

1-8-35



# YUKON TERRITORIAL COUNCIL

SECOND SESSION 1963

## Votes and Proceedings

Volume I.

I N D E X

VOTES and PROCEEDINGS - 1963 (Second Session)

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VOTES AND PROCEEDINGS  
OF THE  
COUNCIL OF THE YUKON TERRITORY

Monday, November 4, 1963  
10:00 o'clock A.M.

The second session of the Council for the year 1963, being the Eighth Session of the Nineteenth Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 10:00 o'clock A.M. on Monday, November 4, 1963.

The members present were:

Mr. John Livesey, Carmacks-Kluane  
Mr. Kenneth McKinnon, Whitehorse North  
Mr. Hubert E. Boyd, Whitehorse East  
Mr. George O. Shaw, Dawson  
Mr. Donald Taylor, Watson Lake  
Mr. Raphael L. McKamey, Mayo  
Mr. John Watt, Whitehorse West

There were no absentees.

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

The Commissioner, Mr. G.R. Cameron, was ushered into the Council Chambers by the Sergeant-at-Arms and gave his address. (Set out as Sessional Paper No. 11)

Sessional  
Paper  
No. 11

Mr. Speaker thanked Commissioner Cameron for his address.

Mr. Shaw moved, seconded by Mr. Boyd, that the Commissioner's address be taken into consideration on days following.

Motion Carried.

Mr. Taylor moved, seconded by Mr. Watt, for leave to introduce Bill No. 3, An Ordinance to Amend the Corporation Securities Registration Ordinance.

Introducing  
Bill  
No. 3.

Motion Carried.

On motion Council adjourned until 2:00 o'clock P.M.

.... /page 2.

Mr. Speaker called Council to order.

Mr. Speaker stated this afternoon being part of the first day of the Fall Session there was need for organization of material. At hand are a number of sessional papers. Some of them are matters related to the Spring Session, which could be tabled this afternoon. He said he believed there was another set of papers covering matters relating to Labour Legislation which may possibly come up for discussion later. He would suggest that Council proceed by tabling the sessional papers before them. He asked Council how they wished to proceed.

Mr. Taylor suggested they table the sessional papers now before them.

Mr. Speaker tabled the following memoranda from Commissioner Cameron:

|  | Sessional<br>Papers |
|--|---------------------|
| Re Workmen's Compensation Ordinance - Doherty Claim<br>(set out as Sessional Paper no. 1)              | No. 1<br>1          |
| Re Production of Papers no. 19 - R.C.M. Police<br>(set out as Sessional Paper no. 2)                   | 2                   |
| Re Motion no. 30, Escorting of Prisoners<br>(set out as Sessional Paper no. 3)                         | 3                   |
| Re Production of Papers no. 3, Haines Road<br>(set out as Sessional Paper no. 4)                       | 4                   |
| Re Motion no. 8, C.B.C. twenty-four hour service<br>(set out as Sessional Paper no. 5)                 | 5                   |
| Re Motion no. 24, Steam Boilers Ordinance<br>(set out as Sessional Paper no. 6)                        | 6                   |
| Re Appointment of Senior Legal Advisor<br>(set out as Sessional Paper no. 7)                           | 7                   |
| Re Motion no. 1, Watson Lake Sign Posts<br>(set out as Sessional Paper no. 8)                          | 8                   |
| Re Motion no. 7, Post office at Ross River<br>(set out as Sessional Paper no. 9)                       | 9                   |
| Re Tourist Traffic between Skagway, Alaska<br>and Bennett, B.C.<br>(set out as Sessional Paper no. 10) | 10                  |
| Commissioner Cameron's opening address.<br>(set out as Sessional Paper no. 11)                         | 11                  |
| Re Corrections Program and Custodial<br>Facilities (set out as Sessional Paper no. 12)                 | 12                  |
| Re Safety Belts in Motor Vehicles<br>(set out as Sessional Paper no. 13)                               | 13                  |
| Re Mayo Airport (set out as Sessional Paper no. 14)  | 14                  |
| Re Labour Legislation (set out as Sessional<br>Paper no. 15)   | 15                  |

Mr. Taylor moved, seconded by Mr. Boyd, that Mr. Speaker now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing sessional papers.

Mr. Speaker appointed Mr. Taylor as Chairman of Committee.

Motion Carried.

Discussion of S.P. #1. In Committee of the Whole:

Discussion took place on Sessional Paper no. 1 regarding Workmen's Compensation Ordinance - Doherty Claim.

Mr. Watt asked if the Committee could be enlightened on the proceedings of this matter.

Mr. Taylor, Clerk-in-Council, answered that during a recent trip to Edmonton he had spoken to the Board and they agreed to give Mr. Doherty one more appeal but he did not know whether the appeal had gone through or not. He asked that this be deferred pending further information.

Discussion of S.P. #2. Discussion followed on Sessional Paper no. 2

Mr. Boyd stated that the Sessional Paper mentioned that further information would be available in August and as it had not been supplied to Council yet there did not seem to be any point in further discussion. It was interesting to note however, that in our previous discussion of this matter the Yukon figures show a per capita rate of one member of the police for every 311 members of population.

Mr. Shaw stated that this was because we had no city police forces and it was obvious that in our large sparsely populated areas our rate would be much greater.

Committee proceeded to Sessional Paper No. 3.

Discussion of S.P. #3

Mr. Taylor (with Mr. Shaw in the chair) said that at the last session he raised the question respecting the escorting of prisoners from the Whitehorse Jail to the courtroom. The practice exercised here in Whitehorse is to bring those people who for one reason or another have been taken and confined in the evening or the night prior to a morning court case and then they are paraded in public view from the police barracks. All these people aren't guilty, there are in fact many of them who, upon arriving in the courtroom in the hall here have proved their innocence. He thought this was a deplorable situation and that the Legislative Council of the Yukon Territory at its last session clearly pointed out its views on the subject. He did not agree with the reply we have here from the Justice people and he would like to see witnesses on this subject if necessary. He found it extremely deplorable and it was a practice that he did not think you will find in many places in Canada and he certainly did not feel it should be allowed to continue here. He said we have what is more commonly known as a "paddy wagon" running around town and he believed this vehicle was designed to haul people who were in custody. He saw no reason why, in the mornings, these people cannot be loaded into this vehicle and taken to the rear door of the Federal Building. If they have had their day in court and they want to parade them up and down the street after they have been found guilty, this is fine. But he could not see a man being held a public rebuke until he has had his day in court. He was unaware that this would be before them this afternoon and would like to refer back to it at a later date at this session and possibly have Inspector Vachon or another member of the Justice Department come in and clear this matter up.

Mr. Livesey said he agreed with Mr. Taylor and felt that the reason we have set up the courts here in the Territory was to judge people. To parade them through the streets seems

to attach a stigma to a person before he has been judged and this is quite contrary to the Constitution. He said he didn't believe this was a Canadian way of doing anything. This was the opposite to it, he believed Canadians are free people, free thinkers who believe in freedom and proper judgement. There should not be a case of prejudgement nor should there be any form of prejudgement or theatrical review along any street in Whitehorse just because someone may have been arrested on the basis of temporary presumption of guilt. Therefore he agreed with Mr. Taylor that this situation should be rectified as soon as possible.

Mr. McKinnon said that the answer given on Sessional Paper No. 2 was part of an answer it was noted that there were 19 active members of the RCMP stationed in the Whitehorse area. According to the Dominion Bureau of Statistics the Greater Whitehorse area had a population of approximately 5,000 at the last census; this would in rough figures be 4 police officers for every 1,000 in population which is much higher than any other urban area across the Dominion of Canada, and from Sessional Paper No. 3 not that the reason why they cannot transport prisoners by vehicle to the Federal Building is that they have not enough man power, it just seems to me that there is someone somewhere who doesn't want to end this practice of transporting the prisoners in public view. He remembered particularly one occasion where a friend of his happened to be in the lineup. This friend was later found innocent. The public ridicule that was given to him and to his family by being in this lineup just didn't hit home - it wasn't what we would expect in Canada or in the Yukon. He agreed with Mr. Taylor and Mr. Livesey that this should be looked into further. He thought that by the statistics the personnel seem to be here so prisoners could be transported over to the Federal Building in a more humane manner. He would like to have Inspector Vachon before Committee on this to see if some alternative could not be reached.

Mr. Shaw asked if Committee agreed to defer this till a later date.

Agreed.

Committee proceeded with Sessional Paper no. 4.

Mr. McKinnon thought it would not be necessary to have the paper read as it seems the matter has been resolved. Discussion of S.P. #4

Mr. Livesey said that although it had been mentioned that the Haines Road Cut-Off situation had been settled, he was not too sure whether it was or not. The Federal Government is doing something towards getting it open and he felt that the work being done will greatly benefit the whole Yukon Territory.

Mr. Taylor deferred discussion of this paper and proceeded to Sessional Paper no. 5.

Mr. Livesey said that you have probably heard me say many times that when he wanted to hear something about Canada he had to tune into Tokyo, Japan, for the answers. Discussion of S.P. #5

This is not a lot of nonsense, this is a fact, and I understand that Beaver Creek of which he was the original pioneer resident is now going to get one of these outlets from the Canadian Broadcasting Corporation. Later on he was going to propose a question to the Administration on this, because he understood they have put in the footings for the towers.

Mr. McKinnon said that this motion had the unanimous consent of Council and he thought it was just another instance where the members from Whitehorse were bending over backwards to provide the outlying communities with the amenities of life that we in the city haven't even got ourselves.

There was no discussion on Sessional Paper no. 6 and Committee proceeded to Sessional Paper no. 7.

Discussion  
of S.P. #7

Mr. Shaw said that the present legal advisor was over-worked before and now he also has the duties of the public administrator. We have the same story as what we had a year ago - we must train somebody at Ottawa. He could not quite see that particular point. We have a man in the Territory, for the Territory, and he has been here for a period of two years almost. He personally thought this man was very efficient - and had certainly learned a great deal about the administration of the Territory. He did not see why this person, who is living here, shouldn't have the opportunity of taking it over and getting a more junior type in as an assistant to look after the public administrator and the smaller legal matters that come up from time to time. This delay will go on for another two or three years unless we come up with some definite recommendation. Now, whether these recommendations will be accepted of course is a different matter, but he thought that possibly this is the time to come forth something concrete which the Department of Justice or the Department of Northern Affairs could consider. We are asking for various ordinances, changes, appeals, amendments and so forth and we have to keep waiting and waiting from Ottawa - it takes a year and a half to get them through if we get them through at all, in fact sometimes it goes so long that you almost forget the original motion from which we started. He thought that a recommendation should be formed, more or less in the line with what he has suggested namely that the local person get some assistance and if possible at all, in view of the fact of the experience he has had in the Territory, that he be appointed Senior Legal Advisor. We will get an answer to that in one form or another, either yes or no. At least it's a proposal which should create some action.

