairman, I have got one hangup on this, as far as the Yukon Gazette, we have been through all this before if you recall in the last session. I felt at that time, and I think other members did too, that publication in one issue of the Yukon Gazette is not sufficient because it can be missed, the papers could even not be delivered to a certain area of that one issue. People interested might miss that one issue. I felt then and I feel now they should be published at least twice in two separate editions.

Mrs. Watson: Mr. Chairman, we considered this very seriously and we felt that in some instances people do not get any newspaper in these communities and we put the important notices in four conspicuous places within the community within the proposed district. You could have it published four times, and if people do not get the newspaper there is no value to it. We have to make sure that the notice is given within the community itself by posting the public notices.

Mr. Tanner: Mr. Chairman, I don't disagree with the Honourable Member about having it posted within the district. In fact, I agree it is a very good idea, but I still think it is possible that people can miss the newspaper Yukon Gazette issue. I don't see really why the Administration has any objections to making two. It is merely delaying it by a further week. Once the process is styled, are you under the gun to get it all tidied up within a certain number of weeks; if not, why not make it two?

Mr. Chairman: Anything further on section 2?

Mr. McKinnon: On section 2, Mr. Chairman, perhaps here is a point to raise. It says, "Any ten persons who would be voters in the proposed District may within three weeks from the date, appeal in writing the prescribed form to the Commissioner", further on in the Ordinance where we haven't gotten to yet, in section 19, "If a petition is signed by a majority of the persons in a District eligible to vote at an election . . . the Commissioner may, by Order published in the Yukon Gazette, dissolve that District". Now why isn't a section included under

section 2 where upon receipt of a petition signed by a majority of the persons who would be voters in the proposed District, the Commissioner shall withdraw his notice of intention to establish a District. Certainly, if more than ten, a majority, of those people within a District who would be voters at the formation of a District, put their names on a petition saying they don't want anything to do with a Local Improvement District, then the Commissioner should be duty-bound to withdraw his notice of intention to establish a Local Improvement District. Why should it wait until after the District is formed that a majority of the petitioners then can petition the Commissioner to dissolve the District. BILL #33

Mr. Chamberlist: It doesn't give a notice then.

Mr. McKinnon: It doesn't say that he doesn't have to.

Mr. Chamberlist: No, the notice comes afterwards. I mean this is what this is doing. This is the crux of it. This takes away from . . . The Honourable Members will note that in the original section . . . 3(1) reads that "whenever the Commissioner is satisfied that conditions in the area of the Territory" . . . you know, when he is satisfied. He doesn't have to get ten people to tell him whether or not he is satisfied. This is the opportunity to allow the people to make up their minds first.

Mr. McKinnon: But, Mr. Chairman, if any ten persons who would be voters in the proposed District may within three weeks from the date of the notice referred to in paragraph (2)(b) which is the notice of the intention to establish the District, they can appeal in writing in the prescribed form to the Commissioner against the establishment of the District; so, the Commissioner shall, within two weeks of the receipt of the appeal mentioned in subsection (3), appoint a person to conduct a hearing in the proposed District and make a report of his findings and recommendations. So, the person, who could be anybody, comes back with a report to the Commissioner and says there are just ten disturbers within the Community, the real feeling of the Community is that you should go ahead and establish the District as per your notice. So, the Commissioner has taken the advice of what he considers to be a responsible officer, goes ahead and says, "Okay, we'll establish the District." But, the guy has completely misread the feeling of the people or for some purposes just isn't telling the Commissioner the gospel truth, and the majority of the people really are against it; so, the Commissioner goes ahead and does establish his District, then the only recourse that the people have is to sign a majority petition asking him to dissolve the District. Why go through this procedure? Why not in the formation process have a section in it that if a majority upon the notice of intention being signed by the Commissioner, the majority of the people would then of the proposed District say, "No way, we don't want it; we have looked it over and we don't want it; we have signed a petition; a majority of us saying that we are against it," then the Commissioner should. I mean what could be better advice than the majority of the people within the proposed District coming up and saying, "We don't want the District and we ask you to withdraw your notice of intention to form a District here. To me, it is totally democratic and a clause that should be in the Ordinance.

Mr. Commissioner: Mr. Chairman, on the surface, I don't entirely disagree with what the Honourable Member has to say, but I would bring to the attention of the Member that I think that just the same as the people who are possibly against the formation of this District have got to have their day, so the people who want the formation of the District have got to have theirs as well. And that is the intent of the Ordinance.

Mr. McKinnon: We are talking majorities. We are not talking vested groups who want or may not. We are talking about a majority of the population in the District saying that they don't want it. We are not talking about an exclusive group of people.

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Mr. Commissioner: Mr. Chairman, please, I don't want to be misunderstood. There is very great danger in using petitions as petitions in a situation of this nature. And, this is why we feel that there was potential difficulty in the first petition, and we are putting safeguards in it. And, that is why, that as a consequence of the first petition, the safeguards occur and that if indeed then the third step has to be taken, the third step is available to me. I think that the effect that the Honourable Member is after is actually attained in the Ordinance by a series of properly defined steps.

Mrs. Watson: Mr. Chairman, I believe this is in effect what is done and when you do have a hearing at one of these Districts, and you have a large sector of the District who are either opposed or for the formation of the Local Improvement District, they usually hold a plebiscite or have a petition of their own which they bring to the hearing and say, "Now look, so many of the voters in this potential District are opposed to the formation of the District, and this should be enough proof that we do not want the formation of a Local Improvement District." This could all be part of the hearing, Mr. Chairman.

Mr. McKinnon: The company's forced to act on it. Nobody, it doesn't matter. You can have all these public meetings; you can have the petitions, as well we know; you can have all these trappings of democracy, but in the final analysis the Commissioner can still say, "I ignore this and I am going to declare this as a Local Improvement District." Then the public has to go to their other recourse on the side the majority has taken. But, certainly, why go to all the trouble of forming a District if, by simple petition at the beginning of the formative process of the District, it is proved to the Commissioner that the majority of the people do not want it. I mean, that is what you call democracy, and then the Commissioner withdraws his Order. It is as simple as that.

Mrs. Watson: Mr. Chairman, actually we are leaving it up the initiative of the local people and actually this is democracy to have the local people have to determine whether they want a form of local government and if they are in fact opposed to a formal local government it is at the hearing that they should be showing their opposition as strongly as they possibly can and what better method do they have of having a petition and I know of one instance where this was the initiative that the local people took. Their Councillor advised them against forming a Local Improvement District. And they felt strongly enough that they should have one and they conducted their own little plebiscite. And they used this as substantiation for their request to the Commissioner that he establish a District and you must leave something up to the initiative of the local people.

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Mr. Chamberlist: Another inherent danger, I think, Mr. Chairman, must be recognized, in the small districts, I'm thinking terms of being a Local Improvement District, there might be two major employers, employing the majority of the people in the specific areas. We allow to happen what the Honourable Member suggests, these two employers can influence those people to such an extent that the control of the Local Improvement District remains in the hands of two employers. What we have tried to do in this, and I think we are succeeding in doing it, is taking away from the Commissioner that prerogative that he had before to enforce upon a Local Improvement District before the people themselves have had an opportunity of coming forward before the Commissioner and saying, yes we do or no we don't. And I think that this is the key thing and this is what we are trying to do. I would suggest that, Mr. Chairman, this section is a well worth section and a great improvement on what we already have.

Mr. McKinnon: I don't deny it is a great improvement, I just say we can make a greater improvement. It seems to me that we are talking about the inherent danger of the majority of the people. We go through all the course of ranting and raving about letting the people rule and letting the majority rule, and you know, we all want democratic institutions. So here we are in an area where we can allow by simple petition, the majority of the people in a proposed District to say we don't want a Local Improvement District. Now that has got to be their prerogative. A group could be scared of the democratic procedure of the majority of the people saying this is the kind of government that we want, we don't want the other kind. Why people are scared of this type of amendment to this type of legislation just, I don't understand, and I would propose Mr. Chairman, that an amendment be made to the Local Improvement District Ordinance and that a new subsection (5) of section 4 be added which reads "Upon receipt of a petition signed by a majority of the people who would be voters in the proposed district, the Commissioner shall withdraw his notice of intention to establish the district."

Mrs. Watson: Mr. Chairman, you don't give the people an opportunity to have a hearing then, and certainly having a hearing is a democratic process. They are ordered even to consider having a Local Improvement District, you have to have at least ten people ask for it, so you must give these people an opportunity to have their day in court too. And if the other people who are opposed to it, at the hearing they can bring in their petition.

Mr. Chamberlist: Could we go onto the next section Mr. Chairman?

Mr. Chairman: Anything further on section 2? (Reads section 5)
I believe this changes the word "taxpayer" to "voter".

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Mr. Legal Adviser: Yes, we have taken out "taxpayer" and it is now "voter".

Mr. Chairman: (Reads section 4)

Mr. Stutter: Mr. Chairman, I wonder if I might ask the Legal Adviser where I find paragraph 6(5)(c) and (6)(c)? I can't find it in any of the Ordinance right back to the 1965 original Ordinance.

Mrs. Watson: Mr. Chairman, it is in the amendments that we made in 1972. It's an amended portion.

Mr. Stutter: It goes to 6(5)(b), Mr. Legal Adviser, but it doesn't go beyond.

Mr. Legal Adviser: Mr. Chairman, there was an amendment in February of 1972 which gave paragraph (a)(b) and (c), it was Bill No. 15.

Mr. Chairman: Oh yes, I see it now. That is section 2 of that particular Bill.

Mr. Chamberlist: You see you have to add this amendment to the original Bill, you see, this amendment here to the original Bill.

Mr. Chairman: (Reads section 5)

Mr. Legal Adviser: Mr. Chairman, this is to take out the complusion to have the annual general meeting in that particular week. There have been occasions in the past through some error, however, a notice wasn't sent out in time and the meeting was in serious difficulty from the legal point of view. So it is far better to allow a little bit of flexibility in the date.

Mr. Chairman: Where does that amendment come into section 9(1)?

Mrs. Watson: Subsection 9(1).

Mr. Legal Adviser: It's subsection 9(1) and it says, the original reads, "An annual general meeting in each district shall be held during the first week in April in each year." That's what it presently reads.

Mr. Chairman: Oh, I see that appears 8(1) in my original Bill. I find it difficult with all these amendments to find things.

Mr. Legal Adviser: Some of these numbers bear reference to changes in numbering reflected as a result of the consolidation which is in progress. I'm reading from the consolidation, the final edition hasn't been circulated yet. It will appear in the Ordinance as section 9 subsection (1).

Mrs. Watson: At the present time we are dealing with section 8(1), are we, in the original Ordinance?

Mr. Legal Adviser: Yes, yes.

Mr. Chairman: Clear on section 5? This in effect just allows the Board of Trustee to call the annual general meeting at any time they wish during the year?

Mr. Legal Adviser: That is the effect that it is supposed to do, but other precedents are doing it in their financial year. It would be dealing with the inspection of districts and so forth. For the budget purposes, we will be required to hold an annual meeting to pass budgets and so on. But the actual block of a particular week, if a notice wasn't sent out in time it would be doubtless as to what would happen and we would worry about these things. And there is a terrible cause up and down of what we do

Mr. Legal Adviser continues.
next.

BILL #33

Mr. Chairman: Might I again from the Chair refer to what Mr. Legal Adviser has just said. I infer that each Local Improvement District is now going to construct their own budget.

Mr. Legal Adviser: Don't infer that from what I've said. Every Board of Trustee has to have an idea of what they're spending and where the money is coming from.

Mrs. Watson: Mr. Chairman, are they not now able to prepare their own budget.

Mr. Commissioner: Not necessarily.

Mrs. Watson: Well to a certain degree they are. They have certain guidelines.

Mr. Commissioner: They put together their budget requests, Mr. Chairman, but they can only be met to the extent that the Territory has funds available to give them.

Mr. Chairman: Anything further on 5? (Reads section 6)

Mr. Legal Adviser: It should be 8(1). In your edition it would be 8(3)(b), but it is because of the renumbering that it is now numbered 9(3)(b); it's old 8(3)(b).

Mr. Chairman: Why do you take out the requirement to advertise in three issues of the newspaper of the time and place of the annual general meeting?

Mr. Legal Adviser: Because in some places, Mr. Chairman, the newspapers with their notice never get there in time for the meeting. It is quite a heavy expense to get these notices in and out and blocks up the holding of the meeting, whereas for the calling of the meeting the real requirement is that the local people are fully informed of the time, date and place, not the whole of the Territory.

Mr. Chairman: I would think that it could be of interest to anyone in a Local Improvement District who is away from his community, if he was in Dawson to look at a newspaper and find that an annual general meeting was going to take place, let us say in the L.I.D. of Watson Lake. I don't think that it is too great of a compulsion to ask that a L.I.D. advertise in a newspaper.

Mrs. Watson: Mr. Chairman, you are forcing an expenditure that isn't necessary, and it is quite a considerable expenditure.

Mr. Chairman: Well, I don't agree. I would say from the Chair, if you are going to take away the compulsion to hold an annual general meeting on a given select date which we have done, then I think that we should advertise in the newspapers the time and place of that meeting because it is now an unknown. I'm wondering, Mr. Legal Adviser, would that not be fair?

Mr. Legal Adviser: To publish it?

Mr. Chairman: Again from the Chair, I stated that in section, now new section 9, we have taken away the compulsion to hold an annual general meeting on the first week in April, which is a fixed time, annually, and left it opened to the L.I.D.'s to decide when they, any time during the year, they wish to have a meeting. Why then, should we not retain the provision that they must advertise in three issues of a newspaper as we have had before? Why should we repeal that?

BILL #33

Mr. Legal Adviser: Perhaps. The only necessity is to tell the people within the District, not to call people far and wide. And it is a very heavy expense, it occupies a time block by saying that it must be published not more than three weeks and not less than two weeks before the time set for the meeting, and you might occupy three weeks in calling a meeting when in a very small District, a Local Improvement District, ten days is too, is quite sufficient to give people full notice of the meeting.

Mr. Chamberlist: And you might only have twelve newspapers going to an L.I.D. District, so the cost of twelve newspapers circulating is an enormous amount of money. This is why we thought it far better to have hung up in public places, the notice is right there, where the people will notice it mostly. You know in a grocery store, people go out and buy groceries, and it's there, you know, or in a post office, people go to a post office.

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

Councillor Stutter takes the Chair.

Mr. Chairman: Councillor Taylor?

Mr. Taylor: Mr. Chairman, I can't agree. I think, that if we have taken out the complusion to hold an annual general meeting on a given time, everybody knows when that time is, anybody in the L.I.D. that have been functioning for any length of time, they know that we must have a meeting in April. Now we have taken away that complusion, so now we do not know what time of the year the Board of Directors may call an annual general meeting. What I am saying here, I think it is incumbent upon us to ensure in legislation that the date and the time of that meeting and the place of that meeting should be as widely advertised as possible, throughout the Territory as well as throughout the District. Now we have stated that by not accepting section 6, the deletion of (b), we state that all they have to do is post a notice in conspicuous places in the District and as far as I am concerned this is not sufficient. I feel that section (b) that states "by advertising in three issues of the newspaper circulating in the District beginning with an issue published not more than three weeks and not less than two weeks before the time set for the meeting." I think is good and it should be retained. Because as I say, it may be that a person who is a voter say in Watson Lake, may be working in Teslin, there are many people that are employed seasonally in Teslin and various points in and around Yukon, who are not necessarily at home and by being able to pick up a newspaper or knowing that such an advertisement could appear in a newspaper, he may be alerted to the fact that maybe he might go home, for a weekend to attend that meeting, but otherwise it is very unlikely unless he has a family at home, that he would know of that meeting, so I would recommend and ask that Committee give some consideration to the retention of some media of section 8 now and section 9.

Mr. Chamberlist: Would the Honourable Member, Mr. Chairman, be satisfied to accommodate the words that we have used in subsection, in the amendment in 2, by using the words "by publication in at least one issue of the Yukon Gazette"? And I think that this would be a fair compromise. So we would be using exactly the same wording there.

Mr. Taylor: I don't believe that these people in the Local Improvement Districts are publishing in the Gazette. I believe that is a problem of the Government, is it not?

Mr. Chamberlist: But we publish it in the newspaper, when it is in the newspaper it is the Yukon Gazette. It is published under that heading.

Mr. Taylor: Do I take it then, Mr. Chairman, that the L.I.D.'s or anybody can publish anything in the Yukon Gazette, other than government?

Mr. Chamberlist: You must have authority to do it.

Mr. Tanner: Mr. Chairman, I would suggest that something in between these two positions, in that you don't specify the Yukon Gazette, you just specify once in a local newspaper would be sufficient. I have seen these ads myself, I saw one recently for Haines Junction and I'm quite sure people who were in Whitehorse at that time, who lived in Haines Junction had the right to go or would be interested in that meeting would be, should be notified of the fact of that meeting. And I think that the Honourable Member from Watson Lake is correct in what he says, I think that it should be published, but I don't think you have to be quite so explicit as you have in the old Ordinance.

Mrs. Watson: Mr. Chairman, you don't a Local Improvement District, however, I would like to point out something to the Legal Adviser. The annual general meeting 8 sub(2), contradicts 9(2). I wonder if you would read it? The Board of Trustees shall fix the time and place of each annual general meeting subsequent to the first meeting and then 9(2) states that the Board of Trustees shall hold its first meeting each fiscal year, not later than 30 days after the day of the annual general meeting. In one you have the annual general meeting ahead of the first meeting, and in the other you have it after.

Mr. Legal Adviser: You see I'm at a difficulty, my numbers are different.

Mr. Taylor: Mr. Chairman, I'd be agreeable to any solution that possibly has been suggested here in this discussion, which would make it necessary for a Local Improvement District to advertise their meetings in one issue, or at least one issue, shall we say in allowing me to advertise as freely and openly and possible. And I would be quite agreeable to any suggestion that would do this At this time I'll resume the Chair.

Councillor Taylor resumes the Chair.

Mr. Rivett: Mr. Chairman what's the point of all this advertising, you have the annual general meeting and you have ten people, or you have another special meeting and you have two people. It is kind of ridiculous.

BILL #33

Mr. Rivett: Mr. Chairman, it is advertised in the bars.

. . . .

Mr. Chairman: Mr. Legal Adviser, can you . . .

Mr. Legal Adviser: I can see nothing odd about 8(2) as opposed to 9(2). One is talking about the Annual General Meeting, and the other is talking about the meeting of the Board of Trustees allowance. Here is the relationship: the first one says, "The Board of Trustees fixes the time and place of the annual general meeting." Each annual general meeting due, is to be fixed by the Board of Trustees. Subsection 2 accounts for the Board of Trustees only shall hold its first meeting not later than thirty days after the day of the annual general meeting.

Mrs. Watson: But your annual general meeting must be before your first meeting if you will notice. This is the contradiction. Mr. Chairman, I will review this with the Legal Adviser.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Legal Adviser would note that the request has been made with reference to advertising it just once in the Yukon Gazette.

Mrs. Watson: Mr. Chairman, I am still opposed to it. I think this is just an absolute waste of money, that advertising is a local form of government; that advertising should be done within the community that is involved with this type of thing; and if people are residing in other areas of the Yukon Territory then they probably don't have any right to be involved in that local form of government. And, I just think that we are inflicting an unnecessary requirement on Local Improvement District and also an unnecessary expenditure which is considerable.

Mr. Tanner: Mr. Chairman, how about if we read the rest of the bill and we leave that section for review?

Mr. Chairman: Section 7. Subsection 19(1) of the said Ordinance is repealed and the following substituted therefor:

Mr. Stutter: Mr. Chairman, I have another question here. I wonder if the Legal Adviser can tell us if this is a different set of numbering. Again, I can't find 19(1).

Mr. Legal Adviser: It is the last section of the original.

Mr. Stutter: But the original only goes to 18.

Mr. Legal Adviser: Yes, but then its section 18. It has been renumbered. The whole Ordinance once the change has been made has been renumbered. And we have got to respect the up-to-date numbers for printing purposes for the new consolidation. The new consolidation, Mr. Chairman, is already in force although the members have not got copies.

Mr. Stutter: My next question, Mr. Chairman, is I wonder if it is possible to get copies of this. How are we expected to refer directly to it unless we have to change our numbers and go back Ordinance with the papers we have at hand.

Mr. Legal Adviser: Within a short time. The whole edition will be passed out. We haven't got the copies.

Mr. Chairman: I wonder if over the period of lunchtime we could have some copies made available for the members of the up-dated amendments. I believe the Honourable Member has asked for a copy of the old original bill or something he can relate the new bill to.

Mr. Stutter: I do have the bill, Mr. Chairman. It is just that the difficulty with the numbering of it is that if this type of numbering is going to be used in the bills, I don't think it does actually come up in the last bill that we had before, but if that number could be changed to relate to the amendment that we have at hand . . . BILL #33

Mr. Chamberlist: I think what the Honourable Member is asking is where we see here 19(1). I think Mr. Legal Adviser should stand up right away and say, "This refers to 18(1) in the last bill. Then we know what is going on. I think that is easily done.

Mr. Legal Adviser: It only happens in this bill. If the Honourable Member would change the word 18 on his copy of the old bill - or the old ordinance - to 19.

Mr. Chairman: (Reads section 7. 19(1))

Mr. Legal Adviser: Mr. Chairman, the only purpose of making a change here was because in reviewing the Ordinance it didn't appear proper that a petition could be signed by the Inspector of Local Improvement Districts, that in correct language it reflected a report by the Inspector. But no other change.

Mr. Chairman: I still feel from the Chair that the Commissioner has to show cause before he dissolves the District.

Mr. Legal Adviser: It is no different really, Mr. Chairman.

Mr. Chairman: (Reads section 8)

Mr. Legal Adviser: Mr. Chairman, it is noted again in the review that the regulation making powers that the Commissioner has, appears to be limited only to making rules and regulations when the District was wound up but cases do occur from time to time where Districts have formed rules for this, that or the other and it is just a change in the central regulations. . .

Mr. Chairman: (Reads section 9) I believe the matter is under review; so, possibly we will stand this aside for the moment. In view of the time we will stand Committee in recess until two o'clock this afternoon.

RECESS

RECESS

BILL #34

Mr. Chairman: Well, it now being 2:00 p.m., I will call Committee back to order. I believe Bill No. 34 is under review or rather Bill No. 33 is under review, Bill No. 34 is the next Bill.
(Reads section 1).

Mr. Chamberlist: Mr. Chairman, for the record, I will read the Explanatory Note. (Reads Explanatory Note).

Mr. Stutter: Mr. Chairman, I find exception with the Explanatory Note. Could somebody explain to me why this Ordinance must now be repealed. Didn't they repeal the old Municipal Ordinance before the new one came into effect?

Mr. Chamberlist: Mr. Chairman, when the new Ordinance that is in effect now, or rather the new Ordinance that has been passed, cannot be brought into force until the old one is repealed. We can't have two Lands Ordinances in force at the same, so you have to have provision for repealing one Ordinance and then the Commissioner can call the next Ordinance into force.

Mr. Stutter: Then, Mr. Chairman, may I ask where there is such a repealing order regarding the Municipal Ordinance that was passed at the earlier Session of this year?

Mr. Chamberlist: It was in the original Bill. Mr. Chairman, normally there would be a repeal section in an Ordinance, and when the new Lands Ordinance was dealt with in Council, there was no repeal section in there. Really, what we're doing now is we're providing the repeal section. All other Ordinances that replace another Ordinance, always have a repeal section in them.

Mr. Chairman: I believe that 175(1), of one of the original drafts of the Municipal Ordinance, provided that the Municipal Ordinance and the Village of Faro Ordinance would be repealed.

Mr. Tanner: Mr. Chairman, the note to the repeal of this Lands' Ordinance; during the discussion of the Lands' Ordinance in the last Session of Council, there was a commitment made on the part of the Administration to bring down the Regulations under the Lands' Ordinance, and I would ask any member of the Administration as to when Council can see a draft copy of the Regulations of the Lands' Ordinance because I believe it's vital to the interests of many, many people in the Yukon.

Mr. Legal Adviser: Mr. Chairman, they're almost ready now. They may be in the course of typing but they're almost ready. This Ordinance is not expected to come into force until a day to be fixed so the new Lands' Ordinance would not come into force until the Regulations are in effect, prepared and circulated.

Mr. Chamberlist: Mr. Chairman, may I reiterate the promise that has been given the Members of Council that the Land Regulations prior to they're being brought into force, will have the perusal of Council.

Mr. Tanner: Mr. Chairman, could I ask Members of the Executive, or maybe the Legal Adviser, whether they will be typed and presented to Council for consideration, at this Session?

Mr. Legal Adviser: Mr. Chairman, as long as going to last.

Mr. Stutter: Is there some possibility, Mr. Chairman, that they could be ready and presented at this Session, assuming that the Session goes for two more days.

Mr. Legal Adviser: Mr. Chairman, I just haven't got an answer to that.

BILL # 34

Mr. Stutter: Well, then Mr. Chairman, again I would like to ask why we're considering this particular Ordinance at this time, if the new Ordinance is not going to be brought into effect until we're had a chance to look through the new Regulations?

Mr. Chamberlist: Mr. Chairman, the Regulations have no bearing on the Ordinance, because it is not going to be....we're not repealing, we just have the power to repeal as we're had in every other Ordinance before. There was just an omission in a section. There's nothing in-depth or secretive about this matter at all, Mr. Chairman. It's a simple procedure that is always done in all Ordinances; that a section for repealing is there. The point that is being asked for now in this instance, that the Ordinance, the Lands' Ordinance, being the specific chapter, be repealed, and it's not brought into force until the Land Regulations and everything that goes along with it, are ready. We're in Council now and this is why it's brought forward. If you don't want, okay, say you don't want it. That means that you're just extending the time for when the Regulations come down. Mr. Chairman, I can assure you that the Executive Committee of the Government has no objection if you don't want to deal with this at all until the Spring Session. Does that help the Honourable Member?

Mr. Stutter: Mr. Chairman, I was just merely basing my remarks on what the Honourable Member just said himself, and that was that the Ordinance itself would not be brought into effect until Council has had a chance to peruse it. I'm just merely going on what you've said.

Mr. Chamberlist: Mr. Chairman, surely the Honourable Member must understand...well perhaps he doesn't understand, which is all I can say, but there is normally a repeal section in legislation. Mr. Chairman has already helped the Honourable Member out by pointing out in other legislation, where there is a repeal section. This is all that we're asking for....we can't go beyond that, but if the Honourable Members don't want to have anything to do with it, we're prepared to leave it alone. I'm just saying that this is the usual routine, nothing sinister about it.

Mr. Chairman: (Reads section 2). Just from the Chair, I did have a question in respect of all three of these Bills. Is there any urgency with any one of them?

Mrs. Watson: Mr. Chairman, I believe there is with the Local Improvement District, as I stated that I think there are three communities at the present time, interested in becoming Local Improvement Districts, and they're not clear on the procedure that should be followed in order to become a Local Improvement District. I think it would really be of benefit to these people in these communities, if we passed this piece of legislation at this Session.

Mr. Chamberlist: Also, further, Mr. Chairman, these are very small Ordinances. All other legislation is being worked on as Mr. Commissioner has indicated in his Opening Address and because they are not of a narrative nature, will all be forthcoming at a very very heavy Session in the Spring.

Mr. Chairman: I'm just trying to determine the need for this Session.

BILL #34

Mr. Chamberlist: I believe the Honourable Member has asked that, Mr. Chairman, because I might advise Honourable Members that it was at both Councillor Watson's and my own insistence that there be a Territorial Council, so that Members could have the opportunity to question the Government and also bring forward their various motions, and that, that opportunity be given at this Council; that a promise was made that the Education Report would be tabled, and hence the reason for this Council. It is quite true to say that except for the L.I.D. Ordinance, there would be no pressing need for any legislation. When the Honourable Member has quite properly asked whether there was a need for this Council, I'm sure the Honourable Member would appreciate the fact that an opportunity has been given to all Members of Council in that the Government can be questioned.

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

Mr. Stutter takes the Chair.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I would just like to say that I threw that question out at this time, because I personally, didn't see in any three of these Bills here today, including the L.I.D. Bill, assuming that we would get on with the Spring Session sometime in January, I still at this time, do not see the reason for this Session. I was hopeful that we could have a Fall Session where we could have something constructive to do. Presenting stuff like this just doesn't make any sense to me at all and that's why I asked the question. I still, as I say, cannot see any reason for this Session, other than holding this stuff until after Christmas.

Mr. Chamberlist: Well, in view of what Mr. Taylor has said, I'm sure the House will accept a call for Mr. Speaker to take the Chair and now that the Education Committee Report has been dealt with, if you wish to wind up the Session, the Government has no objection. We simply brought this forward for the benefit of Members of the Territorial Council.

Mr. Chairman: Speaking from the Chair, I don't think that the Member from Watson Lake represents the House anymore than the Member from Whitehorse East does.

Mr. Chamberlist: I don't think that with respect to Mr. Chairman, that that particular statement is too applicable because the question has been asked whether there was any reason to question his answer. I feel, and I am sure that the Honourable Member from Watson Lake would have been the first amongst the first anyway, to be very critical if an opportunity had not been given to the Honourable Members to have a Council so that questions can be asked of the government. And this is all that has been given.

Mr. Taylor: Mr. Chairman, just in closing my remarks I can only say that I hope that there is something more forthcoming out of this session. Because otherwise it has been an absolute waste of taxpayers' dollars at this time to come down here to do nothing sort of a thing. We have little time to research our own problems of our own Districts and make our presentations. We have been here one day; these bills we never even saw until, or I never saw mine until last Saturday. It is just beyond me; so, I can only assume that possibly tomorrow the government will be bringing in something else for us to do.

Mrs. Watson: Mr. Chairman, are you implying that the report of the Committee on Education is not an important Document that should be tabled in this House?

Mr. Taylor: Well, it appears that it must be an important document. I just got mine this morning. I haven't had time to even look at it yet. But I can only assume it must be. It couldn't wait until January to be tabled.

Mr. McKinnon: Mr. Chairman, I think that it was so kind of the Honourable Member from Whitehorse East to have allowed us the privilege of coming here and tell us what we think of his government. That because they made a slight error, one of the few ones they ever make and omitted the repeal section from the last Ordinance, I would be more than happy to move this bill No. 34, An Ordinance to Repeal the Lands Ordinance, out of committee without amendment.

BILL #34

Mr. Taylor resumes the Chair.

Mr. Chairman: This is an Ordinance to Repeal the Lands Ordinance Commissioner of the Yukon Territory by and with the advice and consent of the Council of the Yukon Territory enacts it as follows:

Mr. Chamberlist: It has been moved by Councillor McKinnon, and I would deem it an honor to second the motion.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist that Bill No. 34, An Ordinance to Repeal the Lands Ordinance, be reported out of Committee without amendment. Are you prepared for the question? Are you agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: This seems to have concluded all the work we have before us in Committee at this time, what is your further pleasure?

Mr. Stutter: Mr. Chairman, I wonder if I could just ask the Legal Adviser a simple question. He pointed out that we need such legislation as we are about to pass in Bill No. 34, I wonder if similar legislation couldn't be brought forward to repeal chapter 68 of the 1902 Ordinance, which is still on the books, especially in regard to the boundaries of the City of Dawson. Tomorrow in my motion, I hope to point out what the boundaries should presently be.

Mr. Legal Adviser: Mr. Chairman, I can understand what the Member has ...as there appears to be some uncertainty about the Ordinance that governs the boundaries of the City of Dawson, but there's no uncertainty in my mind because the City of Dawson boundaries are set out in the Municipal Ordinance, besides a number of places in addition, and when it comes to deciding on a map exactly what Ladue Edition and the government edition and so on are, there is some difficulty even in the Land Titles ...but it would be a big job to have a survey taken to establish once and for all exactly what the boundaries are. There is a difficulty in respect of some property running along by the banks of the Yukon River as to whether the property on the side nearest the river is in fact, part of the City of Dawson.

Mr. Chairman: Any further questions?

Mr. Chamberlist: Mr. Chairman, perhaps before Mr. Speaker returns to the Chair, I wonder if Mr. Commissioner has any comments to make. Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Is there a seconder?

Mr. Stutter: I'll second that.

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

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker takes the Chair.

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

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 10:45 a.m. to discuss Public Bills. It was moved by Councillor Chamberlist seconded by Councillor Tanner that Bill No. 32 be reported out of Committee without amendment. Motion carried. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor McKinnon, seconded by Councillor Chamberlist that this Bill No. 34 be reported out of Committee without amendments and motion carried. I can report progress on Bill No. 33. It was moved by Councillor Chamberlist and seconded by Councillor Stutter that Mr. Speaker do now resume the Chair and this motion carried.

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

Mr. Taylor: Mr. Speaker, in respect of the agenda, the Committee has now concluded all the work currently before it, with the exception of one Bill which is now under review, so I will not know what the agenda might contain for tomorrow.

Mr. Speaker: May I have your further pleasure?

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

Mr. Speaker: Is there a seconder?

Mr. Tanner: I'll second that motion.

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

*MOTION
CARRIED*

MOTION CARRIED

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

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

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, as was requested by Councillor Stutter yesterday, the contract between the Commissioner of the Yukon Territory and C.M.H.C. Health Services Society is tabled for Members' information.

Mr. Speaker: Are there any further correspondence and documents to be tabled? Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motions or Resolutions?

Mr. McKinnon: Mr. Speaker, I have a Notice of Motion seconded by Councillor Stutter, which reads, "whereas the report of the financial and related consequences for the City of Whitehorse, the City enlargement and the new Municipal Aid Ordinance has been prepared by the Erik Hardy Consulting Company; and whereas the report concludes after examination of the facts that from a dollars and cent viewpoint alone, expansion of the City boundaries to the metropolitan limit, was clearly not in the City of Whitehorse's interest, and whereas the Commissioner of the Yukon has acknowledged that only some problems will only come to light after events have been set in motion by decision, but that with good faith, those specific problems of implementation will prove insurmountable. Now be it resolved that it is the opinion of the Council that: (1) Territorial Government undertake to define in writing the precise division of responsibility, including special financial assistance to the City, with respect to all lands added to the City of Whitehorse by Commissioner's Order 1971/227; (2) That the Territorial Government take immediate effective action to resolve and overcome the escarpment problem; (3) Territorial Government provide the Federal Government with a clear understanding and full support of the intended limitations the City's responsibility in outside urban areas; (4) That in examining need for special financial assistance for the City of Whitehorse, the Territorial Government include consideration of the consequences of permitting much sub-standard housing to exist outside the old corporate limits; (5) That the Territorial Government give consideration to further special capital aid in conjunction with its examination of the proposed five year capital budget, prepared by the City of Whitehorse; (6) That the Territorial Government develop an improved form of unconditional grant that takes account of a total assessment as well as population and that includes a bouyancy factor that would provide a reasonable adjustment for urban growth year by year (7) That the Municipal Aid Ordinance be amended to include provisions with respect to conditional term grants for both selective municipal service stimulation and non-recurring capital aid; (8) That revising the unconditional grant formula Territorial Government provide for a substantially higher level of aid including a small proportion of conditional grant payments (9) That as an interim measure, municipalities in the Yukon be provided with an annual supplement to its present unconditional capita grant of at least \$20.00 per capita, (10) That the Territorial Government petition the Federal Government on behalf of the City of Whitehorse for full payment in lieu of taxes on N.C.P.C. property, and be it further resolved Mr. Speaker, that this resolution be discussed in Committee of the Whole at this Session of Council with Mr. Erik Hardy and representatives from municipalities from within the Yukon invited to be in

MOTION #9

Mr. McKinnon continues

attendance. Thank you, Mr. Speaker.