Mr. McKamey said he agreed with Councillor Shaw in some respects. We had a terrific problem of getting legislation drafted in Ottawa, we have had complete revisions of ordinances, they have been kicked around for two years or more, pretty near three years and this is on one ordinance. He knew the Legislative Council had been criticized, in fact he heard it practically every day - "Why don't we do something about this ordinance, why don't we do something about that ordinance - it's antiquated, it's out of date". Council pass ordinances, they are not implemented, it appears to him that we have no enforcement at all, we can amend the Labour

## Provisions Ordinance and Workmen's

Compensation Ordinance, it doesn't make any difference - there is no branch to enforce these ordinances and I thought they are wasting a lot of taxpayers money and wasting a lot of their time sitting here, amending and revising these ordinances. Ottawa is dragging their feet on a lot of this. I know there are a lot of problems involved and one of the major problems is population and finance. They are looking at the dollars and cents and he thought they felt that it was not warranted. Yet there is a definite requirement for better legislation and bringing the old legislation up to date. He could see right here by this memorandum that this is just passing the buck - nothing more. Two years from now the next Council will probably get the same shot in the arm. He thought they really had to start demanding if they were going to move on this, because this thing is worsening, not improving and is becoming a financial burden throughout the Territory. The Yukon at the moment is real sick and due to lack of enforcement in law. The lawyers claim that the ordinances are weak but it doesn't seem to make any difference if we revise them or amend them, there is nobody to enforce them anyhow. It seemed to him that the Department of Justice is going to have to wake up. If Mr. Shaw wishes to make his recommendation into a motion he would be glad to second it.

Mr. Taylor (Mr. Boyd in the chair) said that he couldn't more heartily agree with the two honorable members. He did not really know what Ottawa was doing, or their thinking on this subject. He could recall proposing a motion to this Council respecting this in the latter part of March this year. There was no reply to this request from the Department of Justice in Ottawa until August 23, 1963, that was a six-month delay in just getting an answer as to just what is going on. In other matters, not necessarily in Justice, but pertaining to matters Financial and otherwise, the same thing occurs. He believed the only direct reply we ever did get out of Ottawa at this Council was when Ottawa requested some money for the Dawson Festival. He also recalled when this Council asked to send an observer to the Federal-Provincial Fiscal Conference the no came back something like a yoyo. This six months business leaves him wondering whether Ottawa has any intention of putting a senior legal advisor in the Territory. In the discussions of the inter-departmental 5-year agreement it was felt that this senior legal officer would be here to draft legislation. He concurred in that they need local drafting facilities or someone here to draft legislation. The present legal advisor has some experience at it, as he has handled the revisions, repeals and so forth and he could not understand this memo which states "Even if the Department of Justice decides to go ahead immediately, even should they decide, it would take some time to recruit a suitable officer and give him the necessary training in Ottawa before posting him to Whitehorse." He assumed that if you were looking for a man who is competent at drafting legislation he is a man who is of some experience, he could not see this training bit. He assumed that this refers to brainwashing rather than training. He thought that the proposal as outlined by Councillor Shaw is very, very sound and he would support it. He felt that they should even go a little further with this, that they should get some further information on this from Ottawa at this session and if possible sit down with some of the people concerned - possibly Justice Parker may be able to shed some light on this. Council should go into this justice matter in all its aspects at this session.

Mr. McKamey asked if it was Mr. Shaw's intention to change the name of our Legal Advisor to Senior Legal Advisor and that would fill the bill for providing a Senior Legal Advisor to the Territory as called for in the 5-year agreement.

Mr. Shaw said he was not qualified to state what qualifications a person should have to be considered a senior legal advisor, but what he did know was that they were in the same situation as two years ago, and as stated before the work is increasing, not decreasing, so that we need more assistance. Apparently the standards are very high in what the Department of Justice or the Department of Northern Affairs consider a qualified person and it appears that they can't find that particular person. Right here in the Territory they have a person that has quite some qualifications and he suggested that he be considered the senior legal advisor. They could get in a junior legal advisor of which there should surely be more available than the executive type and we will then have two here which should facilitate and expedite much of the Territory's business. He would then be prepared to make a motion to the effect that the present legal advisor be considered the senior and that a person be appointed forthwith as a junior and asked that this be put on the orders of the day in the usual manner.

Committee proceeded to Sessional Paper no. 8.

Discussion  
of S.P. #8

Mr. Taylor (Mr. Boyd in the chair) said he would like the matter deferred until the Highway Signs Committee have made their report. He may, after discussion with the Highway Signs Committee, propose another motion respecting this for referral beyond the local administration to the National Sites and Monuments Committee.

Mr. McKamey asked Mr. Livesey if it would be possible to have the Highway Signs Committee make their report now respecting this sessional paper.

Mr. Livesey said he didn't feel this was the proper time as they had considerable work to do before bringing the report to the attention of the Council.

Mr. Shaw wished Mr. Taylor luck in his efforts with the National Historical Sites and Monuments Board - it took them ten years to realize that the Yukon gold rush was of National significance so we don't know how long it will take for them to realize the sign posts are of National significance.

Mr. Boyd suggested that in view of the change in status quo of the highway, the fact that it will not be under the Army control for very long, it might be wise to ask the Commissioner where we stand today, as perhaps we have no more authority to talk on these signs.

There was no discussion on Sessional Paper no. 9 and Committee proceeded to Sessional Paper no. 10

Discussion  
of S.P. #10

Mr. Livesey said that paragraph 6 of the paper could lead to misunderstanding. He said that not far from where he lives is a large hotel which he understands is now owned by Westours and that they have buses which stop

at this hotel which of course is in Canada and though the final destination of traffic may be to Alaska nevertheless a lot of this bus tour traffic does travel through Canada.

Mr. McKamey replied that he felt that the Westours Hotel, referred to by Mr. Livesey, was near the border and that the revenue gained goes south of the border. It's strictly 100% US and he wouldn't be surprised to see another one like that built at Haines Junction. This is great, but it's not great for Canada. Therefore he agrees with paragraph 6 exactly as it stands.

Mr. Boyd asked where we would be today without American investment - that 1016 is a nice place to build and progress can only be made by those who are willing to come in and spend their money. It is up to us to get into business or get Ottawa to spend some money and put up a hotel.

Mr. Livesey said we can't criticize people who want to put some investment into Canada - it is unfortunate that the hotel is not Canadian but who is going to stop American money coming in - this is up to the Federal Government not the Territorial Government.

Mr. McKinnon pointed out that the original intention of this motion was to determine how many tours there were from Skagway to Lake Bennett with stopovers of as much as twelve hours, and how much of it could possibly get to Whitehorse. Last year he understood there were roughly 38 tours to Lake Bennett - this is the figure I wanted verified by the Director of Publicity but he didn't seem to come up with this figure. The only figure I have to go on is the figure published in the Skagway News. He said he would like to bring this matter up again at the time when we go through the budget.

Mr. Boyd said the Liquor Committee might offer something to clarify the hotel situation.

It was agreed that Sessional Paper no. 10 be deferred.

Mr. McKinnon said he felt it would not sit too favourably with the people at Whitehorse to construct the jail at the back door of the hospital and expressed his personal opinion that he wasn't in favour of the location; however, in a thesis presented by the Federal Government sent out to the councillors the opinions of specialists of town planning were submitted and they recommend this. However, the Administration is going to check some other sites for this proposed jail and I would like to hear some comments from them.

Discussion.  
of S.P. #12

Mr. Shaw suggested that perhaps Mr. Boyd could enlighten Council, as a member of that Committee, what has transpired.

Mr. Boyd said he would be glad to say a few words, but that the Committee might possibly prefer to have Commissioner Cameron present. When this was brought up it was intended to have it as a winter works project and to have it built this winter, which was not possible because of the architect travelling throughout the United States examining such establishments, and he only arrived here about ten days ago. He said he would prefer to have Commissioner Cameron comment on this to avoid saying anything that would not be quite clear.



Mr. Livesey stated that as to delegation of authority, this seems to be a rather strange procedure for Council to adopt. He felt it may have some advantages, but to delegate authority to a Committee that doesn't comprise of members of the Council although they have representation on it would seem to be more or less a side step from our usual thinking in these matters. The Council should assist the member on the Committee in every way, but when it comes to a final decision as to what type of building we are going to get and so forth I think that the wishes of the House should be made known to the Committee.

Mr. Shaw suggested that Committee accept Mr. Boyd's proposal that we have further discussion with the Commissioner on this matter at a later date.

The Chairman read Sessional Paper no. 13.

Discussion  
of S.P. #13

Mr. Livesey said he observed people sitting on their seat belts and if that's where they are going to be seems there is no use having them, but agreed with Dr. Buchan that seat belts are a good safety measure if people use them, but couldn't see how this was going to be put into regulation or ordinance. Legislation means nothing without enforcement and how are you going to enforce the use of seat belts. The best way to start out would be to increase the publicity, later on perhaps legislation could be instigated. In other words - education first.

Mr. Taylor (Mr. Boyd in the chair) said he agreed that many lives could be saved with the use of seat belts but he had seen many cases where people do not use their seat belts even though they are installed in the vehicle. Conversely he had seen many accidents where, if the person had been wearing a seat belt, they would have been killed and survived the ordeal only due to the fact that they were thrown from the vehicle. Therefore it is hard to say which is safest to have them or not. It would seem we should not impose regulation making them mandatory in the Yukon Territory at this time but should proceed with publicity. He understood that most manufacturers are going to install seat belts in the 1964 models as a part of the car and possibly in time the public will start using them.

Mr. Boyd said he heard over the air about ten days ago that the State of Alaska had turned down the idea of compulsory seat belts, he didn't know their reasons but thought they must have gone into it very thoroughly.

Mr. McKinnon stated he thought the idea of using seat belts was only a matter of personal choice and would hate to see government getting these into restrictive policies.

Mr. McKamey expressed his opinion that he thought seat belts were a terrific idea and would be in favour of the legislation that would make provision for seat belts in every car, in the front seats at least. What the owners do with these belts is their business, we would have done our duty. The price is not going to hurt anybody it's only the price of a couple of bottles of whiskey.

Mr. Shaw cited an illustration of a women who went up to Dawson, was involved in an accident and she was thrown

out of the car, the car rolled and fell on top of her. The fatality could have been averted if seat belts had been mandatory, as she would most likely have used it. Another case a family had an accident, the car rolled over, and they were all wearing seat belts and none were injured. He was in favour of making them mandatory on new cars and then in another ten years all the old cars would have disappeared from the roads and everyone would have seat belts.

Mr. Boyd did not feel seat belts should be made compulsory because certain conditions do not make seat belts favourable.

Mr. McKamey said he did not suggest making them compulsory in use but making them compulsory in the car and disagreed with Mr. Shaw that they shouldn't be put in old wrecks as he would say this is the car to put seat belts in.

Mr. Shaw pointed out that it would be very difficult to put them on all the old cars because the seat belts are worth more than the cars in some instances. When we come to dump trucks etc. that might be a different situation as the seat belt might restrict him in changing gears etc.

Mr. Livesey felt that the use of seat belts was a man's prerogative, if you believed in them you would go out and buy them and if you didn't even if you had them in the car you wouldn't use them. Personally, he felt you could not dictate to an individual whether he wants to save his life or not. He felt the government and organizations in Whitehorse should get busy and publicize the use of seat belts and educate the people.

Mr. Shaw made the point that airplanes enforce the use of seat belts and if you don't use them you are ejected from the plane regardless of your feelings on the matter.

Mr. Livesey replied that the question of seat belts in aircraft is the fact that a company operating a commercial airline is carrying you in his vehicle - this is why he forces you to put it on. A personal vehicle is an entirely different matter.

Mr. McKamey said he personally thought that this aircraft parallel was a good one and could see no difference between aircraft and automobiles. He felt they should be installed in all cars and dump trucks whether they are used or not, because he knows you have better control of vehicles when wearing a seat belt.

Mr. Shaw moved, seconded by Mr. Boyd, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committee.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor reported as follows:

Committee convened at 2:15 p.m. to discuss sessional Committee papers. Sessional papers numbers 1,3,4,7,8,9,10,12 Report. and 13 were deferred for further consideration.

Council accepted the report of the Committee and adjourned until 10:00 o'clock A.M. Tuesday, November 5th, 1963.

Tuesday, November 5th, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Taylor moved, seconded by Mr. Boyd, for leave to introduce Bill No. 1, An Ordinance Respecting the Taking and Recording of Evidence by Sound Recording Apparatus.

Introducing Bills  
No. 1

Motion Carried.

Mr. Boyd moved, seconded by Mr. McKamey for leave to introduce Bill No. 2, An Ordinance to Amend the Insurance Ordinance.

No. 2

Motion Carried.

Mr. Boyd moved, seconded by Mr. Taylor, for leave to introduce Bill No. 4, An Ordinance to Repeal an Ordinance to Incorporate the North Star Athletic Association Limited.

No. 4

Motion Carried.

Mr. Boyd moved, seconded by Mr. Watt, for leave to introduce Bill No. 5, An Ordinance to Amend the Medical Profession Ordinance.

No. 5

Motion Carried.

Mr. Shaw moved, seconded by Mr. Boyd, for leave to introduce Bill No. 6, An Ordinance for Granting to the Commissioner Certain sums of Money to Defray the Expenses of the Public Service of the Territory (Fifth Supplementary Appropriation 1962-63)

No. 6

Motion Carried.

Mr. Watt moved, seconded by Mr. Boyd, for leave to introduce Bill No. 7, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (First Supplementary Appropriation 63-64)

No. 7

Motion Carried.

Mr. Boyd moved, seconded by Mr. McKamey for leave to introduce Bill No. 8, An Ordinance Respecting the Summary Recovery of Wages by Employees.

No. 8

Motion Carried.

Mr. Shaw moved, seconded by Mr. Taylor, for leave to introduce Bill No. 9, An Ordinance to Amend the Area Development Ordinance.

No. 9

Motion Carried.

Mr. Taylor moved, seconded by Mr. Boyd, for leave to introduce Bill No. 10, An Ordinance to Prevent Discrimination in Regard to Accommodation and Employment and in Regard to Membership in Trade Unions By Reason of Race, Religion, Religious Creed, Colour, Ancestry, or Ethnic or National Origin.

No. 10

Motion Carried.

Mr. Shaw moved, seconded by Mr. Taylor, for leave to introduce Bill No. 11, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting the Seaplane Base at Mayo Airport.

No. 11

Motion Carried.

Mr. Boyd moved, seconded by Mr. Watt, for leave to introduce Bill No. 12, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting the Services of the Royal Canadian Mounted Police.

No. 12

Motion Carried.

Mr. McKinnon directed a question to the Administration as follows: It has been reported that a joint Committee of D.P.W. and D.N.D. officials will be in Whitehorse shortly to discuss the takeover of the Alaska Highway by the D.P.W. In view of the far reaching economic implications to the Yukon as a result of this

Question  
No. 1

takeover, could Council meet with this Committee as soon as possible to discuss the application and effect of the transferring of jurisdiction of the Alaska Hwy to D.P.W. Mr. Shaw gave notice of motion regarding Senior Legal Advisor.

Motion  
No. 1

Production of Papers: Mr. Taylor gave notice of motions for the Production of Papers as follows:

- No. 1 (1) Regarding Federal Resource Revenues;  
No. 2 (2) Regarding Territorial Revenues;  
No. 3 (3) Regarding Hyland River Flight Strip;  
No. 4 (4) Regarding N.W.T. University Students Assistance Programme.

First & Second Reading Bill #3. First and Second Reading was given to Bill No. 3, An Ordinance to Amend the Corporation Securities Registration Ordinance.

Mr. Taylor moved, seconded by Mr. Boyd, that Mr. Speaker leave the Chair and Council resolve into Committee of the Whole to discuss public Bills memoranda and sessional papers.

Motion Carried.

In Committee of the Whole:  
Discussion of S.P.#13 A short discussion of Sessional Paper No. 13 took place.

Motion Re Seat-Belts. Mr. McKinnon moved, seconded by Mr. Watt, that no legislation or regulations be introduced at this time to make seat-belts mandatory in the Yukon Territory.

Motion Carried.

Discussion of S.P.#14 Discussion took place on Sessional Paper No. 14.

Mr. Shaw stated that this matter is typical. The Dept. of Transport says that the volume of traffic does not justify the costs involved. We all were aware of the tremendous mineral deposits in the area and the importance of an adequate airport.

Mr. McKamey said the Act that governs the airports gives the requirements on the runway before a commercial airline can land. The Mayo airport is under the direction of the Department of Transport; it is short, I think, 300 feet. The D.O.T. are putting words in peoples mouths. They are putting statements here that are erroneous. They say the majority are satisfied with the existing facilities, this is erroneous. They put a price tag on the airport of \$350,000.00 and an additional \$150,000.00 for paving. This figure is out of a hat as they have had no one there to make a survey. The people here want a runway of regulation size. There are letters on file of submissions to Council. United Keno Hill Mines asked me to support them in requests to Ottawa for the construction of a new airport. Ottawa sent back excuses as to why they cannot supply one there. The people could probably build their own runways but there are laws prohibiting this and I realize you cannot build a runway without the "green light" from the D.O.T. We lost a lot of business this year because the shortness of the runway as Crest Explorations and another company planned on using the airport facilities but could not. Last winter due to the flooded conditions of the runway planes could take only half loads in order to comply with safety regulations. The Territorial road runs along the runway, the planes take off 50 feet from the road, any failure and they would land in the bush. Mayo is the logical place for an adequate runway. We are spending large amounts of money to maintain the

highways but for delivery of goods in Mayo the runway cannot be used. He felt that no doubt this paper expressed the thoughts of Directors from Ottawa and not Commissioner Cameron.

Mr. Boyd wondered if the airports in existence are far from adequate. It seemed to him that planes were getting on fine landing in their own area beyond Mayo.

Mr. McKamey said in Mayo a site for a new airport has been surveyed and a 17,000 foot strip could be put in. We are not asking for this but just want a regulation size airport. None asked for an airport to be constructed on the Cantung Road and he was surprised to see that airport. It is 60 miles from Cantung and 150 from Watson Lake and no one living between the two points. He stated he was told it was intended as an emergency strip. There are emergency strips between here and Dawson and now they can't be used because of trees. This is ridiculous and perfect Ottawa control in the Yukon Territory.

Mr. Shaw stated that these emergency strips were put in some years ago and now they would never do for a large plane. The facilities the D.O.T. have provided for in the past 20 years and the amount of money would not be a very large figure. I believe \$1500.00 for maintenance. In Dawson they do not own the buildings, the existing buildings were put in by C.P.A. The D.C. 3 in Dawson is restricted from taking off with a full load. When airports in the north are restricted for a D.C. 3 how can you expand your air services? Everytime we ask for improvements on airports we get the same answer - just figures as to what it will cost. He further stated he did not think this airstrip will amount to anything and he feels they have an inactive attitude towards airports. To get an extension to the existing airports is important.

Mr. Taylor stated he has listened with interest and what it all means is we are all of the same opinion as far as the Department of Transport and regard to airports in the Territory. I defy anyone to land a plane on these emergency strips. During seven months of the year these strips are inactive because of snow. He felt the only way to break this down was to have a Senior Official come to the Territory and sit in Committee and discuss this problem. He stated this to be an important problem, important to his constituency and suggested something should be done about it.

Mr. Watt stated that it was quite a sum of money to pave Mayo runway but stated he has seen money used for a lot less worthwhile projects. He suggested there was probably a lack of communication between Ottawa and the Territory and as to how the money can be well spent. More communication with Ottawa should be applied.

Mr. McKamey thought this creates distaste and dissention. He stated the Financial Advisory Committee is going to Ottawa and he thought this could be brought up at that time.

Mr. Taylor (with Mr. Boyd in the Chair) suggested that a motion be made that a Senior Official of the D.O.T. attend Council to discuss these problems.

Mr. Watt suggested that Commissioner Cameron be asked to attend Committee to enlighten members on this discussion.

Commissioner Cameron attended Committee.

Mr. McKamey asked Commissioner Cameron if it were possible to have an official of the D.O.T. attend Committee to discuss these problems and asked if the Commissioner knew the reasons for

building the air strip on the Cantung Road where no one lives.