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

MOTION # 10 Mr. Taylor: Yes, Mr. Speaker I would like to give Notice of Motion this morning as follows: that in view of the repeated request of the Yukon Public Service Alliance for the creation of quote,"an Appeal Board separate from the Yukon Territorial Government" respecting hiring practices, and it is the opinion of Council that such a Board be established at the earliest possible moment.

MOTION #11 Mr. Stutter: Mr. Speaker, I have a Notice of Motion, seconded by Councillor Taylor that legislation be prepared to ban the sale of beer in non-returnable containers in the Yukon and further that the Territorial Government impose a charge to be refunded upon return of empty beer containers.

MOTION #1 Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers we come to Motion No. 1. It has been moved by Councillor Taylor, seconded by Councillor McKinnon that it is the opinion of this Twenty-Second Wholly Elected Council, that the Governor-in-Council be requested to dissolve this presently constituted Council of the Yukon Territory at the earliest possible moment, and that a new election be called pursuant to section 9 of the Yukon Act.

Mr. Chamberlist: Question.

Mr. Tanner: Question.

Mr. Speaker: Are you prepared to proceed with the Motion at this time.

Mr. Chamberlist: Question.

Mrs. Watson: Question.

Mr. Taylor: Yes, I wish to proceed with the Motion at this time, Mr. Speaker. This Motion is no stranger to these Chambers. I might say that possibly the Chambers are not under as much stress and strain as they were when we last discussed this Motion. And at that time people were in the halls, in the galleries, almost in open revolt. I can say that the question of dissolution still ranks high among the people of the Yukon. And though we do not have the display that we had on the last occasion, they are very concerned. They are concerned about the conduct of Government in the Territory. They are concerned about the conduct of the Members of this legislature whom they have sent to this Table to act in their behest. On the last occasion I raised the questions of the Charter on Human Rights, I pointed that in the eyes of of the United Nations we have civil and political rights, I won't restate those quotations. I pointed out in the eyes of the judiciaries, quote from Justice Sissons: "I know of no Government of the Yukon Territory distinct from the Commissioner or the Commissioner-in-Council and the Home Government of the Colonies, the Government of Canada" I pointed out that we indeed are not a legislature in the provincial sense, but indeed are subservient citizens to a foriegn landlord. I pointed out that in the eyes of the constitutional committees considering this question while considering the Constitution of Canada, they pointed out that indeed there were in the eyes of the constitutional committee at least no responsible Government in the Yukon Territory. And I also pointed out that in the Yukon, the Commissioner, appointed by the Governor-in-Council who is His Excellency the Governor General of Canada, and administers the Government of the Territory

Mr. Taylor continues

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on instructions that the Minister has given him time I also pointed out at that time, that there was indeed no basis for the Constitution of the Executive Committee. And I think it was the Commissioner of the Northwest Territories that, Mr. Speaker, a very short time ago, stated in the other place, that indeed the Council of the Northwest Territories were not Government of the Northwest Territories. The Commissioner, himself, was the Government. And I say to all Members today, that this is the case in the Yukon. And possibly when the Minister did create this so-called experiment that has caused so much dissent in the Territory and among the people. He did not maybe envision that we might wind up in such a sad state of affairs. The truth of the matter is that we as legislators were sent to this Table to legislate with the people, not necessarily for the Administration. This experiment has proved to be a dismal failure and I hope that I can find support from one or all of the flock that last opposed this Motion that in the creation of a new Council, that in their wisdom they will reject the formula of two elected Executive Members forming a portion of the Executive Committee, so-called until such time as the Yukon Act is amended to permit control of the Administration of the Territory to be given over to the people of the Territory, to whom the property belongs. In short, Mr. Speaker, we are straying and we have more particularly in the last two years, strayed further and further and continue to stray further from our true constitutional objectives. Today, our Government in my opinion, and the opinion of many citizens of the Yukon Territory, our Government resembles more M.I. 5 than England, a secret service if you will, than it does a truly responsible and democratic government. I would say and coming up next spring, it will be my twenty-fifth year in the Yukon, and I would say that I have never at any time seen the morale of the public service in the Yukon Territory at such a low level. I can offer no immediate solution to this problem because I find that bringing the problem to the Table at this time, that there is no proof whatsoever for these people, the public service. I feel that we must have a new Council to deal with these problems and the Motion, of course, asks for this. In the streets and across the Territory people are very anxious and in some cases have shown that in an almost open revolt as exhibited here the last time we discussed this subject. During the course of the last Federal election campaign, Mr. Speaker, all the Federal parties and candidates seemed to agree on one point, it was time to change the Yukon, constitutionally and in many cases change of this particular Council to whom the people object. We have tried to make submission to the Governor General of Canada through an independent petition, signed by thousands of Yukoners, asking for the dissolution of this House. Certainly this House must be aware that the public has spoken clearly and spoken straight forwardly that they want this Council out of here at the earliest possible moment. Still some Members or majority of Members of this House do not wish to accede to the wishes of the people. I ask briefly and without going back through all the old arguments, the position is clear enough. I ask Members to search their conscience now, at this time. Search their conscience and say to the people of the Yukon, as an individual member, that sure I'll go back to the polls, I'll take my chances at the polls, I'll give them an opportunity to put me back here in this House or to retire me, but do that it is the prerogative of the people, that's what got us here in the first place. They have asked for a second look, I say we should give it to them, to support this Motion with respect to that request. To oppose it would only openly again defy that public opinion. So in conclusion, Mr. Speaker, at this time I can only say that for God's sake listen to the will of the people this time and support this Motion.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: Question?

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Mr. McKinnon: Mr. Speaker, as Seconder of the Motion I would like to speak for a few minutes on it. I promised my wife that I wouldn't get too upset about it, but I would just consider the absurd people in an absurd government and put it all in its proper perspective and not become too emotional or too upset because the people, even if this resolution doesn't succeed, are going to have their say in less than two years now and the whole thing is going to be solved at that period of time at any rate. I think one interesting thing though is that after the shambles of the first two years of the Executive Committee experiment, some people are saying, "Well, they still have two years to be able to correct themselves and go on the straight and narrow and bring in some decent legislation and not go along with all the stupid policies that they have been following during the first two years and perhaps the people will forget just what an assinine government it has been and what a headache for the people of the Yukon Territory to try to deal with. Unfortunately, the very opposite has been true and policies which are even more ridiculous have flown from the Executive Committee and flown from the Government of the Yukon Territory, all carried about as the Honourable Member from Watson Lake has said, in some kind of an atmosphere that would lead one to think that there was some kind of a secret government attempted to be in action in the Yukon Territory. I would just like to mention a few of the funnier things that the government has done since we last sat and asked for the dissolution of the Council. Of course, high on the list must be the junket of the Executive Committee members along with the Administrative Assistant Commissioner to the northern part of Australia to study the Australian Aborigines; I think probably high on the list is the study session at Cortino's Lodge on the Haines Highway. Now my employees, when they saw it, immediately asked whether our company would go for a study session at Cortino's Lodge down the Haines Highway so that they could have the same privileges of having a good time as the Senior Administrative Staff members of the Yukon Territorial Government. Following that we had another study session, this time at the Faro Hotel on the expenses of the taxpayers of the Yukon Territory. I think one of the instances that I particularly enjoyed was some twenty phone calls one day to find out why the Recreation Centre, no work was being done on it. If you can believe passing the buck, and people not being available, and people just terrified to make one statement as to what was happening, you should just try it some time in the Public Service of the Yukon Territory to get an answer out of anybody. Of course, it all culminated with what the minority on the Council said was a disaster; the Municipal Aid Ordinance and the Municipal Ordinance. And, of course, anybody who peruses the Hardy Report, now that it is public, when he sees remarks like, "From a dollars and cents viewpoint alone expansion of the City's boundaries to the Metropolitan limit was clearly not in Whitehorse's interests", expert consultants stating, "in our opinion the position which the City has been placed by the Territorial Government is far from satisfactory"; Mr. Speaker, I think that probably in an area where over approximately two-thirds of the population of the Yukon lives in the municipalities of the Yukon that there has just been absolute undue hardships by an impractical government, a stubborn government, that is forcing bad legislation down the majorities of the Yukon population. And, of course, as I said before, all we can do is just watch them bumble and stumble along for another two years. And, certainly, they have gone so far that the people are not going to forget at the next election just how sadly and how shabbily they have been treated by the present government of the Yukon Territory. I only wish that one of them had the guts to vote along with this motion so that they could go back to the public immediately and just see immediately the utter disregard and the utter disdain that this government is held in by the people of the Yukon Territory. Thank you, Mr. Speaker.

Mr. Chamberlist: Question.

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Mr. Stutter: Mr. Speaker, I have no difficulty in supporting this motion; I supported this the last time around and the reasons that I gave at that time still stand. Since that motion was defeated in the last election, I have also talked with many people in my area, and the feeling of the people has definitely not changed. The points that have been raised by both the previous speakers are valid points. One other point that I would like to bring up here is that, during this last recent Federal Election campaign both of the representatives of the two main parties brought in the subject of the Territorial Council. The one representative of the party almost promised that there would be changes made in Territorial Council. Council has repeatedly requested through motions that the make-up of the Council be enlarged, that change be brought about as soon as possible. This has not been brought about, and there have been news reports that have recently filtered out of Ottawa, we have no reason to hope that there will be any change made during the present rule of power under the present party. Unless some drastic action is taken, I simply can't see where a change in Council is going to come about, adding to my reasons for supporting this particular motion.

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

Mr. Clerk: Member from Carmacks-Kluane.

Mrs. Watson: Nay.

Mr. Clerk: Member from Whitehorse-West.

Mr. McKinnon: Agreed.

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Agreed.

Mr. Clerk: Member from Dawson.

Mr. Stutter: Agreed.

Mr. Clerk: Member from Whitehorse-East.

Mr. Chamberlist: Nay.

Mr. Clerk: Member from Whitehorse-North.

Mr. Tanner: Disagreed.

Mr. Clerk: The vote, Mr. Speaker, is three yea, three nay.

Mr. Speaker: I declare the motion defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Speaker: Motion No. 2. It has been moved by Councillor Tanner, Seconded by Councillor Rivett that effective with the Spring Session of 1973 the sittings of the House be at the following times unless otherwise provided by special orders of this House:

MOTION #2

Monday, Tuesday, Wednesday and Thursday: 2:00 p.m. to 5:00 p.m., and 6:30 p.m. to 9:30 p.m.

Friday: 10:00 a.m. to 12:00 Noon, and 2:00 p.m. to 5:00 p.m.

Are you prepared to proceed with this Motion at this time?

Mr. Tanner: Mr. Speaker, I am making this suggestion to the House for a number of reasons. All members will recall the last session or the session before that one, my suggestion that the public should be able to become involved in the debate decried by all members

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probably to the wrong procedures. Primarily what I wanted to do was to get the public involved. If we have sittings in the times that I am suggesting here Mr. Speaker, it means the public can come here after work between the times from 6:30 to 9:30; they can see their legislature working; they can hear the debates; and, in the present times of sittings that is not always possible for the majority of the people in the Yukon. Secondly, every other legislature in the country except the Northwest Territories have the hours of sittings approximately the same as these. It is my opinion, Mr. Speaker, and I think the majority of the Council agree that if we want to get the public to hear what is going on in their Territorial Council this is one method that we can implement that suggestion. Secondly, you will notice that on Friday we sit at my suggestion, at the same hours we do now which doesn't prohibit people from being able to get off for the weekend if they want to. Mr. Speaker, I would ask all members of the House to support this motion.

Mr. Speaker: Are you prepared for the question?

Mr. Taylor: No, Mr. Speaker. We went 'round and 'round on this one last time. I oppose it, and I am pretty sure that other members will no doubt oppose it. I still haven't found any satisfactory reason for change from our current sitting hours. I think it detracts from the work that a member can do under the circumstances we must work on here in this legislature. I suspect the real reason behind the motion is to offer more time for the two Executive Members to get to their desks. I would assume that this is the problem. If it can't be that, it must be that they must attend their businesses. I think that the business of the people is just a little more important than any private business if any private business be involved. The hours of sitting now provide a pretty heavy work day to those of us who do work here. I know personally . . . at least I am behind my desk at 6:00 in the morning, and I don't leave it until noon. I consider that is a pretty good start for a working day. The balance of time available to any member is time for research. We have at our disposal, or we used to have at our disposal, members of the Administration from time to time during the various debates in the House, and these of course will not be available to us on call during the evenings. I think we have got the consideration of cost involved; we have got to tie up the Administration late in the night hours, and so forth. I see no reason for change, and I don't think any reason has really been given, any real honest reason for change. The general public can come and view the deliberations of this House any time during the day; I think someone that interested can find time during the day to come out and listen to debates. No, I cannot support this motion and I would urge that members do not support it. I think that the hours of sitting as they are now constituted are more than sufficient at this time.

Mr. Stutter: Mr. Speaker, I think that the mover of this motion did not give too much consideration to the fact that some of the members from outside Whitehorse, and I know that this is particularly true in my case, get together with the visiting people from their own areas that come into town. This is the time when people come in from my area, they come over to visit in the evenings and talk things over what is going on in Council. If they aren't in town and they want to contact me by phone, normally this is the time of the day that they do so. It has been brought up also that one of the main reasons for suggesting evening sessions is to create public involvement, but I would like to point out that any time there is anything of importance being discussed here in Council, there seems to be a pretty good crowd in the gallery; so, that I feel that as long as important issues are being discussed, we won't have too much problems in getting the public to be here to see what is going on. Another point is, too: This would be more in the form of a question, but it makes no difference; I still intend to vote against it, and that is, at evening sessions I am wondering what about the back-up staff that would be required to be on call while Council is in session. There are many instances of things being brought out where a brief recess needs to be called to check into the legality of things, the Legal Adviser should be on staff, the

Clerk of Council to be kept on staff at all times while Council is in session. There are many indications, I think, that haven't been fully looked into with this motion. I think another thing, of course is a real interference with one side of life which I think in the Yukon is, particularly in the winter months, when one has a danger of getting this cabin fever when darkness is drawn out. The one part of the day when we do have a chance to get out to perhaps forestall the cabin fever through various recreational activities. I have no difficulty in voting against this motion and would urge others to do likewise.

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Mr. McKinnon: Mr. Speaker, the mover of the motion made two points which I would like to take exception with. The first one saying the public would be attending the Council sessions if it were at an evening sitting. I have a complete opposite viewpoint. There will be less people attending the Council sessions if it were in the evening sittings. This goes further to the whole point. I think the Territorial Government at this time has been so completely removed from what the people of the Yukon are doing. Don't any of them attend night classes? Don't any of them curl? Don't any of them coach a minor hockey team? Aren't any of them involved in any sports in the Yukon? In any way shape or form? Don't any of them do these things with their fellow Yukoners at night time, or are they available every night out of every week to be able to sit in this legislative assembly. I know that I am not; I am not ready to give up my extracurricular activities which I enjoy very, very much. In fact, when I go down to the ice, I usually pretend that it is the Honourable Member from Whitehorse East in the corner that I am after and it gives me a very good way of easing my frustrations. I am sure that I would be much more difficult in the House if there were night sittings than if there weren't. And, certainly the only time that we see any school children in the audience is when they have the ability to get off school and come and see their legislature in action. Are you trying to tell me that these school children would be here at night if they couldn't get off school in order to come and watch the legislature in action? I don't think so, Mr. Speaker. I think the gallery would diminish if we had night sittings rather than increase. The argument of course that every other legislature does is so why don't we is just the same argument that I have heard around here every other . . . every other jurisdiction does this, so why don't we do it, and I just, every time I hear it I get madder and madder because just as one place does it, what application does it have for the Yukon for crying out loud. The reason that most of us are originally up here is because we do things differently in the Yukon. We don't have to follow madly along the same lines as they do everywhere else. But, of course, this is another thing that this government has to do. They just have to think that we just have to follow exactly the same procedure, and exactly the same rigamarole that is followed everywhere else in the country. I just don't buy the argument in any way, shape, or form. Now there is a valid argument. The Honourable Member wants to use arguments, like the Executive Committee Members are having difficulty in getting their desks cleared through the week by the onerous work load they have on them. That is a valid argument. I think it's a valid argument, and the public accepts the fact that a person cannot on the indemnity of a Territorial Council raise a family and pay a mortgage and be able to live in the Yukon on one salary. I think they accept the fact that you have to have a double income. An income other than being a member of Council to be able to live in the Yukon Territory. Now, I have no objections to, I don't think other members would have objections, if during the course of the week, say on Wednesday, that the House suspended sitting so that Monday, Tuesday, Thursday, and Friday the House sits the normal hours. On Wednesday, those people who have to have other employment to be able to live because Opposition Members don't make quite as much as Members of the Executive Committee positions as we all realize. That they will have a day to attend to their businesses during the week. That those members from outside of Whitehorse will have one day to be able to go about to the different offices, and believe you me, with the reception you get these days it takes a solid day for people who are not in the government to be able to get around some of the

MOTION #2 offices of the Territorial Government, and be able to conduct their business. It will provide the two Executive Committee Members with a day to be able to clear up their workload on their desks. These are valid arguments, and if they had of been raised and the motion had read that perhaps one day be set aside during the course of the week for these reasons then I would support this type of motion. But certainly, Mr. Speaker, for the very valid reasons I think that have been raised by both the Member from Dawson and the Member from Watson Lake and myself, that this motion should not be approved, and the rules of the House should not be changed, and if there is an adjustment to be made in the sittings of the House, they should be along the same terms that I have recommended and not along the terms the Honourable Member from Whitehorse North has recommended at this time.

Mr. Chamberlist: Mr. Speaker, I found it very interesting to hear that occasionally the Honourable Member for Whitehorse West is able to relieve himself of his frustrations and thinks of me in the corner of the hockey rink. Well I'm afraid I can't allow him to give me any challenge in that area, I'm not a hockey player, but if he would give me the privilege that I am twenty years older than him and he's of course, twenty years younger, if he would like to work out his frustrations on me with a couple of boxing gloves on, I'd be pleased to allow him the opportunity, any time. Mr. Speaker, I can't help but remark upon the concern that the Honourable Member from Whitehorse West firstly, has stated in relation to the need for a Member of the Legislative Council to have two jobs. I remember when something of this nature came up before here, the Honourable Member spoke with impassioned plea, that this is the way that we're trying to get rid of him from Territorial Council, by changing the hours. Of course, at that time, I said this was not the case and certainly what we were concerned about is being able to get on with the workload and in the next Session of Council, you'll note that the Motion indicates that this is to commence with the Spring Session of Council, because the workload is going to be so heavy that the only way that we could really get through this efficiently is to adopt the hours that have been suggested. Now I know the Honourable Member has said, well, because they do it in other legislatures, we don't have to follow. This may be true, but at the same time, we are a very junior legislature and we should be able to learn from other areas where they have long-tried methods of going through the parliamentary requirements, in their legislative assemblies. It appears to me that there is no reason at all why a really good suggestion should not be accepted by all Members of Council; though we've already heard from three that they're opposed to it. I'd have been very much surprised if they weren't opposed to it, because never mind whether a suggestion is good or bad, they're still that same opposition. Mr. Speaker, we have had far too many breaks in the work that has been done in Council in the past. We're trying to upgrade the manner in which this Council works. I'd like to point out to the Honourable Member from Whitehorse West specifically, that he should not complain about having to come to Council to work, as he did the other day over the radio media, that the Commissioner's Speech wasn't worth crossing the road, when for the sum of three hundred dollars a day earned by him, in payment for Territorial Council, that is what he receives for a matter of less than four and a half hours work. Twenty-nine days sitting in this year so far, which approximately works out to three hundred dollars a day.

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Mr. McKinnon: Mr. Speaker, I'd like to rise on a question of personal privilege here. Is the Honourable Member intimating, and is he stating, that the only work that a Member of this House does, is when the House is in Session? If he does, he is imputing motives which are definitely not in the best interests of this House, and I think you should take him to task for it, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, there is no intention of imputing any motive. I'm just explaining to all concerned, the amount of hours put in, and the remuneration received for those hours during those days. Certainly, no person can impute that the Members of Executive Committee work to any fixed hours. Mr. Speaker, I have seen my colleague, Mrs. Watson, work until twelve o'clock at night and many, many a night, I've worked myself until three o'clock at night, and start back again in the office at seven-thirty in the morning. So there's no question that we don't carry out our functions of work, and I don't want anything to be imputed against that either. The hours that have been requested, have been requested because of the workload. It's as simple as that; and we want these changes so that we're able to go ahead with this workload.

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Mr. Chamberlist continues:

Nothing further than that is in the mind of the government at this time.

Mr. Speaker: Are you prepared for the Question?

Mrs. Watson: Mr. Speaker, I'd just like to add, I'm rather shocked at the ease with which some of the Councillors brush aside the convenience of the public. Surely they realize, or have they forgotten that the normal work day of most of the people in the Yukon Territory, is from eight or eight-thirty to five. It is impossible for them to take time off from their jobs, to come here and to sit in and observe Territorial Council. Surely, some of the people will not be able to come in the evenings, because they are committed to other activities, but this doesn't mean that once in awhile, during a Council Session, that they can't come down here and observe the functions of Council. I am sure that at least ninety percent of the adults of the Yukon Territory, have never had the opportunity to sit there in the gallery, and by adopting hours, which would permit these people the opportunity to come here, and to observe Council, I think that Councillors should give it very serious consideration. At this stage of the game, some of the arguments that we have heard from some of the Members, they're talking against just as a matter of their own personal convenience, and when you are a Member of a Legislature such as this, and you are representing people, you're own personal convenience must be pushed to one side, and you must think of the people that you represent.

Mr. Tanner: Mr. Speaker, in closing off the debate, before we call the Question, I find it particularly humorous that the three Members who say they're going to vote against this Bill, are the three Members who just tried to dissolve Council, in the public interests. I find it humorous that the three Members that say they're going to vote against this Bill, say they're representing the people and not the Administration and not this parliament. I think those three Members are being irresponsible. I think this is the first opportunity that's been given to the public to come here and listen at least to these debates: good, bad, or indifferent. As for the school children, as an example that was used, they can come in the afternoon. As for the other people who have got sports activities, they can come some other day when they aren't involved with sports. I would say that all three of the Members who are saying that they are going to oppose this Bill, are being merely frivolous and selfish. They're paid to represent the people, as they've been telling us for two years, and here's an opportunity to represent the people, and let them hear the debates and they want to deny the people that right.

Mr. Taylor: Mr. Speaker, might the Member permit me a question?

Mr. Tanner: Mr. Speaker, the Member has had his opportunity. We've heard from him, we've heard his point of view and I'm not prepared to have a question. I want a Question put. One other point I'd like to mention, Mr. Speaker, when this question came up amongst Honourable Members the last time, there was a suggestion that there should be night sittings, you'll remember all Members in private, said they wanted time to discuss it. Well, they've had time to think about it. The suggestion isn't for this sitting, the suggestion is for next sitting, in the Spring, and Members can then arrange their private lives in such a fashion that they'll be able to attend these meetings. One final thing that really is the joke of the day, is when the Member from Watson Lake says he's got to be here at six o'clock because he's got to do his work, for the job of the Chairman of Committees, which he does reasonably well, it's ridiculous. I'm making it easier for him to be here. He can be here in the morning preparing his work for the meeting in the afternoon, so I haven't

Mr. Tanner continues:

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heard one reasonable argument why these Members are going to vote against this and I call upon all Members to search their souls and vote for this Motion.

Mr. Speaker: Are you prepared for the Question?

Mr. McKinnon: Point of Order, Mr. Speaker, before the Question is called. I wonder if I could bring to Mr. Speaker's attention, knowing his impartiality and the respect this House has for his impartiality, annotation 68 of Beauchesnes', which reads: "the chief characteristic attaching to the office of the Speaker of the House of Commons are authority and impartiality. Confidence in the impartiality of the Speaker is an indispensable condition of the working of procedure and many conventions exist which have as their object, not only to ensure the impartiality of the Speaker, but also to ensure that his impartiality is generally recognized." Mr. Speaker, annotation 75, "when he has to give a casting vote, the Speaker is at liberty to vote like any other Member, according to his conscience, without assigning a reason, but in order to avoid the least imputation upon his partiality, it is usual for him, when practicable, to vote in such a manner, as to not make the decision of the House final, and to explain his reasons, which are entered in the journal. He votes in such a manner as to leave the House another opportunity of deciding the question. Upon all occasions, when the question is for or against, giving to any measure a further opportunity of discussion, the Speaker in case of equality of voices, should always vote for the further discussion." Knowing Mr. Speaker's impartiality, I'm sure that he will take these remarks into consideration.

Mr. Speaker: Thank you very much. Are you prepared for the Question? Agreed? Mr. Clerk, will you poll the House?

Mr. Clerk: Member from Carmacks-Kluane.

Mrs. Watson: Yea

Mr. Clerk: Member from Whitehorse West.

Mr. McKinnon: Disagree.

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Disagree.

Mr. Clerk: Member from Dawson.

Mr. Stutter: Nay.

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Yea

Mr. Clerk: Member from Whitehorse North.

Mr. Tanner: Agree

Mr. Clerk: Mr. Speaker, the vote is three "Yeh" and three "Nay".

Mr. Speaker: I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

MOTION #3

Mr. Speaker: Motion No. 3. It has been moved by Councillor Stutter and seconded by Councillor Taylor that Schedule #1, attached to the Municipal Ordinance, spell out the boundaries of Dawson City more clearly.

Mr. Chamberlist: Question .

Mrs. Watson: Question.

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

Mr. Taylor: Mr. Speaker, a question I'm wondering if the Member cannot have the opportunity to ...

Mr. Chamberlist: He's had the opportunity, it's agreed.

Mr. Speaker: Councillor Stutter.

Mr. Stutter: Mr. Speaker, I rose to talk about the Motion, but apparently was to do so. The only point that I wanted to make out is that my Motion itself, is of necessity rather vague, I really wanted to point out the aims that I'm trying to put across so that the Administration would get direction, but if I'm not permitted to do that ...

Mr. Chamberlist: You can if you want to.

Mr. Speaker: Councillor Stutter.

Mr. Stutter: Mr. Speaker, this is going to take a little time and I need to use a couple of maps, if I have your permission to use the board here and use the map to point out my argument. Thank you very much.

Mr. Speaker: Do you require a recess.

Mr. Stutter: I don't think so, Mr. Speaker. Mr. Speaker, under the terms of the 1902 Ordinance which is still in effect, this is chapter 68, which at that time defines the boundaries of the City of Dawson. It is spelt out in that Ordinance, the boundaries are spelt out in distances and in direction and this is the map that shows those boundaries in detail. These boundaries are exactly as described in the old 1902 Ordinance. Since 1902 all the Municipal Ordinances, the new one in 1968, the amendments in 1969 and the new one we passed in the 1971 refer to boundaries in Dawson merely in the form of lots. This red line that I have put on the map here shows the extension or upper limit of lot 25. The present boundaries as described in the Municipal Ordinance take into account lots 1, 2, 3, 4, 5, 6, 12, 15, and 25. This red line shows those lots. Since the Ordinance was brought into effect that is, the 1902 Ordinance ~~the~~ Territorial Lands Ordinance was brought into effect. When that came in the Federal Government withdrew a one hundred foot strip along navigable streams in the Yukon as a federal reserve. The same thing happened here in Whitehorse as in Dawson. But at the time that that reserve was taken up by the Federal Government it did not or in my argument should not have changed the boundaries of the municipality of Dawson. And in the case of the area adjacent to the Yukon Klondike Rivers. The boundary of the City of Dawson last year extended well into the Yukon River. Now just to further my point on this, here is a very small sketch or a very small map, you may not see it, but this is one of the lots in question, this is of lot 2. And this is of the original survey done in 1897 which shows that at the time these lots were surveyed they went right to the river, for the simple reason that surveyors obviously couldn't get out to the middle of the river to mark out that particular boundary. So the effect that this has had on Dawson is by assuming that the

Mr. Stutter continues

lots of Dawson are 100 feet back from both the Klondike and the Yukon River, it has effected their tax structure. Now any improvement that has been done on leases and things in the Federal Government along the 500 foot reserve should have been paid to the City of Dawson. The Territorial Government has quite a construction down at the ferry crossing which they are now using as the tower for freight going across from one side of the river to the other. There is quite a construction there, there are loading platforms, there are buildings there. And in my research I found that actually the Territorial Government are squatting this area. They don't even have a lease from the the Federal Government. There is no assessment made on that particular property. The assessment should be made on that property, the tax payable on that property under the terms of the new Municipal Aid Ordinance, should be in fact payable to the City of Dawson. Now the note from the surveyor that these lots are not available in the Yukon. At the moment I have written to the Surveyor General to try to receive a copy of the actual notices, themselves, showing that these lots that I was pointing, these lots in actual fact, as far as the municipal boundaries are concerned go right to the very edge of the Yukon River, in fact they go out to the middle, so that really, the municipality or the City of Dawson are the taxing authority within this area. And of any improvement, and there may be considerable improvements now that the Historic Sites are creating an historic zone in that area. There may be quite a few applicants taken for basis in that area. Any improvement within that area improving possibly National Historic Sites, themselves, who may be persuaded to make grants in lieu of taxes should be payable to the City of Dawson. I had to bring this thing up rather before I had wanted, for the simple reason we were given the indication that this would be a short session. But I hope that the Administration will look into this thing thoroughly, and in their new Ordinance instead of referring to the boundaries of Dawson in terms of lots they should also spell the external boundaries in azimuths and distances, so that this particular situation is not carried on indefinitely in the book. And at that time I would suggest that the old 1902 Ordinance, chapter 68 be repealed. Thank you, Mr. Speaker.

MOTION #3

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

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 4, it has been moved by Councillor McKinnon and seconded by Councillor Taylor that legislation be introduced at this Session of Council: (a) making it necessary for all contractors to pay the going Yukon wage on all Yukon projects; (b) forcing contractors to hire their work force locally, if qualified people are available. Are you prepared to proceed with this Motion at this time?

MOTION #4

Mr. McKinnon: Yes, Mr. Speaker. Of course, this is just probably my favourite motion that I have brought before this Council in the three terms that I have served the public in the Yukon Territory. I have brought it up at every Session and as yet have not to be satisfied as anything is being done to bring... to give preference, if that's the word you want to Yukon, to Yukon labour force, and to Yukon people. I don't think, Mr. Speaker, that I'll go into the past instances, it would take the rest of the day if you went back into all the attempts that have been made by Members of Council to bring about in the Yukon Territory a preferential treatment to those people who live and work in the Yukon Territory. After this time every attempt that has been made has been unsuccessful. We finally thought, that we were going to succeed when this House passed an Ordinance which was prepared by the Legal Adviser of the Yukon Territory who told us it was intera vires of the powers that we had at the Yukon

Mr. McKinnon continues

MOTION #4

legislative level. That legislation, Mr. Speaker, would have provided that the Commissioner could have appointed designated trades and those trades where there was a surplus of qualified Yukon people lying idle while contractors were importing labour from outside the Yukon. However, the legislation was not given assent to by the Commissioner. We were told later that it was on the advice of the Justice Department that he had been acting and not assenting to the legislation. Mr. Speaker, I would much rather the other track had been taken in that we had accepted the advice of the Legal Adviser of the Yukon Legislative Council and put the legislation into effect. I think that most companies trying to be incorporate citizens would have realized that if they didn't hire locally that they would be penalized by the terms of the Ordinance, and would have abided by it. Then if they didn't, we at least could of brought the matter before the court tested it and found out whether we were acting ultra vires of our confidence or not. Instead, Mr. Speaker, the legislation was not assented to and we are in the same position here now, as we were when I first came to this Table. The examples of things happening are rapid, I'm sure every Councillor has heard many many complaints as the people who are qualified and are living here and the unions, who are resident here raved. There are instances where help that is getting paid a \$1.09 less than the going rate in the Yukon is being brought into the Yukon and put to work. There were instances where 45 of our qualified heavy-duty operators were sitting idle while some 60 from outside were employed on a contract. Mr. Speaker, this is probably the most abominable problem that we have in the Yukon Territory. We have heard so many times, from the Administration, we have heard so many times that they are looking into the problem and legislation is going to be forthcoming. Mr. Speaker, in three terms that legislation even though at least once it was forthcoming, and once we thought we were going to get somewhere, is still awaiting tabling and passes an effective legislation being put into law from this Territorial Council. And Mr. Speaker, I say that it is incumbent and that it is the responsibility of those Members charged with the Government of the Yukon Territory to bring this legislation forth at the earliest possible opportunity, the earliest possible opportunity being this Session of the Yukon Legislative Council.

Mr. Speaker: Are you prepared for the question?

Mr. Tanner: No, Mr. Speaker, does the seconder want to speak on this Motion?

Mr. Taylor: Yes, Mr. Speaker, I was just looking for some documents, I can't seem to find them at the moment. I feel as the Honourable Member does that the situation is pretty well faded when last we discussed this. And as the Honourable Member for Whitehorse West has pointed nothing was done. The Commissioner in fact, it was looped to another Bill, dealing with the basic minimal wage last time and the Commissioner held everything up split the Bill and it was necessary, of course, to proceed with the basic minimal wage provision of that Bill in as much as he refuses to assent to other portion of it. I think that difficulty has been encountered all through the Yukon, in most certain areas where it has been a problem this summer and will continue to be a problem until we do something about it. If indeed we have that prerogative, and we are not ultra vires with any federal legislation in this regard, I feel as the Honourable Member does in presenting this Motion that we should get on with it and that our Administration should double over backwards to find ways and means of resolving this situation. And I would urge, as I'm certain the mover of the Motion does that all members support this wholeheartedly and make it unanimous consent to this Motion.

Mr. Tanner: Mr. Speaker, regarding this Motion, the Honourable Member for Whitehorse West, in his wisdom, gave me some advice on my last Motion, and I'd like to reciprocate on his Motion before us. I think if the Honourable Member will check section 12 of the Labour Standards' Ordinance, he will find that presently there are three contractors who are working on government projects, who have been told to recognize section 12 of the Labour Standards' Ordinance and pay the full rate for employees on those projects, and in fact, those three have either agreed to or are in the process of being prosecuted for not having done so. It would be my suggestion to the Honourable Member, if he wants to submit his Motion, to take out part (a), then the House could discuss the second part of the Motion, part (b). In effect, part (a) is in force in the Yukon right now.

MOTION #4

Mr. Chamberlist: Mr. Speaker, the concern that has been felt about this matter, has been felt by all Members of Council, I will agree. Certainly in suggesting that this has beenthat there has been a strong reaction on the part of Council, I have no intention of making suggestions that any Member of Council has acted otherwise than in a sincere effort to attempt to correct what is a wrong. I must say this, however, that when the Whitehorse Labour Trade Councils' group, invited Councillor McKinnon, especially, besides Councillor Watson and myself, to attend a meeting with their group to discuss all the problems that they felt and alleged they had, in certain areas where they were not getting ample protection for the labour force, Mrs. Watson and myself, we spent a few very intelligent hours with these people, and we were pleased to be able to make a commitment to them that we would bring the matter before the Executive Committee, which we both did, and the whole area is being properly looked into. I specifically wish to point out that the Honourable Member from Whitehorse West who moved this Motion, and felt so strongly in this matter, failed to give the courtesy of the members of this organization, the right to be there at that particular time.

Mr. McKinnon: I rise on a question of personal privilege again, Mr. Speaker. If Mr. Chamberlist will examine the officers of the Yukon Trades Council, he will find that I asked to attend the meeting and was advised by the officers that I could not attend because they didn't feel that the Honourable Member from Whitehorse East and the Honourable Member from Carmacks-Klaune, would like me there, Mr. Speaker.