Commissioner Cameron replied he would find out if a Senior Official could come and he had no idea why the strip was built on the Canada Tungsten Road. He would endeavour to find out more about this area.

Mr. Taylor stated he had seen the strip but no planes land on it that he knew of.

Mr. Shaw stated this facility was apparently constructed to help the Cantung Mine. He asked if the strip was constructed after the mine gave indication of closing down their operations.

Mr. Taylor replied that the strip was still in construction after the mine signified their intention to close but once started it had to be finished.

Mr. Watt expressed he would like to know the possibility of getting someone from D.O.T. to attend and discuss various airports so that D.O.T. will have a better idea of what Council feels and what is needed.

Mr. Livesey stated that since 1958 this problem about airports has been discussed and no action has been taken. He felt a D.O.T. official should be brought to Council and he should hear all Council's suggestions toward improvements. He felt if this official comes it will indicate they are being generous and cooperative. This will not produce an immediate decision but it is the first step. He further stated that to just eliminate suggestions from D.O.T. would be a premature way of going about this and suggested Council should listen to this official and then decide if his visit has been worthwhile.

Motion  
re D.O.T.  
Official

Mr. Boyd moved, seconded by Mr. Livesey, that a Senior Official from D.O.T. attend Council and discuss the problems of the airports in the Yukon.

Motion Carried.

Committee proceeded to Sessional Paper no. 15.

Discussion  
of S.P.#15

Mr. Watt stated that with the change over of the Alaska Hi way and the amount of labour used by the Territory and in the Territory, he felt a specialist should come to the Yukon to discuss labour legislation with the Council. There should be a suggested wage list as the Federal Government because contractors in the Territory have to hire at the rate of local wages in order to make a profit.

Motion  
re Labour  
Legislation

Mr. Watt moved, seconded by Mr. McKinnon that a specialist from the Department of Labour be requested to attend Council to discuss these problems.

Mr. Livesey stated that he could not agree more, the question of labour legislation is an involved item. Involved with a number of matters in relation to labour and it takes many hours of study to come up with proper results. He further stated that we must work with the people of the country. Proper legislation contributes to the economy of the Territory between those who do the work and those who supervise the operation. We must consider the attitude of Government operation and industry operation. In our approach toward a better position for Canada

we must do away with labour strife. He could not lay more emphasis on this.

Mr. Shaw stated that this is in line with Councils wishes and going through all of this, item by item, is the only way.

Motion Carried.

Mr. McKinnon said he was wondering how the Labour Provisions Officer was making out.

Clerk-in-Council (Labour Provisions Officer) stated to date they had had 150 complaints and these had been settled to the satisfaction of employer and employee.

Mr. McKamey stated that perhaps Council was wasting its efforts on dealing with Labour Legislation as no doubt a lot of new faces will appear in Council next fall and any efforts put forward may be wasted.

Mr. Watt did not agree. He stated that if something is urgent the matter should be attended to. He was not saying the whole Ordinance had to be changed but if there is something necessary to change before the following session there is nothing to stop this from being done.

Mr. Livesey stated that our Labour Code is spread over several Ordinances and this must be consolidated. Application and study is the only answer.

Committee adjourned until 2:00 o'clock p.m.

Mr. Taylor, Chairman of Committees, called Committee to order and asked for further discussion on Labour Legislation which was being dealt with prior to adjournment from the morning session.

Mr. Shaw suggested further discussion be deferred pending the arrival of the person from the Department of Labour to appear before Committee, as pointed out in a motion this forenoon.

Agreed.

Committee proceeded to discuss Bill no. 3.

Mr. Shaw said this is a straight administrative matter - when a person is absent it is a case of appointing someone to act in his place. Discussion Bill #3

Mr. Boyd moved, seconded by Mr. Watt, that Bill no. 3 be reported out of committee without amendment.

Motion Carried.

Mr. Boyd suggested that Committee endeavor to have Commissioner Cameron and the Legal Advisor to appear before Council to discuss Sessional Paper no. 12. Discussion of S.P. #12

Agreed.

Mr. Boyd said he requested yesterday that the Legal Advisor and Commissioner be with us before any more discussion. One of the questions brought out was that some members of Council seemed to think this Committee was appointed to gain the facts and so on and then report back to Council without proceeding in any way with the project; he said he had pointed out he thought Council's objective at that time was to get this thing under way and possibly make it a winter works project this year. He asked the Legal Advisor to clarify the motion which in his mind authorized the Committee to do as they have done.

The Legal Advisor read Motion no. 19 from the Proceedings of the last Session of Council and gave his interpretation of the various sections. He felt the keynote of the resolution is an emphasis on the fact that things have got to be done and it is in the light of the spirit of that preamble that one looks at the resolution. He felt it contains an interesting play upon words and the Committee had directions which lacked clarity. It shows evidence of having been prepared in great haste - the emphasis was on haste, speed, action - and this has colored his whole approach to any interpretation that he was called upon to give. He said there is no record of Committee being instructed to report back except in the normal way. That they should defer such action as they have taken, until the next session of Council, was never indicated. He said that although he had spoken at length he must conclude the point was raised as to whether they were executive in function and he had given it most serious consideration. He pointed out he did not base his consideration upon one narrow set of words, but went back to all reports he could find on this and then advised the Committee that his interpretation was that the Committee was conceived and instructed to act in a quasi-

...../



executive capacity. It is inescapable from the character that has been created and the words placed before it.

Mr. Livesey said he was amazed when he heard the Legal Advisor repeat this motion because it happened to be his and he assured members that nothing in relation to that motion was organized, created or drafted in haste. He had tried to cover every angle and aspect of the operation so that there would be no misunderstanding. If there has been a misunderstanding, and it appears there has been, it seemed to him that it is a rather unfortunate situation when one has to listen to an interpretation of something you have created yourself. The very fact that the Council in Committee agreed with these points in the resolution meant that they established themselves as going on record as being in favor of this type of operation, this type of change and move towards a better system of justice in the Territory. The mistaken idea that it was ever intended to delegate the authority of the house to any group not elected to this House is a wrong interpretation. He said he believed in the power of the House, that members are here to make decisions and to do their best to enact business in behalf of the people they represent.

Mr. Taylor (Mr. Shaw in the chair) pointed out that much time is being used which could be spent on other matters. He said much work had been done by the Committee who had engaged an expert, Mr. Duncan Clark, to study all aspects of this correctional institution program. Mr. Boyd had gone to Vancouver to study the situation there. It has been mentioned that no instructions were given in the resolution to report back to Council, this might be true, but he thought the resolution should be accepted as it stands. If Council has erred in its drafting, these points should be reconsidered.

Mr. Shaw asked Mr. Boyd whether Council could have a report as to what progress had been made on this prison rehabilitation program.

Mr. Boyd replied that they had carried on with the idea, as previously pointed out, where Council had explained what was wanted and that the Committee was instructed to go ahead and see that their wishes were carried out. He said things have gone ahead to the point of having a site chosen; several sites have been looked at; an architect had been up here and looked over the various sites and in short, Administration is ready to call for tenders to complete the prison in the spring, along the lines contained in the resolution. He suggested that perhaps Commissioner Cameron could clarify any questions in respect to the Committee.

Mr. McKamey agreed with Mr. Taylor regarding time spent by Council in preparing the resolution. He said as far as he is concerned the resolution has everything incorporated in it that was wanted, and it was not a resolution giving any Committee the power to go ahead and implement it. As he understands

it the Committee was to report back to this Council who would deal with it, but apparently this has not been done. He said he could not see where there is any misunderstanding on Mr. Boyd's behalf so he could certainly disagree with the interpretation of the resolution as Administration has put it. He mentioned a paper that had been sent out to Councillors by the Administration which had been submitted to the Federal Government as a thesis and was turned into a report and distributed to members of Council from the Department of Northern Affairs. It indicated in that paper very clearly that they have experts in town planning who should be consulted to avoid mistakes. He agreed that we should have specialists in the field advising where buildings of this kind should be built. But he said he had raised this point before in the Council Chamber, that he did not think that establishing a jail on the doorstep of a hospital was a good thing and could not agree with the Health Department that this was a good place. He said it looked as if Ottawa was trying to save money by putting this institution beside the hospital so that the hospital's kitchen facilities could be used to feed the inmates. He said he would like to hear the views of the citizens of Whitehorse whether this should be established right in the centre of town. We are here to represent them and their views should be respected.

Legal Advisor Hughes commented further on his earlier remarks. He said Council have got to remember that this jail is in fact the responsibility of the Department of Justice under the 5-year Agreement - they are providing the money and consequently they can really indicate what they think the Territory should have. However, they did not do that; they consulted the Territory and asked for their opinion. So this formation of a Committee is not a Committee really to report back to convey the thinking locally of the Department of Justice or of the Federal Government. There is this difference - the Committee didn't undertake to spend money - that is the essential difference between this and the Committees normally established and this should be borne in mind in the present situation. That is all part of the considerations that were taken into view when trying to determine the proper function of this Committee.

Commissioner Cameron said he wasn't quite sure he understood the problem as he wasn't here when it was first discussed. He felt the Committee has only done what they have been asked to do. No money was spent in the erection of a building, surveys had been made and the situation studied. If Council wants a report in all probability the best report would be a copy of the minutes of the meeting. Referring to Mr. McKamey's comments as to location, this has not yet been made firm because there is some dissension in the ranks about it, but said the area behind the hospital is completely out of sight of everyone and should not affect property values. He said the Committee had looked at a lot of other locations, studied costs, services etc., but locations such as those at McRae, Yukon River Banks, the Flats across the River, Microwave Road, etc. would necessarily put restrictions on future development. In reply to Mr. McKamey's suggestion that people should be given the opportunity to give their views, he said one of the local papers is drawing this to the public's attention and will suggest that any opposition to the proposed site be brought out.

Mr. Taylor (Mr. Shaw in the chair) noted that in Sessional Paper no. 12 all that is asked for is guidance respecting the location of the new jail. This seems to be the only problem encountered so far. He asked whether there were any other problems.

Commissioner Cameron stated that he was down East at the time of the last meeting and possibly Mr. Boyd could recall it. He thought, as Mr. Hughes points out, that any recommendations or suggestions that come from this Council are what the Department of Justice are looking for. They have to have a jail. We are now going to have a correctional program, not just a prison, and are now at a point where we are looking for suggestions and ideas, and in this respect in his opinion the Committee has carried out its duties very well.

The Chairman referred the meeting to Sessional Paper no. 12 and the fact that it asked for guidance in relation to the actual structure itself.

Mr. McKamey said one of the major reasons he is concerned about the site of this jail is due to the fact that it is a small area in a horseshoe-shaped hollow behind the hospital. Terms of reference were laid down of what was wanted and if the Committee followed those terms he did not see how it would be possible to implement them in that restricted area. That is one of the reasons he had made arrangements with Duncan Clark to examine the facilities of the institution in the Chilliwack River Valley. If this correctional institution was implemented properly and put where it had some breathing space, we could set up gardening and reforestation programs which would be of value to the inmates as well as to the Community. You cannot do this in a sandhill such as is behind the hospital.

Mr. Livesey said regarding the resolution, that anyone reading it will see that it is very clear from a layman's point of view, it stipulates the case as plainly as possible and obviously shows what Council's needs and thinking happen to be.

Commissioner Cameron commented on Mr. McKamey's remarks regarding Duncan Clark. This corrections officer looked at the proposed site and felt it was quite satisfactory. Now there might be some misunderstanding as to what this unit would do. There is not the room or the ground required for large areas because the people that would be on the minimum security works program that you refer to down around the Vedder would not be practical here. We would need mobile units which could be moved to any area regardless whether it was reforestation or removal or cutting of trees or any other work project. Gardening is not realistic due to climatic conditions but there is room on the proposed site for hot houses which could be built. The other minimum security persons would be living in different parts of the Territory and this, as I say, was thought about by the Committee and Mr. Clark and these are the points I believe should be brought out in the report.

Mr. Watt said that as he understands it the Commissioner is asking for confirmation of the Council to give the

Committee power to carry on if it so wished. The Committee is comprised of some pretty level-headed people, namely,

Mr. Boyd, Member of Council  
Officer Commanding the Yukon Sub-Division, RCMP  
Zone Superintendent, Northern Health Services  
Legal Advisor  
Territorial Treasurer  
Territorial Engineer  
Director of Welfare  
Executive Assistant to the Commissioner,

and it was proposed to extend an invitation to the Police Magistrate and the Director of the Vocation Training School. He thought the Committee was made up of a good cross section of the community and he would like to propose a vote of confidence in Mr. Boyd as a Territorial Representative of this Committee and asked him to carry on if he will as a member of this Committee and leave it up to them as to the location as they will be able to do a better job than Council.

Mr. Boyd commented that Mr. McKamey seems to be alarmed about the people's thoughts on the proposed location of the jail behind the hospital. Actually it is half a mile at least from the nearest residence. He said he had talked to many citizens of Whitehorse and he has only had one complaint and that from a person who lives in a Federal House but he had no objections from taxpayers. He said there would only be about 15 prisoners at one time, in for perhaps 15 days or less and then gone again.

Mr. Shaw expressed the view that if the people in Whitehorse have no objections to the proposed location of the jail, he had none.

Mr. Livesey added that he believed the CMHC had discussed plans for constructing a bridge on the other side of the river with the idea that that area will be developed.

Another matter concerning employment for inmates, we have Chadburn Lake area which could become a Stanley Park for Whitehorse. However, if Council were to receive the report from the Committee, Council would have something to work with.

Mr. McKinnon said he could see no reason why this Committee should not continue as Mr. Watt has informed the House. They form an impressive list of some of the very knowledgeable people in corrections in town, and I do think that Council in this instance has given a very straight opinion and resolution as to what they want to see implemented and that the people who form this Committee will follow these resolutions. He said he had no qualms at all in delegating authority to the Committee to put the resolutions into effect.

Mr. McKinnon moved, seconded by Mr. Watt, that the Motion re Corrections Committee formed by Council be authorized to execute and give effect to the aims of Motion no. 19 passed at the First Session of the 1963 Council. Motion re Correction Program

Mr. McKamey disagreed with Mr. Boyd's suggestion that in the future if the building is too small we build another one somewhere else and said he was very much against such duplication of facilities.

Mr. Watt commented that as he took it Mr. McKamey's chief objection to the location of the correctional institution is its close proximity to Riverdale. The member of that area that represents more people than the other two members combined has said that he has not had any objections from taxpayers.

Mr. Boyd said with respect to build another building somewhere else this was expert advice. It is also applicable to schools - large schools are no longer tolerable, they can't handle pupils and give them individual attention. This is the same with correctional institutions, the objective is not to have them too large but to keep them small in order to provide this individual attention.

Mr. Livesey speaking on the motion wished to have it placed on record that he is 100% opposed to placing the authority of the House on the Corrections Committee. The proper function of the Committee is that they should advise us what to do, not us tell them they can do what they think is best. Even the press is giving the members of the House opposition. Surely Council as an elected body of people representing the people of all the Territory can make its own decisions, this is its job, in cooperation with the Administration. He felt the Committee in existence can do a very adequate job for Council and the more experts we have the better - let them advise us as to what they think is the right direction and then we will debate the situation here and make a decision and let the chips fall where they may.

Commissioner Cameron said he is still confused as to what is expected of the Committee, it is by no means an elected group.

Mr. Boyd mentioned Mr. Livesey talking about bringing this up at the Spring Session. If Council is not prepared to accept the recommendations of the Committee, it will be lucky if the institution is put up a year from now. Another thing that is surprising regarding delegation of authority is that it is a well known fact that a man who is afraid to delegate authority does not always show what is the best way to survive and progress. He said he could not see what is wanted as the Committee have gone as far as they can go without spending any money and show some results and he thought a little more faith should be put in the ability of the executive, if not then put down in black and white just how you want them to act, and pay them also for the time they are spending.

Mr. Hughes (Legal Advisor) said he wanted to make it clear that he had given advice to the Committee. If they have erred they have erred, he felt, on the advice he gave them. The advice given the Committee was that he perceived their function was a quasi-executive standard. You can disregard my advice or take another course and consider rewording the resolution on which I gave that advice - make it clear to the members of the Committee that they were to report back, but at the moment the resolution stands as a record of Council subject to the interpretation given. He offered to give Mr. Livesey assistance in drafting a resolution which he felt would more properly and accurately express the feelings made evident today and this could be voted on. He said he was here to assist Council but could not change his opinion on the interpretation he gave.

Mr. McKinnon said he disagreed with Mr. Livesey's interpretation of his motion. As he understood it the resolution Council made, Motion no. 19 was one of the really good motions that Council did make at the last Session, it gave direction and it outlined the aims and principles Council had come to after much deliberation and was the basis for the correctional program in the Yukon Territory. Now the only effect of my motion is that it is the program that the elected representatives of the Yukon Territorial Government wants to see initiated. Now we are turning this program over to the experts to make sure that they follow these aims and resolutions that we have set down and any time the Committee does not abide by the resolutions we can ask them to resign, we can set up a new Committee or take over the job ourselves. This is the only idea behind the motion. It is not delegation of our elected authority one bit. We know we have laid down the principles and the aims of the correctional program in the Yukon Territory.

Mr. McKamey said that before any motion is passed, he agreed to what Mr. McKinnon has just stated and felt we deserve a report on the progress made by this Committee and the motion should be tabled till we get the report from which we can draw our conclusions and make decisions.

Mr. Livesey said that is exactly what he has been trying to ask for during the past hours, what has the Committee being doing - what are the answers to the 14 resolutions so that Council can make their decisions.

The Chairman said it was obviously agreed we need a report from the Corrections Committee and therefore as the motion may be somewhat immature at this time suggested withdrawal of the motion by Mr. McKinnon till Council receives the report.

Mr. McKinnon refused to withdraw the motion but advocated tabling it to be voted on after receipt of the report of the Corrections Committee.

Mr. Taylor (Mr. Shaw in the chair) said it occurred to him that this has boiled down to the one desire to have a full report on the Committee's activities since we appointed such Committee at Spring Session.

Mr. Shaw thought the motion should be left open.

Mr. Shaw moved, seconded by Mr. McKamey, that the question be not put until we have further information on this matter.

Motion Carried.

Chairman asked what direction Committee desired to give to the Chairman of the Corrections Committee.

Mr. Livesey replied that they should submit a report based on the 14 items of the resolution on page 289 of the Votes and Proceedings of the Spring Session 1963.

The Chairman suggested that in order to acquire this report in deference to the House having a member on that Committee that Mr. Boyd be delegated to obtain this for the Committee, as soon as possible and was so directed.

Mr. Hughes (Legal Advisor) was excused.

Discussion  
of S.P. #4

Council proceeded with Sessional Paper no. 4.

Mr. Livesey stated that as part of this road was in his constituency he would certainly like to ask specific questions of the Administration with regard to maintenance. Perhaps they could give more information and actual facts. He said he would like to see the road maintained year round as it gives an outlet to cheap water transportation and would provide a front door open to the Yukon. There is no doubt, or should be, correspondence on file between the Federal Government and the Territory, with regard to Haines Road and the Alaska Highway and felt Administration should be able to assist greatly in discussing this question which will be on agenda tomorrow.

Mr. Body moved, seconded by Mr. McKamey, that Mr. Speaker resume the Chair and hear the report of the Chairman of the Committees.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor reported as follows:

Committee  
Report.

Committee convened at 10:20 this morning to discuss bills, memoranda and sessional papers. Mr. McKinnon moved, seconded by Mr. Watt, that no legislation or regulation be introduced at this time to make seat belts mandatory in the Yukon Territory. The motion was carried. Mr. Taylor moved, seconded by Mr. Livesey, that a senior official of the Department of Transport attend Council at the Session now assembled to discuss problems related to airports in the Yukon Territory. The motion was carried. Mr. Watt moved, seconded by Mr. McKinnon that a labour specialist from the Department of Labour come to the Yukon to discuss proposed labour legislation with the Council at the earliest possible date. The motion was carried. Sessional Paper no. 3 was deferred to a later date. Mr. Boyd moved, seconded by Mr. Watt, that Bill No. 3 be reported out of Committee without amendment. The motion was carried. Commissioner Cameron and Mr. Hughes attended Committee to discuss Sessional Paper no. 12 relating to corrections and custodial facilities. Mr. McKinnon moved, seconded by Mr. Watt that the Corrections Committee formed by Council be authorized to execute and give effect to the aims of Motion No. 19 passed at the First Session of the 1963 Council. Mr. Shaw moved, seconded by Mr. McKamey, that the question be not put until further information is obtained on the matter. This motion was carried. Mr. Boyd was delegated to obtain a report from the Corrections Committee for presentation to Council on a day following.