Mr. Chamberlist: Well let us proceed. This is the first that we've heard of it because we asked at the time and we were told that the Honourable Member was expected to be there. However, the first portion of the Motion, as has already been referred to from the Honourable from Whitehorse North, becomes a redundant part of the Motion completely. Section 12(1) of the Labour Standards' Ordinance, reads as follows:" where an employer has a contract for the performance of a public work in the Territory, he shall pay his employees, while engaged on, or in connection with that public work, not less than the prevailing wage rate applicable to the work performed by his employee, as that rate is set out in an applicable schedule of wage rates, prepared by the Director of Labour Standards, Department of Labour pursuant to the Fair Wages and Hours of Labour Regulations, 1968, Second Volume, Chapter 1, Section 12. Because the matter is sub-judice, that is it is before the courts at this time, and certain contractors are being prosecuted, I cannot comment any further on that. That is in legislation and it is being taken care of. I will have to vote against the whole Motion, unless the suggestion that has been made by the Honourable Member from Whitehorse North, to the

Mr. Chamberlist continues:

MOTION #4 Honourable Member from Whitehorse West, is acceded to. In other words, I see no reason why legislation should not be...not a case of being introduced but at least the opportunity to study the whole area in the next Session, that is in the Spring Session, to see what we can do in the area of forcing contractors to hire their work force locally. There has been a suggestion made last Session, I think, that in the Northwest Territories, a privilege of some percentage is allowed to local contractors. After we heard this, we contacted the Northwest Territories Government and we find that there is no such privilege at all. Nor is there any such legislation to that effect. Simply because (1) where Federal money is involved, it's the taxpayers' money, taxpayers of the whole of Canada, so that no restriction can be placed which will not give the opportunity of taxpayers in other parts of Canada to bid on contracts within the Northwest Territories, and this same reasoning must be applicable here. Also, where Territorial Government contracts are involved, and the capital funds are being supplied out of the federal coffers, again, that is taxpayers' money, belonging to the tax being paid into the Canadian Government coffers by all taxpayers of all parts of Canada. So it's not an easy question to be able to deal with. I would ask Mr. Speaker, that if the Honourable Member from Whitehorse North, the Mover of the Motion, will delete (a) and allow (b) to stand, then I'm sure that Member of Council will give it their support.

Mr. Speaker: Councillor Stutter.

Mr. Stutter: Mr. Speaker, I would move that this particular Motion be referred to the Committee of the Whole. I think that it also involves one of the Motions that was brought in by Councillor Taylor this morning, regarding the hiring practises within the Public Service Alliance. There are other areas too, that I think should be brought up in conjunction with this particular Motion, and I would move that it be referred to Committee of the Whole.

Mr. Speaker: Is there a seconder?

Mr. Taylor: I will second that.

Mr. Speaker: It has been moved by the Honourable Member for Dawson City, seconded by the Honourable Member for Watson Lake, that Motion #4 be referred to Committee of the Whole for further discussion. Are you prepared for the Question? Agreed? I declare the Motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: I will now declare a short recess.

RECESS

RECESS

MOTION #5 Mr. Speaker: The House will now come to order. Motion No. 5. It has been moved by Councillor McKinnon, seconded by Councillor Taylor, that it is the opinion of Council that any resident of the Yukon, referred to a specialist in Vancouver or Edmonton, by a Yukon doctor, have their transportation to and from either centre, paid for in full by the Government of the Yukon, under the terms of the Medical Evacuation Plan. Are you prepared to proceed with this Motion at this time?

Mr. McKinnon: Yes, Mr. Speaker. Mr. Speaker, the motion results from long debates on the subject of medical evacuation and there have been various plans pursued by the Government of the Yukon Territory, and all of them have had failings in some respect or another. Initially, the programme of medical necessity travel subsidies was much as the Motion which I present today, encompassed. However, it was learned that there were certain abuses of the privilege of travel subsidies

Mr. McKinnon continues:

by members of the Yukon public. So, regulations were brought in which made only five criteria where medical travel subsidy would be provided by the Government of the Yukon Territory. Medical necessity, where loss of life, loss of limb, loss of eyesight, loss of hearing, or mental breakdown, which was Commissioner's Order 1971/311. Since that time, the latest amendment to the Medical Necessity Travel Subsidy Regulations, is an amendment that came by Commissioner's Order 1972/367, and says that subject to these Regulations, there may be paid from and out of monies issued in advance, in the Yukon Consolidated Revenue Fund, for the patient, that portion of expenses in excess of a hundred dollars return fare, from the point of embarkation to the appropriate medical centre outside the Yukon Territory. Now as I understand, Mr. Speaker, how it is now that everything other than the first \$100.00 for medical travel subsidy outside of the Yukon will be paid only in the first instances where there is loss of life, loss of limb, loss of eye sight, loss of hearing, mental breakdown about to take place. Mr. Speaker, when there was the full subsidy, the extent to the Yukon Territory, I think, was in the neighbourhood of \$25,000.00 a year. Even if there were one or two abuses of that program I think it was probably the best \$25,000.00, for humane and compassionate purposes that the Government of the Yukon Territory spent. And even if \$50,000.00 have to be allocated to the budget of the Yukon Territory for the program which I envisage, I think that that will be the best \$50,000.00 that this Government could spend. The reasons, I think, are relatively obvious, Mr. Speaker. If one takes a look at the latest census of the Yukon Territory in the demographic make up of the population of the Yukon Territory, you will find that the vast majority of the people in the Yukon are young, married couples. Now the majority of these people have to bring in two incomes in order to exist in the Yukon Territory. The majority of them have young children. Now, the dramatic experience of going to your local doctor and being told that there is something seriously wrong with you and that you have to go out for specialist care, throws that family into a frenzy. First, one income is going to be lost. Secondly, sitters must be found for the children who will be remaining at home. Thirdly, the family is going to be broken up for the period of treatment. And then, above and beyond all this the person has to put up the first \$100.00 for their medical transportation even though it is through no fault of their own that they have to see a specialist that is not a resident in the Yukon Territory. And, Mr. Speaker, I feel sincerely when I say what a help it is to that person when he knows that at least his transportation is going to be looked after by the Government of the Yukon Territory. This is what I call people legislation and becoming involved with the real need of the people of the Yukon Territory. When everyone else is kicking up and the whole life is breaking down in front of them then at least Government is moving in to be able to help them to overcome what is a really serious problem in the family that he has to be a part of. And if we have to do one quarter mile less of paving or not make some offices quite so opulent as they are going to be or take a piece of equipment away from the Engineering Department, I say all this is valid in what the feeling of the people in the Yukon would be towards this type of regulation respecting medical necessity travel subsidy. I would urge all Members of Council to support this Motion that Yukoners will not be penalized because he happens through no fault of his own to have a sickness where he needs special treatments and is referred to outside by his local doctor. I can think of no better way than for this Government for at least once to put itself as an humane government in the eyes of the people of the Yukon Territory. Thank you, Mr. Speaker.

MOTION #5

MOTION #5 Mr. Speaker: Are you prepared for the question?

Mr. Stutter: Mr. Speaker, I don't have too much to say on this particular point except, of course, I am hoping that all members of Council will support it. I think that at this point I would like to congratulate our Minister of Health and Welfare for bringing in the recent amendments making it possible for all travelling to be paid within the Territory for travelling assistance to Whitehorse. I think that was a real step in the right direction and was one that I and both Councillor, well, of the Councillors from the outside areas have been fighting for and I think we are all very pleased to have gotten that measure of assistance and I hope he doesn't think that just because we have gotten our foot in the door now, that we intend to shove the whole door wide open. But just the same, I think that the points that have been raised by Councillor McKinnon are very valid points and I think that it is one that effects us all. And, even though it may mean that it could effect the amount of money that we have to set aside for things, I think it's a very important budget item. It is one that we should really support this motion.

Mr. Chamberlist: Mr. Speaker, I would first like to correct the Honourable Member from Whitehorse West. The number of the order he was referring to was 1972/366 not 367. This amends that one he was referring to then is amended to one of 1971/161. Is that the one that the Honourable Member was referring to?

Mr. McKinnon: As I understand it, if I could ask a question of the Honourable Member. . . As I understand it now, that the person who has to go out to see a specialist pays the first one hundred dollars (\$100) of his medical plan, but the government only chips in the rest providing that one of the five criteria is . . .

Mr. Chamberlist: There is many intangibles in this whole area which merely makes it impossible at this time for me to support the principle of having the government pay the full shot for the medical evacuation to outside areas. Now, when it is a case of emergency there is no hesitation at all. We would, of necessity go along with this. But certainly when we are placing in the hands of the methods of the medical profession, the onus of having the right and power to use government funds, I think I have to draw the line there. When we say, if we accepted the Honourable Member's motion, that just simply because a Yukon doctor referred a patient to a specialist that the taxpayers of the Yukon would have to foot the whole bill, I think that is asking just a little too much. Now, I know it is very easy to be a great philanthropist by saying let the government pay for medical evacuation one hundred percent; let the government give two hundred dollars (\$200) to each old pensioner over and above the Federal pension has been already . . . Give the City of Whitehorse another two hundred and fifty thousand dollars (\$250,000), put another two hundred thousand dollars (\$200,000) on recreational facilities, and then go up until it comes to two million dollars (\$2,000,000) and then somebody asks the question, "Where do we get the money from?" It is all right to have a look at these things and say, "Provide all these monies," but then the chicken comes home to roost when you start having to go to the public and say, "Now that we have approved all these things, now we have got to come back to you and we have got to tax you some more." And the people of the Yukon are heavily taxed and burdened as it is. And, I think it is the responsibility of government to ease that burden whenever possible. And, I think it is the responsibility of the government to make provision that those individuals who need, and only need, a full payment in some areas get that. And, I can assure all Honourable Members that if there is any case of any person at any time who has not the ability to meet their first one hundred dollars (\$100) of a medical evacuation . . . there are funds available in other areas in government to meet those costs. The provisions are available.

Mr. Chamberlist continues:

The reason why this one hundred dollars (\$100) amount was put in, and as the Honourable Member of Whitehorse West has quite properly said, there were areas, many areas, of abuse before these regulations had come into effect. Now, I have indicated quite clearly to the doctors with whom I have spoken in the past and with Dr. Jeyachandran, our very, very competent Chief Medical Officer of Health, that where the five eventualities: that is the loss of life, loss of limb, loss of eyesight, loss of hearing, and chance of mental breakdown,; wherever in the opinion of that Chief Medical Officer of Health says those dangers are there then the evacuation and regulations would follow. The doctors, who most of them are very conscientious in their activities, are only human too. And when somebody might go to them with a sob story and, sometimes this is done, they invariably, well-- quite often, without thinking, said, "OK, we'll let you go and see a specialist." The moment he says that, immediately, if this motion would pass, a doctor has committed the taxpayers of the Yukon Territory. No, that is not where and how the taxpayers money is to be spent. If he says to me, "If that doctor can convince the Chief Medical Officer of Health and countersigns the application" this is why we have got the stop-gap there. It is the taxpayers money that not only I in my position have the responsibility to look after, but I would suggest that every member of this Council has the responsibility, I would like to tell you this, that it might be already as a result of the heavy load on the Medical Evacuation Program as it is now, but it may be that before the next session we might have to ask for the Council to vote a supplementary just to meet those commitments that we have already had as a result of the excessive amount of people that have been going out under these programs. And this is under a control type of operation. What control, I ask you gentlemen and madam, would we be in a position to accept if we just placed the control in such a manner that any time a doctor referred a patient outside, what control would there be at all? None at all, I would suggest. And I think this is where the motion itself is weak. You see, to have their transportation to and from either centre. . . you know, it is just an open subject to allow doctors to say, "Go ahead." Then to keep in mind as well that the one hundred dollars (\$100) does not only cover the patient; quite often what happens is that the patient is a stretcher case. It costs us anywhere up to seven hundred dollars (\$700) for a patient to go out, plus the cost of the escort, and the escort, we also pay the escort outside the board and room of the escort. So, really when you come to weigh it up, one hundred dollars (\$100) isn't a very great amount. We had one case just a couple of years ago where a charter flight had to go from Whitehorse to Vancouver. It only cost the person one hundred dollars (\$100), but we paid the cost of nearly fifteen hundred dollars (\$1500) just for the charter flight out just to get the patient out. So, I think government has been very, very reasonable in this matter, and I would ask Honourable Members to look at this not with their hearts but with their heads. And that is the responsibility that we have here. I sympathize, indeed, with many instances, and all I can say is that if any Honourable Member had a specific case where the person is unable to provide that first one hundred dollars (\$100) to get in touch with me, and we will make provisions, arrangements, for the person to be interviewed to see whether or not we can alleviate that distress that that one hundred dollars (\$100) might cause. And, as I say, there are funds available to alleviate this. And this is why I regret, I am in sympathy with the very, very good intentions of the motion. But, as I say, I have to rule with my head and not with my heart. And I have to vote against it.

MOTION #5

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

Mr. Tanner: Mr. Speaker, I think as the Honourable Member who spoke before me has said, it would be a popular motion to pass, but I don't think it would be a responsible motion that the Members of this Council should pass at this time. If Members would let the motion go at this time, I think the proper time to bring this up would be in the Spring when we can review it with regard to the whole budget, and when we can review it when we have seen a year of Medicare, and when we can see the costs incurred, and how much money we have left over if any, and maybe it can be incorporated there. Maybe the rule under which the one hundred dollars (\$100) is paid can be expanded, but personally I am going to have to vote against this motion. I don't want to because

Mr. Tanner continues:

MOTION #5

I have my total sympathy, but I think at this time it would be irresponsible of Members to vote for this motion. Might I suggest that the Mover of the Motion that he withdraw it and bring it up again at the Spring Session.

Mr. Taylor: Mr. Speaker, I don't think that it should be withdrawn. We are back to the same position where we can offer something to alleviate the problems and burdens upon the citizen; we don't seem to get very far. We are told, "Well, this is too expensive a program." I don't think it is that expensive a program. Possibly we could cut down on the safaris to Cortino Lodge or something, and find money there. In other words, what I am saying is, somewhere within that budget we should be able to find the monies with which to embark upon such a program. I share with the Honourable Member from Dawson in commending the Minister for dealing as he has done with the travel subsidy within the Yukon Territory. But, I think that the big burden of cost now on an individual, or those whose luck is down, probably their finances too if they live in the Territory. Consequently, they have to go outside for urgent medical care or consultation, and I really think that we should make a determined effort to find out if this is possible. And, if it means establishing priorities on expenditures, fine. Fortunately, many of us are not involved in this area. This is one left to the Finance Committee and government itself, but I think we should support the motion, and I think in addition to supporting the motion, I think that the administration should dig that much harder to determine ways in which we can bring about this essential program to the people of the Yukon.

Mrs. Watson: Mr. Speaker, I would also urge the motion to be deferred until the Spring Session until we have an opportunity to determine the cost of the evacuation and the plan and the regulations that have just been brought into force for evacuation within the Territory. We have no concept of the cost that will be involved in that and it could be at that time that the costs are not as expensive as we anticipate. Then we could look at this area and make some adjustments that would assist people who had to travel to the outside areas for specialists' attention. But, to jump into it now without knowing exactly what we are jumping into, would be rather a foolhardy move on the part of the Councillors here, and it would be rather irresponsible, I would suggest. So, I would urge the Councillor to defer his motion until the Spring Session.

Mr. McKinnon: Mr. Speaker, I'm not going to withdraw the Motion , I think it is an important Motion, I think it is one that should be voted upon at this time and I see the difficulty the people opposing the Motion, is a difficulty in not accepting the responsibility of Government. The responsibility of Government has set priorities on financial. It is the responsibility of Government to set regulations so that financing is not abused. And it is the responsibility of Government to sit down and negotiate with the Federal Government for finances that will cover these programs that are necessary for the Yukon Territory. It is the responsibility of Government, if the Federal Government doesn't agree that the financing of the program is not needed to lead the people of the Yukon to take control of their own destiny and perhaps their natural resources. This is the only way that these programs that are necessary for the people of the Yukon can be financed. And they find need, a willing soldier and causes of this nature where they went to bat for the people of the Yukon Territory excepting their responsibilities as a governing body of the Yukon Territory. The process of procrastination and put it off until spring to see what is happening when people in the Yukon are suffering because of this attitude is when I've used both my heart and my head, Mr. Speaker, and I would ask that this Motion be accepted by this House.

MOTION #5

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

Mr. Clerk: The Member for Carmacks-Kluane?

Mrs. Watson: Disagree.

Mr. Clerk: The Member for Whitehorse West?

Mr. McKinnon: Agreed.

Mr. Clerk: The Member for Watson Lake?

Mr. Taylor: Agreed.

Mr. Clerk: The Member for Dawson City?

Mr. Stutter: Agreed.

Mr. Clerk: The Member for Whitehorse East?

Mr. Chamberlist: Nay.

Mr. Clerk: The Member for Whitehorse North?

Mr. Tanner: Disagree.

Mr. Clerk: The vote, Mr. Speaker, is three yea, and three nay.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker: I will declare a recess until two o'clock this afternoon.

RECESS

RECESS

MOTION #6

Mr. Speaker: The House will now come to order. Motion No. 6. It was moved by Councillor McKinnon and seconded by Councillor Stutter that it is the opinion of this Council that municipalities within the Yukon be exempt from paying fuel tax under section 4 of the Fuel Tax Ordinance and be it further resolved. That it is the opinion of this Council that the fuel oil tax covering the period of April 20, 1971 to October 19, 1972, should be deemed not to be owing by the municipalities within the Territory to the Government of the Yukon. Are you prepared to proceed with this Motion at this time.

Mr. McKinnon: Yes, Mr. Speaker. The reason for this Motion falls because of a series of correspondence between the Government of the Yukon Territory and the municipality of the City of Whitehorse. The City received a letter from the Territorial Treasurer advising that the City did not qualify for exemption under the Fuel Tax Ordinance. And was therefore, required to pay \$10,293.74 fuel oil tax covering the period from April 20, 1971 to October 19, 1972. Now, Mr. Speaker, section 4 of the Fuel Tax Ordinance which was assented to by the Council on December 9, 1968 does not exclude a municipality from payment of the fuel oil tax. However, Mr. Speaker, if one searches the records of Votes and Proceedings, it is very difficult to produce an explanation as to why a municipality was excluded when for many years previously the exemption to municipalities did apply. Mr. Speaker, in 1958 the Motor Vehicle Fuel Tax Ordinance exempted municipalities from payment of the tax on motor vehicle fuel. In 1962 the Motor Vehicle Fuel Tax Ordinance was repealed and replaced by the Fuel Oil Tax Ordinance. It continued the exemption of municipalities from the payment of tax of what was then defined as fuel oil. At the first session of Council in 1968, Mr. Speaker, an amendment to the Ordinance was passed, which although it repealed in part the section dealing with the exemption, we establishment the exemption of a municipality by a new subsection(5) of section 3 of the Fuel Tax Ordinance. It reads, "No tax payable in request of fuel oil users to be used by (a) Government of Canada (b) a municipality as defined in the Municipal Ordinance and (c) deals with the visiting forces defined in the Visiting Forces Cross Atlantic Treaty Act for a person who received delivery of the fuel oil has been so authorized by such government, municipality, or force and executes a certificate in the prescribed form to that effect. So the municipalities were still excluded from that section of the Fuel Oil Tax. Following this, Mr. Speaker, the Ordinance was rewritten and introduced as Bill No. 2 to the Yukon Council on its Fourth Session in 1968. In the rewriting it appeared an oversight occurred in section 4 of the Ordinance dealing with exemptions, omitting reference to a municipality. Upon reading, Mr. Speaker, the Votes and Proceedings of the debate of that period it certainly appeared that the Members of the Yukon Council assumed the Bill to be an exact rewrite and no one noticed the oversight regarding the municipality. And in fact I have the actual quotation before and I could find it again, Mrs. Watson had the Votes and Proceedings out at that particular time, when a direct question was asked by one of the Concillors to the Legal Adviser whether the rewriting of the Bill was exactly the same and there were no omissions or deletions or corrections. And Mr. Legal Adviser replied, yes it was exactly the same and there were no changes at all. But, unfortunately there had been changes, in that the municipalities were no longer excluded from the payment of a fuel oil tax. Now, Mr. Speaker, because and I can only say at this time that in reading section 3 that it has to be an oversight by this Council seeking the advice of the Legal Adviser that there had been no changes in this Bill. Because no where in the reading of the Votes and Proceedings was there any indication that in any way, shape or form that the Council did want to put the tax on the fuel oil of the municipality and unfortunately for some reason it received, it didn't get written into the new Bill that municipalities were

Mr. McKinnon continues

MOTION #6

exempted. Mr. Speaker, in view of going through a Fuel Tax Ordinance and Votes and Proceedings of the time is the reason for the Motion that municipalities within the Yukon be exempt from paying the fuel oil tax under section 4 of the Fuel Tax Ordinance. And that it be further resolved that it is the opinion of this Council that the fuel oil tax covering the period April 20, 1971 to October 19, 1972 not to be owing by the municipalities in the Territory to the Government of the Yukon. It is just interesting to note, Mr. Speaker, that this omission was in the Fourth Session of 1968 and until this time no one had noticed the omission and I put forward the argument was because nobody even thought the omission was there because it was an omission of Council that the municipalities not be excluded. Some eager beaver looking for some method of getting more money to the Territorial coffers came across the omission that the municipalities were exempted and certainly if it was the intention of the Ordinance to have the municipalities not exempted under the Fuel Oil Tax, then why hadn't they been charged since the Fourth Session of 1968 when the omission was made by the Yukon Legislative Council. Mr. Speaker, I'm of the opinion that it was an oversight by this Council of by the Council that was present in 1968 and that it was an oversight by Mr. Legal Adviser in stating that the Bill had not been changed in any way, shape or form. And that, Mr. Speaker, that municipalities within the Yukon should be exempt from paying fuel tax under section 4 of the Fuel Tax Ordinance. As it is now there is there is a \$10,292.74 billing to the City of Whitehorse from April 20, 1971 to October 19, 1972 and I think that all Members of Council realize that the financial implications of the financial Municipal Aid Ordinance are perhaps quite different than were initially thought they were going to be. Now the municipalities are having a tough enough time as it is providing the services for the majority of the Yukon residents without being hit with this extra bill at this time which seems to be just an error on behalf of the 1968 Council and of Mr. Legal Adviser. Thank you, Mr. Speaker.

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

Mr. Stutter: Mr. Speaker, in seconding the Bill I had gone through most of the points raised by the Honourable Member for Whitehorse West and I have to feel even though I was not on Council at that time I have to feel that the final Bill did in fact leave out that particular section by mistake and it is unfortunate that Whitehorse at this particular time is being asked to pay the tax back to April 1, 1972. It just seems to me that since the Municipal Aid Bill was brought into effect and there has been a real rift between the City of Whitehorse and the Territorial Government, it seems that all possible forms of co-operation have been, all the doors to co-operation between the two parties have been closed and this just another indication of one that has been closed. I'm convinced in my mind that this particular exemption was left out not on purpose, it wasn't done purposely, and I feel the exemption for Whitehorse was intended in the first place.

Mr. Chamberlist: Mr. Speaker, I would like to point out that although the Honourable Member from Whitehorse West, when he started speaking to his Motion he started with the letter of November 5th sent by the Territorial Treasurer to the City, but as a result of a fuel oil tax audit being done and which was a detailed audit we were having some difficulty in finding out whether we were getting all the fuel oil tax money that the Government was entitled to be getting. The Territorial Treasurer had his people conduct a very thorough audit and discovered that the City of Whitehorse was one of the parties who was not paying tax on fuel that was purchased. The Territorial Treasurer had the responsibility to recover tax, revenue for the Territorial Government which was provided for in the legislation whether the legislation had been passed in error

Mr. Chamberlist continues

MOTION #6

or not. The basic requirements for the Territorial Treasurer is for him as a servant of the Government to function in a manner which indicates that he is indeed carrying out the orders of this legislative body. And that is honouring a legislation and I repeat whether there were errors in this legislation or not. On October 25, the City Treasurer was informed by telephone by his opposite number in the Territorial Government, the Territorial Treasurer, that unless he could come up with some documentary evidence as to why the City should not pay tax then they would be assessed as of April 1, 1971 which is the fiscal year of last. Now the Territorial Treasurer did not hear from the City Treasurer until on November 6th of that time and on November 6th, the Territorial Treasurer then wrote to the City Manager who I take it is the proper person to be informed where of, where there is an area that the City administration has inadvertently overlooked. It is obviously, that the City administration had inadvertently overlooked it as well as the Territorial Government if the suggestion has been made by those Honourable Members who have spoken before me. And at that time pointed out that there had been a Fuel Tax audit and this has been discovered. And it was only at that time then comes into being the remark that followed by the Honourable Member for Whitehorse West. Now the, if the fuel oil which has been taxed from the City had been used for a tax exempt purpose, then of course there would have been exemption. But the Territorial Treasurer according to the requirements that we have imposed upon him, had advised the fuel oil supplier to the City of Whitehorse that he was not to sell fuel to the City exempt of tax unless it was to be used by exempt tax purposes. The treasurer to this day has not heard from the City of Whitehorse in respect to his original telephone call or in answer to the letter that was sent to the City Manager of November 6th, but the Mayor of the City of Whitehorse had written to the Commissioner. So that what has happened is that perhaps the Honourable Member from Dawson City had expressed himself that the rift that had perhaps become more and more apparent had become apparent because of the obvious intention of the Administration of the City not the reply of the correspondent of Administrative Offices of the Territorial Government. Now again this may just have been an error. The Mayor's letter which was received on 12th of November although written on the 9th was replied to in the absence of the Commissioner who said to the best of my knowledge that it was not intended to exempt the municipalities from taxation under this Ordinance. Now, he goes on to say that any exemption would have to be authorized by an amendment to the Ordinance, until such an amendment is made by the Yukon Council the tax will have to be paid. Now, surely, Mr. Speaker, that is the true state of the situation. That until such time that this Council amends the legislation if it so wishes to exempt the municipalities from taxation the law is in effect and where there is a requirement for taxation to be paid to any person or any municipality where no juncture has been granted by legislation surely all Honourable Members recognize that the functions of the Territorial Civil Servants is to see that the enforcement of the law is given proper recognition to and that where taxation is required under the law this taxation should be made and there should be no criticism and I will agree that there has been no direct criticism in relation with the suggestion that has been made that there has been an error. This may or may not be, but I think the time is inappropriate now, the time for this would have been during the budget in the Spring Session because this is the time when we are dealing with revenues that have to be raised. This is why, of course, that I have no intention of supporting this particular Motion. I feel that there is some lack of understanding in the methods to be used in this area, certainly when the first part of the Motion asked at this Council exempt the City from paying the fuel oil tax under section 4 because it

Mr. Chamberlist continues

requires an amendment to the legislation and I'm sure Honourable Members know that in that area this is the only way we can do it. It would have to be done and I'm sure that the Honourable Member was willing to bring forward an amendment, himself, as a Private Members Bill, it could have been conducted in a Public Bill manner. This could have been done, but we are talking about money and the problem that is involved there.....

MOTION #6

....., we cannot deem to make retroactive legislation dealing with taxation as well. But there is one final point that I would like to bring out in this. That in 1968 this piece of legislation was passed and assuming that there was an error on the part of Members of Council I find it very difficult to understand why the mover of this Motion, Councillor McKinnon, who was chairman of the Financial Advisory Board from that time having had their own group of those people of like thinking matter were able to sluff over the public requirements during the spring of 1968 and won't recognize the amount of money that had to be raised by fuel tax as a result of this legislation. And why they were able to do the same thing in the budget of 1969/70 and why they were able to do the same thing when they were preparing the budget again for 1970/71. Now there was a responsibility of this very capable front office person because as I said this morning once more he has made himself further a philanthropist by wanting to give away more of the taxpayers money. This is really terrific. But it, I can't help bringing to mind how the errors of Councillor McKinnon in his capacity should now come to be brought forward by himself. I am pleased to see that he recognizes himself that many of the errors are his responsibility. I would ask, Mr. Speaker, that Members of Council do not support the Motion, but that in the spring time when we are dealing with the budget raise this question, certainly in the meantime the Government will take a look at whether or not municipalities should be exempt because there might be some other aspects that haven't been looked into as well. It needs quite some study on it and certainly the Territorial Government recognizes that if there is a need to make some amendment certainly it will be prepared to bring them through. But the Government must have the opportunity to study the overall requirements that are involved. Thank you.

MOTION #6 Mr. Taylor: Mr. Speaker, I am astounded at the remarks of the Honourable Member who spoke just before because I do not have the actual Votes and Proceedings--I believe there is only one set in circulation--at the moment, I can recall when the Honourable Member who has just spoken was a champion of the municipality. Indeed on several occasions when the Member was a Member of the Council, this matter was discussed, and I can't just absolutely take the date, I do recall that the Honourable Member has always supported the position that the municipality should be exempt from Fuel Tax, and there was never any question about it. I also recall at that time we were in great confrontation with Ottawa over the raising but it was not intended by any Member of Council--I was a Member of that Council--that the exemption of the municipality would disappear from the Bill, and, in truth, if there has been an error, it is certainly not the Council's error; it is the administration's error. And, if there has been an error, which obviously there has for when we left the Bill we assumed that in the retyping that this would be included, it was never really deleted by Council, then it needs only to be cured. We need a bill from the administration. The Honourable Member suggests that a private member's bill would cure this; indeed, when he knows full well that a private member cannot raise the money bill. It is only a prerogative of the administration; so, that is out of the question. I see no problem in offering a remission of fuel tax for this period in question to the City of Whitehorse, the City of Dawson, or the City of Faro, for that matter until such time as the bill can be presented here to Table to clarify this position. And, I think if the Administration really wanted to, they could do a service to about two-thirds of the people of the Territory who live in the municipalities and their governments by ceding to this request for remission for a small bill which could be brought in here tomorrow, and deal with the situation.

Mr. Tanner: Mr. Speaker, I am hesitant in several areas to proceed with this motion as it is. I think that the Honourable Member from Whitehorse-East is correct in so far as he says the law is the law is the law in respect of how it was made. And, I still think that in this particular case we should proceed with it. It would be my suggestion to the House that we move this into Committee so that we can get a little bit more background on the occasion of 1968 when the Honourable Member from Whitehorse-West was sitting on the Financial Advisory Committee; and, therefor, I would move that the Bill be moved into the Committee of the Whole.

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

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse-North, seconded by the Honourable Member from Dawson City that Motion No. 6 be moved into the Committee of the Whole for further discussion.

Mr. McKinnon: Before that question is called, Mr. Speaker, as mover of the motion I think I have to rise to take challenge to some of the remarks made by the Honourable Member from Whitehorse-East, because, if you will recall, the background to it that the Legal Adviser was pretty new to his job at that time, and we had all been taken in by his Irish blarney. And, when he said that there were no changes in the bill and it was the same, the Members of Council unanimously went along with his leading that the amendments did not preclude the municipality from the exemption of the Fuel Tax Ordinance. If there is any lack of understanding, Mr. Speaker, it is certainly on the part of the Honourable Member from Whitehorse-East because of him and for him to suggest that I as a backbencher can bring in a ruddy bill which he knows full well that this is a right and a right only of those sitting on the government side of the House, I maintain that somebody is trying to lead somebody down the garden path. That is the reason why the motion is as it is; in the opinion of the Council, I am humbly praying that the government will make good a mistake that they have made. And, of course, the other difference between myself and the Honourable Member from

Whitehorse-East is that I am willing to admit that the Council at the time pulled a boob by trusting their Legal Advisor just a little too much and not looking through all the t's and dotting the i's of the Ordinance. But, this is another difference that I am willing to admit when a mistake has been made, and I have made it, and somebody is suffering because of that mistake, and we have the ability to rectify it, then let's be big enough and men enough to admit the mistake and go about rectifying the mistake. And, when you have a bill of ten thousand dollars (\$10,000)--ten thousand two hundred ninety-three dollars and seventy-four cents (\$10,293.74) and is due and payable to the government of the Yukon Territory then I suggest, Mr. Speaker, that this is the time to rectify the bill. Certainly, if out of discussions in Committee the administration can bring forward an amendment that this House can pass at this session I will be all in favor of supporting that government money bill, Mr. Speaker.

MOTION #6

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

MOTION CARRIED

MOTION CARRIED

Mr. Chamberlist: A point of order, Mr. Speaker, of explanation. The motion that has been carried is to be passed into Committee for discussion.

Mr. Speaker: Motion No. 7. It has been moved by Councillor Stutter, Seconded by Councillor Taylor, Re: Interpretation Ordinance 1967-68. That the words in brackets describing Discovery Day in paragraph (j) of subsection (1) of section 20 of the Interpretation Ordinance, be replaced with the words "the third Monday in August". Are you prepared to proceed with this motion at this time?

MOTION #7

Mr. Stutter: I am prepared to proceed with it unless the Honourable Member wishes to move it into Council.

Mr. Chamberlist: I would move that we go into Committee because I think many Members would like to have some comments on the subject.

Mr. Tanner: I second it, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse-East, seconded by the Honourable Member from Whitehorse-North, that Motion No. 7 be moved into Committee for further discussion. Are you prepared for the question? Agreed?

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 8. It has been moved by Councillor Stutter, seconded by Councillor Taylor, that the Territorial Council unanimously request that the Federal Government take immediate action to halt the rapid rate of erosion of the river bank adjacent to the Village of Old Crow, thereby eliminating the very strong probability of loss of life and buildings. Are you prepared for the question? Agreed?

MOTION #8

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Now we come to the question period. Mr. Clerk, would you see that the Commissioner is available. We will now have a short recess.

RECESS

RECESS

Mr. Commissioner: Mr. Speaker, may I answer a question that I promised yesterday I would have the information on? Councillor Stutter asked, "First of all, I would like to ask if that preliminary budget has been received, and secondly, was Dawson, out of its meager budget able to provide any funds to go along with celebrations of the Klondike Festival, 1973?" The answer is as follows: The city of Dawson has not filed their 1973 Provisional Budget; therefore, we are unable to advise what amounts out of their meager funds they are planning to use on the 1973 Klondike Festival.

QUESTION R. DAWSON BUDGET

Mr. Stutter: Mr. Speaker, I wish to thank the Commissioner for his very enlightening reply.

*QUESTION RE
ADDITION TO
SCHOOLS*

Mr. Taylor: Mr. Speaker, I would like to direct a question to the Honourable Member of Council in charge of Education. I have noted in the recent newsletter I believe it was the October newsletter, that plans are now going ahead, plans and specifications are now being finalized for an early tender call on the addition of the Watson Lake Elementary High School. I also noted that the Teslin School addition is now going ahead again following approval on October 27 of this year to proceed with the design work, I suppose it is. I am wondering if the Honourable Member could explain the why of having this item budgeted early in the Spring if these projects were withdrawn and then at this late date activated again. Could I have some explanation?

Mrs. Watson: Yes, Mr. Speaker, the architect's plans were started during the summer and in the Spring for the additions to the Watson Lake School and the addition to the Teslin School. We felt that we had to have a second look at the Teslin School plan that the architect had submitted. There were some changes that we felt were necessary, and we made the changes and the architect made the changes, and we proceeded again. We deliberately held off beginning this construction for this summer until all the plans and the tenders had proceeded for the simple fact that in this addition there is a tie into the heating system, and we have to make completely sure that when the work begins that it can be finished before the school year commences in September. So, had they begun the work, say, in July of last summer, they would have just nicely have got started and disrupted the heating system, and classes would begin and we would have been in a very difficult situation. And this is the reason why there has been a delay, but we hope that the tenders will be called, the contractors will be ready to go to work in the Spring, and the job will be completed by September, '73.

*QUESTION RE
KLONDIKE
FESTIVAL*

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. Will Dawson City be receiving any funds to help celebrate the 1973 Klondike Festival?