Council accepted the report of the Committee and adjourned until 10:00 o'clock a.m. Wednesday, November 6th, 1963.

Wednesday, November 6th, 1963  
10:00 o'clock AM.

Mr. Speaker read the daily prayers and Council was called to order.

Sessional Paper #16.

Mr. Speaker tabled a memorandum from Commissioner Cameron regarding the Centennial. (Set out as Sessional Paper no.16)

Mr. Taylor gave notice of motion for Production of Papers regarding interdiction of Nazar Zinchuk.

Production of Papers No. 5

Mr. Taylor moved, seconded by Mr. Livesey, that the Administration be respectfully requested to provide Council with a breakdown of resource revenues accruing to the Federal Government from administration of natural resources in the Yukon Territory for the fiscal years 1960, 1961 and 1962.

Production of Papers # 1

Motion Carried.

Mr. Taylor moved, seconded by Mr. Livesey, that the Administration be respectfully requested to provide Council with the total revenues received during the 1962-63 Fiscal year from the following sources:

Production of Papers # 2

- (a) liquor profits;
- (b) fuel tax;
- (c) taxation of real property;
- (d) federal grants;
- (e) licence revenue;
- and (f) sale of land (government and subdivision)

Motion Carried.

Mr. Taylor moved, seconded by Mr. Livesey, that the Administration be respectfully requested to provide Council with the following information related to the newly constructed flight strip located on the Canada Tungsten access road north of the Hyland River bridge crossing:

Production of Papers #3

- (a) the full dimensions of the flight strip;
- (b) the total cost of the project; and
- (c) the reason for constructing this flight strip in detail.

Motion Carried.

Mr. Taylor moved, seconded by Mr. McKinnon, that the Administration be respectfully requested to provide Council with full details of the N.W.T. University students assistance programme at the session now assembled if possible.

Production of Papers #4.

Motion Carried.

Mr. Taylor asked if in view of the new land policy respecting Watson Lake, has the Administration proceeded to give title to lot owners in other Territorial Sub-Divisions upon purchase of such lots and if not would the Administration please explain why not.

Question # 2.

FIRST and SECOND readings were given to the following bills:

First & Second Readings

Bill No. 1, An Ordinance Respecting the Taking and Recording of Evidence by Sound Recording Apparatus.

Bill #1

Bill No. 2, An Ordinance to Amend the Insurance Ordinance.

Bill #2

Bill No. 4, An Ordinance to Repeal an Ordinance to Incorporate the North Star Athletic Association Limited.

Bill #4

Bill No. 5, An Ordinance to Amend the Medical Profession Ordinance.

Bill #5



- Bill No. 6, An Ordinance for Granting to the Commissioner Certain sums of Money to Defray the Expenses of the Public Service of the Territory (Fifth Supplementary Appropriation Ordinance 62-63)
- Bill #7. Bill No. 7, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (First Supplementary Appropriation Ordinance 63-64)
- Bill #8. An Ordinance Respecting the Summary Recovery of Wages By Employees.
- Bill #9. An Ordinance to Amend the Area Development Ordinance.
- Bill #10. An Ordinance to Prevent Discrimination in Regard to Accommodation and Employment and in Regard to Membership in Trade Unions By Reason of Race, Religion, Religious Creed, Colour, Ancestry, or Ethnic or National Origin.
- Bill #11. An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting the Seaplane Base at Mayo Airport.
- Bill #12. An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting the Services of the Royal Canadian Mounted Police.

Mr. Shaw moved, seconded by Mr. Boyd, that Council resolve into Committee of the Whole to discuss Bills, Sessional Papers and Memoranda.

Motion Carried.

In Committee of the Whole:

Mr. MacKinnon requested that Mr. Hughes be asked to attend Committee for the discussion of Bills.

Mr. McKamey thought certain members of the Justice Department should be asked to attend Committee for the discussion of Bill No. 1.

Discussion of Bill #1. While waiting for Mr. Hughes, Committee discussed Bill No. 1, An Ordinance Respecting the Taking and Recording of Evidence by Sound Recording Apparatus.

Mr. Boyd stated that this was the second time this bill had been before Council. He suggested that perhaps Mr. Wylie should be asked to attend in order to give his views on the matter.

Mr. Livesey expressed that if the Administration want this they should look into some type of apparatus and if a piece of equipment satisfies all, then Committee would be prepared to entertain the matter once again. He further stated that he had not heard of a piece of satisfactory equipment.

Mr. McKamey stated that there was a piece of equipment available now but it is very expensive. He thought if Mr. Wylie was going to be asked to attend then Mr. Enderton should also attend as he was involved in a case where they had a failure of apparatus.

Mr. Boyd asked if they had been using this equipment without authority and it had been a failure.

Mr. McKamey replied that he understood this was the case.

Mr. Shaw stated that a stenographer had been present at the same time as far as he understood and that the Legal Advisor could advise who the appropriate person or persons would be to attend this discussion. He felt

that if one lawyer was attending the opportunity should be extended to them all.

Further discussion was deferred until the Legal Advisor could attend and Committee proceeded to discussion of Bill no. 4. Discussion of Bill #4.

Mr. McKamey said he imagined this organization was formed in the Dawson area and perhaps the Dawson member could enlighten Committee.

Mr. Shaw replied that he had never heard of the organization.

Mr. Shaw moved, seconded by Mr. McKamey that Bill no. 4 be reported out of Committee without amendment.

Mr. McKamey asked Clerk-in-Council if he had any knowledge with respect to the matter of Bill #4.

Mr. Clerk replied that the explanatory notes was the only knowledge he had but he knew this to be an old organization.

Mr. McKamey thought the Clerk-in-Council must have more knowledge of this and that he understood this organization was responsible for the construction of the Arena.

Mr. Clerk replied that he had no such information.

Mr. Taylor said that the only man who seems to know anything about the organization was the Legal Advisor. He suggested that this bill and all bills be deferred until such time as the Legal Advisor attends Committee.

Mr. Shaw doubted if this matter could be clarified further as it came from the Legal Advisor and he would probably just read the explanatory notes. That is why he felt confident in forwarding his motion.

Mr. Boyd stated that he did not know how the North Star Athletic Association got into the hands of the City. He had heard rumours that another group are endeavouring to operate under the North Star Athletic Association.

Mr. Shaw with Mr. McKamey's approval withdrew his motion.

Mr. Hughes, Legal Advisor, attended Committee.

Mr. Boyd said the Civic Centre area was built and negotiations were carried on under the name of North Star Athletic Association. He asked if this has been transmitted to the City and if so is the City the sole owner.

Mr. Hughes stated that he would have to inform himself as to ownership of the building. But he thought the City owned the property. He stated he would provide Committee with an answer either later that day or the next.

Mr. Boyd stated that the property always did belong to the City and it was only the building he was wondering about.

Mr. Hughes said that the building being a fixture would come with the realty and therefore the City would be the owners of the buildings.

Mr. Shaw moved, seconded by Mr. Livesey, that Bill No. 4 be reported out of Committee without amendment.

Motion Carried.

Discussion followed on Bill No. 1

Discussion of Bill #1.

Mr. Taylor asked Mr. Hughes who would be available for discussion on this bill and when would they be available.

Mr. Hughes replied that he was hoping to get Justice Parker and Magistrate Trainor and Mr. Enderton and a member from Wylie and Collins firm and King and King firm to attend Committee. He would try to have these people present for that afternoon session.

Committee adjourned at 11:45 until 2:00 o'clock p.m.

.... /27.

Wednesday, Nov 6th, 1963  
2:00 o'clock P.M.

Mr. Taylor, Chairman of Committees, called Committee to order and Committee proceeded to discuss Bill no. 1 with Judge Parker, Messrs. S. Enderton, V. Wylie and J. King in attendance. Discussion of Bill #1

Mr. Boyd said he would like to have Mr. Wylie's comments on this Bill.

Mr. Wylie said his firm had made their views known to the Administration last year and that Mr. Enderton and himself consented to the use of a recording device with more or less disastrous results. Consequently they found themselves in a very embarrassing position in not being able to provide full transcript of the evidence. This means the appeal is being held up. Adoption of a recording device in the present form cannot be recommended.

Mr. Boyd invited Mr. Parker's views.

Mr. Parker pointed out he does not speak for the Department and said he is not satisfied with the machine they have. We have had three breakdowns with it and at the moment it needs servicing. We are not using it for court work and would not be content to use this machine for another trial because, although it might begin the trial perfectly there is no assurance that it won't go out at any time. However, there are machines that are thoroughly reliable. This little one we have will record for only two hours but there is one being used in Alaska which will record for thirty hours on heavy tape; those machines cost more than three times as much as this one costs - somewhere between \$2500 and \$5000. They are also used by the United States Navy. They use nothing else in Alaska and they say so far they have saved a quarter of a million dollars by using these machines in court. He suggested that he should go to Alaska and see how they get on with these. Another difficulty in his Department is that there is only one machine, they should have either another court reporter or a reliable recorder. Court reporters are hard to get, hard to keep and outside they are making from \$10-18,000 a year. The men here are not getting as much as that and there is the constant attraction from outside. Another court reporter would cost the Administration about \$12,000 a year including housing and northern allowance, fares in and out etc., and we are not justified in spending this because there isn't that much work. A machine sitting there doesn't have to be fed and would supplement the court reporter providing it was of satisfactory quality. He said he thought good machines can serve a useful purpose but is not prepared to argue in their favour.

Mr. Boyd said we are trying to pass something and don't know whether it is good or not. He suggested that a maker might be asked to put one in on trail. Would this sound sensible?

Mr. Parker said he could appreciate that viewpoint. If your reaction is "assure us that you can get a satisfactory machine and we are interested in passing the legislation, but until we have this assurance we won't pass it" then he would be prepared to argue the toss on that with Justice.

Mr. Enderton said while the assurance that none of the courts would use a machine that they are not satisfied with, speaking for myself and my own firm, the profession might be willing to go along with this.

Mr. Shaw directed the following question to Judge Parker: "In having a machine in a court, presuming the ordinance was passed permitting this, would not the Judge have complete authority to use this particular machine or reject this particular machine?"

Judge Parker replied they should put it in the Ordinance. Justice will never tell them what they can do, they tell them nothing, but if you wish, put it in subject to approval.

Mr. Livesey asked what is happening if we prepare the legislation and then experiment with the machine. Maybe we will not be experimenting so much with the machine as we will be with the witness or the defendant. As pointed out in his motion last spring experimenting on the machine comes first and when Justice has found a satisfactory machine the position would be different. Experimentation should be on a mechanical device rather than on the witness or on the defendant, that is my objection to the Bill in that light. The simple solution would be to find the machine first and if we are satisfied with it then legislation could come second. Enabling legislation will be something which will facilitate the finding of this mechanical device we now know is reasonably accurate.

Mr. Shaw felt the problem was that some persons embarked on the project with equipment not designed for the purpose to which it was put. It appears that the Department of Justice would hesitate to conduct a survey, possibly in Alaska, or purchase \$4,000 or \$5,000 worth of equipment and have it installed without some assurance that this thing will be utilized. The fact that the equipment used has not been satisfactory does not say that the right type of equipment would not prove satisfactory. It would seem that the Judge in his wisdom is the person who should know whether equipment is satisfactory and whether it will protect the interests of the persons involved.

Mr. Watt asked Mr. Parker if it would be possible for the Judge to purchase apparatus he thought would be suitable without this enabling legislation right now and if it did prove satisfactory we could meet again.

Mr. Parker said no, Justice wouldn't okay his going to Alaska to have a look at the machines without the legislation to permit use. At present the matter is completely stalled.

Mr. Boyd asked Mr. Parker whether Alaska is the only place they have adopted these machines.

Mr. Parker said he thought they were being used in the United States but did not actually have definite information on this.

Mr. Taylor (Mr. Boyd in the chair) asked whether we were not actually dealing with a piece of ultra vires

legislation as the Criminal Code reads Section 543 (1) (2) "When the accused is before a Justice holding a preliminary inquiry, the Justice shall, in a province where sound recording apparatus is authorized by or under the provincial legislation for use in civil cases, by the type of apparatus so authorized and in accordance with the requirements of the provincial legislation." It goes on into subclause 6 and it says "where in accordance with this Act a record is taken in any proceedings under this Act by a sound recording apparatus, the records so taken shall be dealt with and transcribed and the transcriptions certified and used in accordance with the provincial legislation mentioned in subsection 1." There is a note which says "the amendments to this section widen the provisions that was contained in Section 555 now repealed and substituted, a recording device if authorized by the province for use in civil cases may now be used to take the evidence of a witness at a preliminary inquiry." This would seem to provide for only a preliminary inquiry and nothing else. We wonder if in effect we are not still dealing with ultra vires legislation in this regard. Would Mr. Legal Advisor care to comment on this.

Mr. Hughes (Legal Advisor) replied that nothing ultra vires can be found in it though it's an interesting point.

Mr. Watt said he was not getting any clearer. At the last Session the Bill was defeated but the sound equipment was used anyway, with disastrous results. This discussion had not made it any clearer whether we should pass the legislation or not but if in anyway the administering of justice in the Territory would be assisted by this Bill, he would be happy to vote for it.

Mr. Wylie said they were afraid that if Council pass this legislation, inferior machines might be foisted off on the court and they don't want to be in a position where they have to use a machine even though we may know it to be inferior.

Mr. King agreed with Mr. Wylie. Quite frankly, we are in the same position as Council. We don't know whether equipment can be found which would be able to take evidence in court. He said he would like to go along with the suggestion of Mr. Enderton that enabling legislation be provided. In this way probably the Federal Crown would grant the money for the proper equipment. The coming into force of the Bill should, by the Ordinance, be put off until the next Session of Council and in this manner we would have a period of time in which we could all become acquainted with the equipment that we have. Council would then be in a better position to either accept or reject.

Mr. Taylor asked whether this could be dealt with by resolution or motion, is it necessary to go into experimental legislation? He could not agree on a situation whereby we provide a Bill, the Bill clears Committee and in effect passes the House and we have this held over our heads by the Commissioner as to whether or when the Bill will be assented to.

Mr. Shaw replied that legislation has to be passed.

Mr. Watt said in his estimate Mr. King's suggestion was the general opinion of most of the witnesses.

Mr. King said the reason why he adopted Mr. Enderton's method of proceeding with the legislation was to give the

Department of Justice an indication that such legislation will be passed. This would indicate to the Department of Justice that you are willing to along with the legislation providing they themselves will take the step to get the equipment in here which we can assume will be adequate. This would show your intention and possibly would be sufficient for the Department of Justice to act upon.

Mr. Livesey felt that this is precisely what was said in the resolution last spring, it says here that "Bill no. 1 should not be dealt with at this time in order to allow the Department of Justice to justify the experiments by experimentation of quality and reliability of various and sundry tape or other recording machines with a view to obtaining a later selection of reliable equipment which would be acceptable as a recording device in court, at which time enabling legislation could be considered by Council." He suggested that this is exactly what Council did six months ago and it is recorded on page 295 of the Proceedings of the Spring Session of Council this year. He also submitted that the legislation as so contained on page 2, Bill 1, states under Section 6 "If we pass this legislation the sound recorded upon a record may be reproduced in a court by any appropriate machine or device and the reproduction shall be received by the court to the same extent and with the same effect as a typewritten copy" and I contend that if we pass this legislation, we are defeating our own motion which was passed at the Spring Session.

Mr. Hughes informed the Council that he got as additional witnesses Magistrate Trainor and a Court Reported Mr. A. Godolphin who are presently in the gallery. He reported on investigation of equipment used in Edmonton and read a letter received from Mr. Bennett who is in charge of the Court House there outlining their experience with these machines over several years. He said he didn't favour the six months delay, but if the parties had to be asked whether or not they consented then you might have the solution.

Mr. Parker said he is not enthused about having the parties consent as there is too much room for maneuver. The Judge should make the decision and counsel should have to go along with his decision.

Mr. Parker was excused.

Mr. Taylor said he could not vote in favour of this because of the element of experimentation and a number of other reasons. He noted in the submissions of the various provinces that in all cases they have stated the inability of a microphone to record the voices and make similar voices distinguishable from one another, also in the heat of cross examination the loss of one word spoken might mean the difference in the result of a case. Another item is transcripts. Section 6 of the Bill, as has been pointed out, states "That the sounds recorded upon a record may be reproduced in the court by any appropriate machine or device and the reproduction shall be received by the court to the same extent and with the same effect as a typewritten copy". He said he didn't know of any place in Canada where this is done.

He went along with Mr. Livesey's suggestion on the enabling motion in order to experiment with a qualified stenographer in the proceedings, rather than just going in cold with a tape recorder such as has been done in this Territory since we last sat in session. Apparently we have embarked on a situation where a tape recorder was used with no stenographer on an experimentation basis.

Mr. Wylie said he thought most everyone was in agreement with Mr. Hughes's suggested amendment to the Bill, which points up just what counsel feels that we don't want to be subject to having to use machines that we know may not work.

Mr. King stated, with respect to Mr. Parker's remarks as to counsel taking advantage of using tactics which would have the effect of overcoming this Bill. This could be overcome by amending the Territorial Court rules and the Police Magistrate's rules.

Mr. Shaw asked what would be the position of a person who likes to conduct a sort of a circus in the courtroom?

Mr. King replied one lawyer or law firm may say we refuse to consent to any trials with the use of this machinery. This isn't our main consideration, our main consideration should be to get the Department of Justice to spend \$5,000 or \$6,000 on the machine. One or two law firms or maybe all law firms will refuse to utilize this machine, but certainly if that machine is here, both the magistrate and the judge would use it in conjunction with a court reporter. By the next Session of this Council you can bring forward witnesses again. You will hear these witnesses and you will be able to make up your minds. If at that time you decide on the evidence that it is a workable process, all you have to do is to amend the Ordinance and remove "with the consent of counsel" and we are away.

Mr. Taylor asked if it is to be understood that we have to purchase a \$5,000 machine in order to have it tested here. Couldn't a firm put one in on trial to prove whether it is going to work?

Mr. King, Mr. Enderton and Mr. Wylie were excused and Committee continued discussions with Magistrate Trainor in attendance.

Mr. Shaw asked Magistrate Trainor if he has had experience with recording devices.

Magistrate Trainor said he could not be of too much assistance but could say there is a sound machine used in the police courts in Vancouver and as far as he knew it works satisfactory. It isn't set up to do the recording of the evidence without someone there to watch over it and make sure that it is working. The person who watches over the machine is a fully qualified shorthand reporter. It is all taken down on the machine and then transcribed. The difficulty is that if something goes wrong with the machine then there would be no record of the procedure but if the reporter is sitting there monitoring the machine then if something goes wrong he can easily take over and take it down in shorthand. This is the only court I know of where the machine is used in that way. In some

of the other courts in the Province of British Columbia the tape recorder is used by the reporter, but it isn't used under any authority. He simply brings it into the court and sets it up as an aid to notes and the official transcript would be what he actually took down in shorthand.

Mr. Shaw said he understands a court reporter is a special breed of shorthand reporter who must be more efficient than the average shorthand reporter. If an average shorthand reporter. However, he wondered if an average shorthand reporter were in charge of the machine, could he supplement the machine so that you could get an accurate transcription of the proceedings.

Magistrate Trainor said he thought it would. These instances where the reporter might have to take something down would be where something happened in the courtroom which the machine wouldn't ordinarily record. It often happens in court that someone moves in a certain way and counsel have to be on their toes to watch for this. The court must see that this is recorded. A person who is ordinarily competent in taking down shorthand would certainly be qualified to do this sort of thing as well as to indicate the time at which the proceedings commenced, the time they adjourned and reconvened. A machine, of course, can't do this sort of thing.

Mr. Watt asked if Magistrate Trainor feels the amendment to Section 3 would cause any hardship?

Magistrate Trainor said he didn't know that it would cause any difficulty, it simply means that the parties have the choice, whether or not to use this apparatus. If either one or both of the parties in litigation said no, then it couldn't be used. The judge would certainly have no right to direct it unless he got consent. What the section means with the amendment, is that once the consent of the parties is obtained, the judge may then make up his mind as to whether or not the machine should be used.

Mr. Taylor asked if Magistrate Trainor would care to comment on Section 6? Was this amendment contingent upon tossing Section 6 out of the proposed ordinance?

Magistrate Trainor said he understands that if what is said in a courtroom is recorded, it could be reproduced and have the same effect as a transcript taken by a shorthand reporter.