Mr. Commissioner: Mr. Speaker, the disposition of funds in the first instance will depend upon the favorable consideration of an item that hopefully will appear in the 1973-74 Budget which will be tabled in the Council prior to the beginning of the next fiscal year, and secondly, that money will be dispersed upon the recommendations of a citizens' committee which, I believe, Honourable Members are aware has been formed and it will be, I would have reason to assume that it will be based on some form of priority system depending upon where the celebrations are to take place and the various projects that are put forth by the communities in question.

Mr. Stutter: Mr. Speaker, I have a somewhat related question. In the Sessional Paper 18 which dealt with the Klondike Gold Rush International Historic Park, the last paragraph states, "There is little doubt that whole idea of such an international park has caught the public imagination and I think that it is safe to say that this project will in fact become a reality in the Yukon Territory within the next four or five years." Also within the reply we have, or within the context of the Sessional Paper another paragraph states, "There is presently a bill being presented to the United States Senate to authorize the Secretary of the Interior to establish a Klondike Gold Rush International Historic Park in the states of Alaska and Washington. It may be that our own Federal, Provincial, and Territorial legislation is sufficient to cover any regulation or controls we might require in that part of British Columbia and Canada so effected." My question is: Has the Territorial legislation been checked to see that in fact the necessary provisions are being made?

Mr. Commissioner: Mr. Speaker, subject to anything that comes up that would be within the jurisdiction of the Territory the Federal legislation appears to be very adequate to cover all the requirements of this in Canada as far as we are aware at this time.

QUESTION RE
KLONDIKE
FESTIVAL

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner at the last Session of Council I asked Mr. Commissioner a question about removing billboards along Yukon highways. Mr. Commissioner's reply, Mr. Speaker, was that at times the administration is criticised for not obeying the wishes of this House. I would like to assure the Honourable Member that if a favourable motion directing the Administration to remove these billboards past this House giving 24 hours and we'll get rid of them. This Motion was passed at the last Session, Mr. Speaker, and all I see is the proliferation of billboards all along Yukon Highways. I wonder if Mr. Commissioner needs a further 24 hours or a further 24 months or 24 years to get any action on this.

*QUESTION RE
BILLBOARDS
ALONG HIGHWAYS*

Mr. Commissioner: Mr. Speaker, I need a little more energy but could I have the opportunity of determining just what the situation is. Quite frankly, I agree very much with the sentiments expressed by the Honourable Members of this House when they speak of the proliferation of billboards and of the unsightly situation generated as a consequence. I will report back to the House on this as quickly as possible.

Mr. Tanner: I have a question to ask the Minister of Education about whether it concerns her department - but it really concerns the Financial Advisory Committee. Is it the intention of the Financial Advisory Committee to increase the living allowance with students of the Vocational School - those students who are financed by the Yukon Territorial Government, to bring them in line with the allowances being paid under Manpower scheme.

*QUESTION RE
FINANCIAL
ADVISORY
COMMITTEE*

Mrs. Watson: Mr. Speaker, I - this is a question I am not able to answer at this time because I am afraid it refers to a budget item.

Mr. Tanner: Mr. Speaker, could the Minister of Education give the House some indication in a written reply tomorrow?

Mrs. Watson: I will attempt.

Mr. Stutter: Mr. Speaker, I have a question, or rather a request, for the Minister of Education. Along with Sessional Paper 17 which was tabled yesterday, there was a mailing list for the Committee on Education Report. Unless I misunderstand it, this is the list of people that will in actual fact be receiving the Report. May I make the suggestion that all those who put in a Brief should also receive a copy of the Report and Councils in municipalities.

*QUESTION RE
COMMITTEE ON
EDUCATION REPORT*

Mr. Taylor: Mr. Speaker, I have a question I would direct to Mr. Commissioner respecting the Yukon Grants policy. On Sessional Paper No. 11 - at the end of January of this year - the new Yukon grants policy was outlined and as yet I am not sure if any communities have made any representations in respect of it. I am wondering how much time is left, as far as the Administration is concerned, in order to receive submissions from various community organizations in respect of grants for next year or must we assume that they go without them.

*QUESTION RE
YUKON GRANTS
POLICY*

Mr. Commissioner: Well, Mr. Speaker, if the Honourable Member would give me a little bit more detail I will gladly answer. What specific grants, Mr. Speaker - the Honourable Member -

Mr. Taylor: These are community development grants.

Mr. Commissioner: The community development grants were not - the system as outlined was not agreed to by the Council Mr. Speaker, and as a consequence the same situation prevails at the present time as has done in the past.

Mr. Speaker: Are there any further questions?

QUESTION RE
DISSOLVE
THE HOUSE

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner that since the government was defeated on a money matter this morning whether it is the intention of the Commissioner to dissolve the House and seek a new election and ask the opposition to form a government.

Mr. Commissioner: Mr. Speaker, there are some things that the Commissioner has the authority to do and there are other things he can't.

QUESTION RE
DEPARTMENT
HEADS
MEETINGS

Mr. Taylor: Mr. Speaker, I have a further question I would like to direct to Mr. Commissioner this afternoon and I have noted, and I believe there is a question related to it, that during the course of the summer the Administration have embarked on a program of taking the department heads and administrative officers and many members of the government to various places in and around the Territory and I believe one was Faro and the other I believe was Cortino Lodge down on the Haines Road. I am wondering if I could have an explanation as to why these trips are necessary as much as they must involve a great deal of expense to the Territory.

Mr. Commissioner: Yes, Mr. Speaker, I am very glad to have the opportunity of explaining why they are necessary. The size of the Government of the Yukon Territory is now such as it becomes a very difficult exercise to get all department heads and their administrative officers together in a fairly unhurried and uncontaminated atmosphere to sit down and discuss some of the things and the policies and the programs that this Council wants them to give effect to. We started this series of staff meetings approximately two and a half years ago. The first two or three of them were held at six month intervals here in the metro area where department heads are located. It was an absolute exercise in futility because there was just no way that we could seem to be able to get away from telephones and interruptions. The present series was started approximately eighteen months ago when all the affected people were taken as one group and we held the meeting at the Lodge in Burwash. The following meeting was held six months later and Cortino Lodge was used as site of the meeting. The most recent one was held in Faro and I want to assure the Honourable Members that the actual cost involved compared to the benefits that are obtained for the senior members of the government, and remember these people are employed and doing the things this Council wants done, far outweighs the actual cost involved, and certainly it is my intention to continue these kind of meetings because there is just far too many things go on in one department that many other departments have to live with the consequences of them and unless there is some kind of a form for these people to get together and find out what other departments are doing that there is a constant lack of liaison that results in much duplication of effort, the wasting of public funds and likewise always the opportunity or the lack of accomplishment of the various programs that we want to do.

Mr. Taylor: Supplementary, Mr. Speaker, in view of the fact that there is a beautiful forum here in the great metropolis of Whitehorse in the form of a Rec Centre, is it not possible that in the future the Administration could lock themselves in the Rec Centre away from telephones and harrasment and do these chores and funnel any funds that might be available into that worthwhile project rather than drifting off into the resort lodges of the Territory.

Mr. Commissioner: No, Mr. Speaker, I don't go along with the comment about the funds being funnelled off into the resort lodges of the Territory because when department heads go to these places they have the opportunity of meeting with people in the community and the

particular aspects of that community which is affected by government and also insofar as the use of the Rec Centre is concerned, the Yukon Territorial Government no longer has any control over the Rec Centre - our lease expired there and we are doing the necessary things now to fill out the terms of our lease and that particular building will now come under someone else's jurisdiction.

QUESTION RE
DEPARTMENT
HEADS
MEETING

Mr. Taylor: Mr. Speaker, I have a further question of Mr. Commissioner. Sometime ago, or this afternoon, I asked if it would be possible for the Administration to forward to the Councillors the census figures when they became available. Are they yet available, and if so, would it be possible to obtain copies.

QUESTION RE
CENSUS
FIGURES

Mr. Commissioner: Mr. Speaker, to the best of my knowledge it was published in the Newsletter but we'll bring them forward as a separate item.

Mr. Taylor: One final question Mr. Speaker, in relation to the Game Department, I am wondering if the Commissioner is aware that in the areas to the west and south of us there is a very unusually large wolf population. This is putting a hardship on the game population. I am wondering if Mr. Commissioner could endeavour to find out from the Game Department if they can keep up their predator program this winter in order to cut down some of the overabundance of wolves in this area.

QUESTION RE
GAME
DEPARTMENT

Mr. Commissioner: Mr. Speaker, fortunately we are no longer subject to non-professional advice in these matters. We have a professional, a very highly regarded game biologist on our staff now and I am confident that the programs of the Game Department with regard to predator control and all other matters will be guided as a consequence of this professional advice on these matters. Council will remember that this is a man who has been long sought by the Honourable Member from Watson Lake who asked the question and I am personally satisfied in my own mind that we have been able to recruit a very competent and capable individual whose advice I am sure the Director of Game will be getting followed. The question as raised by the Honourable Member I will see that it is passed on to the proper channels.

Mr. Taylor: One final question as well, Mr. Speaker, I have just noted in my list here for today that is, I am wondering if someone on the Financial Advisory Committee can inform me as to whether there is going to be an ambulance provided for Teslin in the budget this forthcoming spring.

QUESTION RE
AMBULANCE
FOR TESLIN

Mr. Chamberlist: Mr. Speaker, I would suggest that we take a look at that when the budget is tabled.

Mr. Speaker: Are there any further questions? I would like to thank the Commissioner for his attendance.

Mr. Chamberlist: Mr. Speaker, I would move, seconded by Councillor Watson, that third reading be given to Bill No. 32, An Ordinance to Amend the Coroner's Ordinance.

THIRD
READING
BILL #32

Mr. Speaker: Moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane that third reading be given to Bill No. 32 - An Ordinance to Amend the Coroner's Ordinance. Are you prepared for the question? Agreed?

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are you prepared to adopt the title to Bill No. 32?

TITLE
ADOPTED
BILL #32

It has been moved by the Honourable Member from

Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane that title to Bill No. 32, an Ordinance to Amend the Coroner's Ordinance be adopted as written.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Carmacks-Kluane that Bill No. 34, An Ordinance Intituled An Ordinance to Repeal the Lands Ordinance be given third reading at this time.

*THIRD
READING
BILL #34*

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title Bill No. 34, An Ordinance to Repeal the Lands Ordinance be adopted as read.

*TITLE
ADOPTED
BILL #34
MOTION
CARRIED*

MOTION CARRIED

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

Moved by Mr. Taylor, seconded by Mr. Tanner, that Mr. Speaker now leave the Chair, and Council move to the Committee of the Whole for the purpose of discussing Bills and Sessional Papers.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Chairman: At this time I will call Committee to order. We have three items, four items of business I believe. We have Bill No. 33, which I believe we can proceed with now, and then we have three motions. Mr. Legal Adviser, could you attend to this.

BILL #33

Legal Adviser: The section is section six and it is on page two of the first page. I expect page two has been circulated to the members, and this provides that the Board of Trustees must give notice of the Annual General Meeting by posting notice in four conspicuous places, and advertising in at least one issue of newspaper circulation. The old section says four times, I am sorry, three issues of the Gazette. This draft now, and the one which was before the House yesterday or the day before, didn't contain any provision for advertising in a newspaper. The revision now would be four notices and at least one in a newspaper circulating in the District.

Mr. Chairman: I wonder why just four when we used to say by posting notices in conspicuous places in the District. Why is the limit on four?

Mr. Legal Adviser: There is no limit on the four; they must do it on the four. But, this is to match another section which you would find on page 1 which provides that other forms of notice, you have to do it in at least four places in the District.

Mr. Chairman: I will read the Section 6. Subsection 9(3) of the said Ordinance is repealed and the following substituted therefor: 9(3) The Board of Trustees shall give notice of time and place of the Annual General Meeting

(a) by posting notices in four conspicuous places in the District, and

(b) by advertising in at least one issue of a newspaper circulating in the District.

Any further discussion on the bill?

I will read the preamble intituled An Ordinance to Amend the Local Improvement District Ordinance. (Reads preamble.)

Mr. Tanner: Mr. Chairman, I will move Bill No. 33 out of Committee as amended.

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

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Stutter, that Bill No. 33 be reported out of Committee as amended. Are you prepared for the question? Agreed.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: The next item of business is Motion No. 4, moved by Councillor McKinnon, seconded by Councillor Taylor, that legislation be introduced in this session of Council (a) making it necessary for all contractors to pay the going Yukon wage in all Yukon projects, (b) by forcing contractors to hire a work force locally if qualified people are available. Mr. McKinnon.

MOTION #4

Mr. McKinnon: Mr. Chairman, I didn't move it into Committee. The Honourable member from Whitehorse-East or the Honourable member from Whitehorse-West did.

Mr. Stutter: Mr. Chairman, I moved it into Committee because there are a couple of points that I wanted to bring up and it looks as though there were other members who were having difficulty accepting the motion in its present form. One question I do have, of course, is to try to determine somewhere along the line what is actually the going wage in the Territory and I don't know whether the Member himself has given a great deal of thought as to how this particular angle is to be worked out.

MOTION #4

Mr. McKinnon: Mr. Chairman, as section 12 of the Labour Standards Ordinance is for the first time, as far as I know, going to be tested and upheld in the courts of the Yukon Territory, and if it is in effect going into practice and the administration is going to enforce it, and it is enforceable, as the Honourable Member from Whitehorse-East said, that it is subjudice and we have to wait the results of the court cases; however, I think that all Honourable Members are aware that the enforcement of that part of the Ordinance to my knowledge has not been taking place in the last years in the Yukon courts, and we all know of cases where contractors have been bringing in outside labourers at wages far below even the established wages that are used as a guideline by the Department of Public Works when contracts are bid on government contracts. And, this is the problem that has been plaguing people in the Yukon for some time. Now if the enforcement of the Labour Standards Ordinance is going to come into effect and indeed we are going to win in the courts and employers are going to know that they are going to have to pay the wages that are prevalent in the Yukon Territory. Then this one half of the motion has, hopefully, finally been taken care of, and of course nobody is going to know until the results of the courts decision.

Mr. Legal Adviser: There have been court decision in relation to this innovation to contract with the Federal Department of Public Works, but the enforcement of contracts dealing with the Federal Department of Public Works only very seldom comes purview of the Territorial Departments. They are usually enforced by a Federal Department of Labour which has the jurisdiction of that field. They set their own contracts and they enforce their own powers in relation to the contracts. But this for many years has been a clause in Federal Department of Labour Contracts, and it also has a clause which is enforced when it comes to the attention of the Department in relation to Territorial Contracts. This is not the case which is presently before the courts. It is not the first of its kind, but it is maybe the first where a specific prosecution was taken in relation to underpayment. Usually, the enforcement comes about because somebody is not paid, and then when the matter comes to court, there may be disputes (a) as to whether the person should be paid, or (b) what the rate should be; in that event then the schedule is produced in the court as to what the amount should be, and the magistrate is totalling up the amount which he ordered the employer to pay at the end of the case. This is the scale of pay, and in many cases the officials of that department have come into witness box and produced the scale of pay. In the Federal ones there may, as part of the contract and on the regulations made under the authority of Federal departments. The rate of pay is laid down for each part of Canada, and includes a schedule dealing with the Yukon as part of the schedule in the Federal regulations.

Mr. Tanner: Mr. Chairman, could the Legal Adviser specifically tell us whether there are some employers from out of the Territory who are presently being taken to court for work that was done on Territorial Government projects in the last year.

Mr. Legal Adviser: I couldn't say where the origin of the employer is, but there are cases at present before the courts waiting a decision on this point.

Mr. Tanner: Mr. Chairman, could I suggest then in light of that that perhaps the Honourable Member from Whitehorse-West would be prepared to withdraw the first part of the motion.

Mr. McKinnon: Mr. Chairman, I don't know whether there should be an amending motion which I can't make, or whether I can just. . . I'll listen to the advice of the Chair though if I can withdraw the first part of the motion, I will do it.

Mrs. Watson: Mr. Chairman, I would also like to point out to the Honourable Member that we have legislation to be introduced at this stage and it would be virtually impossible to introduce legislation at this session. I think that possibly this whole motion will require some rewording.

Mr. McKinnon: Mr. Chairman, the reasons why motions like these are brought up in the House are for this type of information and this type of debate to go on. (1) I was not aware that the Territorial Courts were engaged in prosecution under section 12 of the Labour Standards Ordinance, and now that they are that takes care of section a and hopefully, that it will come out to the benefit of the employee. Now the (b) part Mr. Chairman, we were told at the last session of Council when the attempt that we made to bring about legislation that would allow the Commissioner to designate trade, that there would be legislation coming. The Honourable Member from Whitehorse-East is the one who made the promise at the earliest opportunity to take care of this problem. Now some months have transpired since that promise was made to this legislative Council. Now certainly it is the time to find out whether some legislation is actually being earmarked, whether work is being done on the project, and whether legislation can be expected within the next while. MOTION #4

Mr. Chamberlist: Mr. Chairman, I can say this in relation to the second part of this motion. I have been doing a lot of private investigation through other jurisdictions to see if they have anything similar in their jurisdiction to take care of this particular subject. So far, I have come against a blank wall. There is still no legislation of this particular type. Now, you see, if we, just supposing that we left out this (a) and suppose that this motion consisted just of the (b) portion only, the motion would then read that legislation be introduced at this session of Council forcing contractors to hire their work force locally if qualified people are available. Now, here the government would be attempting to force a contractor to employ a specific person on any job. Now, if you were talking, if this read, "dealt with Territorial Government projects" you might have something to look at. But, here we are saying in this, "forcing contractors to hire the work force of the Yukon". Now, somebody wants to put up a building, an ordinary commercial building, got nothing at all to do with the government. With a motion like this you are asking us to legislate so that we can tell some private entrepreneur who he will allow his contractor to hire, and the condition and terms of the contract that he would go into would have to differ because the contractor might say, "I have got a special team for this particular type of job and they are doing the job right now in Fort St. John, and I want to use these people." We can't go and make legislation to force private enterprise who to employ. Certainly, we might try and make some restrictive covenant in there to help restrict the government in, to help get the government to restrict people working for them as to who the contractor should employ if it's on Territorial government projects. But then you've got to take into consideration whether or not the work force is available. Now we know on one particular job where one general contractor in the Yukon, a contractor of many years of standing, because they were hiring people locally who stayed for about a week or eight days and they were being paid top wages plus a little bonus couldn't tough it out for a week or eight days. When they finished up they went through all the work force that was available and had to go outside and hire about forty people so they could get on with the job that the government had asked them to do. You can't say to the contractor, "You can't get local people on the payroll so just cut them out," that isn't what we are looking for. And, that wasn't what that piece of legislation which I say was most improperly turned down by the Department of Justice and which I say now that I don't support the Commissioner in not giving assent to it. Never did support it in that because it was the wish of this Council that assent was to be given, and you know that it was the wish of the Council that assent was to be given and he was in the wrong, and I say it now and I've said it all the time, and I haven't changed not one iota, and I could say that we could reintroduce it have it done again because it was a good thing for the legislation, and we have the support of the Legal Adviser, but this goes to show where the Commissioner has his master in Ottawa, but he is not my master or Councillor Watson's master. The point is that dealing with this area alone you can't just rush into this. Again there are so many intangible things that you have to look at, and if we are asked to examine

MOTION #4

a piece of legislation that reads like this and try and bring in legislation to force contractors to hire their work force locally if qualified people are available. Now, first of all, sure there were qualified people available, and sure they were hired, and sure they took off after a week, but they are still here available does the job come to a standstill? You are forced into a position that--look at the contractor. Poor guy has got hundreds of thousands of dollars worth of equipment sitting around doing nothing, and he can't get the local people to work. I have employed local people, and I know how tough it is at times to get them to work even when the work is there for them. So, you have to look at both sides of the question. I have always supported the many, many arguments that union organizations have put up in relation to better operating conditions for people who are in the brotherhood. And I will maintain to do that, but I want them to understand as well that they have a responsibility in the economic structure of the Yukon and its future as well. I am afraid, Mr. Chairman, it would be wrong for us to consider this motion in the manner it is, and I think we've had a good discussion on this, and I think it was worthwhile. And this is one of the areas that I have . . . to give to the Honourable Member from Whitehorse-West. It was worthwhile that he brought this forward so that people could air their views on it. I am suggesting that we should forget about it at this stage because the Executive Committee has made themselves very, very much concerned with the situation, we have kept the unions informed as to what we are doing. I have written to them, there have been press releases in relation to the fact that the Executive Committee are looking into the requests that have been made. I think it should be left there until such time as we have been able to really work something out that can be beneficial to somehow get local contractors recognizing their responsibility under reasonable conditions to hire the local help. I would like to just tell you this much that, again I repeat that, in the Spring Session I have every hope to bring forward that piece of legislation that we already put in. Why should regulations of this description be restricted to contractors? How about other employers who bring in people from outside. As a matter of fact, the Territorial government is at times the worst employer because they go outside and they take on people for employment when we should be using local people. And make no mistake about it that the voice of Mrs. Watson has often been heard and my voice has often been heard in relation to this so that Honourable Members who are not sitting in the Executive Committee know that we are not a rubber stamp, we are looking after the interests of the people of the Yukon, and we are going to make sure that wherever possible where our input does count that the employer, the Territorial government employs local labor whenever possible, but then you have to look at all the other types of employers as well. It is a problem that exists; we have to also educate the public at large. That to find employment here, to maintain their employment here, they have to play the game, too. And there are some people who are irresponsible in their capabilities as employees. So, I would suggest again, Mr. Chairman, that both the Honourable Member with the Commissioner his seconder would withdraw this discussion on it and let the government conduct their business in the manner that they are and in relation to the thing, and I am sure something advantageous to us all would be fruitful out of it anyway.

Mr. McKinnon: Well, it's been a very interesting day around the old Territorial Council Chambers today and this afternoon is no exception. Now, I mean of course, all Members realize that the whole purpose of this Motion is that on Territorial Government contracts, where local qualified help is available, that the Government in the past, and is going to in the future, allow for people to come in, in trades from outside, when the local working role is sitting here idle. I think it's abominable, it's something that's faced this Council since the time I first came here, and something that has to be cured. Now we go round and round and round, listening to everybody say how terrible it is, how something should be found out to do about it, but nothing ever is. I was very interested to learn of the support of the Honourable Member from the last piece of legislation, that upon the advice of someone, whether it was in the Justice Department, or from the Minister of Indian Affairs and Northern Development, the Commissioner was told not to assent the amendment we had made to the Labour Standards' Ordinance, in an attempt to get around this problem. Mr. Commissioner, if he wants me to bring out the Votes and Proceedings of the particular matter, where we designated trade, where we could designate trade, if there were local people in those trades that weren't working and the contracts on a government project was bringing them out, the Commissioner could say look it, you have to hire so many of our local people, and upon the advice of someone, that Bill was not given assent, which was the amendment to the Labour Standards' Ordinance, that was brought forward by the Legal Adviser, to Yukon Legislative Council, at that time, and he said that it was *intra vires*. There is no way that I can find anything in the Yukon Act which we seem to indicate that we were not completely within our prerogative in attacking the problem in this manner. Then to have those feds sitting up there in their fifty thousand dollar positions and bowler hats in Ottawa, telling us that we can't protect our working force when it was absolutely clear that under the Yukon Act that we have the responsibility for labour in the Yukon Territory and the Commissioner is to go along with it. Well as I guess I said, he's an employee and had to go along with it, but definitely, if the Honourable Member brings back that legislation, I will support him one hundred percent. If he doesn't bring in the legislation, and I bring it in as a Private Member's Bill, to have that legislation, would he support me and go united to the Department of Justice and tell them, hands off, it's the Territorial Government jurisdiction and we'll be the mass who can decide whether we should pass legislation to this effect. If you don't like it, try it in the courts, that's the place. Don't tell us that it's *ultra vires* of our ability to be able to legislate, until you can at least try it in court. With that guarantee, Mr. Chairman, and with the acknowledgement of my seconder, I'd be happy to withdraw the Motion at this time.

MOTION #4

Mr. Chamberlist: The Honourable Member did not have to bother about bringing that piece of legislation back, because he had my personal promise that it's going to be here in the Spring Session. That is the only way to overcome it and there is no reason...this is where I agree with the Honourable Member, we have the power within the Yukon Act to do it, and that is one of the powers that I am speaking of as a Member of Territorial Council, and it is not going to be taken away from this Council.

Mr. McKinnon: Mr. Chairman, I would like leave to withdraw my Motion at this time.

Mr. Chairman: From the Chair, I would be agreed to withdrawing this Motion. Is Committee agreed that the Member can withdraw the Motion?

MOTION WITHDRAWN

MOTION
WITHDRAWN

MOTION # 6

Mr. Chairman: The next Motion is Motion No. 6. Moved by Councillor McKinnon, seconded by Councillor Stutter, it is the opinion of this Council that municipalities within the Yukon be exempt from paying fuel tax under section 4 of the Fuel Tax Ordinance, and be it further resolved, that it is the opinion of this Council, that the fuel oil tax covering the period of April 20, 1971, to October 19, 1972, should be deemed not to be owing by the municipalities within the Territory, to the Government of the Yukon.

Mr. Tanner: Mr. Chairman, I move this into Committee. First of all I'd like some advice from the Legal Adviser whether or not the second part of that Motion can be done. In other words, can we...is it technically possible for us to make retroactive legislation for a Bill which the legislation presently calls for should be paid.

Mr. Legal Adviser: Mr. Chairman, there's no objection to this Council, ever at any time, introducing legislation which is retroactive in effect. The thing is, is it in the nature of a money resolution, or not. If it's a money resolution then it would be incompetent to introduce it. If it's not a money resolution, then it's competent for the Council to discuss it. It starts off by an opinion, not a direction for the Government, so that the Government wouldn't be obligated in any way to obey this resolution or carry it out.

Mr. Tanner: Mr. Chairman, I've got a further question that I want to ask Councillor McKinnon. When he was talking of the history of the Bill, originally in '68, he mentioned one of the Members asked of the Legal Adviser, what the situation was, whether or not they had to read the whole Bill and I'm interested to know whether one of the Members presently sitting on this Council, will answer that question.

Mr. McKinnon: Mr. Chairman, I have the quotation but I'd have to look it up again. I don't remember whether it was, I think it was though.

Mr. Legal Adviser: Mr. Chairman, the Clerk has done some research on what happened at that period and it appears that the Bill was originally drafted prior to submission to the House, and drafted as passed. In other words, a new section was prepared as part of the amendments. It did not contain any privilege for the municipalities. It was omitted in the draft, then that draft came to the House and was eventually passed unchanged. So there was no question of a typographical error. It's clear that whatever may have occurred, it must have been government policy at that time, to review the whole of the privileges or exemptions given, as the drafting reflects this. I haven't looked at the Votes or Proceedings, or read them to see what was said during its passage through the House, but it's clear that looking at the papers in the possession of the Clerk, the Bill unchanged in that respect, passed through the House. It was introduced in that form, passed through in that form, eventually. There's no question of a typographical error, it's a question of government policy as it stood at that time.

Mr. McKinnon: In none of the Votes and Proceedings, Mr. Chairman, is there a question raised at all on the exemption of the municipalities from the Ordinance.

Mr. Legal Adviser: Yes, this is also correct. The question doesn't appear to have been raised, Mr. Chairman.

Mr. McKinnon: That's my contention, Mr. Chairman, that it wasn't the intention of the Council sitting at that time to exempt or not to leave the exemption of the municipalities from the Fuel Tax Ordinance, out of the new Fuel Tax Ordinance. In any of the research that one looks at, and the Votes and Proceedings that I documented, this morning, never once does it appear in any way that there was to be an exemption for the municipalities....that the exemption for the municipalities was to be lifted from the Fuel Tax Ordinance.

Mr. Chamberlist: I wonder if we could look at it in the reverse, because there was no comment at all in the Votes and Proceedings it was because nobody was objecting to the municipality having to pay the fuel tax. You can look at that both ways but I would suggest that there has to be much more research done as to what is the generally used procedure in relation to fuel tax exemptions for municipalities. Certainly, I would want to keep out of this particular portion of the investigation, any reference to the conduct of correspondence between administrators on the City.... really what takes place in those areas should be an administrative requirement between the administration of the City and the administration of the Territory. Certainly, I don't want to get into a debate with Mayor Wybrew. He has written to the Commissioner but the City Manager, who should have been replying as the head of the administration, omits inadvertently, to reply to the Territorial Treasurer, who doesn't know that the Mayor is writing to the Commissioner. So this is where the breakdown takes place. The wrong people are writing to each other. It must be on a matter of an administrative level and I think that could have been cleared up very easily. My only suggestion at this time, is as I said earlier, that the legislation is already there. Certainly, there could be no intention of changing the legislation now, because that amount of money which is part of the amount of money for taxation for fuel oil for the City, has been estimated within the budget for this year. I see no reason at all why this matter can't be brought forward in the budget. The Honourable Member for Whitehorse West seems to be very concerned about this particular aspect. I suppose we should all be concerned. I'm one of the municipal suffering taxpayers as well. The municipality hasn't been any easier on me in raising their taxes. If they have to raise more, I have to pay more, just the same as everybody else. The concern of course, is as well, that if the municipality doesn't pay taxes, and the Territorial Government has to pay taxes, the Territorial Government, still, in some method, finds the money from the municipal taxpayers, who are taxpayers of the Territory at the same time. Really, what you're trying to say is what pocket shall we take that ten or twelve thousand dollars out of. Should we take it out of Mr. Brown, municipal taxpayer, or should we take it out of Mr. Brown with his hat on, as a Territorial Government taxpayer. Either way you look at it. the taxpayer pays. I can tell you this, since this question has arisen, the whole matter has come under jurial review of the Executive Committee of the departmental people responsible. I therefore, can't support the Motion itself, because it is under review and once again it's a question of ...if the Honourable Member goes to put it to a vote, the situation would still be the same. The matter is under review and of course, I would suggest again, that the Honourable Member is now being assured that it is under review and being studied. We've heard the remarks of the Honourable Members; they might have quite a lot of merit to them, but even now it is being discussed, we should withdraw the Motion and allow the Administration of the Government to look into it thoroughly and then ask us again in the Spring what has been done subsequent to the review that has been made, and then if they're not satisfied, they can start again and bring the Motion in again.

Mr. Tanner: Could the Honourable Member from Whitehorse East give the House the assurance that there will be no further imposition on the City as far as the fuel tax is concerned, until such time as that position paper.

Mr. Chamberlist: No, I cannot do that, for the simple reason that the law is basic and I have a responsibility just in the same manner as every Member of this Council, to uphold the law as it is. If the law states that it doesn't give any exemption to the City of Whitehorse, then we have to go along with that basis. There's no reason why, at a later date, if we find or the City finds that this puts a little difficulty in their position, surely they should come along and state their position and then deal with it from that angle. Perhaps then,

Mr. Chamberlist continues:

MOTION #6

at that time; I doubt whether I can say at this time whether there can be any repayment of any fuel tax. I suppose it could be; this is the Commissioner's discretion. His directions in money matters are under the Financial Administration Ordinance, as I'm sure all Members are aware, and this is something that he has to deal with at that time, but certainly, I don't think any Member of Council would want me to say that there's going to be changes, or that the position is ...the position of the law is going to be changed administratively, when legislatively, the Council has passed a piece of legislation. It's as simple as that.

Mr. Tanner: Mr. Chairman, the Honourable Member misunderstood my question, I think. There's two specific problems here. One, is whether or not municipalities should be exempted from paying fuel tax, that's one problem; that can be solved at the next Session of Council. The immediate problem here, which the City is concerned with, and I am quite concerned with, as a representative of the City, is whether or not the Territorial Government is going to insist on picking up that fuel tax from the date of April 20, 1971 to October 19, 1972, and until such a decision is made, could the Honourable Member assure this House that that won't be pursued as far as the back-tax from those two dates is concerned.

Mr. Chamberlist: Well, I can't give any assurance on that at all, because if I did give an assurance of that nature, I would be saying that the Territorial Treasurer, who has properly conducted his duties, should not conduct his duties. His duty is to advise those people who are responsible for paying taxes, that there is tax owing. He's done that; I have no intention of saying to him, sit in the back there in the weeds now, you've done your...that's his business, and I don't think any Member of the Executive Committee should be asked to do anything but allow the administrative officers of the government to fulfill their particular functions. All I can give you is assurance again, that the Executive Committee are thoroughly going through this whole area; that by the Spring Session, we will have come up with an answer to the question that has been quite properly raised, by Honourable Members, in relation to this fuel tax exemption for the City of Whitehorse, and on the basis of the answer, the Executive Committee will be able to give to Territorial Council, then at that time they can either come forward with a similar motion or raise the whole point, and the whole matter, and the whole amount of money, in the budget discussion. I would suggest that that is the time to really...for Territorial Council to really make itself felt in this particular area.

Mr. Tanner: Well, Mr. Chairman, I'd like to pursue this a little further. Perhaps in that case, without giving the commitment, the Territorial Government, and in this particular case, the Territorial Treasurer, could use the common business practise...I'm not pushing for receipt on that bill until such time as this House has sat on its Spring Session.

Mr. Chamberlist: Mr. Chairman, this is purely an administrative matter and it is entirely something that the Commissioner has now listened to. He has the ultimate responsibility for the finances of the Territory, perhaps the Honourable Member might have been putting the question to the wrong person here, because if he'd have perhaps put that question to the Commissioner, he might have been able to get a more definite answer than I can give, and I can only give that answer as a person who is a Member of Executive Committee, Chairman of the Financial Advisory Group, to let you know that the responsibility of government, and government officials, and the collection of revenues of the government, is to obey the law. I say that the Territorial Treasurer is fulfilling his function, until such time as this Territorial Legislature does otherwise, he must abide by that law and we have to protect him in that area.

Mr. Tanner: Mr. Chairman, can I put that question to the Commissioner?

Mr. Commissioner: Well, Mr. Chairman, with respect, there's not very much different of an answer that I can give than what has already been given. The question as to whether or not municipalities, that is, not the Municipality of Whitehorse, but all municipalities in the Territory, should be required to pay this tax, has ultimately got to be a decision that rests with the legislature and it can only be dealt with in the context of the finances of the Territory. It isn't only ten thousand dollars we're talking about; I'm sorry, I don't know what the total is throughout the Territory, I can't tell you, but the assurances that Councillor Chamberlist has already given the House, that the matter came to our attention here some days ago, I don't think weeks ago, some days ago, and at that time the instruction was given for officers involved to research the matter thoroughly and make a presentation to the Executive Committee to see just where we go in total in regard to this, is being done, and I'm afraid that beyond that assurance, Mr. Chairman, I just can't give you any assurance that we are not going to have to apply the law as it is presently written.

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

Mr. Stutter takes the Chair.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I think there's one point that Councillor Chamberlist was making that I don't agree with. He said that this is purely an administrative matter and after all that has been said here on this matter today, I think that he must agree that at no time, has the Council, the elected representatives of the Yukon Territory, ever indicated their desire to remove the exemption on fuel oil from municipalities. It's never been; this is the first time the thing cropped up, and if the Administration had deleted it, maybe we were derelict in our duty by not going word by word through this piece of legislation. We took the Administration into our confidence and assumed that this would be done. Consequently, until that policy is changed as far as this legislature is concerned, there is no desire upon the Council of the Yukon Territory, irrespective of who composes that Council, to lift this exemption from the municipalities. It can only be as it was, and I would think that it behooves the Administration to accept this Motion, and indeed accept the position as stated by the Honourable Member from Whitehorse North, that we should give the municipalities, not just Whitehorse, but all the three municipalities, Faro and Dawson as well, the assurance that they will not be billed for fuel oil tax until this matter is resolved. It's pretty important, I think, to many people of the Yukon. Secondly, what happened to the good old days' Council, when we used to come here to do the work of the Territory and sit down with problems much similar to this, some much more serious than this, at a Session, without saying well, let's put it off until the next Session. That's what we're here for; we have a big administration here and a high-priced one at that. There's no reason why we can't come in here tomorrow with a Bill exempting municipalities from fuel tax and putting the thing back where it properly belongs. I can't see why this matter should be deferred and I certainly think the Motion should be supported, because the Motion restates a policy, which has always been a policy of this Council.

Mr. Chamberlist: Mr. Chairman, I would like to point out first that the Council of the Fourth Session of 1968, is not structured in the same way that the Council of the Second Session, 1972. Three Members of this Council here were on that Council, and until such time as this Council changes the legislation, the legislation that is effect for the Yukon Territory, is that legislation that has been passed by previous Councils. Mr. Chairman, the Honourable Member who spoke just prior to my rising, said something about it not being an administrative problem and I only spoke about the collection of taxes being an administrative situation. I agree that the matter of legislation lies in this Territorial Council Chamber. Certainly, I repeat, the Territorial Treasurer has a responsibility that he is

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Fulfilling and it's not easy to come forward with a piece of legislation on the following day, simply because it is needed for a piece of legislation to come along and exempt in a money matter, because immediately, we have to ascertain how much money is involved and what does it mean in relation to having to raise or find that other portion of money that we would absolving certain groups from. We know full well that in setting up priorities in requirements at the beginning of the year, it's based on the Territorial revenues that are coming into the Yukon Consolidated Revenue Fund. Now this is why it's a little bit more involved than simply preparing a piece of legislation. Here I say....where the administrations come forward, the Government side says yes, this is something that should be looked into, and you're saying now that you want a piece of legislation for tomorrow, you've just simply hardened the Administration's stand in saying there's been too much of these midnight moves, and we just don't want to do that. We want the time to think of the other ramifications and this is what we want to do. It's amazing, but in many many areas if we looked at questions raised about these monies, nobody seemed to question the costs, the monies, the fuel tax in 1968 to 1971, now all of a sudden there's exception to it. It seems pretty strange. I would hope that the Honourable Members will not let it go to a vote because nothing can be gained by it and nothing would be done from it, I can assure you, until the Executive Committee have had the opportunity to study the ramifications of it and although Council might express an opinion, it's only an opinion that the Council will express in relation to a money matter. The Honourable Member from Whitehorse West quite properly pointed out that areas of money can only originate from the government side. I don't think I need to speak any further on this because my feelings have been quite clear, my suggestion is to leave it alone, wait until the Spring Session when we'll have had time to look into it, and we'll have time to come back with an answer and the opportunities are still open to Territorial Council to come back again.

Mr. Legal Adviser: There is an insinuation in some of the speeches that some sort of service from my office should look back into the Votes and Proceedings to try to ascertain what the policy of the Council on that given occasion was. There is no way that the Civil Servants should ever get the impression that they must not obey the law as it is written from this Council. And I think the Council should deprecate any attempt by any Civil Servant to disobey the law or even the implications of any Honourable Member that the law should be changed by reasonable reference to the Votes and Proceedings and try to ascertain what particular group of Members in a particular year wished to happen. The law must be obeyed, whether it is by the Commissioner, the Territorial Treasurer, or the Legal Adviser and every Territorial Civil Servant must obey it. But there is power in the Commissioner upon receiving proper advice and after proper consideration to remit any tax amendment and that section can come into play in a proper place. There is power to change the law either retroactively or anyother way, but until the law is changed, just as I would suggest, the treasurer obeys the law, I think the City or anybody else who is bound by the law should observe it. The money can be given back if there is nothing urgent about, the passage of a cheque for \$10,000.00. In one way or another, but surely this House has fought long enough to make the law and it is up to the Civil Servant to try and follow the law exactly how it is written without any partial interpretation.

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Mr. Taylor: Well, Mr. Chairman, that is well fair to say and I do agree largely with what Mr. Legal Adviser has said. But we still cannot forget that this Council has not taken away that exemption from the municipalities, never have. This has never been done except by a Bill of Legislation which then would indicate that the Council was misled. And I don't believe that as I read it, as I've been listening to the arguments today even Administration did not ~~winge~~ winge on this thing. Obviously the period starting April 20, 1971, if I read this correctly, it would indicate to me that the Administration did not deliberately lead Council down the garden path. So I'm not imputing this, because in that reason, if they thought they were pulling a fast one on us, I would suppose that the municipalities would have been billed effective 1968. So that clears the Administration. What I am saying is that there is a moral obligation upon the Administration and there certainly is an obligation upon Council to as soon as possible rectify this situation and put things back where they were, where they properly belong. It has been stated that the Public Servant has to do the duty as he sees in the law and the Legal Adviser is quite correct and accepts that. But what I am saying is that it is the prerogative of the Administration to give remission, I believe this is done from time to time under circumstances and there is no reason if it is done before for one circumstance that it cannot be done here. What we are saying is let us tell the municipalities of the Territory, until such time as the matter is determined here in the Council Chambers, I think, at this Session, I would hope to get it done this Session, then next Session no taxes will be paid. They shouldn't be asked to pay these taxes.

Mr. Chamberlist: Mr. Chairman, this cannot be done because the law says, right now the municipalities have to pay their taxes. We can't go and say now something that is opposed in the law. We can't say that and I think, Mr. Legal Adviser, says in his own sometimes quiet way exactly what the municipalities could do and that is, you know, they don't have to send the cheque, we can't tell them not to send the cheque. You know, surely to goodness they have a little bit of common sense. We are not telling them they have to

MOTION #6

Mr. Chamberlist continues

send the cheque, by God, it takes a simple thing, you don't send a bill. You know, you don't send a bill and not send a cheque. They are suppose to do it, if they don't do it then the Government might have to do something about it, but in the meantime they have to obey the law. And for God's sake if they don't...

Mr. McKinnon: Mr. Chairman, you know this is pretty interesting. I had to chuckle when the Honourable Member from Whitehorse East said that there were no objections at all to before 1968 and 1971 well I would suggest that certainly there was was objections because nobody sent anybody a bill, why would there be any objections.was it hasn't been collected. This was only from the period of April 20, 1971 to October 19, 1972., that there has been a bill put in for the collection of the fuel tax, the Ordinance was passed in 1968. And, Mr. Chairman, if the Honourable Member says that he doesn't know the exact amount of money involved, the exact amount of money involved is \$10,292.74 the 73,526 gallons purchased and that is the bill from Mr. Miller, the Territorial Treasurer, The point that I am trying to make all through this debate on the fuel tax. Was that the Council in 1968 goofed, we never ever intended to listen to the Honourable Member from Watson Lake tell the House, the Honourable Member from Whitehorse West at that time who I talked to also admitted it, I admit it freely that it was never the intention of the Territorial Council at that time not to leave the exemption in for the municipalities. We are all going down memory lane hand in hand this afternoon and I remember at that time that I really laughed at the municipal parts of the Ordinances to the Honourable Member of Whitehorse East because we knew that he was so in his duty that nothing got by his very astute mind and that was the truth. He was the guy on that Council who made sure that everything dealing with taxes and municipalities was all correct and in proper order. He goofed too on that day, come on he may as well admit it too. So here we are now we are safe with the fact that the Territory has finally got around to sending the City a bill. It wasn't the intention of the Territorial Council to ever put, take off the exemption that the municipalities in the Yukon enjoy from the Fuel Tax Ordinance. And more power to the Territorial Treasurer when he found the goof that we had made and the exemption had been inadvertently lifted for the municipalities. All I'm saying is, that I think the rest of the Council agree with the principle that they should still be excluded from the fuel oil tax. All I'm saying in the motion that it has to come as a resolution of Government. If this motion is passed it still has to come from a resolution of government because I can't make the resolution, I can't make the amendment to the Fuel Oil Tax Ordinance. It has to come from the Government offices and this is forthcoming. I would like to see the Motion voted on so that we can have the feeling of the House and with the feeling of the House and the amendment to the Fuel Tax Ordinance will come exempting it and if Honourable Members would like the Motion left in Committee this afternoon and to decide what procedure they would like to take on it, I would personally be willing to accept that. But if they say, no we can't bring in an amendment and no we can't do this, well I know they can, I know they have more ability than they give themselves credit for and it is a simple Administrative matter and we could have it all cleared up by tomorrow, if Honourable Members want to take the time to discuss it all well and good, you know I'm dependable you know that.

Mr. Chamberlist: Mr. Chairman, it is a real rock program this session. I agree that sure, I goofed like every member of Council goofed. I still say that the principle is that the legislation is there whether it is right or wrong. And this is all.

Mr. Tanner: Mr. Chairman, would all the Honourable Members when they stop patting each other on the back saying they are all idiots together. What they are all saying is that by their fault they passed legislation

Mr. Tanner continues

which we are having to live with. That's the legislation that we've got, the law is the law, we have got to live with the law. Now we can't do anything about it until we change the legislation. We can't change the law in the space of this afternoon. It has got to be done tomorrow. Or it can be done at the next Session of Council, but I would suggest that in the meantime that this be held over until tomorrow.

MOTION #6

Mr. McKinnon: Agreed.

Mr. Taylor: I would just like to bring to the attention of the Commissioner and the Honourable Members who just may not, section 11 of the Financial Administration Ordinance states clearly that you can't do this and you can't do that. The Commissioner whenever he considered it in the public interest may remit any tax, fee or penalty and it goes on to provide such items as we have discussed today. What I'm saying is that I think it is in the public interest until this matter is to afford municipalities the exemption of taxes.

Mr. Chairman: Order.

Mr. Commissioner: This is very accurately stated here. The only thing is if you read the rest of the Financial Administration Ordinance, you will find out that this type of remission cannot be done when it is contrary to an existing law. This type of remission authority could come into effect, Mr. Chairman, if and when the law did change. In other words, if the law gets changed on the first of April of 1973 then the authority to remit an order to bring this thing into line or into the practice that Council was then legislative for, that is for what that authority is for.

Mr. McKinnon: Request progress, Mr. Chairman.

Mr. Taylor resumes the Chair.

Mr. Chairman: Do you wish then that I report progress? So reported. The next Motion is Motion No. 7. It was moved by Councillor Stutter, seconded by Councillor Taylor that the words in brackets describing Discovery Day in paragraph (j) of subsection (1) of section 20 of the Interpretation Ordinance, be replaced with the words "the third Monday in August." Councillor Stutter.

MOTION #7

Mr. Stutter: Yes, Mr. Chairman, I didn't refer it to Committee of the Whole, but nevertheless, I haven't spoken to it. The reason to begin with for this request is because of letters that I have received from the Yukon Order of Pioneers in Dawson and the Yukon Order of Pioneers here in Whitehorse. This year it ended up that we celebrated the so-called 17th Discovery Day on the 13th of August and it was the feeling of the Pioneers that for two reasons they wanted this changed to now "read the third Monday in August." First of all, so that this would move the date from the, the range it can fall in now is anywhere from the 11th to the 17th of August. Under the new proposal the range would be from the 15th to the 21st, so they felt that this was, is more of a centered range. And the second reason was that at present it calls for a holiday on a Friday. And a holiday on a Friday only benefits to the fullest extent, Civil Servants and those working for government departments, for the simple reason that other people working in private industry in most cases have to work at least a half day on Saturday and in many cases a total day. By declaring a holiday on Monday, Civil Servants, people working for the government would never the less still get a three day in a row holiday and other people would gain a day or so in it and end up with two and one-half days. So this is the main reason for this request and I would gladly circulate copies of these letters from both the Dawson and Whitehorse lodges if the Members would like to read them.

MOTION #7

Mr. Chamberlist: Mr. Chairman, I'm certainly satisfied to accept the suggestion that has been made by the Honourable Member. It would appear that the most...Discovery Day would either be as a result of this, the holiday would be on the 13th, anywhere between the 13th and the 21st of August, 15th and 21st of August depending on which day the Tuesday would be and the first day of August would be.

Mr. Stutter: We are requesting that it would be the third Friday, I don't know where your Tuesday is coming in. Or sorry the third Monday. I'm sorry.

Mr. Chairman: Is there any further discussion on this Motion? Agreed? Are you prepared for the question? Agreed? I will declare that Motion No. 7 is carried in Committee.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

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

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter that Mr. Speaker would now resume the Chair. Are you prepared for the question? You are agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker resumes the Chair.

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

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 3:00 p.m. this afternoon to discuss Public Bills and Motions. It was moved by Councillor Tanner, seconded by Councillor Stutter that Bill No. 33 be reported out of Committee as amended. This motion carried. Motion No. 4 was withdrawn in Committee. I can report progress on Motion No. 6. Motion No. 7 also cleared Committee and it has been moved by Councillor Chamberlist and seconded by Councillor Stutter that Mr. Speaker would now resume the Chair and this motion carried.

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

Mr. Taylor: In respect to the agenda, Mr. Speaker, we have a Motion in the Committee of the Whole and I'm not sure what will happen tomorrow.

Mr. Speaker: May I have your further pleasure?

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

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

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

MOTION
CARRIED

MOTION CARRIED.

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

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order.

Mr. Stutter: Mr. Speaker, on a point of privilege. Yesterday afternoon when Motion No. 7 was carried in Council or in Committee of the Whole, I should have had it written on the Motion somewhere that it was to become effective in the year 1974. I would request that Council permit me to add that to the Motion without withdrawing their support.

MOTION #7

Mr. Speaker: Is that the wish of the House? Agreed. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: No, Mr. Speaker.

Mr. Speaker: Are there any Reports of Committees? Are there any Bills to be introduced? Are there any Notices of Motions or Resolution? Are there any Notices of Motion for the Production of Papers? If there are no Motions for the Production of Papers we come to Motions. Motion No. 9. Do you have a copy of Motion No. 9? Motion No. 9. It was moved by Councillor McKinnon and seconded by Councillor Stutter - Whereas: A Report on the Financial and related consequences for the City of Whitehorse of City enlargement and the new Municipal Aid Ordinance has been prepared by the Eric Hardy Consulting Co. and; Whereas: The report concludes after examination of the facts that "from a dollar and cents viewpoint alone, expansion of the City's boundaries to the metropolitan limit was clearly not in the City of Whitehorse's interest, and; Whereas: The Commissioner of the Yukon has acknowledged that "some problems will only come to light after events have been set in motion by a decision" but that "with good faith no specific problems of implementation will prove insurmountable;" Now be it resolved that it is the opinion of this Council that:

- (1) The Territorial Government undertake to define in writing, the precise division of responsibilities, including special financial assistance to the City with respect to all lands added to the City of Whitehorse by Commissioner's Order 1971/227.
- (2) The Territorial Government take immediate effective action to resolve and overcome the escarpment problem.
- (3) The Territorial Government provide the Federal Government with a clear understanding and full support of the intended limitation of City responsibilities outside its urban areas.
- (4) In examining the need for special financial assistance to the City of Whitehorse, the Territorial Government include consideration of the consequences of permitting much substandard housing to exist outside the old corporate limits.
- (5) The Territorial Government give consideration to further special capital aid in conjunction with its examination of a proposed five year capital budget to be prepared by the City of Whitehorse.
- (6) The Territorial Government develop an improved form of unconditional grant that takes account of total assessment as well as population and that includes a buoyancy factor that will provide a reasonable adjustment for urban growth year by year.
- (7) The Municipal Aid Ordinance be amended to include provisions with respect to conditional, term grants for both selective municipal service stimulation and non-recurring capital aid.
- (8) In revising the unconditional grant formula, the Territorial Government provide for a substantially higher level of aid, including a small proportion of conditional grant payments.
- (9) As an interim measure, municipalities in the Yukon be provided with an annual supplement to its present unconditional per capita grant of at least \$20.00 per capita.
- (10) The Territorial Government petition the Federal Government on behalf of the City of Whitehorse for full payments in lieu of taxes on N.C.P.C. properties. And be it further resolved: That this resolution be

MOTION #9

Mr. Speaker continues

MOTION #9

discussed in Committee of the Whole at this Session of Council with Mr. Eric Hardy and representatives from the municipalities within the Yukon invited to be in attendance. Are you prepared to proceed with this Motion at this time?

Mr. McKinnon: Yes, Mr. Speaker. I don't think the Motion needs much debate, I'm sure, Mr. Speaker, that you and all Members of Council realize that it is something akin to a motherhood Motion that all the Motion asks is that discussion begin and the Motion I hope will serve as a catalyst to get those discussions underway between the municipalities of the Yukon and the Government of the Yukon Territory. Now, Mr. Speaker, for some two weeks Members have had in their hands a copy of the Hardy Report. And I think it is pretty evident from even a cursory examination of the Report that the municipalities in the Yukon where some two-thirds of the population live are going to be in some serious financial difficulty next year and for five years hence because of the results of the Municipal Ordinances passed by this Council. And, Mr. Speaker, in the City of Whitehorse which I am more familiar with than the other municipalities, the Hardy Report states that almost \$20.00 per capita was lost in grants by the implementation of the Municipal Aid Ordinance. Of course, this amounts to some \$225,000.00 in the Municipality of the City of Whitehorse and if this City is to lose this for some five years, locked into the Municipal Aid Ordinance as it now stands, one doesn't have to multiply very well to know the financial difficulty that they will be in. Another area, Mr. Speaker, that only came to light following the implementation of the Municipal Aid Ordinance was the loss of grants to all organizations within the City corporate because of the fact that they were now considered to be part of the Municipal Aid Bill under the municipal package. Mr. Speaker, I tell you sincerely I didn't realize the ramification of this Municipal Aid Ordinance and even though certain Members of this House myself included, fought long and hard against the Municipal Aid Bill because we realized even at that time the financial difficulties that that Bill was going to put the municipalities in, we didn't realize the full ramification of the municipal aid package and that all organizations within the City corporate were going to suffer just because they happen to be within the municipal boundaries. Mr. Speaker, as Mr. Commissioner has said that with good faith none of the specific problems in the implementation of the extension of the City boundaries will prove insurmountable. The Honourable Member from Watson Lake who represents one of the municipalities found within the Yukon, the Honourable Member from Dawson City who represents the oldest municipality within the Yukon -- Dawson City have shown very good faith by both indicating that they would be willing to remain at this Session until the talks could come underway with the representatives of the municipalities and with Mr. Hardy. In discussion with the City officials, Mr. Hardy evidently can be here within a day, so if the goodwill of all Members were present then these discussions could begin on this Monday. And certainly, Mr. Speaker, if we sat around this Table with the good faith that I think probably has been brief by one of the parties in this agreement, that we can come up with some satisfactory legislation for the Spring Session that will probably ease many of the problems that are raised in the Hardy Report. And, Mr. Speaker, I would only say that I know that this Motion will meet with the success of this Committee because the other day Mr. Chamberlist, when asked by the Honourable Member from Watson why this Session was called, and I was very happy to hear the remarks from the Honourable Member from Whitehorse East saying that he might advise Honourable Members that it was both Councillor Watson's and my own assistance that there be a Territorial Council, so that Members could have the opportunity to question the Government and also bring forward their various Motions and that opportunity would be given at this Council. When the Honourable Members quite

Mr. McKinnon continues

probably asked if there was a need for this Council, I'm sure the Honourable Member would appreciate the fact that an opportunity has been given to all the Members of Council in that the Government can be questioned. Mr. Speaker, I think this is a matter of probably some of the most..probably that would rank the most public importance and public urgency that has come before this Table. And I say it affects the majority of the people in the Yukon and I think it is the responsibility of this Council to get action underway at the earliest possible opportunity to help solve some of the problems that have come to light with the release of the Hardy Report. Thank you, Mr. Speaker.

MOTION #9

Mr. Speaker: I think the Councillor should be complimented, it may not be the best motion, but it certainly is the longest.

Mr. Stutter: Mr. Speaker, I am not too familiar with the difficulties that the municipality of Faro might be in as a result of the Municipal Aid Bill, but I do know from reading the Hardy Report that the City of Whitehorse is in quite serious financial problems, or will be in the near future, and I do know that the City of Dawson very recently had a meeting with the Commissioner and with members of the Department of Local Government, and they have requested that I do my best to see that there are some changes brought about in the Municipal Aid Bill. The main reason though that I have seconded this motion is to try to bring about some worthwhile meetings between the municipalities in the Territory and the Yukon Government. It is very apparent from reading the papers and from listening to the news, from talking to the members of the City Council, both here and in Dawson, that there is a very definite breakdown in communications, and I think that if we can at least get this thing back to the point where some worthwhile meetings are held, it doesn't necessarily have to be in public, but I think that as far as I am concerned these meetings should be brought about; they should be brought about just as soon as possible, and something should be done about the fact that at least two of the municipalities in the Territory are definitely going to be in very grave financial problems if something isn't done almost immediately.

Mr. Taylor: Mr. Speaker, I can say the same of the town of Faro. The effects of the Municipal Aid Bill have been detrimental to their financial picture. The effect of any discussions relevant to the Municipal Aid Ordinance affect the municipality of Dawson, the municipality of Whitehorse, and it is certainly going to have some effect on the municipality of Faro. As I stated earlier in discussion, these people of the municipality are trying to administrate services to a community of some twelve hundred and fifty to thirteen hundred people with a Municipal Aid Grant based on eight hundred and sixty-three people and I think you can imagine and all members can imagine, the fiscal pickle shall we say, that this places the municipality of Faro in, and I think it is of such importance and that we should get together, get all parties together, and get at this at the earliest possible time.

Mrs. Watson: Mr. Speaker, the Hardy Report and the recommendations included in the Honourable Member's motion are really edited comments of the City Manager of the Municipality of Whitehorse. In other words, the City has paid ten thousand dollars to have their views compiled into reports or a document. The majority of the recommendations in the Report are requests for further financial assistance. Now, what should the Territorial Government do about the Report? Well, first of all, the Territorial Government will have to determine if there is a need for more financial assistance to be given to the municipalities, particularly the City of Whitehorse, and how does the Territory determine if there is such a need? And how do we measure the need? The City, by the Municipal Ordinance, must declare their financial position by submitting an audited annual financial statement for the year 1972 and also, preparing their annual budget for the year 1973. The financial annual statement for the year 1972 will have to be compared to their budget for the year 1972 to see if there were expenditures made which were not budgeted for and which perhaps could reflect a shortage in their financial position. If there are shortages, what created them and what positive action must be taken either by the City or the Territorial Government to overcome these shortages? In other words, an intelligent review has to be made of the first year of operation of metro Whitehorse. This review cannot be made here and now. The Municipal Ordinance is the legislative structure which this Council adopted as the means whereby local government operates in the Yukon Territory. When the administrative officers of the Territorial Government complete the review under our legislative framework and submit their reports, then this body can again consider the City's position and other municipalities' positions as they apply to the Municipal Aid Ordinance. Mr. Speaker, I would also like to contradict a statement which the Honourable Member from Whitehorse-West made regarding grants to organizations which were lost, and I believe he is referring to recreational grants; in the past, the Territorial Government has assisted municipalities in the operation of their recreational facilities on behalf of organizations. In other words, the grants were not made to minor hockey or figure skating. The grants were made to the City of Whitehorse and for the operation of the Civic Centre in the payment for hours of time these organizations used the recreational facilities within the City of Whitehorse. Mr. Speaker, I feel that I will be forced to vote against this motion. MOTION #9

Mr. Chamberlist: Mr. Speaker, I recall Mr. Hardy coming to see me for approximately ten minutes when he was up here. He said his purpose at that time for coming to see me was to try and ascertain the government's viewpoint in relation to the financing of the municipality of the City of Whitehorse. And, at that time, I asked him, and I recall the exact words; I asked him what his terms of reference were for the City of Whitehorse. His reply to me was to justify the stand that had been taken by the City of Whitehorse. And, on the basis of that remark, I indicated to him quite clearly that it was his intention to provide a report in the nature of a one-sided issue. Mr. Speaker, I have examined the report very thoroughly, and I could not but help note the general inconsistency in the approach, especially as it is related to financing of the overall metro city. Now, there is no doubt in my mind that nobody, but nobody, can determine precisely what the financial implications of metro Whitehorse are until a full year has elapsed. And, I defy anybody, any chartered accountant, any consultant to come up with the basic point, that is a report, that they can report on the financial situation of any company, any corporation, any municipality, any organization before it has had a year of conducting its operations. I don't believe that a complete study can be made of the consultant's report until the Yukon Territorial Government has received from the City its financial statement for 1972 and its budget for 1973. It may well be that there are areas that are of a very, very grave nature that may well have to be taken another look at once the Territorial Government has received those two very important documents: a financial statement and a budget. In

Mr. Chamberlist continues:

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the report there was some reference to capital expenditures for sewer and water, but capital expenditures for sewer and water systems have been under continuous review between the Federal and Territorial Government for some considerable time, and it is hoped that an overall policy with respect to capital expenditures and capital financing will be available pretty soon. We know that the City has attempted in various areas to negotiate with Federal Departments..has attempted to negotiate with the Department of Public Works, the Federal Department of Public Works, and have come unstuck, and have been unable to complete their negotiations. They have attempted to negotiate with the Ministry of Transport on one matter and have come unstuck and they haven't completed their negotiations. They have attempted to negotiate with the Government of the Yukon Territory and have come unstuck because of the manner in which they conduct their negotiations. Now, here are three instances, and can it be said that the Government of the Yukon Territory is at fault because the City of Whitehorse cannot continue with its negotiations in a satisfactory manner. Mr. Speaker, one of the recommendations of the Hardy Report is well worthwhile recording, so important is it that I feel that it should be read into the record, and recommendation 16 reads as follows. The preamble to the recommendation is: "We recommend that".16 reads: "This report be employed in confidential negotiations by the City of Whitehorse with the Territorial Government towards the establishment and maintenance of the permanent stages of improved intergovernmental relations and arrangements." I want to stress the importance of the words "confidential negotiations." Mr. Speaker, in attaching..in sending the copies of these reports to the Commissioner, a letter signed by the Mayor of Whitehorse in part reads as follows, and I read from the third paragraph of that letter. It is addressed to Commissioner Smith. "To assist your government with familiarization and planning regarding recommendations contained in the report, copies are being forwarded in sufficient number to be distributed among the members of the Executive Committee and a copy is being delivered to each member of the Yukon Territorial Council." Here comes the rub. "The report will be kept in confidence until after the expiry of ten days from the date of this letter. After which it is anticipated the public whose report it is, will demand to be made aware of its contents." Now, Mr. Speaker, certainly it was anticipated by the Mayor when he wrote that letter, but this is where the breakdown of this type of negotiations, which the consultant himself recognizes, and should be carried out in a manner of confidentiality so that the Government of the Yukon Territory and the Municipality can get together to see if and where there are any areas of togetherness for this particular year. The City has not conducted itself in an ethical manner in the use of this report to date. It can be assumed, and I use the same word here in the way because if the Mayor can anticipate from the public, certainly it can be assumed that the ethics of those responsible for the distribution of the report will continue to be lacking. I find in the motion itself that there are some points that are very well worthwhile being discussed. I will go further and say that point ten of the motion: "The Territorial Government petition the Federal Government on behalf of the City of Whitehorse for full payments in lieu of taxes on N.C.P.C. properties." I agree with it one hundred percent and I am sure that no member of the Territorial Council would be opposed to it. But the manner in which this motion is being put is a request that the carte blanche acceptance of the contents of the motion be accepted. That the last, the very last, resolution is that this be discussed in Committee of the Whole at this Session of Council with Mr. Eric Hardy and representatives from the municipalities within the Yukon invited to be in attendance. That in itself is contradictory to section 16 of the, rather recommendation 16 of the report wherein the consultant has said that the negotiation should be with the City of Whitehorse and the Territorial Government, and now this motion is trying to tie in other municipalities with a report that pertains to that particular area. Mr. Speaker, if this resolution, this final portion of the motion would just read that this resolution be discussed in Committee of the Whole at this Session of Council, I don't think any member would have any difficulty in saying, "Pass it on to Committee for discussion." But, when you add the stringer to it that Mr. Eric Hardy and

Mr. Chamberlist continues:

representatives of all the municipalities should get into the act I say, "No." If the Honourable Member wishes to withdraw that last portion of his motion, I am prepared to review and go along with it being passed into Committee. Thank you, Mr. Speaker. MOTION #9

Mr. Tanner: Mr. Speaker, the Honourable Member from Whitehorse-West has chosen to give a very long-worded motion. There are a few things that I would like to point out before I discuss the situation as I see it today. He referred to the Hardy Report, and the Hardy Report has 16 recommendations. The Honourable Member has chosen to pick out the first eight, the ninth and the fourteenth. All of those are recommendations which call on the Territory to do something, and he has ignored ten, eleven, twelve, thirteen, fifteen and sixteen. All of those which require the City to do something. As the Honourable Member who spoke before me has mentioned, he has particularly left out number 16, and I think that is of particular importance because I think Mr. Hardy made the recommendation that the report should be used for informal discussion between the two areas of government, and if the Hardy Report has any validity to the City, then surely the recommendations of the gentleman who made the report should be used too, because, Mr. Speaker, if the City's attitude is to put the Commissioner of the Territorial Government in the position of an ultimatum of "answer after ten days, or else we will make it public"; surely, that is contradicting one of the major recommendations of the report itself.

Mr. Tanner continues

Mr. Tanner: I am a little concerned too, Mr. Speaker, the Member for Whitehorse West intends when he appears immediately to take the side of the City. I think the opinion that has been expressed by the Honourable Member and the other Members from Watson Lake and Dawson gives the appearance of wanting to solve a problem, but in actual fact they have already decided which side they are going to solve the problem from. And that concerns me, Mr. Speaker, because the Honourable Member for Whitehorse West and the Honourable Member for Whitehorse East and myself sat on the Steering Committee. The present Mayor of the City of Whitehorse and two of the present aldermen of the City of Whitehorse sat on the Steering Committee. The Commissioner sat on the Steering Committee and at that time, admittedly on the part of the Member for Whitehorse West with some reluctance the Steering Committee unanimously recommended amalgamation. Now what has happened in the space of ten short months, or eleven short months that we are now in a position where the administrative people in the Territory are sitting supposedly uphill or around this area. The administrative people in the City are sitting down in that area, down there and they are not talking to each other. What has happened, Mr. Speaker, when the political people up here and the political people down there are making the situation worse by playing games either with the press, with the public or with the speeches in their particular Councils. In the Honourable Member's Motion he made mention of the Commissioner's acknowledgment that some problems will come to light after events have been set in motion by a decision. But with good faith no specific problems of implementation would be insurmountable. Well, Mr. Speaker, I think those remarks were made in good faith from the part of the Commissioner. I think that is what the Mayor did in his capacity of chairman of the Steering Committee. I think that is what the Honourable Member from Whitehorse West thought and I can assure this House and anybody else who wants to listen that is exactly what I thought and I accept that the implementation of the amalgamation of the City of Whitehorse in that light. Just for the record I want to briefly review how the amalgamation of the City came about because when you think about the whole series of events which cover the last year, year and a half, two years, there is one thing that is apparent all the way through. Basically the amalgamation of the City of Whitehorse started off with a report in 1958 and then there were a number of reports. Now just think about this, Mr. Speaker, and fellow Members, just think about the situation now. First we had a new head of Local Government, we had a new Territorial Council, within the Territorial Council we had a new type of Executive Committee which some people, many people perhaps still don't understand who to deal with in this Territorial Government because they think when it says "Commissioner" you should go talk to the Commissioner, they think sometimes they should talk to the Territorial Council, themselves. It was new it was a certain amount of confusion. We had new City amalgamation. A totally new concept, although, it had been talked about for twelve or fourteen years. We had a plebiscite in which many new residents voted. We have a new City Council which had to deal with, as soon as they were sworn into office, they immediately had to deal with amalgamation. We had a new Municipal Ordinance passed by new Territorial Councillors onto new City Councillors. We had a new Capital Grant Ordinance, we had a new Taxation Ordinance, we had a new large increase in population in the City of Whitehorse, and everybody had a new responsibility. I think the argument is very well made, Mr. Speaker, that the Territorial Government tried to do too much too soon for too much people and in consequence there have been some misunderstandings. I think the City Council tried, in their wisdom, tried to accept the total responsibility and found themselves in trouble and now consequently are taking what they think their approach is in solving the problems. I have to disagree with their approach. The Honourable Member from Whitehorse West has made a Motion which I can't agree with, but unfortunately

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Mr. Tanner continues

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I want to agree with it, but I can't agree with it as it is presently written and consequently I've got an amendment. But I would say this, I think one of reasons we have had the problem up to now is that we tried, as I said just now, too much in a hurry and I think it will be a mistake to form a Committee right now, today, ad hoc whether it be of Councillors whether it be of aldermen, whether it be of administrative people, without two or three things that should happen. (1) I think it is important to have a financial statement from the City, let them have a year of operation, let's see what it is. I think the Territorial Government should table their Oliver Report - a Report commissioned by the Territorial Government to look into amalgamation and I personally have never seen it and I think it is time that it is brought out into the open. Therefore, Mr. Speaker, I make the following amendment to the resolution, Motion No. 9. Now be it resolved, the preamble staying there, as the Honourable Member wants it, that (1) When the City has completed one financial year of operation; (2) That a committee be struck to study this situation, taking into consideration the Territorial Government Oliver study to report to this House before Spring Session; and, (3) Such committee to include political and administrative people.

Mr. Speaker: May I have a copy of the amendment. Is there a seconder?

Mr. Chamberlist: Yes, I will second that Motion, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North and seconded by the Honourable Member for Whitehorse East, now be it resolved, that (1) When the City has completed one financial year of operation; (2)

Mr. Tanner: Mr. Speaker, would you like me to write out what it is?

Mr. Speaker: I'll call a short recess at this time.

RECESS

RECESS

Mr. Speaker: The House will now come to order. It has been moved by the Honourable Member for Whitehorse North and seconded by the Honourable Member for Whitehorse East, that Motion No. 9 be amended by adding thereto after the preamble the following: "Now be it resolved that, a committee be struck, representing both the City of Whitehorse and the Territorial Government, to study the first financial year of operation of the newly amalgamated City of Whitehorse, after the City has submitted a financial statement for 1972, and prepared its provisional budget for 1973, the committee to make recommendation concerning the Hardy Report and the Oliver Report and striking out all other words." Are you prepared for the question?

Mr. McKinnon: You know, Mr. Speaker, as usual the insignificant remarks of the insignificant Member for Whitehorse North and this insignificant amendment probably really shouldn't merit much response. But if the Motion were amended, or added, or accepted by the House it would mean, of course, that there would be no consultation between the parties, there would be no meeting until well into the summer of next year, by the time the financial report had been finalized by the time the financial statement of the City had been finalized and audited and by the time the new budget by the City had been prepared for the Territorial Government. Of course, the urgency of the situation is now, when the City is pressed in the next year with great financial difficulty as outlined, Mr. Speaker, in the Hardy Report. And for the Honourable Member for Whitehorse North, to state to this House that why didn't I include those motions or those recommendations of the Hardy Report which deal with internal

Mr. McKinnon continues

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City matters and by motions, of course, the reason is obvious to any intelligent person, that where things are in the City's purview, I leave those decisions to be made by the City Council in the faith that they are responsibly elected individuals like the Members of this Yukon Legislation Assembly. There's another remark that has been made at this Table this morning that just shows the absolute disregard of this Government, for a very pressing problem, for the Honourable Member for Carmacks-Kluane to get into a semantic jungle that the grants were not really cut off to Whitehorse Minor Hockey Association, weren't really cut off to the Whitehorse Figure Skating Club, rather they were cut off to the City of Whitehorse to whom the Department of Territorial Recreation use to make these grants available for these different purposes. You just tell that to a father who is bringing his kids out at 6:00 o'clock in the morning to play minor hockey and find that because of the lack of money available for ice time he had to dig further into his pocket. And talk to the mother who is bringing her family down for figure skating classes and has to dig further into her pocket this year with no professional help at all because the grants were cut off by the Territorial Government to the City. I mean let's not keep fooled by all these semantics that are unworthy of the Honourable Member who is responsible for the Department of Education. Now, Mr. Speaker, there are certain facts that should be made known, one being, that the City asked the Territorial Government to share in the cost of an impartial report on the expansion of the City boundaries because they felt that both the Territory and the municipal government should be concerned with how the amalgamation was going and any problems that came about from it. The Territorial Government did not see fit to enter into a cost-sharing program with the City of Whitehorse on this study, so the City went alone on the study of the Hardy Report and came up with the Report that is in front of us and I think that it is, and I think it is rather in bad taste for any Member of this House to say that a professional consulting firm took on the job with a definite bias towards the City prior to the writing of the Report. Mr. Speaker, there have been remarks made at this Table this morning that the City has not conducted itself in an ethical manner. I think that anybody reading the Report will see that this is not the conclusion that is drawn by the consulting firm of Eric Hardy and, Mr. Speaker, I can only impress upon all Members of this Council that at the first immediate opportunity that a meeting should be held between the municipalities in the Yukon, between the Government of the Yukon Territory with Mr. Eric Hardy in attendance to try and get around the impact that has come about by City amalgamation and which is growing greater every moment and, of course, this debate has solidified it this morning by the stubborn and impossible attitudes of this Government to deal with problems that are affecting the majority of the Yukon residents and, of course, it is just falling right in line, right the way down the line, with this Government's attitude towards the people of the Yukon Territory.

Mr. Chamberlist: Mr. Speaker, in speaking of the amendment. Up until the Honourable Member from Whitehorse-West spoke there seemed to be coming back to this legislative body, a feeling of general understanding of what should be contained in debate. Until he had spoken, I thought we were getting back to an area of debate where there was opportunity being given to all the Members to echo their thoughts and have other Members respect them. Obviously, the attempts of the past to use this Chamber as a beating board for Members of Territorial Council who are attempting to do what is best for all people in the Territory, not specifically for the Mayor of Whitehorse, it seems to be a problem that now the spokesman is using his capacity as a Territorial Councillor to decry the efforts of all Members of Council. And, when I say all Members of Council, I include those Members of Council who have not got into the habit of blindly supporting the Honourable Member who has just spoken without due consideration to the damaging contents and destructive manner of his references. Mr. Speaker, when I heard Councillor Watson speak, prior to our short recess, she simply indicated that there was an incorrect statement made in relation to grants, that the grants are not directed to any particular organization, but were directed in the past to the City of Whitehorse on behalf of those organizations. To me, she didn't say anything else but that, and I think that it was most improper, the remarks that have been made by the Honourable Member from Whitehorse-West just a few moments ago. I think that his remarks vis-à-vis the Honourable Member from Whitehorse-North were also most unjustifiable. I believe that Councillor Tanner in using the words in good faith has attempted to find a way to overcome what is seeming to be a continuing attempt to create irrational ill-feelings between the Territorial Government, the Territorial Council and the City of Whitehorse. I believe that the Honourable Member from Whitehorse-West feels by doing this he has received public acclaim. I doubt it. The people of the Yukon are not so naive as he thinks, and they do not accept his irrational, radical approach to answering problems that come up from time to time. . .

Mr. McKinnon: Why aren't you calling for dissolution then?

Mr. Chamberlist: I feel that the Honourable Member has made it quite clear that his inability and frustrations in relation to his own capabilities are being vented in this Council Chamber. Mr. Speaker, it was my hope that we could have had this in Committee if the Honourable Member would have withdrawn his last portion of his motion. He has not seen fit to do this. An alternative has been brought forward by the Honourable Member from Whitehorse-North. I think that it is a sound alternative because the City of Whitehorse already have neglected to fulfil the statutory requirement of the Municipal Ordinance by providing a provisional budget to the Government of the Yukon Territory by November 30. This in itself shows quite clearly the neglect of the Mayor of Whitehorse, who is responsible to the people of the City of Whitehorse, to make sure that his administrative officers carry out the functions of the Municipal Ordinance. And, when we as a government, attempt to fulfil the functions that are ours and get castigated on it, Mr. Speaker, there is no doubt in my mind whatever that all problems can always be worked out, but that the Government of the Yukon Territory has not proper capabilities to come forward with any recommendations or any answer to any problem when it doesn't know what that problem is. The only way that problem of city finance can be brought home to the Government of the Yukon Territory is by the City showing what its financial statement is for the current year and then showing what its budget is to be for the following year. And, certainly, if the City are able to show that they haven't had sufficient money to conduct the affairs of government in the City, then and only then, would I agree to that there is a requirement for the Government of the Yukon Territory to take steps to see that the Municipality has the funds to operate its business. But, also in

Mr. Chamberlist continues:

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the meantime, the Government of the Yukon Territory has a responsibility to all the taxpayers of the Yukon, and especially to the taxpayers of the municipality of the City of Whitehorse, to make sure that the money that has been budgeted for by the City of Whitehorse has been used according to the terms of the Municipal Ordinance and the conditions under which the money was asked for in its budget. Now, I don't think that there is any person, any alderman at least, because we have some good aldermen on that City Council, aldermen who have conscientiously and without any outside corrections looked at the situation as it really is, and have said, "Let's take a look at it. Is the Territorial Government right in asking for these things." And, when you ask each one of them individually then not one of them will deny that the Municipal Ordinance and the requirements of the Municipal Ordinance are of necessity to be followed before the municipality itself can come back and say to the Government of the Yukon Territory, "You have failed us." I say quite clearly that I am just as concerned as any other citizen of Whitehorse and just as concerned as any other elected person who is elected to a position for the City of Whitehorse. I have been in the same position myself. But where are those days when we had men like Mayor Howard Firth and Mayor Ed Jacobs, and those days when our former Commissioner, Gordon Cameron, used to be able to conduct their business at administrative levels between the City of Whitehorse and the Yukon Territory. What happened to those days? In those days things were done; to many of us who have been up here for many years, we have seen the City grow, we have seen the City's administration take its proper place as a local government, we have seen the City grow from mud roads and wooden sidewalks into what it is today. And, everybody in consecutive City Councils have made some effort to get this continuing growth. And, this is where we have to go back to; we have to go back to try to get into that area where people can on an administrative level, first look at these particular requirements and see what can be done about it. Mr. Speaker, it is my intention to support the amendment because it is one of the few ways, and it would be a real good start, to do the very thing that the Honourable Member from Whitehorse-West would like to get done. The difference between he and I is that he is a member of a pressure group and I am not; so, therefore I look at this quite clearly as a citizen of Whitehorse, as a Territorial Councillor who is concerned with Whitehorse, as a member of the Executive Committee who knows that it is a function of the Government of the Yukon Territory to comply with legislation and I know that once the City of Whitehorse can come forward to the Government of the Yukon Territory and say, "Here is our financial statement. Here is our budget. This is the manner in which we have spent the money in the past. We find we have now a deficit. We haven't spent the money in any other way than has been required under the Municipal Ordinance." When they can come forward with all those things, then I say, it is the Government of the Yukon Territory's proper function to have a look and make sure that the City are not under-financed, that is where our responsibility will come in. But, I would also remind Members who have seen many reports to take a look at the Touche-Ross report of 1968, which clearly indicates where finances from Municipal Government should come. Mr. Speaker, I will have nothing further to say on this amendment. I will support the amendment.

Mr. Stutter: Mr. Speaker, I am going to vote against the amendment *MOTION #9* for three, which I think are, very strong reasons. To begin with, it is obvious that the City of Whitehorse cannot produce an auditor's statement before well into February, and before this Committee that could be struck, would go to work and come up with their findings, it's very likely that the Spring Session itself would be finished. And, if their findings of that report were to suggest a financial help towards the City of Whitehorse, obviously a special session would have to be called to deal with the supplementary item in the budget. In the meantime, any existing financial problems that the City might have, obviously would be compounded. The second reason is that in this amendment the mover has taken it for granted that the City of Whitehorse is the only municipality in the Territory that is in difficulty. This is not so. I know for certain that the City of Dawson is also in financial problems; and, quite possibly the municipality of Faro. This is the second reason why I am going to vote against it. And, the final reason is that the very last six words state: "and striking out all other words". Can I take it from that then that the mover does not agree with any of the other resolutions that were in the original motion? Number One: Is it wrong to expect the Territorial Government to undertake to define in writing the precise division of responsibilities including special financial assistance to the City with respect to all lands added to the City of Whitehorse by Commissioner's Order 1971/227? Is it wrong for the Territorial Government to petition the Federal Government on behalf of the City of Whitehorse for full payment in lieu of taxes on the N.C.P.C. property? There are other areas that I am sure that the mover would be willing to support, but yet by the addition of the words that he has put in his amendment, he is striking out the possibility of even discussing those resolutions. If he had put at the end of his amendment that some of the other resolutions as put forward in the motion, should be discussed in Committee of the Whole, perhaps I could have supported it. There is no way I can support it the way it is worded at the moment.

Mr. Taylor: Mr. Speaker, I think that most of the arguments have been stated by other members in respect of refusing this amendment, and I too intend on refusing the amendment for the reasons given. I cannot help but comment on some of the remarks made by the Honourable Member from Whitehorse-East. He said, "Where are the old days when the former Mayor" and he did enumerate some, "sat down with the administration and worked out problems." I was around in those days. And, when they could not be resolved between the two bodies, situations such as this, possibly not so severe were then brought to the Council Chambers and I have sat on many, many committees with the Mayors of the municipalities of Dawson and Whitehorse, many occasions in this Chamber, and resolved the problem. It was resolved here. We discussed, we worked hard at it, and we got both parties together. It was resolved. Now the gap is widening. I have sat here this afternoon and have listened to a few facts, a few figures, and I have listened to the Mayor of Whitehorse being publicly castigated, and this is something that I don't agree with, and I don't think should ever happen again in this Council Chambers. I think we have got to get down to the issue. The issue is, we have a problem. It is a yesterday problem. It has a great deal of immediacy, and to defer this thing on into next year is certainly not the way to deal with the problem. The motion as it stands unamended is a sound motion. It suggests that all parties get together as we did in the old days, and this is what should be done. I might also say that there was mention made of the Touche-Ross Report, and I think it is only clear to point out that the government of that day, and the Council of that day, all agreed that the report was not in keeping with the understandings of government Councils of that day. In other words, both Council and Administration disagreed with much of that report. So, I wouldn't use that as any basis of discussion. So, I say to you now that the gap of understanding between the municipalities and the administration has widened even broader than it did during the discussions on its Municipal Aid Ordinance, on its Elections Ordinance, on the Municipal Ordinance itself in the spring. And, unless we have these meetings now, Monday,

Mr. Taylor continues:

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this is going to be a shambles that I don't know where it will go. I really don't, but I say turn down this amendment, get on with the motion, and let's get this problem solved.

Mr. Tanner: Mr. Speaker, you know, the Councillor from Whitehorse-West with his great length of time that he has spent in this House, for all his wisdom and all his knowledge really surprises me, Mr. Speaker. But, he continues to surprise me every sitting he surprises me because he never learns. He has been here all this time and he hasn't learned. He has done his usual superficial, unthinking, infantile, emotional crap. He sat down here yesterday, Mr. Speaker, and he wrote this motion out. He stands up and reads it as if he is an authority on the thing having picked out all the recommendations which he thinks the Territorial Government should incorporate; he did such a usual slap-happy job, he even missed Number 11 that the Territorial Government should do something else. But he didn't bother with that. Why he chooses to personally attack me, I don't know, Mr. Speaker, because it is a genuine attempt on my part to find a compromise between the situations which are arising; no help to the Honourable Member from Whitehorse-West because he is deliberately inflaming the situation, and I don't see any point or any benefit to his so-called people out there, or his so-called public because he is doing nothing for them except making the situation more difficult.

Mr. McKinnon: I didn't attack you; I ignored you. . .

Mr. Tanner: Mr. Speaker, what reluctance does the City have in bringing forth the financial statement. If I am going to do business with somebody, I want to know what their financial position is before I discuss whether or not I am going to do business with them. It is just a normal business procedure. It is the intelligent thing to do. If the City has got a problem, for goodness sakes, show us their problem on paper so we can discuss it. This, they are apparently reluctant to do. Mr. Speaker, I didn't, if you will read the motion again, ask for an auditor's report; I asked for a year's financial business and a budget for the next year. And, Mr. Speaker, the Honourable Member from Dawson mentioned that I, by using the words, "striking out all the other words" I was, actually, if you think about it asking for more, asking for the total report to be considered, not for any specifics within the report. Mr. Speaker, I think that this is a reasonable approach; I think for once that perhaps the Honourable Member from Whitehorse-West could see his way clear to supporting something which is representative of the majority of the people in the Yukon instead of his own emotional shoutings, and rantings and ravings. Mr. Speaker, I ask all Honourable Members to support this amendment.

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

Mr. Clerk: Member from Carmacks-Kluane?

Mrs. Watson: Agreed.

Mr. Clerk: Member from Whitehorse-West?

Mr. McKinnon: Disagreed.

Mr. Clerk: Member from Watson Lake?

Mr. Taylor: Disagreed.

Mr. Clerk: Member from Dawson?

Mr. Stutter: Nay.

Mr. Clerk: Member from Whitehorse-East?

Clerk continues to poll the House:

Mr. Chamberlist: Yea.

Mr. Clerk: Member from Whitehorse-North?

Mr. Tanner: Agree.

Mr. Clerk: The vote, Mr. Speaker is three yea, three nay.

*MOTION
CARRIED*

Mr. Speaker: I declare the amendment carried. Motion No. 9 as amended: It has been moved by Councillor McKinnon, seconded by Councillor Stutter. Whereas: A Report on the Financial and related consequences for the City of Whitehorse of City enlargement and the new Municipal Aid Ordinance has been prepared by the Eric Hardy Consulting Co. and;

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Whereas: The report concludes after examination of the facts that "from a dollar and cents viewpoint alone, expansion of the City's boundaries to the metropolitan limit was clearly not in the City of Whitehorse's interest, and;

Whereas: The Commissioner of the Yukon has acknowledged "that some problems will only come to light after events have been set in motion by a decision" but that "with good faith no specific problems of implementation will prove insurmountable."

Now be it resolved that:

A Committee be struck, representing both the City of Whitehorse and the Territorial Government, to study the first financial year of operation of the newly amalgamated City of Whitehorse, after the City has submitted a financial statement for 1972, and prepared its provisional budget for 1973. The committee to make recommendation concerning the Hardy Report and the Oliver Report".

Are you prepared for the question?

Mr. Taylor: Mr. Speaker, before this question is put I have a question that I would like to ask of the mover of the main motion. I would like to ask him if the acceptance of this motion will preclude any discussions or defer any discussions between the City of Whitehorse and the Government of the Yukon Territory until the content of the motion has been achieved.

Mr. McKinnon: Mr. Speaker, my motion before it was amended, which is the only one that I am prepared to speak to, was for immediate meeting between the municipalities, between Mr. Eric Hardy, who drew up the report, who said that the amalgamation of the City of Whitehorse was not in their best interest. He gave positive proof that the City was losing at least twenty dollars per capita... per head in this financial year and that the City would be in financial hardship for five years following the acceptance of the Municipal Aid Ordinance. I say the problem is immediate; my motion dealt with the immediate problem; the meetings were to begin immediately as I understand the amendment, that these meetings will not take place now until the City has prepared their financial statement for the first fiscal year following amalgamation and their forecast for the first year. I think that it is, well, I just can't see... I answered the question saying as far as I am concerned on that that the meeting can't take place until that time; and, Mr. Speaker, I am still allowed as the mover of the main motion to speak as Mr. Speaker well knows, and I think that this is a tragedy for all the municipalities and the City of Whitehorse, that nothing is going to be done until the budget has been prepared for next year, and the first financial year's statement has been given to the Territorial Government.

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

Mr. Clerk: Member from Carmacks-Kluane?

Mrs. Watson: Agreed.

Mr. Clerk: Member from Whitehorse-West?

Mr. McKinnon: Disagreed

Clerk continues to poll the House:

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Disagreed

Mr. Clerk: Member from Dawson?

Mr. Stutter: Nay.

Mr. Clerk: Member from Whitehorse-East?

Mr. Chamberlist: Yea.

Mr. Clerk: Member from Whitehorse-North?

Mr. Tanner: Agree.

Mr. Clerk: The vote, Mr. Speaker, is three yea, three nay.

Mr. Speaker: I declare the amended motion carried. Motion No. 10: It was moved by Councillor Taylor, seconded by Councillor Stutter that in view of a repeated request by the Yukon Territorial Public Service Alliance for the creation of "An Appeal Board separate from the Yukon Territorial Government", respecting hiring practices, it is the opinion of Council that such a Board be established at the earliest possible moment. Are you prepared to proceed with this motion as prescribed?

Mr. Chamberlist: On a point of order, Mr. Speaker. I wonder in view of the fact that there may be some discussion on this that we do not start the discussion and then have to continue it after lunch that we do adjourn and commence with the motion right after lunch.

Mr. Speaker: Are you agreed?

Mr. Stutter: Mr. Speaker, I wonder if I might just move that this be moved into the Committee of the Whole as possibly we would want to call a witness at this particular time.

Mr. Chamberlist: No, with respect, Mr. Speaker, I would ask that this not be discussed until afterwards because I would have to oppose the calling of a member in Committee of the Whole where this particular subject needs to be dealt with in Council.

Mr. Speaker: We will now have a recess until two o'clock this afternoon.

MOTION
CARRIED

MOTION #10

RECESS

RECESS

Mr. Speaker: The House will now come to order. We were dealing with Motion No. 10. Any debate? MOTION #10

Mr. Taylor: Yes, Mr. Speaker. The Motion arises as a result of submissions to myself and other Councillors. I'm just wondering before I proceed if you might not better handle this in Committee of the Whole to allow a little more freedom of debate on this.

Mr. Chamberlist: Disagree.

Mr. McKinnon: Mr. Speaker, I would move that Motion No. 10 be moved into Committee of the Whole for discussion.

Mr. Stutter: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West seconded by the Honourable Member for Dawson City that Motion No. 10 be referred to Committee of the Whole for further discussion. Are you prepared for the question? Mr. Clerk would you poll the House.

Mr. Clerk: The Member for Carmacks-Kluane?

Mrs. Watson: Disagree.

Mr. Clerk: The Member for Whitehorse West?

Mr. McKinnon: Agreed.

Mr. Clerk: The Member for Watson Lake?

Mr. Taylor: Agreed.

Mr. Clerk: The Member for Dawson City?

Mr. Stutter: Agreed.

Mr. Clerk: The Member for Whitehorse East?

Mr. Chamberlist: Disagree.

Mr. Clerk: The Member for Whitehorse North?

Mr. Tanner: Disagree.

Mr. Clerk: The vote, Mr. Speaker, is three yea and three nay.

Mr. Speaker: I declare the motion defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Taylor: I find myself at a loss for words. We were told a few, or a day or two ago by the Honourable Member for Whitehorse East, that the reason this Session was called was to do the work for the people of the Territory and to give Members a chance to give some input into these proceedings and now every turn we are not permitted to do this. I ask that this matter be taken into Committee of the Whole so that it could receive open debate and discussion. It is a very very important matter and it was also my intention to ask for a witness, for a witness, as was indicated this morning. And, I say I deplore the attitude of some Members of this House in refusing this opportunity. The Motion itself is reasonably self-explanatory, they say it arises out of a heap of correspondence addressed to all Members and Councillors or Council, with a copy to Mr. James Smith, Commissioner, and a copy to Mr. John McPhail, Personnel Director. In this request from the Yukon Territorial Public Service Association that they ask for an

Mr. Taylor continues

MOTION #10

Appeal Board. Now they point out generally in their letter that in the Federal Service, Public Federal Service or I guess they call it the Federal Public Service Employment Act, it is necessary for the Federal Government to allow an appeal. I haven't had a chance to do full research on this, but let us maybe start from ground zero, I hope as I say to be in Committee to get more active debate on this. First of all in section 14(1) of this particular Ordinance, the Commissioner has the right to appoint persons to the position of the Public Service. And in 15, it states, whenever in the opinion of the Commissioner, it is possible to do so and it is in the best interests of the Public Service, appointment should be made from within the Public Service by competition. We go to section 16 of our current Ordinance where in the opinion of the Commissioner the appointment cannot be made from within the Public Service, the appointment may be made in accordance with this Ordinance from amongst persons outside the Public Service, who are still residents of the Territory. And in 17, the Commissioner has further powers, the Commissioner may then in relation to any position prescribe qualifications as to age, resident or any other matters and so forth and shall not discriminate by race, sex, nationality, colour or religion. What is happening here is that within the Public Service of the Territory, qualified people in the Territory are not being permitted in some instances, to apply or go into open competition for positions within the Public Service of the Territory. This has caused a great deal of concern this is not on one instance, it is several instances that this has happened. The Territorial Public Service Association have a representative, Mr. Wayne Palmer, and it was my intention to have him come in here at the Table so he could then describe to all Members how serious how very serious this problem is. Unfortunately we have been denied this particular position. What they have asked for, basically, and I think I've put it in their words, quote and these are the words of Mr. Palmer and the Association, "I strongly urge that you as representatives of the people here in the Yukon Territory, seriously consider the establishment of an Appeal Board, separate from the Yukon Territorial Government, where fair evaluation of a candidate's qualifications could be appraised if an appeal is lodged." Now I think that virtually sums it up; I think that the Public Service of the Territory should enjoy the right of appeal where they feel that they, their membership or any individual who may be allied with this group, they should have the right of appeal to an impartial person or board in terms of employment within the Public Service. And, I would like to hear comments of other Members in this regard. I think it would be very very important item. I think that the Government should at the earliest possible moment, form that board and provide this most necessary facility. I would like to hear what other Members think.

Mr. Stutter: Mr. Speaker, whenever Bills are brought into Council to be considered, particularly Bills that are involving the rights of Yukoners, I've heard many remarks made by all Members of Council to make sure there is always a section written into the Bill providing appeal. Yesterday, we heard the Member from Whitehorse East make a promise, and I was very pleased to hear him make that promise, that certain Bills to protect the work force of the Territory would be reintroduced at the next session. It is all very fine for us to make legislation trying to protect the work force within the Territory, but we find that the Territorial Government particularly in the area of Public Service, is perhaps one of the worst offenders. I know of instances where competitions had been posted, where applications had been made by members of the Public Service, and where those applicants had never even received the courtesy of an interview only to see other applicants from out of the Territory brought in, interviewed and in many cases, given the job. Now, how we can expect to put forth legislation protecting the job force of the Territory when in fact the Territorial

Mr. Stutter continues

Government in instances such as this, are perhaps one of the worst offenders. It just makes me wonder how we have overlooked this particular thing. And it doesn't seem to me that they are asking for a great deal in requesting that a separate appeal board be made outside of the Territorial Government.

MOTION #10

Mr. Speaker: Is there further debate on this Motion?

Mr. Taylor: I have some further remarks to make.

Mr. Chamberlist: He can close the debate. The Honourable Member has the right to close the debate when the debate is finished. I think that there are some areas of this that the thing completely overlooks. I thought the Honourable Members who have spoken, I'm sure they will both know that, especially the Honourable Member from Watson Lake, know because I have on four occasions, wherever legislation is brought forward, insisted on an appeal section, and in all instances I have been very adamant on that particular point. And again, I see no reason why there shouldn't be an appeal section in this piece of legislation or the regulations from it. There are a couple of words that I would say first as a result of the remarks made by Councillor Taylor, that certainly in Council we are proceeding with the work of Council when Motions come before Council. The matter whether some Members wish to have it discussed in Committee or not has no bearing on the fact that the subject matter of the Motion is before Council. As I go on, Honourable Members will understand clearly why I and other Members of Council have objected to this particular Motion going into Committee. Now, the Honourable Member from Watson Lake, indicated and surprised me that he was unable to speak on it properly because it wasn't in Committee, and indicated he hadn't had time to do his research and I am wondering whether this Motion going into Committee would give him time to do his research in fifteen minutes time, so I don't put too much in that particular case. Now, generally, collective bargaining for the Government of the Yukon Territory is something that has been near and dear to me. As a matter of fact, I can say without fear of any contradiction, that it is as a result of my continued pressure upon Council and upon the Administration that collective bargaining came to the Public Service Alliance. I don't think any Member of Council present today, who in previous Councils, or indeed any members of the Public Service Alliance, would deny it. So that the concern that I feel for collective bargaining, as I do for all union organizations; it is something that is a right that people have and that people should maintain. It is because of this very right that I want to make sure that this legislative body do not interfere with the collective bargaining process. And I say to all Members of Council, that a requirement of this nature just is something that the Public Service Alliance should bargain for, and they have bargaining coming up soon and if they bargain for a type of appeal board that they want, and they get that type of appeal board, then certainly there is collective bargaining, then legislation follows for the benefits that have been bargained for. I know that most Honourable Members here know as well that that is the procedure. And I think that the Honourable Members who have spoken, be fair and review their particular Motion in this instance, because they might have lost sight of that particular point. That it is an item for collective bargaining and that there should be no attempt to get collective bargaining through the back door into the Territorial Council. The various sections that have already been indicated by the Honourable Member from Whitehorse West have no bearing on the basis of collective bargaining because collective bargaining has been granted by the legislature and I would also ask Honourable Members to refer to the regulations, rather, the regulation section of the Public Service Ordinance, section 34, and look at subsection (n). Subsection (n) reads as follows: "prescribing of procedure on appeals and prescribing the procedure for dealing of grievances as defined by the regulations." Now if it is a grievance that the Public Service Alliance have, then it may well be a well-founded grievance. At this time I have no intention of saying whether they

Mr. Chamberlist continues

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have a grievance or whether they haven't a grievance. The purpose is to for them to take that grievance in collective bargaining, win their point, and on the basis of winning that point, then legislation is brought down or the regulations are amended as a result of the collective bargaining. Now I don't think that any Member should argue that point with me or argue against it. Now, they may wish to argue on the basis that the Motion should be agreed to here, but I say it is an interference with the bargaining procedure if we go forward now and provide for an appeal board of this particular description. There is already under section 45 and 46 of the regulations, provision for appeal where the employee is dismissed. Now there is no problem in the Public Service Alliance coming forward, through the bargaining session and saying this section should be enlarged to supply this need. I can assure all Members of Council that if they bargain for it, they get it; then there's a responsibility upon the Government of the Yukon Territory to supply that particular need. And this is where I want Honourable Members to think of the interference that might be attained to. I think that the Public Service Alliance in their exuberance to protect wherever possible, Public Servants, and quite likely do... I am much more concerned with the protection of Public Servants than perhaps some other Members are, who from time to time, have placed Public Servants in jeopardy by statements that have been made in this House. But I am not going to expand on that particular point, but certainly we must consider, and I would specifically ask Councillor Taylor to recognize what is meant by collective bargaining. Now perhaps I don't know, perhaps Councillor Taylor hasn't been connected in anyway with collective bargaining and perhaps he might be prepared to say that he didn't quite understand exactly what it is and that he is prepared to give way on this point and Councillor Stutter who has spoken as well, I think spoke in good faith because I think that he didn't also realize that it is an item that can be bargained for and indeed should be bargained for. And I think that the Public Service Alliance, as I was saying, in their exuberance have not recognized the point as well that they too could bargain for this at the time when bargaining comes along. I would suggest that that is the time to do it, get it, then the Government will provide the necessary legislation or amendments to the regulations to bring that into effect. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member from Whitehorse-East a question. It seems to me from the discussion and debate that we are probably getting two things mixed up. In the letter that I think all Councillors received from the Yukon Territorial Public Service Association there is a stand made that there must be more local hiring done throughout the Yukon. Now, the Honourable Member from Whitehorse-East in his remarks yesterday stated: "As a matter of fact, the Territorial Government is at times the worst employer because they go outside and take on people when they should be employing local people. We are going to make sure that wherever possible, where input does count that the employer, the Territorial Government, does employ local labour whenever possible." Now, shouldn't this be as a part of the Public Service Ordinance outside and away from an Appeal Board? MOTION #10

Mr. Chamberlist: Yes, I do. I agree with the Honourable Member Mr. Speaker, and this is why I want to separate those two areas; that certainly what the Honourable Member has said is quite correct. I agree with him, but the obtaining of an Appeal Board is a bargaining point. Now, I have already indicated that the whole matter of hiring by the Government of the Yukon Territory will be reviewed, but this is a specific thing that the Honourable Member who has just spoken will, I am sure, appreciate that an Appeal Board is being asked for. Now, I think from what he has indicated he has quite fairly recognized that there are two areas. As I say, and I repeat, that what I said the other day, I am very sincere about, and will do my utmost to seek that this will be corrected. At the same time, I would ask members to recognize the fact that this is an area of collective bargaining and please do not interfere with it. Let the Public Service do their own bargaining. Let them do their own thing, and once they have done it, then the Territorial Government can quite rightly see that this is what has been bargained for, this is what has been agreed and this is what once the Territorial Government has agreed to, that this will be put into effect.

Mr. McKinnon: May I be permitted a supplementary question, Mr. Speaker? Can we be assured by the Honourable Member as a member of the Government that either regulations or legislation will be brought in at the Spring Session of the Council so that this problem is rectified to the best ability that the Government can.

Mr. Chamberlist: Mr. Speaker, all I will promise is this, that if the collective bargaining unit agrees, the collective bargaining unit in their consultation agrees that this is a requirement, I can assure you that not only will the Honourable Member from Carmacks-Kluane and myself bring the requirements so necessary to the Government's attention, but we will advise the Commissioner, and I don't think that he will need to accept that advice because he will take it himself that as part of the collective bargaining that has been reached it will be an automatic thing, I can assure the Honourable Member that.

Mr. Speaker: Any further debate?

Mr. Taylor: Yes, in closing the debate I would like to make a couple of points. One is that the Honourable Member from Whitehorse East is right full of beans and clouding the issue with the usual smoke screen. This is not, I don't think, unless we can do something about it here, necessarily a matter of collective bargaining. Applying, Mr. Legal Adviser, I have documents here marked confidential; documents between you and Mr. Commissioner dated Dec. 12, 1969, giving recommendations on the collective bargaining agreement; are they now off the confidential list or are they on it?

Mr. Legal Adviser: They are not off the confidential list.

Mr. Taylor continues:

MOTION #10

Then I can't answer the one Member's question whether or not I know anything about collective bargaining. In the letter from the Public Service Association they point out that the Federal Government themselves, the Public Civil Service, they don't have to go to collective bargaining to get this. The Federal Government themselves, they realize that personalities should enter into the Personnel Department for the hiring practice; so, they decided that by adding section 21 of the Public Service Employment Act that this would possibly police the Personnel Department's actions. Now this is a responsibility of administration. This isn't anything for collective bargaining. Approximately forty-seven percent of the appeals brought against the government under section 21 are won by the appellant. Maybe that doesn't sit with this so-called government. Number Two is, let me point out that section 21 of the Federal Public Service Employment Act states, "where a person is appointed or is about to be appointed under this Act and the selection of the person for the appointment was made from within the Public Service, (a) by closed competition, every unsuccessful candidate, or (b) without competition, every person whose opportunity for advancement in the opinion of the Commission has been prejudicially affected, may within such period as the Commission prescribes, appeal against the appointment to a board established by the Commission to conduct an inquiry at which the person appealing and the deputy head concerned, or their representatives, are given an opportunity of being heard and upon being notified of the Board's decision on the inquiry, the Commission shall, if the appointment has been made, confirm or revoke the appointment, or (b) if the appointment has not been made, make or not make the appointment according as the decision of the Board requires. Now, tell me anybody in this Chamber, if you can do it in the Federal Civil Service why cannot we do it here, and why don't we say we will bargain for it; give up some other one of your rights if you want an appeal board. Number Two, or number three I should say, Votes and Proceedings, 1967, First Session, when we created this*, this is not the Labour Relations Legislation, this is the Public Service Ordinance, quoting from page 1274 about the whole question of this Ordinance: "Mr. Boyd: I have a question. This is an Ordinance respecting the Public Service of the Yukon Territory and it refers to I understand specifically to the employees of the Territorial Government. Now these are, of the Civil Service, rules and names and meetings and titles all the way through. Is it just a duplication of what exists elsewhere in the Civil Service or is it near a duplication? Answer: from Mr. Legal Adviser, "Well, it is a kissing cousin and it is very similar to the one that was introduced in the Northwest Territories. There are some small changes in terminology and also changes due to the fact that the Northwest Territories hadn't had a Public Service until its recent Ordinance." Well, we have had one going on for nearly fifty years, I suppose, and this is the crutch but it is modeled on the Canada Civil Service Commission. It is not modeled on Federal legislation. Gentlemen and ladies, I say to you, there is your Federal Legislation. It provides for an appeal board; there is absolutely no reason at all why we cannot have an appeal board here in the Yukon. Deny that to the Public Service and go fight with them; you are fighting with everybody else anyway.

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

Mr. Clerk: Member from Carmacks-Kluane?

Mrs. Watson: Disagreed.

Mr. Clerk: Member from Whitehorse-West?

Mr. McKinnon: Agreed.

Mr. Clerk: Member from Watson Lake

Mr. Taylor: Agreed.

Mr. Clerk: Member from Dawson?

Mr. Clerk continues to poll the House:

Mr. Stutter: Agreed.

MOTION #10

Mr. Clerk: Member from Whitehorse-East?

Mr. Chamberlist: Nay.

Mr. Clerk: Member from Whitehorse-North?

Mr. Tanner: Disagreed.

Mr. Clerk: The vote, Mr. Speaker, is three yea, three nay.

MOTION
DEFEATED

Mr. Speaker: I declare the motion defeated. Motion Number 11:
It has been moved by Councillor Stutter, seconded by Councillor Taylor,
that legislation be prepared to ban the sale of beer in nonreturnable
containers in the Yukon, and further, that the Territorial Government
impose a charge to be refunded upon return of empty beer containers.
Are you prepared to proceed with this motion at this time?

MOTION #11

Mr. Stutter: Yes, Mr. Speaker. The main reason I put this motion forward, Mr. Speaker, should be clearly obvious, but I will use, I will just quote from a report that was given to the City of Whitehorse by the Consumers Association of Canada: "The three major reasons are, (1) a decrease in the litter problem present in every Canadian City as well as reduction of the amount of solid waste needed to be disposed of; (2) a wiser use of scarce natural resources, and; (3) more efficient and economic beverage industry with the obvious consumer benefits at lower costs." Now at the time that this report was given to the City, it was also mentioned that all types of beverage containers should be included. I have purposely excluded that from my motion at this point because I feel that in the Yukon the beer bottles and particularly with our present drinking laws, beer bottles are the real source of interest at this point, and that once the necessary legislation is brought in, it would be a fairly easy matter to include other beverage containers at a later date. Further quoting from that report to back up the reasons why we should do this, it states that: "A throw-away container has a twenty-one times greater chance of becoming litter than a deposit container." And, it goes on to say that "even if it only had a one cent deposit, the container has a ten times greater chance of becoming litter than a five-cent deposit container." There have been many submissions made both to the Territorial Government and to the City of Whitehorse by various interested organizations requesting that this type of move be taken. My motion perhaps is a little vague but we are continually told that many of the things that we put in our motions are Administrations' problems or problems that are to be ironed out by the Administration. I simply would like to see legislation brought in to bring about the aims of this particular motion and those aims that I have stated are pretty well aims that are backed up by the various reports and briefs that have been submitted to various governments. I would urge all Members to support this motion.

Mr. Taylor: Well, Mr. Speaker, as seconder of the motion who may have been a little specific, maybe a little too specific, maybe not but, it was to bring to the attention of the Administration hopefully a joint feeling in Council that the Yukon is fast becoming one great big garbage dump, and that possibly if this Administration could find some time from trying to find out how to beat the people maybe they might be able to find time to come up with a piece of legislation for the Spring Session which would help clear up the garbage disposal situation around the Yukon Territory. I think the motion is sound. It merely asks, it doesn't say you have to do anything tomorrow, this should sit, and it asks that we attempt to control the litter of the Yukon Territory, at least in one area and that is in the area of liquor bottles and cans. And, I have nothing further to say on this point.

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Mr. McKinnon: Mr. Speaker, I think that the problem is much greater and is going to be much greater than the actual motion moved by the Honourable Member from Dawson is trying to get reaction on. My wife and family and I have a habit of probably every weekend in the summer going to different places in the Yukon and we do get off the beaten track of the normal weekend tourist and the normal weekend campers and what the Honourable Member from Watson Lake said is true that the Yukon is fast becoming one large garbage dump and one large pig pen. There are very few places that you can go no matter how far back in the bush when someone hasn't been there either by plane or by helicopter or by foot or by whatever means and has left litter and left an awful mess. And of course, it is there for time immemorial. And, just to think of beer cans or beer bottles being the problem, or actually, part of the problem is not the larger part of the problem. I, as a public service to the community every spring go up and down the lake where we have our cabin and pick up all the empty bottles or the empty cans and the empty pop bottles. And every year for the last five years the pop cans and the pop bottles have been definitely more in evidence than the beer bottles because the kids can still get fifteen cents for a dozen of beer bottles returned to any of the beverage distributors here who ship them out in bulk. But there is at least some saving grace already in bottle containers. The one problem is the bottles are probably worse than the cans as far as being on the beaches as that they are broken and of course every summer we hear about the people who suffer cut feet from broken bottles on the beaches and in the lakes of the Yukon Territory. Part of the program of course is an educational program and I know that the kids depending on their teachers in their class are a lot more aware of the problem than we were when we were kids. I remember a fishing trip I went on with some of my friends and one young fellow and one of the guys threw the beer bottle in the lake as he went across and out of the mouths of babes, this little kid of about five years old gave him a kick in the shins and said, "Hey, you are not supposed to do that. You are not supposed to put bottles in the lake." And the guy turned his boat around and picked up the beer bottle because he was so embarrassed by this child who had brought it to his attention what he was doing. With the tourists and the influx of tourists who are going to come to the Yukon, we know that they are coming in the next ten years, it is going to be almost impossible without some form of return depots to keep the Yukon. The reason why people are coming here in the first place is because it is not the dump that everywhere else is, and it is going to have to be put on the Statute books of the Yukon Territory and this is going to be a real advance piece of legislation, I think, on the North American continent where they are just starting to bring and look at the beginnings of the problem, trying to make the, solve the problem for just beer or pop containers and there is going to have to be some kind of a system worked out where there is a return available for all types of containers and there is money paid off and of course that money that is handed out to the people returning their containers is going to have to come as a result of a Consumer charge on the person who is paying for the beer, paying for the oil, paying for the pop or paying for whatever, and it is a small price to pay, Mr. Speaker, for the benefits that will accrue to the Yukon in perpetuities from keeping it free of litter. Education is going to help in one part but we still have to have the people scouring the beaches, scouring the sides of the roads because they can return empty containers of all sorts to get some money into their pockets. And, I think that this legislation, if we say it's just going to be non-returnable beer containers, is not going to help solve the problem because the hundreds of thousands of tourists that are going to be coming in, they are going to throwing every type of containers out of their windows that is possible, some of them returnable, some of them not returnable. And, it is a piece of legislation that I have asked repeatedly and repeatedly for the Government of the Yukon Territory to take a good hard look at and something has to be done, something has to be done in the very near future, something has to be done that is going to be all-encompassing and it is going to make it worthwhile for the kids of the Yukon Territory, for organizations of this Territory to get together and get out and be picking up these containers and returning them for money that will be available to them as they bring in these containers. And if we don't tackle

Mr. McKinnon continues:

this problem, and if we don't bring in a sort of legislation then within a decade, Mr. Speaker, what we have to offer in the Yukon, which is unique on the North American continent, is not going to be there to offer any longer. Thank you, Mr. Speaker.

MOTION #11

Mr. Chamberlist: Mr. Chairman, this is one particular Motion that I'm very pleased to have seen brought forward. There is no doubt about it that the need for legislation to deal in particular areas of non-returnable containers should be forthcoming. There are many intangibles one has to stop and think about, as the Honourable Member from Whitehorse West has just mentioned, that there are many non-returnable containers that are not necessarily beer containers, and this is where there is a difficulty in this particular Motion, because it picks out just one type of non-returnable container. Also, if I could put a question so that I can come back to what I have to say to the Honourable Member who has moved this, I wonder if Councillor Stutter could indicate whether he has examined the cost to the Government of finding warehouse space for the empty beer containers for holding them prior to having them sent back, whether the involvement of financing has been given any consideration. This is quite a problem and I am wondering if he could just answer generally.

MOTION #11

Mr. Stutter: Yes, Mr. Speaker, I would be pleased to answer that question if the Honourable Member would read the Motion a little more closely, he sees that I didn't specifically say that the Government will provide this warehousing, I have just said that the Government should impose a charge to be refunded. There is no reason why this couldn't be done through a private warehouse. There is absolutely no reason whatsoever.

Mr. Chamberlist: Mr. Speaker, I read beyond that because it says to impose a charge upon return of empty beer containers and the beer containers came from the Territorial Government so it appears to me that the return was to the Territorial Government. Perhaps if the Honourable Member, he's made that clear now I think, really the problem is the tin cans and the paper containers, because beer bottles now, there a provision made for people to buy them back and these bottles are being bought back and there are one or two commercial enterprises who are buying the bottles back. But certainly, I have nothing to argue against the principle of legislation coming forward, but I wonder if the Honourable Member would permit an amendment, just in one word, that instead of legislation be prepared, that legislation be considered, I think it would clear a lot of thoughts in peoples' minds as to whether we are being asked to prepare legislation immediately without taking into consideration all the many aspects that a program of this nature might bring. I wonder, that's a further question, would the Honourable Member allow this amendment just to that one word?

Mr. Stutter: Yes, Mr. Speaker, I would be willing to allow that amendment, but would refer the Honourable Member to a letter that the Commissioner himself sent to the City Manager on March 16, 1972, in which he said that the views of the Committee and of the City were certainly be kept in mind, should legislation to help overcome the litter problem, by refunding their containers, be drafted. Now, obviously at that time, legislation must have been considered, or at least I would infer that from the letter, that it was under consideration. It seems that if we put the word, "consideration" into the present Motion, we are not actually gaining much.

Mr. Chamberlist: Mr. Speaker, I know we are going into debate by question, but I hope the Honourable Members of the House will grant this privilege and be kind because it should be clarified there. This is quite true what the Honourable Member has just said, except that where it had further, that the Territorial Government impose a charge, this is where a consideration has to be given as well, which wasn't given before and it is only in that particular area really, that I've asked the Honourable Member that he would prepared to drop the word, "prepare" for "consideration".

Mr. Chamberlist continues

MOTION #11

I can assure Members of Council that we will certainly take a very very close look at providing and giving consideration to the provision of legislation.

Mr. Stutter: Yes, Mr. Speaker, I'd be willing to listen to any amendment that would bring the sort of thing that I think most of us are looking for in this area. I don't particularly want to keep things exactly the way I've worded them in the Motion. I brought this up when I first rose to speak to the Motion. The main point is that something be done about the problem and something be done about it just as soon as possible.

Mr. Speaker: Well, are we all agreed that we replace the word "prepared" with "considered" without having a formal amendment? Agreed.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner a question. It was my understanding that by Commissioner's Regulation, that the sale of beer in non-returnable containers has already been banned by the Government of the Yukon Territory and that only those returnable containers... bottles is what beer is actually being sold in by the Government of the Yukon. We have ... which I think is the only liquor outlet right now. The problem is not really the returnable beer bottles, which are coming in at a flow, it is all the rest of the junk that is being sold. Certainly this is the area where we have to patch up. I wonder if Mr. Commissioner could answer this question?

Mr. Commissioner: Mr. Speaker, in the eyes of the Government and I think that we are quite right in our approach on this, it is not the beer bottle that is the problem, Mr. Speaker, it is all the rest of the containers that are part of the day and age that we are living in. And the House has asked that at least on two if not three occasions, that this matter be examined and it has been examined. And we are of the opinion that the whole container problem has got to be dealt with in one complete package. And this will start at the time of sale to the consumer and will be backed up by a proper return system which will further be backed up by a proper destruction. The problem is real, Mr. Speaker, and I couldn't agree more with the sentiments that are expressed by the Honourable Member from Whitehorse West. I agree with him entirely, but it isn't just a one-shot opposition it has to be a full set situation that starts with the time the consumer buys the package then gets the package back in some kind of a return depot with a monetary exchange involved and then that return depot has got to have available to it destruction facilities, in order to eliminate the thing from the environment.

Mr. McKinnon: Well, Mr. Speaker, I have a supplementary question. Now we are getting somewhere. Would the Commissioner be prepared to instruct one of his officers to be able to study this whole problem, which he is well aware of, and hopefully come down with a report at the earliest Session of Council that he can, so that we can deal with the problem which he admits is real, and one that we are going to have to tackle at the earliest opportunity.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I think that Honourable Members are aware that the City of Whitehorse had a study done within the last couple of years, in connection with their nuisance ground, or their garbage disposal facilities. We were quite hopeful at the time that study was made, that this, you know, might lead into something further, but the City got a report and quite rightly so, it concerned only their own garbage situation. But I am of the opinion that if we enlisted the support of some of the Federal agents, who have environmental protection as maybe some of their major functions, along with the officers of the Territorial Government who are involved in this particular facet of things, I am quite

Mr. Commissioner continues

confident that we may well be able to put together a package for presentation to this House, that would have the net effect of being a complete package. There is no use of tackling just one part of it and I can't say when such a thing would be ready, Mr. Speaker, but I am quite prepared to enlist the support of all the agencies that I am aware of, who could contribute anything towards a thing like this, and attempt to put some kind of a study or a study group together, that would have this end effect as far as the Councillors are concerned. I am quite prepared.

MOTION #11

Mr. McKinnon: Mr. Speaker, would the Commissioner assure us that that would get into the, get moving as quickly as possible, then I think that probably that the mover and seconder withdraw the Motion because we have a, the wheel set in motion on a much greater impact than just the one-shot deal which the Motion is aiming for and of course this is the thing that I am looking forward to in the very near future that we can tackle the whole huge project of litter in the Yukon, period.

Mr. Stutter: Yes, Mr. Speaker, I would be more than willing to withdraw my Motion because I feel that as long as we have this assurance in the long run, it would more or less accomplish what I set out to do.

Mr. Speaker: I personally object to the two last sentences.

Mr. Taylor: Mr. Speaker, as seconder, upon the assurances, on the record, from the Commissioner, I would be more than pleased to withdraw same.

Mr. Speaker: Are we agreed? The Motion withdrawn.

MOTION WITHDRAWN

*MOTION
WITHDRAWN*

Mr. Speaker: Are there any questions?

Mr. Taylor: Yes, Mr. Speaker, I believe I have a question to direct to Mr. Commissioner. I believe that ..

Mr. Speaker: Councillor Taylor, I think we will have a short recess.

RECESS

RECESS

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

Mr. Taylor: Yes, Mr. Speaker, I would like to put a question to Mr. Commissioner, this afternoon. Some days ago, during the past few days, there has been an announcement on the radio, the news media, to the effect that a great deal of money has been made available by the Federal Government for labour intensive or labour incentive programs for the forthcoming winter in Canada. I am wondering if Mr. Commissioner could advise us today as whether the Yukon has been informed as to what allotment they will get and just to what form this, if so, if we do get any funds in what manner would they be expended in the Territory?

*QUESTION RE
FEDERAL FUNDS
FOR LABOUR
INCENTIVE
PROGRAMS*

Mr. Commissioner: Well, Mr. Speaker, I anticipated a question of this nature and I endeavoured to find out, but I am sorry I have been unable to ascertain just in the process of the distribution of these funds, as to what the Yukon could expect. But if we use the past one, you know, as any indication, we certainly were not left out of the distribution by the Federal Government. All I can say is that, Mr. Speaker, if and when we get any information on this we will certainly be making this known as promptly as possible to all Members of the Council.

Mr. Taylor: I have a further question arising, to Mr. Commissioner, arising out of an advertisement I found in the Whitehorse Star of Friday, November 17th addressed to Northerners. Apparently this was placed by a group called Gemini North in P.O. Box 1560, Yellowknife, and it states that the following statement is endorsed by the delegates from the Northwest and Yukon Territories and the northern portions of the provinces and it was on view with relations between southern and northern Canada by stating "Too often policies affecting northern Canada are imposed by southern Canada without proper consultation of Northerners." I am wondering if Mr. Commissioner could advise me if the Government of the Yukon Territory been involved in the construction of these priorities. Apparently they are to be discussed in Toronto, 1973.

*QUESTION RE
GEMINI NORTH*

Mr. Commissioner: Mr. Speaker, the Government of Yukon has not been involved in this. I think that Honourable Members know that Gemini North is a privately formed organization and I believe their headquarters are in Yellowknife and such things as they have been working at over there, they have well been working under a contract with either the Territorial or Federal Government, but the Yukon Territorial Government has had no part directly or indirectly in connection with this.

Mr. Taylor: Well I guess it is going to be discussed at Toronto. I have a further question arising out of a Legislative Return I received in turn out of a question I asked, respecting the White Pass and Yukon at Carmacks. It was reported that there was a large tract of land being staked there. My reason, of course, for asking the question is to get an answer. I am very pleased with the answer that no application has been made. What I would like to know, Mr. Commissioner, is, I wonder if, Mr. Commissioner is prepared to give his assurance that no tract of land will be set aside anywhere in the Yukon Territory for the avowed purpose of placing railroad yards until the commitment, a firm commitment has been received from CN, White Pass or any other railroad that might construct here, in order that CN coming up here wouldn't have to buy more land from White Pass.

*QUESTION RE
LARGE TRACTS
OF LAND BEING
SET ASIDE*

Mr. Commissioner: Well, Mr. Speaker, I can't give the Honourable

Mr. Commissioner continues

Members a commitment on behalf of the Federal Government who are the custodians or owners of the vast majority of the land in the Yukon Territory. The reason for the reservation having been put on certain lands in the general proximity of potential rail extensions by the Department of Indian Affairs and Northern Development or by my Minister, is certainly for the very obvious reason to prevent the very thing that the Honourable Member is wondering about. All I can say is that I am quite confident that my Minister and my Administration will do anything that is within our power to prevent any kind of, what you may say excessive known possible speculation in these kind of things, but I would also bring it to the attention of the Honourable Member that in many many instances that these things sometimes take place very very innocently and unbeknownst to anyone of us in Government as to really what the particular intent of the, really the reservation of land is being asked for. I think in the instance referred to, I think that the situation is legally in hand with the reservations that presently exist and I don't think it is liable to get out of hand at least as far as we are aware of, Mr. Speaker.

QUESTION RE
RAIL EXTENSION
FROM B.C. TO
YUKON

Mr. Taylor: Supplementary to my last question affecting railroads, can the Commissioner indicate as to whether or not he has any recent information as to development of the railroads from the British Columbia boundary into the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I have no information other than what has appeared in the public press in that particular railroad extension.

Mr. Speaker: Are there any further questions?

QUESTION RE
LOTTERIES

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner could tell us what the status of lotteries in the Yukon Territory is at this time?

Mr. Commissioner: Mr. Speaker, confused and chaotic.

Mr. McKinnon: Mr. Speaker, I wonder, if there was an organization that was not quite as confused and chaotic as the Yukon Territorial Government, applying to the Government to run a lottery, whether they would receive a favourable reception from the Yukon Territorial Government at this time.

Mr. Commissioner: Mr. Speaker, the application will have to be judged upon its merits and the circumstances that happen to prevail at the time the application is made.

QUESTION RE
AMBULANCE
SERVICE

Mr. McKinnon: Let's try another one. If Mr. Commissioner could let us know what the status of ambulance service to the metropolitan area of Whitehorse is at this time, and what it will be in the very near future.

Mr. Commissioner: Mr. Speaker, it was operating this morning, I saw it go down the street to the hospital.

Mr. McKinnon: Mr. Speaker, has there been any negotiation and have there been any conclusions reached between the Yukon Territorial Government and the municipality of the City of Whitehorse, I think that this is too big a matter to just pass off lightly.

Mr. Commissioner: Mr. Speaker, I didn't attempt to pass it off lightly, neither is my answer to be interpreted that the matter is not of considerable importance, and the answer is in the affirmative to the Honourable Member.

Mr. McKinnon: What is the status of Mr. Gordon McIntyre who was appointed Assistant Commissioner on a temporary basis, does this now become a permanent position or will there be a further

Mr. McKinnon continues

appointment to the Assistant Commissioner's post in the near future?

Mr. Commissioner: Mr. Speaker, the situation is now different than at the time of Mr. McIntyre's appointment and there is a reasonable anticipation that there will be a further appointment sometime in the future.

Mr. McKinnon: A reasonable anticipation, Mr. Speaker, I think I'll ask Mr. Commissioner will this person be an elected or an appointed citizen?

*QUESTION RE
ASSISTANT
COMMISSIONER'S
POSITION*

Mr. Commissioner: Mr. Speaker, I refer to my Minister's answer to that which was given here sometime ago and it will be an appointment.

Mr. McKinnon: Mr. Speaker, I wonder if the Commissioner could tell me what the status of the Aishihik--Otter Falls power project is at this point of time?

*QUESTION RE
AISHIHIK--OTTER
FALLS POWER
PROJECT*

Mr. Commissioner: Mr. Speaker, it is before the Yukon Territorial Water Board and I think that Honourable Members are aware that they asked the Northern Canada Power Commission and I believe other agencies of government as well, to provide certain further studies and certain further information. I believe that most of this information is now available and has been presented to the Water Board and is under study or will be available for the Water Board's further study in the very near future and it would be up to the Water Board to say publicly, you know, their opinion or whatever their attitude is toward this.

Mr. McKinnon: Mr. Speaker, I have a final question for this Session to Mr. Commissioner, and I heard on one of the radio stations that the Executive Committee Member in charge of Health, Welfare and Rehabilitation made a statement that he would state the same remark if he were in Russia as he did in Australia. I wonder, Mr. Speaker, that as a Public Servant to people of the Yukon, if Mr. Commissioner would give the Honourable Member a ticket to Russia with the agreement that he make the same remark, because Mr. Speaker, I'm sure that Mr. Commissioner would agree it would only have to be a one-way ticket and let me tell you he'd be doing a real service to the people of the Yukon Territory.

*QUESTION RE
ONE-WAY TICKET
TO RUSSIA*

Mr. Commissioner: Mr. Speaker the name of the institution is Lubyanka; it is located in close proximity to the Kremlin in downtown Moscow. As we have had sufficient overseas trips for the time being I hesitate to offer any more at this time.

Mr. McKinnon: We should get a pot going.

Mr. Taylor: Mr. Speaker, I have another question concerning lotteries and I would direct it to the Honourable Member for Whitehorse East who suggested that he was going to have the first lottery. I believe he suggested that he was going to put names in hats and draw out little names with people who have not registered for Medicare and the winner gets a free trip to the Correctional Institute or something, all expenses paid. I am wondering if the Honourable Member could inform us today as to if he was really serious when he made that statement and if he was, when he intends to conduct his lottery

*QUESTION RE
PROSECUTION
FOR MEDICARE*

Mr. Chamberlist: I think the first answer to the first question is this, is whether or not the Honourable Member did actually make that statement because this Honourable Member has no way of being able to control what members of the press through the news media say. I did not make any such statement and the further question, I must tell the Honourable Member this, that the matter now of prosecution under the Yukon Health Care Plan is due to receive, and no doubt in good time the press will be able to report those, that are being prosecuted.

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

FIRST READING
AMENDMENT
BILL #33

Moved by Councillor Chamberlist, seconded by Councillor Watson that the amendment to Bill No. 33, An Ordinance to Amend the Local Improvement District Ordinance be given First Reading.

MOTION
CARRIED

MOTION CARRIED

SECOND READING
AMENDMENT
BILL #33

Moved by Councillor Chamberlist, seconded by Councillor Watson that the amendment to Bill No. 33, An Ordinance to Amend the Local Improvement District Ordinance be given Second Reading.

MOTION CARRIED

MOTION CARRIED

THIRD
READING
BILL #33

Moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 33, An Ordinance to Amend the Local Improvement District Ordinance be given Third Reading.

MOTION CARRIED

MOTION CARRIED

TITLE
ADOPTED
BILL #33

Moved by Councillor Chamberlist, seconded by Councillor Watson that the title to Bill No.33,An Ordinance to Amend the Local Improvement District Ordinance,be adopted as written.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

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

Mr. Speaker: Is there a seconder?

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

Mr. Speaker: It was moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Dawson that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing the Motion. Are you prepared for the question? Agreed?

MOTION
CARRIED

MOTION CARRIED.

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

Mr. Chairman: At this time I will call Committee to order. We have before us one item, Motion No. 6. Moved by Councillor McKinnon seconded by Councillor Stutter, it is the opinion of this Council that municipalities within the Yukon be exempt from paying fuel tax under Section 4 of the Fuel Tax Ordinance and be it further resolved: That it is the opinion of this Council that the fuel oil tax covering the period of April 20, 1971 to October 19, 1972, should be deemed not to be owing by the municipalities within the Territory to the Government of the Yukon. This was deferred yesterday by Members of Committee. *MOTION #6*

Mr. Tanner: Mr. Chairman, I think all Members will recall yesterday that we got ourselves into quite a jackpot insofar as there is no physical way out or no legislative way out of the problem we have right now. I think both the Member from Whitehorse-East and the Commissioner have given us their assurance that they will look to the matter and bring it up in the Spring Session in the budget debate at the proper time it should be solved. And, I would ask the mover of this motion to withdraw it until such time as we can proceed with the Bill and find some answer to the problem that has arisen.

Mr. McKinnon: No, Mr. Chairman, of course I cannot withdraw this motion; it is a very real problem, an immediate problem to the municipalities of the City of Whitehorse. The Honourable Member is incorrect in saying that there is no legislative way out. All it would take would be an amendment to the Fuel Tax Ordinance brought down by the Government and there would be a legislative way out of this conundrum; they are unwilling to do that; so, I would ask that question be called on Motion No. 6.

Mr. Tanner: Mr. Chairman, in that case, I have an amendment to the motion. The amendment reads: It is the opinion of this Council that a committee be established to recommend to this Council (a) whether the municipalities in the Yukon should be exempt from paying fuel tax pursuant to section 4 of the Fuel Tax Ordinance, (b) under what terms and conditions if such exemptions are recommended should these exemptions be given.

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

Mr. Stutter: I wonder, Mr. Chairman, if we could see a copy of that.

Mr. Chairman: Yes, I will declare a brief recess. Mr. Clerk, can you get copies for yourself and all the Members?

RECESS

RECESS

Mr. Chairman: I'll call Committee back to order. The Committee has before it an amendment. It has been moved by Councillor Tanner, seconded by Councillor Chamberlist that Motion No. 6 be amended to read as follows: It is the opinion of this Council that a committee be established to recommend to this Council (a) whether the municipalities in the Yukon should be exempt from paying fuel tax pursuant to section 4 of the Fuel Tax Ordinance, (b) under what terms and conditions if such exemptions are recommended should these exemptions be given. Any debate on the amendment? *MOTION #6*

Mr. Tanner: Mr. Chairman, it seems to me that this is a reasonable way out of the problem which Council finds itself in as of the debate of yesterday, and I would recommend to all Councillors that we follow this procedure and we can probably resolve it in the spring session.

Mr. Chamberlist: Mr. Chairman, there is another area that we will be wanting to look at as well. At the moment under the legislation that we have there is no manner that taxes that are due can be forgiven so that what we must also look at is to see if we can provide for instances of this nature a reclaiming section so that if

Mr. Chamberlist continues:

MOTION #6

the recommendation of the committee was that municipalities should be exempt that the municipality which would be paying its tax now would then have the opportunity to reclaim in exactly the same way as the Territorial Government has the opportunity to reclaim on monies from the Federal Government. I think this is a very reasonable manner in which to resolve this particular situation.

Mr. Stutter: Mr. Chairman, in many instances I fully agree that committees should be set up to look into things, but in this particular case I think this body here, this Council, is perfectly able to decide here and now whether municipalities should in actual fact be paying a fuel tax. I do have a slight hangup with the second half of the motion which I originally seconded, and that is the forgiveness of the back taxes. I see that it is a bit difficult, but to put in this amendment now that a committee be set up to look into work that I think that we can decide right here and now which would immediately, or at least I would think that it would immediately, make it from here on that the City would not be eligible or would not have to pay fuel taxes is what we are actually trying to get at. Whether the amount that they owe from day one or April first 1971 to this point that is another question entirely, but the half of the motion dealing with whether they should or should not pay tax from now on, I think should be dealt with here and now.

Mr. Chamberlist: Mr. Chairman, I would like to point out to the Honourable Member that we are talking about money and the committee may well be the Financial Advisory Committee of which the Honourable Member is one and who has a responsibility of dealing with finance of the Territorial Government; so, it was surely with that particular point in mind that it was put so that the discussion and input from the Honourable Member could be given that consideration, and I think it a very reasonable way in which to handle it.

Mr. Stutter: Well, Mr. Chairman, if that could be put in the amendment even that the Financial Advisory Committee, then perhaps I would support it because I certainly don't want to see, I would rather see the amendment go through than to see the whole thing thrown out, and I am faced with a bit of a problem here, Mr. Chairman.

Mr. Chairman: From the Chair, would the Honourable Member proposing the amendment consider a committee consisting of the Member from Dawson, the Member from Whitehorse-West, and the Member from Watson Lake?

Mr. Tanner: Mr. Chairman, I think that the point has been made that the Financial Advisory Committee could be one, but if you write that into the amendment as you presently read it, Councillor Stutter, what you are going to do, you are going to eliminate the chance of having anybody come from the municipalities directly involved whether it be the Mayor, or whether it be an alderman, or whether it be one of their appointees if that was to be the case. And, it is my feeling that by putting it in this way you leave it open for the committee to be struck with any members that are required to get the input without limiting yourself to the Financial Advisory Committee or a member of just the municipalities.

Mr. Chamberlist: Mr. Chairman, I can only repeat that it is a matter of money, and certainly the Honourable Member from Dawson will be able to deal with the point that he has made in his original motion simply by being there in that area. There are some aspects which most members of Council here who have sat on Financial Advisory Committees know that cannot be discussed in open Council here, and I am hoping that the Honourable Member of Dawson will recognize that this is the method to adopt, and I would wonder if as the Honourable Member has suggested, Mr. Chairman, perhaps Mr. Chairman might ask the Members here whether we would be content to add those words in the Financial Advisory Committee, and take the consensus of opinion from Members of the Committee of this Council.

Mr. Chairman: The Chair is in a bit of a dilemma in respect with the motion in its vagueness. It states that a committee be established but it doesn't indicate by whom. If it is intended that a committee be established by the Administration or if the committee be established by Council . . .

MOTION #6

Mr. Chamberlist: With respect, Mr. Chairman, I have already recognized that, in that particular part, that perhaps it is vague, but I am accepting the suggestion and the agreement that has been reached between I and Councillor Stutter from the Floor that the Financial Advisory Committee would be agreeable to him and if the Chairman would just ask whether it is agreeable to other Members, this would answer his question, and also resolve the matter right now.

Mr. Chairman: It was the intention to do this, but first I must ask of the mover, was it, was intended that Council in this motion establish a committee or the Administration establish a committee.

Mr. Tanner: Mr. Chairman, if the majority of the Committee feel that they want to insert the words "Financial Advisory Committee" that is fine. That does, Mr. Chairman, resolve both of the problems, I think, from Councillor Stutter.

Mr. Chairman: Very good, then. I am wondering what are the Committee's feelings then in this regard. Do you wish the Financial Advisory Committee to form the committee? Are there any disagreements?

Mr. McKinnon: Mr. Chairman, all this nicely, nicely patronizing doesn't fool this crusty old politician one bit. And, this Councillor for one, doesn't find himself in any dilemma or any problem whatsoever. The Council in 1968 did not intend for municipalities to pay the Fuel Tax Ordinance; they didn't intend it to be; it got through. Now this Council, realizing the mistake of the members that were on that Council, asks this government to bring in legislation rectifying that mistake. This government didn't do it; instead, they are presenting one of these motions which is to put off, to solve, to procrastinate and to get the problem out of their hair when it should be dealt with immediately. I mean really, who the hell do you think you are fooling? Let's get on with the vote and go home for crying out loud we are not fooling anybody here.

Mr. Chamberlist: Mr. Chairman, I think that the Honourable Member and his personal approach to this matter is something that should be directed. It is obvious that the Honourable Member now has shown his lack of understanding of legislation because he should know full well that once legislation provides the taxation, that taxation must be made. All we are seeking is the opportunity to provide an additional factor. Nobody has disagreed at this time that there was not an error made, but we certainly want to make sure that there is provision for the claiming of taxation in instances of this nature. And, if the Honourable Member from Whitehorse-West says, "Let's get on with the vote," in this particular area I agree with him one hundred percent. Let's get on with the vote.

Mr. Chairman: I just want to make it clear from the Chair that my duties perhaps as Chairman to point out the vagueness. You say it is the opinion of the Council that a committee be established, but you don't say by whom; so, it could be, I assume from the Chair, that it could be either the Legislature or the Administration.

Mr. Chamberlist: Mr. Chairman, we have already said that it should read, "It is the opinion of this Council that the Financial Advisory Committee recommend to this Council"; we have already said it.

MOTION #6

Mr. Chairman: Would someone provide me with a sub-amendment and then I can add it to the amendment, and we can carry on.

Mr. Chamberlist: Everybody has agreed that we can amend it in this manner.

Mr. Stutter: Mr. Chairman, before the question is put I would like to ask a question of the Member for Whitehorse East. Is this something that could be discussed in the very near future because I do recognize the fact that there is a certain amount of urgency on this as there is in other money matters as far as the City of Whitehorse and other municipalities are concerned.

MOTION #6

Mr. Chamberlist: It will be dealt with as promptly as possible but I'm sure the Honourable Member knows that the preparation of legislation could be dealt with that quickly. We can get the approval.

Mr. Chairman: Does someone have the copy of this amendment? It is the opinion of the, I will have to restate the amendment. It has been moved that Motion No. 6 be amended to read as follows: "It is the opinion of the Council that the Financial Advisory Committee recommend for this Council (a) where the municipalities of the Yukon should be exempt from fuel taxes pursuant to section 4 of Fuel Tax Ordinance, (b) under what terms and conditions if such exemptions are recommended should the exemptions be given." Any further discussion?

Mr. Chamberlist: Question.

Mr. Chairman: Question has been called. Are you agreed? Would those agreed kindly signify. Those disagreed.

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chairman: I'll now call question on the main Motion. Are you prepared for the question on the Motion as amended? Are you agreed? Any disagree?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Chamberlist: Mr. Chairman I move that Mr. Speaker now resume the Chair, I beg your pardon. I move that Mr. Speaker now resume the Chair.

Mr. Stutter: I second that Motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Stutter that Mr. Speaker do now resume the Chair. Are you prepared for the question? Agreed?

MOTION CARRIED

*MOTION
CARRIED*

Mr. Speaker resumes the Chair.

Mr. Speaker: The House will now come to order. Can we have a report from the Chairman of Committees.

Mr. Taylor: Yes, Mr. Speaker, Committee convened at 3:25 p.m. to discuss Motions. It was moved by Councillor Tanner, seconded by Councillor Chamberlist that Motion No. 6 be amended to read as follows "It is the opinion of this Council that the Financial Advisory Committee recommend to the Council (a) where the municipalities in the Yukon should be exempt from paying fuel tax pursuant to section 4 of Fuel Tax Ordinance, (b) under what terms and conditions that such exemptions are recommended should the exemptions be given." This amendment carried and Motion No. 6 was then carried also in Committee as amended. It was moved by Councillor Chamberlist, seconded by Councillor Stutter that Mr. Speaker do now resume the Chair, this Motion carried.

Mr. Speaker: Mr. Commissioner, Council of the Yukon Territory has at its present sittings thereof passed a number of Bills to which the name on behalf of the said Council I respectfully request

Mr. Speaker continues

your assent.

Mr. Clerk: An Ordinance to Amend the Coroners Ordinance, An Ordinance to Amend the Local Improvement District Ordinance, and An Ordinance to Repeal the Lands Ordinance.

Mr. Commissioner: Mr. Speaker and Members of Council I am pleased to give my assent to the Bills that were enumerated by the Clerk. I would also thank the Honourable Members for their attendance and attention at this particular Session. I sincerely trust that those who live away from the City of Whitehorse will have a safe trip home that you will all enjoy a very pleasant Christmas and New Year season. It will be my intention to call Council back into Session as soon as it is practical and possible in the new year. Thank you very much, Mr. Speaker.

Mr. Speaker: Thank you Mr. Commissioner. And Seasons' Greetings to all.

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

PROROGUED

PROROGUED

DECEMBER 5, 1972.

SESSIONAL PAPER NO. 16 1972 (SECOND SESSION)

MR. SPEAKER,

MEMBERS OF THE TWENTY-SECOND WHOLLY-ELECTED COUNCIL
OF THE TERRITORY

I HAVE THE HONOUR TO WELCOME YOU TO THE SIXTH SESSION OF
THE TWENTY-SECOND WHOLLY-ELECTED COUNCIL OF THE YUKON
TERRITORY.

ALTHOUGH THERE ARE A NUMBER OF MATTERS ON WHICH I WOULD
ULTIMATELY LIKE TO HAVE YOUR ADVICE AND GUIDANCE, AS WELL
AS A RAPIDLY GROWING NUMBER OF PIECES OF LEGISLATION WHICH
WILL REQUIRE YOUR ATTENTION, I HAVE RESTRICTED THE ADMIN-
ISTRATION'S ITEMS OF BUSINESS FOR THIS SESSION TO THOSE
MATTERS WHICH COULD NOT BE REASONABLY POST-PONED TO A
CONVENIENT DATE AFTER THE CHRISTMAS HOLIDAY SEASON.

THERE IS NO DOUBT THAT THE MOST IMPORTANT SINGLE RESOURCE
IN THIS TERRITORY IS NOT ITS SIZE OR ITS PHYSICAL SPLENDOURS
OR ITS LATENT MINERAL ENDOWMENT BUT ITS HUMAN RESOURCES; THE
PERSONS WHO LIVE HERE REFLECT IN THOUSANDS OF WAYS THE FACE
OF YUKON AND DO SO MORE ACCURATELY AND EFFECTIVELY THAN ANY
MAP OR STATISTICAL CHART. RESULTS OF THE MOST RECENT DECENNIAL
CENSUS REVEALED THAT THE FABRIC OF OUR SOCIETY IS DIVERSE AND
COLOURFUL. IT IS ALSO AS A RESULT EXCEEDINGLY RESILIENT.

THE AGE COMPOSITION OF THIS VIBRANT SOCIETY IS YOUTH-ORIENTED
TO AN EXTENT THAT 36% OF YUKONERS ARE EITHER OF SCHOOL-GOING
AGE OR WOULD-BE PROSPECTIVE STUDENTS. EDUCATION OF THIS LARGE
SEGMENT OF THE TERRITORY'S POPULATION PLAYS A KEY ROLE IN
YUKON'S ECONOMIC AND SOCIAL DEVELOPMENT.

IN A DEVELOPING ECONOMY LIKE YUKON'S SIMPLE LITERACY IS NO
LONGER GOOD ENOUGH. RATHER, THE MINIMUM REQUIREMENT FOR ANY

PERSON IN THE LABOUR FORCE IS A GOOD, ALL-ROUND EDUCATION; HE MUST HAVE THE GENERAL KNOWLEDGE AND FLEXIBILITY OF MIND TO COPE WITH THE INCREASINGLY RAPID CHANGES PRODUCED BY MODERN TECHNOLOGY IN BOTH TYPES AND METHODS OF WORK.

MODERN INDUSTRY ALSO NEEDS A PROPERLY TRAINED MANAGERIAL AND ADMINISTRATIVE STAFF. THE UPPER RANKS OF TO-DAY'S CORPORATIONS AND PUBLIC SECTOR UNDERTAKINGS INCLUDE NOT ONLY LAWYERS, ENGINEERS AND ACCOUNTANTS BUT ALSO PHYSICAL AND SOCIAL SCIENTISTS AS WELL AS INCREASING NUMBERS OF GRADUATES IN BUSINESS ADMINISTRATION. THERE IS LITTLE ROOM FOR THE UNTRAINED AT THESE LEVELS.

IF THE ECONOMY OF OUR SOCIETY IS DEPENDENT FOR ITS CONTINUED DEVELOPMENT ON THE EXISTENCE OF SUCH ACADEMIC QUALIFICATIONS AS THESE AMONG THE LABOUR FORCE, THEN ANY GROUP WHICH IS CUT OFF FROM ATTAINING THESE QUALIFICATIONS WILL SHARE ONLY MARGINALLY IN THE SOCIAL ADVANTAGES STEMMING FROM YUKON'S INDUSTRIAL PROGRESS. THE KEY POSITIONS WILL NOT BE OPEN TO THEM; THE POSSIBILITIES OF DEVELOPING THEIR OWN CULTURAL POTENTIAL WILL BE LESSENERED; AND MATERIAL AFFLUENCE WILL MOST DEFINITELY NOT BE THEIRS.

FOR THESE REASONS, THE YUKON TERRITORIAL GOVERNMENT, IN YEARS PAST, HAS GIVEN SPECIAL ATTENTION TO THE NEED TO INCREASE AND IMPROVE EDUCATIONAL OPPORTUNITIES TO YUKONERS. FROM 1961-62 TO 1971-72 COMBINED ELEMENTARY AND SECONDARY ENROLMENT INCREASED BY OVER SIXTY PERCENT REACHING AN ENROLMENT OF 4815 IN 1972-73. THIS IMPRESSIVE EXPANSION WAS ACCOMPANIED BY VARIOUS RELATED CHANGES - A SUBSTANTIAL INCREASE IN THE NUMBER OF CLASSROOMS AND MORE GENERALLY IN THE SCALE AND QUALITY OF EDUCATIONAL FACILITIES. THE MAGNITUDE OF THE EXPANSION IS INDICATED BY THE FACT THAT EXPENDITURE ON OPERATING OUR ACADEMIC AND VOCATIONAL EDUCATIONAL FACILITIES ROSE FROM LESS THAN A MILLION DOLLARS IN 1961-62 TO AN ESTIMATED \$7.2 MILLION IN 1972-73.

AS EXPENDITURES HAVE GROWN, BOTH THE DECISION-MAKERS IN OUR SOCIETY AND THE GENERAL PUBLIC HAVE SHOWN A HEIGHTENED INTEREST IN, AND CONCERN ABOUT, THE OBJECTIVES OF EDUCATION, THE DEGREE TO WHICH THESE OBJECTIVES ARE BEING ACHIEVED AND THE NATURE AND EXTENT OF THE BENEFITS DERIVED FROM EDUCATION IN RELATION TO THE MOUNTING COSTS. MY GOVERNMENT SHARES THESE INTERESTS AND CONCERNS. WE FEEL THAT EDUCATION MUST SERVE THE NEEDS OF OUR SOCIETY AND MUST BE PREPARED TO UNDERGO TRANSFORMATION AS OUR SOCIETY CHANGES. THIS SUGGESTS THE NEED TO EXPLORE A NUMBER OF POLICY ALTERNATIVES FOR EDUCATION.

TO ENABLE COUNCILLORS TO DECIDE ON POLICY PROPOSALS RELATING TO EDUCATION AT A FUTURE DATE, THE GOVERNMENT WILL LAY BEFORE YOU AT THIS SESSION THE REPORT OF THE COMMITTEE ON EDUCATION. THE PURPOSE OF THE REPORT IS NOT TO SET POLICY BUT TO INSPIRE DEBATE - TO HELP GIVE THAT DEBATE FORM, DIRECTION AND MEANING. MY ADMINISTRATION BELIEVES, MR. SPEAKER, THAT THE MOST MEANINGFUL TRIBUTE THAT WE CAN BESTOW ON THE LEVIRS COMMITTEE IS TO GIVE ITS REPORT IMMEDIATE PUBLIC EXPOSURE. THIS WE HAVE DONE BY CONVENING THIS SPECIAL SESSION OF THE COUNCIL TO PRESENT THE REPORT AS AN INVITATION, NOT A COMMAND; A CATALYST, NOT A CONCLUSION; THE FIRST STAGE OF A DEVELOPMENT PLAN, NOT A FINISHED BLUEPRINT.

AFTER A DECADE OF INCREASING SOCIAL CONCERN AND DEMANDS FOR CITIZEN INVOLVEMENT THE TERRITORY NOW FACES RISING EXPECTATIONS AND CHANGING VALUES. TO ENSURE THE INVOLVEMENT OF THE RESIDENTS OF YUKON COMMUNITIES AND THEIR PARTICIPATION IN THE DESIGN OF THEIR OWN FUTURE, THERE WILL BE CONTINUED SUPPORT FOR THE DEVELOPMENT OF LOCAL GOVERNMENT IN YUKON COMMUNITIES. AN AMENDMENT WILL BE PROPOSED TO THE LOCAL IMPROVEMENT DISTRICTS ORDINANCE TO INVOLVE MORE YUKONERS IN THE FERMENT AND SATISFACTION OF COMMUNITY ACTIVITIES.

TWO OTHER PIECES OF LEGISLATION OF A HOUSEKEEPING NATURE WILL

BE PROPOSED FOR YOUR CONSIDERATION. THEY ARE -

AN ORDINANCE TO AMEND THE CORONER'S ORDINANCE, AND
AN ORDINANCE TO REPEAL THE OLD LANDS ORDINANCE.

NO FURTHER ADMINISTRATIVE OR LEGISLATIVE ITEMS WILL BE
SUBMITTED TO YOU AT THIS SESSION. IN THE EVENT THAT THERE
ARE ADDITIONAL ITEMS WHICH YOU MIGHT WISH TO HAVE BROUGHT
FORWARD, HOWEVER, I AND MY OFFICERS WILL BE AVAILABLE TO
ASSIST YOU IN ANY WAY WE POSSIBLY CAN.

I TRUST THAT OUR MUTUAL ENDEAVOURS WILL PRODUCE RESULTS OF
LASTING BENEFIT TO THE PEOPLE OF YUKON TERRITORY.



J. SMITH,
COMMISSIONER.

December 1st, 1972.

SESSIONAL PAPER NO. 17 - 1972 (SECOND SESSION)

Comm. 17

Mr. Speaker

Members of Council

In the Yukon, as in the provinces, subject only to the provisions of the Federal Government safeguarding the rights of religious minorities, the Yukon Territorial Government has the full responsibility for assuring adequate educational facilities to meet the needs of the people of the Yukon. Since 1950, many provinces established Royal Commissions to inquire into all phases of public education, including the functions of all publicly supported schools, and to suggest how these functions can be best performed. In view of what happened elsewhere in Canada, it was not surprising that in the Yukon in 1960 there was a growing demand for a comprehensive survey of its educational system. The reason for the demand at that time was found to be largely the instability of the socio-economic situation which existed. In order to accommodate the demands of that day, the Commissioner of the Yukon Territory on April 14th, 1960, established a Committee on Education to review the educational system and to submit recommendations for suggested changes. The report was completed on August 26th, 1960, and eventually a new School Ordinance was drafted, incorporating some of the recommendations made in the report. The legislation was duly passed by the Yukon Territorial Council at the First Session in 1962, with further amendments being made in 1964, 1965, 1966 and 1967.

Today the economy of the Territory is on a more even keel. Our socio-economic situation has become more stable. However, again we have a growing demand for changes to our present school system and educational structure within the Yukon, and the basic reasons for this demand reflect the growing stability of our population. Primarily the demand is for public participation in school administration and school affairs at the local level. There is also a demand for the school system of the Yukon to be geared to serve specific needs of Yukon children by using a more Yukon oriented curriculum and instructional methods that are adapted to the life-style of Yukoners. Again, because of this growing demand for change in our educational structure in the Yukon, a Committee on Education was established by Commissioner's Orders #1972/247 and #1972/248 pursuant to the Financial Administration Ordinance on July 4th, 1972, to hold public hearings and to provide recommendations to the Commissioner regarding changes to the School

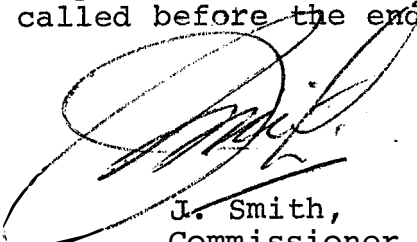
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Ordinance and general changes to the present school system. The membership of the Committee reflected the Government's desire to have a review on education in the Yukon carried out by people who were either Yukon residents or people who were familiar with Yukoners and the Yukon way of life. The Government was very fortunate in obtaining the services of Mrs. Louise Geddes, a longtime resident of Teslin and a former school teacher in the Yukon; Mr. Roy Reber, a resident and businessman of Whitehorse for many years, and Mr. Franklin Levirs, the Superintendent of Education for the Yukon from June 11th, 1971, to June 30th, 1972. Mr. Levirs had also served as a member of the Committee on Education established in 1960. The Terms of Reference for the Committee are attached as Appendix "A".

An office was established for the use of the Committee and a secretary was hired to assist them. The Committee began their task on July 5th, 1972, when they had their first meeting. Briefs were invited from organizations and individuals and a total of 39 were received. Public hearings were held in all communities in the Yukon where schools are situated and seven hearings were held in Whitehorse, one at each of the Whitehorse schools and one at Kishwoot Hall at the request of the Whitehorse Indian Band. The Committee presented their completed report to the Commissioner on September 22nd, 1972.

Copies of this report are now tabled for your consideration. Additional copies are available for the public. A mailing list has been prepared of institutions, organizations and individuals to whom complimentary copies will be forwarded. (Attached as Appendix "B") All other copies will be offered for sale at \$2.00 a copy and will be available at the Territorial Secretary's Office on the first floor of the Lynn Building. Copies of all briefs submitted to the Committee have been compiled into one book and can be obtained from any of the libraries in the Yukon Territory. The Territorial Councillors and interested members of the public will now have the opportunity to study the report prepared by the Committee which was appointed to study education in the Yukon Territory and make suggestions for change.

During the Spring Session of 1973, the Government will table a "policy paper" which will present in lay-language the general changes that the Government is proposing to incorporate in a revised or new School Ordinance and in the educational system itself in the Yukon. After the "policy paper" has been presented to Territorial Council for their consideration, copies of it will also be made available to members of the general public. At that time, details will be outlined whereby the public will have the opportunity to submit their views to the Executive Committee Member responsible for Education regarding the policy proposed for the Ordinance and changes to the educational system. The views and comments of the public will be taken into consideration before the final draft of the revised or new School Ordinance is prepared and ready to be presented to Council at a special session which will be called before the end of 1973.



J. Smith,
Commissioner.

APPENDIX "A"

THE TERMS OF REFERENCE FOR
THE COMMITTEE ON EDUCATION

The Committee shall:

1. Receive written briefs from interested individuals or organizations on proposals designed to improve the educational facilities at the elementary and secondary level of the Yukon Territory. Such briefs to be received by the Committee before July 1st, 1972.
2. Hold open hearings at all communities where schools are situated, and in such other places as may be deemed appropriate by the Committee, for the purpose of hearing all presentations of the submitted briefs and of eliciting answers to questions by the Committee members. Such hearings to be completed by August 22nd, 1972.
3. Prepare a report for the Commissioner of the Yukon Territory to be presented to him by September 22nd, 1972. This report to be based on the representations made to the Committee and on the Committee's assessment of public consensus, and to contain specific recommendations on any or all of the following:
 - (a) The School Ordinance, with special reference to its revision;
 - (b) Public participation in school administration and school affairs at the local level;
 - (c) The financing of education, with special reference to the Territorial tax structure presently required to maintain the level of educational service now provided in the Yukon Territory and special reference to any changes which would be required in the Territorial tax structure to accommodate expansion or enrichment of the present educational service;
 - (d) The administration of the school system, including the role of the Department of Education;
 - (e) The curriculum of the elementary and secondary schools;
 - (f) Special needs of Yukon Indians in the Yukon school system;
 - (g) The special education of handicapped children in the schools;
 - (h) Vocational education;
 - (i) Adult education;
 - (j) The future of post-secondary education;
 - (k) The employment and supervision of the teaching staff, and

any other matters directly concerned with education in the Territory that the Committee may deem to be of importance.

APPENDIX "B"

MAILING LIST FOR COMMITTEE ON EDUCATION REPORT

Territorial Schools

Mr. George Peary,
Principal,
F. H. Collins Secondary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. Victor Adamache,
Principal,
Christ the King Elementary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. John Preyma,
Principal,
Christ the King High School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. Jacques Vaneden,
Principal,
Jack Hulland Elementary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. James Schmidtz,
Principal,
Selkirk Street Elementary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. Donald Roberts,
Principal,
Whitehorse Elementary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. John Stewart,
Principal,
Takhini Elementary School,
P. O. Box 2703,
WHITEHORSE, Y. T.

Mr. James Hrenyk,
Principal,
Mayo Elementary-Secondary School,
P. O. Box 38,
MAYO, Y. T.

Mr. Peter Stewart,
Principal,
Robert Service School,
P. O. Box 305,
DAWSON CITY, Y. T.

Mr. John Davis,
Principal,
Watson Lake Elementary-Secondary School,
P. O. Box 308,
WATSON LAKE, Y. T.

Mr. John Hall,
Principal,
Dell Van Gorder School,
P. O. Box 160,
FARO, Y. T.

Mr. Andrew Duncan,
Principal,
Haines Junction School,
HAINES JUNCTION, Y. T.

Mr. Stan Beckett,
Principal,
Carcross Elementary School,
CARCROSS, Y. T.

Mr. Brian Greene,
Principal,
Carmacks School,
CARMACKS, Y. T.

Mr. Robert Pellow,
Principal,
Beaver Creek School,
BEAVER CREEK, Y. T.

Mr. William Schoeman,
Principal,
Robert Henderson School,
CLINTON CREEK, Y. T.

Mr. Kenneth Nash,
Principal,
Teslin Elementary School,
TESLIN, Y. T.

Mr. Grahame Keast,
Principal,
Chief Zzeh Gittlit School,
OLD CROW, Y. T.

Mr. Robert Damm,
Principal,
Elsa School,
ELSA, Y. T.

Mr. Harold Rilkoff,
Principal,
Kluane Lake School,
DESTRUCTION BAY, Y. T.

Mr. L. Lipetz,
Principal,
Pelly River School,
PELLY CROSSING, Y. T.

Mr. Donald McKay,
Principal,
Ross River School,
ROSS RIVER, Y. T.

Mr. Thomas L. Lownie,
Principal,
Yukon Vocational Technical Training Centre,
P. O. Box 2703,
WHITEHORSE, Y. T.

* * * * *

Groups and Individuals Who Submitted Briefs

Beaver Creek Women's Institute,
BEAVER CREEK, Y. T.

Mrs. T. J. Patterson,
Mile 1202 Alaska Highway,
BEAVER CREEK, Y. T.

Mr. John W. Owen,
Chairman,
Robert Henderson School Advisory Committee,
P. O. Box 5502,
CLINTON CREEK, Y. T.

Dawson Indian Band,
DAWSON CITY, Y. T.

Dawson City Kindergarten Association,
DAWSON CITY, Y. T.

Rev. K. C. Snider,
Chairman,
Robert Service School Advisory Committee,
DAWSON CITY, Y. T.

Dr. R. B. Fast,
Chairman,
Van Gorder School Advisory Committee,
P. O. Box 88,
FARO, Y. T.

Mrs. C. Arntzen,
Secretary,
Haines Junction School Advisory Committee,
HAINES JUNCTION, Y. T.

Dr. J. V. Clark,
MAYO, Y. T.

Mr. Donald Cox,
Chairman,
Watson Lake School Advisory Committee,
P. O. Box 227,
WATSON LAKE, Y. T.

Mrs. Valerie Morrow,
3722 Navor Street,
NORTH BURNABY, B. C.

Mrs. P. Tanner,
F. H. Collins Secondary School Advisory Committee,
39 Donjek Road,
WHITEHORSE, Y. T.

Mrs. Helen Couch,
Chairman,
Jack Hulland School Advisory Committee,
P. O. Box 4032,
WHITEHORSE, Y. T.

Mrs. Marion Wheelton,
Chairman,
Christ the King High School Advisory Committee,
8146 - 8th Avenue,
WHITEHORSE, Y. T.

Mr. Leo Van Vugt,
Chairman,
Christ the King Elementary Advisory Committee,
2 Tagish Road,
WHITEHORSE, Y. T.

Mrs. Leona Lane,
11 Donjek Road,
WHITEHORSE, Y. T.

Audrey Baker,
Skookum Jim Hall Friendship Centre,
3159 - 3rd Avenue,
WHITEHORSE, Y. T.

Mrs. Joyce Hayden,
National Status of Women Organization,
10 Tutshi Road,
WHITEHORSE, Y. T.

Mr. Donald Wise,
203 - 17 Teslin Road,
WHITEHORSE, Y. T.

Planning Board,
City of Whitehorse,
2121 - 2nd Avenue,
WHITEHORSE, Y. T.

J. B. Varcoe,
27 Klondike Road,
WHITEHORSE, Y. T.

Mrs. Joan Craig,
7 Cassino Road,
WHITEHORSE, Y. T.

Mr. George Falkenberg,
#304 - 15 Teslin Road,
WHITEHORSE, Y. T.

Mr. John Lammers,
P. O. Box 4126,
WHITEHORSE, Y. T.

Mr. James Schmidt,
President,
Yukon Teachers' Association,
4051 - 4th Avenue,
WHITEHORSE, Y. T.

Dr. D. B. Craig,
President,
Yukon Social Service Society,
7 Cassino Street,
WHITEHORSE, Y. T.

Chief Elijah Smith,
Yukon Native Brotherhood,
P. O. Box 4252,
WHITEHORSE, Y. T.

Mr. J. Jacquot,
President,
Yukon Association of Non-Status Indians,
Suite #6,
211 Wood Street,
WHITEHORSE, Y. T.

Dr. T. D. Jeyachandran, M.B.B.S., D.T.M.&H.,
Director,
Northern Health Services,
Department of National Health and Welfare,
#200 - 212 Main Street,
WHITEHORSE, Y. T.

Mr. R. B. Cousins, Senior,
President,
Yukon Association for Retarded Children,
7 McQueston Road,
WHITEHORSE, Y. T.

Yukon Family Counselling Service,
503 Cook Street,
WHITEHORSE, Y. T.

Mrs. D. Branigan,
Chairman,
Learning Disabilities Committee,
Yukon Family Counselling Service,
72 Teslin Road,
WHITEHORSE, Y. T.

Mrs. R. Alford,
2 Kluhini Crescent,
WHITEHORSE, Y. T.

Mrs. N. Harrison,
President,
Yukon Association of Kindergarten Instructors,
1103 Spruce Street,
WHITEHORSE, Y. T.

Mrs. Helen Couch,
Chairman,
Whitehorse Kindergarten Co-ordinating Committee,
P. O. Box 4032,
WHITEHORSE, Y. T.

Yukon Conservation Society,
P. O. Box 4163,
WHITEHORSE, Y. T.

* * * * *

Additional School Advisory Committees

Mr. David Gairns,
Selkirk Street School Advisory Committee,
25 Tutshi Road,
WHITEHORSE, Y. T.

Mr. David Robertson,
Whitehorse Elementary School Advisory Committee,
406 Wood Street,
WHITEHORSE, Y. T.

Mrs. Ellen Davignon,
Teslin School Advisory Committee,
JOHNSON'S CROSSING, Y. T.

Mr. Tom Bradley,
Beaver Creek School Advisory Committee,
White River Lodge,
Mile 1169,
Alaska Highway, Y. T.

Mr. Stephen Frost,
Chairman,
Chief Zzeh Gittlit School Advisory Committee,
OLD CROW, Y. T.

Mr. Douglas Walli,
Elsa School Advisory Committee,
ELSA, Y. T.

Mr. Dwayne Backstrom,
Chairman,
Kluane Lake School Advisory Committee,
Mile 1083,
Alaska Highway, Y. T.

Mr. Al Kulan,
Chairman,
Ross River School Advisory Committee,
ROSS RIVER, Y. T.

Mr. E. Shilleto,
Mayo Elementary-Secondary School Advisory Committee,
MAYO, Y. T.

Mr. David Harder,
Chairman,
Carcross School Advisory Committee,
P. O. Box 55,
CARCROSS, Y. T.

Mr. Howard Tracey,
Chairman,
Carmacks School Advisory Committee,
CARMACKS, Y. T.

* * * * *

Other Interested Organizations

Mrs. D. Scott,
University Women's Club,
206 Hawkins Street,
WHITEHORSE, Y. T.

Mr. Ned Henry,
Yukon Native Youth Council,
3159 - 3rd Avenue,
WHITEHORSE, Y. T.

Carcross Community,
P. O. Box 26,
CARCROSS, Y. T.

1972 (SECOND SESSION)

SESSIONAL PAPER NO. 18

Mr. Speaker

Members of Council

Klondike Gold Rush International Historical Park

On Tuesday, March 21, 1972 Councillor McKinnon asked the following question:-

"Mr. Speaker, I would like to ask Mr. Commissioner whether there is any further word that has come on the development of the Gold Rush Park from Skagway to Dawson City? Whether development of this project will be taking place within the next few years? Whether this project is in effect going to become a reality in the Yukon Territory?"

The first official announcement of plans to establish a Canadian/United States International Historic Park was made by the Honourable Jean Chretien, Minister of Indian Affairs & Northern Development on December 30th, 1969.

The proposed park was suggested following a "walk" over the Chilkoot Trail in August, 1969 by officials representing the following government services and agencies:-

U. S. National Parks Service
Historic Sites (Canadian Department of Indian Affairs &
Northern Development)
National Parks Service (Canada)
Alaska Division of Lands
Department of Indian Affairs & Northern Development
Government of Yukon Territory

An advisory committee was struck to consider the various problems faced in establishing such a park ranging from jurisdictional control to protection of the ecology.

Under the joint auspices of the Canadian and United States governments, a consultant group, Canadian Environmental Services Ltd. of Vancouver, was engaged to report on the feasibility of establishing a historic park embracing a corridor of land and water extending from Seattle, Washington to Dawson City, Yukon Territory.

This corridor would include the port area of the City of Seattle, Skagway, the Chilkoot Trail, Bennett, the waterway from Lake Bennett along the Yukon River to Dawson City and Dawson City itself.

To familiarise itself fully with the nature of the task in hand the consultant group, along with various government advisors, walked the Chilkoot Trail and travelled to Dawson City in July, 1971. The consultant team was composed of:-

Randle Iredale, Architect
Rainer Fassler, Architect
Erik Karlsen, Geographer
Abe Rogatnick, Prof. of
Architecture (U.B.C.)

Bill Rees, Ecologist - Asst. Prof.
of Planning, U.B.C.
Pierre Berton, Writer, Toronto
Jack Shadbolt, Artist

Subsequent to the deliberations of this group of people provisional plans were presented to the Klondike Gold Rush International Advisory Committee. The following presently serve on this committee and various sub committees:-

Mr. Richard K. Griswold
Chief, Division of Legislative
Coordination and Support
National Park Service
U.S. Department of the Interior
Washington, D.C. 20240

Mr. C. F. Herbert
Commissioner, Department of
Natural Resources
Pouch M
Juneau, Alaska 99801

Mr. Peter H. Bennett (co-chairman)
Assistant Director (Historic Sites)
National & Historic Parks Branch
Department of Indian Affairs &
Northern Development
Ottawa 4, Canada

Mr. L. H. Robinson
Regional Director, Western Region
National & Historic Parks Branch
131 Customs Building
Calgary 21, Alberta

Assistant Commissioner
(Executive) Government of
Yukon Territory
Box 2703
Whitehorse, Yukon Territory

Mr. Lloyd Brooks
Acting Deputy Minister
Department of Recreation
and Conservation
Victoria, British Columbia

Mr. V. L. Ogison
Director of Corrections
Department of Health, Welfare
& Rehabilitation
Post Office Box 2703
Whitehorse, Yukon Territory

Mr. Robert W. Ward
Administrator, Alaska Power
Administration
Post Office Box 50
Juneau, Alaska 99801

Mr. Theodore G. Smith
Director, Division of Parks
Department of Natural Resources
323 Fourth Avenue
Anchorage, Alaska 99501

Mr. Michael Leach
Manager, Southeastern Lands District
Department of Natural Resources
Pouch M
Juneau, Alaska 99801

Mr. Donald Campbell
Park Planner
Pacific Northwest Region
U.S. National Parks Service

Mr. John A. Rutter (Chairman)
Director
U.S. National Parks Service
Pacific Northwest Region
Seattle

Mr. Rodger W. Peques
Assistant Director
Co-operative Activities
U.S. National Parks Service

Mr. Bruce Harvey
Superintendent
Yukon National Historic Parks
Whitehorse, Yukon Territory

A provisional master plan has been presented for the consideration of the Advisory Committee. The major recommendations made are:-

1. Negotiations with British Columbia begin immediately to bring the historic and natural resources of the proposed park area under the protection and management of the National and Historic Parks Branch.
2. No further construction should be undertaken in any part of the proposed park until the concept plan is approved and administrative controls are established.

3. A detail inventory and cataloguing of artifacts, historic sites and natural history be undertaken. Buildings and other relics in the Pass Summit area be identified using photographs and other source material to allow detailed planning and development of interpretative literature and signs.
4. A detailed planning study of the Bennett area be undertaken to programme and plan this Canadian interpretative and park centre. The study should involve the White Pass & Yukon Route Railway to seek ways of improving access to the historic site from the Bennett Station and allow for longer station stops.
5. That a site similar to Pioneer Square in Seattle within the historic Gastown area of Vancouver and the Bastion Square area of Victoria be established as a part of the Klondike International Historic Park, to commemorate the role of these cities in the Gold Rush.
6. The Yukon Department of Corrections should be encouraged to continue trail improvement upon approval of the master plan. Using the development policy established in this plan National Parks personnel should oversee this work and control the design and materials used.
7. That the National & Historic Parks Branch in co-operation with National Parks Service of the United States encourage and assist in the formation of a citizens group in the style of "Friends of the Klondike Gold Rush Society" to assist in historic commemoration and popularization of the Gold Rush period in the two nations' history.
8. Liaison should be continued with the United States National Park Service to coordinate continued planning and development.

Most of these recommendations have been followed up and progress made, particularly in certain areas. For instance an inventory and cataloguing of artifacts was taken this past summer on the Chilkoot Trail under the direction of the Yukon National Historic Parks office. The White Pass & Yukon Route are co-operating in improving markers along the railroad from Skagway to Carcross. The Yukon Department of Corrections has maintained its summer work programme on the Chilkoot Trail under the advice of the Advisory Committee.

There is presently a Bill being presented to the United States Senate to authorize the Secretary of the Interior to establish a Klondike Gold Rush National Historic Park in the states of Alaska and Washington. It may be that our own Federal, Provincial and Territorial legislation is sufficient to cover any regulations or controls we might require in that part of British Columbia and Canada so affected.

In connection with the proposed project various other activities are being co-ordinated which would savour generally of the Klondike Gold Rush theme. Representation has been made already for the provision of visitor facilities in tourist centres (accommodation, restaurants, guide services etc.) and for the provision of primitive camp sites along the Yukon River to boost the theme of the proposed park. The Advisory Committee was anxious that as much input as possible should be put into the Yukon Territory's 75th Anniversary Celebrations in 1973. As part of this idea a further "walk" is proposed in which such celebrities as the Prime Minister of Canada, Governor Evans of

Washington State, the Minister of Indian Affairs & Northern Development, United States Assistant Secretary of State Reid, Commissioner Smith, the Lieutenant Governor of Alaska, and Premier Barrett of British Columbia, would be invited to take part.

There is little doubt that the whole idea of such an International Park has caught the public imagination and I think it is safe to say that this project will in fact become a reality in the Yukon Territory within the next four or five years.



J. Smith
Commissioner

December 7, 1972

1972 (SECOND SESSION)

SESSIONAL PAPER NO. 19

Mr. Speaker
Members of Council

Question No. 6 -- Trip Expenses to Australia, Cortino's Lodge
and Faro

On December 6th, Councillor McKinnon asked Question No. 6 as follows:

"What was the cost to the Government of the Yukon for Mr. Chamberlist's, Mrs. Watson's and Mr. Fleming's trip to northern Australia; where is this appropriation found in the budget?"

What was the cost to the Government of the Yukon of the senior administrative staff meeting at Cortino's Lodge on the Haines Highway, and where is this appropriation found in the budget?"

What was the cost to the Government of the Yukon of the senior administrative staff meeting at Faro, and where is this appropriation found in the budget?"

The expenses paid to date on the trip to Australia are as follows:

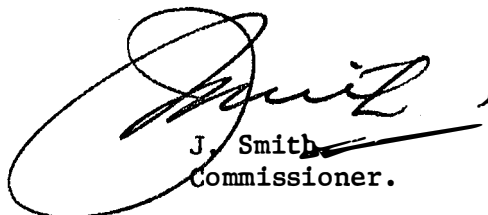
Airfares (for all three) \$3,879.00

Mr. Fleming's expenses \$ 944.45

Mrs. Watson's expenses \$ 589.13

These expenses were paid out of funds voted in Vote 01, Establishment 120, Administrative Services Travel and Relocation Costs.

The total cost of the Department and Branch Heads' meeting held at Cortino Lodge was \$1,857.00 and the total cost of the Department and Branch Heads' meeting held at Faro was \$2,602.50. These costs were apportioned to each of the departments and branches, based on their representation at the meetings.


J. Smith
Commissioner.

30 March, 1972

LEGISLATIVE RETURN No. 19 (1972 SECOND SESSION)

Mr. Speaker


Members of Council

On Monday, March 20, Councillor Taylor asked the following question regarding the Mayo Receiving Home freezing up and the resulting damage:

"I am wondering if this was the responsibility of the Contractor or the Territorial Government? Two, what is the estimated cost of repairs?"

The answer to the question is:

1. On January 20 an Interim Certificate of Completion was issued to the Contractor.
2. The building was placed in the care of a Mayo resident on January 21, pending occupancy by the Department of Social Welfare.
3. On February 14, it was reported that heating lines in the building had failed and escaping water and steam had caused damage. Work proceeded to effect a cleanup.
4. On February 14, the Contractor's mechanical sub-trade went to the job and found that the boiler control setting was 220°F, instead of the normal 190°F which was the setting at the time of handover. The heating lines in the living-dining area had failed. The zone control valve for this area had failed. It is suspected that the line in the vicinity of the entrance froze up and this caused the failure in the living-dining lines and zone control valve.
5. It has been established that the furnace ran out of fuel on February 10.
6. On March 10, investigation showed that the contractor did not install insulation in the joist space directly over the concrete wall. The Contractor was made aware of this and proceeded to Mayo on March 21 to make good the insulation, the damaged gyproc (approximately 950 sq.ft.) in the basement walls and ceiling and basement repainting.
7. The total estimated cost of repairs is \$2000 \$1,500 of which will be borne by the Contractor as outlined in paragraph 6, and \$500 by the Yukon Territorial Government, being the cost of repainting the first floor due to steam damage.


G. W. Fleming
Member, Executive Committee.

March 30th, 1972.

LEGISLATIVE RETURN NO. 20 (1972 SECOND SESSION)

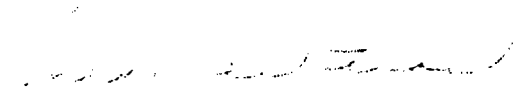
Mr. Speaker,
Members of Council

On Friday, March 24th, 1972, Councillor McKinnon asked the following questions:

- "1. When will the proposed School Ordinance be tabled?
2. Will a White Paper outlining policy proposals to be contained in a new School Ordinance precede the introduction of the Bill?
3. Will public hearings be scheduled prior to or following the introduction of the Bill?
4. Are there monies in the 1972-73 Budget allocated for public hearings?"

The answers to these questions are as follows:

1. It is anticipated that the School Ordinance will be tabled during the 1973 Spring Session of the Yukon Legislative Council.
2. Policy proposals to be contained in the School Ordinance will in all probability precede the introduction of the legislation.
3. Public hearings will be scheduled prior to the introduction of the Bill.
4. There is money in the 1972-73 Budget for public hearings -- Vote 3
Department of Education
Establishment 300
Administration
Primary 20
Professional & Special Services.


Hilda P. Watson,
Member,
Executive Committee.

December 7, 1972

LEGISLATIVE RETURN NO. 21 (1972 SECOND SESSION)

Mr. Speaker

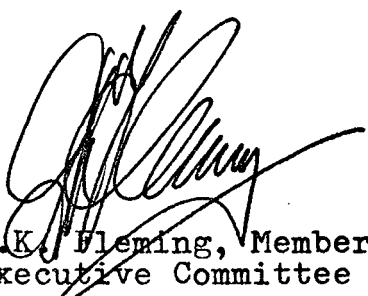
Members of Council

On Wednesday, December 6, Councillor Taylor asked the following question:

"Is the administration giving consideration to extending the electrical power subsidy program to commercial users in the outlying districts in the forthcoming fiscal year and if so would the administration indicate the extent of such subsidies".

The answer to the question is:

"The administration is not currently giving consideration to extending the electrical power subsidy program to commercial users, as, in most commercial enterprise the cost of electricity:
(1) is claimable as an expense for income tax purposes;
and (2) represents a relatively small proportion of the selling price of the product and it is unlikely that prices would be affected by the modest reduction which could be provided by this means".



G.K. Fleming, Member
Executive Committee

December 7, 1972

LEGISLATIVE RETURN NO. 22 (1972 SECOND SESSION)

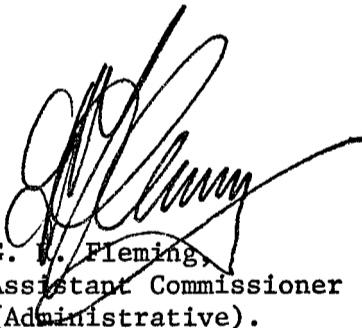
Mr. Speaker
Members of Council

Question No. 2 -- Application for land by White Pass

On December 6th, Councillor Taylor asked Question No. 2 as follows:

"Would the Administration provide Council with details of the reported recent application by White Pass and Yukon Route for an exceedingly large tract of land at Carmacks and the reported freezing of further land applications in the Carmacks area, as a result."

No applications for land in the immediate vicinity of Carmacks have been received from White Pass and Yukon Route, in either the Territorial or the Federal Lands' offices, to date.



G. W. Fleming,
Assistant Commissioner
(Administrative).