Mr. Taylor wondered if it would go further than that. Could any person record what takes place in a court room and could that tape be played as evidence and no transcript be necessary?

Magistrate Trainor replied in the affirmative and added that it says an appropriate machine or device. What that means he didn't know. Are you getting at the point that possibly someone could walk into a courtroom and with their own tape recorder record something and then want to play it back and say this shall be accepted as evidence?

Magistrate Trainor was excused.



Mr. McKinnon commented that this seems to be another afternoon where we have had a lengthy argument and don't seem to be getting any further. Judge Parker intimated that he would like to see this Bill passed. Then he would be able to go to Justice and get permission to journey to Alaska to see the equipment first-hand. However, he did not agree with the amendment the Legal Advisor proposed to the Bill. Two motions were before the House where all these different factions could be cleared up to the protection of all, and to the benefit of all. I would propose a motion at this time, and it would follow with another motion. I would read both the motions so you would understand the thinking, how one follows in with the other, and then propose the first one to the House only. The first motion would be "That the amendment that the Legal Advisor has drafted be added as a subsection 2 to Section 3 that before making such direction the judge shall secure the consent of all counsel or parties to the proceedings". The second motion would be that the rules with the Territorial Court be amended to provide that counsel consents or rejects to the taking and recording of evidence by sound recording apparatus at the time when the trial date is set and that the decision taken at this time will determine whether or not recording apparatus is used during the trial. This would allow the judge to secure the money from Justice to provide the machine for the Territorial Court, the machine that he thinks would be capable of doing the job properly and also it would serve to stop the maneuvering.

Mr. McKinnon put the first motion before the House, seconded by Mr. Boyd.

Motion  
re Bill #1

Mr. Taylor said he couldn't agree with the Bill. The only thing that he could see that might improve it would be to cite out at the end of the section that it is only to corroborate the stenographic notes. Judge Parker shouldn't require a Bill of legislation to enable him to go up to Alaska and have a look at these things.

Mr. Livesey said we stated the case on page 295 as read previously this afternoon. Council wanted Department of Justice to come up with some experimentation. So far they have done nothing to fulfil the request of Council. They haven't followed our suggestion. This is plain enough. In other words, before you're going to build a bridge across the Yukon River you get some engineers and architects to find out if it's feasible. In my opinion that's exactly what we should be doing here - finding out whether equipment is available that will be satisfactory to the court. If they can give us this information there is no problem with the legislation. He said he would be quite willing to move a private members bill if it would help them out.

Mr. McKinnon said he could not see any harm in the passing of this Bill whatsoever because certainly counsel would have double protection by the two motions presented by me.

Mr. Boyd said there is adequate protection and all we are doing is allowing them to try to get a satisfactory machine. We are not changing anything, it is still in the hands of Justice.

Mr. McKamey asked the Legal Advisor if there is any provision in this Ordinance that would indicate it is required that there be a competent operator in charge if this type of equipment were used.

Mr. Hughes replied that there is not provision in set terms.

Mr. Taylor said that in view of Section 9, you have to spell everything out because in Section 9 it says "The Commissioner may make regulations to carry out the purpose of this Ordinance", and if in effect it comes down to the situation where you can place four or five different interpretations on any section of the Ordinance, where are we.

Mr. McKamey felt the use of tapes would facilitate the administering of justice in the outlying districts where there are no court reporters and no record or report is kept. No appeals can be made because there are no transcripts. He felt Mr. McKinnon's motion had a great deal of merit and he would support that motion, but would like the legal advisor to see if he could not incorporate some provision in this Ordinance stipulating that a competent operator capable of taking shorthand be in charge at all times.

Mr. Shaw said he was in favour of Mr. McKamey's suggestion that with these machines we have an operator who is normally qualified to take shorthand. If these machines are utilized in Alaska and to a certain extent in Edmonton and elsewhere, there is not reason why they can't be utilized to advantage here. He felt his constituents would be only too happy to have such a device, which would be better than no method at all.

Mr. Livesey suggested we conclude discussions but commented on Mr. Shaw's statement saying that nothing is sometimes better than something if something is no good. Section 6, which states that the recording is going to be received as evidence, clearly points up the disadvantage of such legislation to constituents.

Mr. McKamey moved, seconded by Mr. Boyd that Mr. McKinnon's motion be deferred till the next day.

Mr. Godolphin (Court Stenographer) attended Committee.

Mr. Godolphin said that when he was reporting in the City of Vancouver's Police Courts, they installed sound scribe machines, first in the Traffic Courts and then in the Criminal Courts. They have been using them for two years now and they will not admit to the fact that they are a satisfactory machine as yet. They had an appeal that went from the Police Court to the Appeal Courts and although the Criminal Code calls for a transcript of the evidence to be signed by the reporter, the recording was accepted and the appeal was won. On the other hand, in a case where the recorder picked up voices from the gallery which appeared in the taped transcript, that transcript was returned. This shows that the recorders do pick up sounds that render the voices inaudible and make the taped transcripts unacceptable.

Mr. Shaw asked Mr. Godolphin if a stenographer with average qualifications were monitoring and taking notes down and had the power to stop the court at any time, would this function sufficiently accurate?

Mr. Godolphin replied that there would be no way for a monitor on the machine to be absolutely certain whether outside interference was blocking out voices on the tape. If they did realize it some time would have elapsed before they started to take the shorthand notes and that portion of the evidence would have been lost.

Mr. Shaw asked if court reporters, in Mr. Godolphin's opinion, were always accurate in what they put down.

Mr. Godolphin said they would be as accurate as machines.

Mr. Boyd asked whether the machines they use in the police hearings in Vancouver were optional, or do they actually use them without the defendant having any say.

Mr. Godolphin replied they use them without the defendant having any say. This is at the police court level but not in the higher courts.

Mr. Watt asked Mr. Godolphin if, in his opinion, there would be a need of recording devices in the courts in outlying areas of the Territory.

Mr. Godolphin replied that under the present setup, with one magistrate, he as court reporter attends all cases whenever they might be held.

Mr. Shaw asked if during Mr. Godolphin's experience in the Police Courts in Vancouver he had ever heard any serious objections from judges or counsels in the utilization of this equipment.

Mr. Godolphin replied that most of them do not favour the machines.

Mr. McKamey said he believed Mr. Godolphin would belong to a profession in which it is well known, there is a definite requirement for that type of person and would like to ask him if it is really true that it is so impossible to get good court reporters.

Mr. Godolphin said this is true. The main reason is that there are no schools in Canada where you can take up reporting. There are schools in the States but they are few. The difficulty of having someone come into the Yukon is that the Federal Government does not allow transcript fees which are paid in the provinces.

Mr. McKinnon said he thought Judge Parker informed us this afternoon that they had done away entirely with court reporters in Alaska and it was all done by machine now.

Mr. Godolphin said that last year in the higher courts, they were using reporters, in the lower courts sound recorders.

Mr. Godolphin, Magistrate Trainor and Mr. Hughes were excused.

Mr. Boyd moved, seconded by Mr. McKamey, that Mr. Speaker resume the chair and hear the report of the Chairman of Committee.

Motion Carried.

Committee  
Report

When Mr. Speaker resumed the Chair Mr. Taylor Chairman of Committee reported as follows:

Committee convened at 10:00 a.m. to discuss Bills, Memoranda and Sessional Papers. Mr. Shaw moved, seconded by Mr. Livesey, that Bill No. 4 be reported out of Committee without amendment. This motion was carried. Committee adjourned at 11:40 a.m. and reconvened at 2:00 p.m. this afternoon with the following present to discuss Bill No. 1: Mr. Justice Parker, Magistrate Trainor, Mr. Godolphon, Mr. Wylie, Mr. Enderton and Mr. King. Mr. McKinnon moved, seconded by Mr. Boyd, that a subsection be added to section 3 stating "Before making such direction the Judge shall secure the consent of all counsel or parties to the proceedings". This motion was deferred to the following day.

Council accepted the report of Committee and adjourned until 10:00 o'clock A.M. Thursday, November 7th, 1963.

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Thursday, November 7th, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from Commissioner Cameron with further information on the Doherty Claim, Workmen's Compensation. (Set out as Sessional Paper No. 17)

Sessional Paper # 17

Mr. Taylor moved, seconded by Mr. Boyd, that in view of the fact that Mr. Nazar Zinchuk of Watson Lake was wrongfully placed on the list of interdicted persons on April 30th, 1963, and in view of the failure of the Administration to issue a notice of revocation, could the Administration advise Council as to when such notice of revocation will be issued, and the reason as to when such notice of revocation will be issued, and the reason for placing this man on the interdiction list when not in fact interdicted by the court.

Production of Papers #5

Motion Carried.

Mr. Shaw moved, seconded by Mr. McKamey, the following:

Whereas the Interdepartmental Five Year Fiscal Agreement calls for the creation of the post of Senior Legal Advisor for the Yukon, and

Motion No. 1

Whereas almost two years have elapsed with no action in this matter and,

Whereas the possibility of action being implemented in the near future appear extremely vague and,

Whereas it is necessary that action be taken as very soon as possible in overhauling many ancient Ordinances of the Yukon and,

Whereas it is important to the residents of the Yukon to have a person who has had actual experience and knowledge of Yukon administration and legislation and of living in the Yukon to adequately fulfill the office of Senior Legal Advisor and more particularly to draft and expedite new Ordinances as well as to re-examine and bring up to date old laws now outdated.

Be it resolved that it is the opinion of Council that the Department of Northern Affairs give earnest consideration to the appointment of the present Territorial Legal Advisor to the status of Senior Legal Advisor and that a Junior Legal Advisor be appointed to handle such routine matters as Registrar of Titles, Public Administrator, etc. etc.

Speaking on the motion Mr. Shaw said that the object of coming forth with this motion is that Council has been asking for more prompt attention to Ordinances and other matters. For example, many times we can't get bills done, it takes years, and whether the Department will go for this proposition he did not know. To date we have had no action on this matter. The office of the Legal Advisor has also another duty to perform, namely that of Public Administrator. We need more assistance so that we can do preliminary drafting of bills right here in the Territory and in that way expedite many of the laws that don't seem to work at the present time.

Mr. McKamey agreed with Mr. Shaw. He felt this was a step in the right direction, and said this parallels a lot of recommendations that have been presented through comments, speeches and replies to the Speech from the Throne for more autonomy. In Ottawa they have headaches of their own without looking after the problems of the Yukon Territory. The result of this is we always come last, which is not good for the development of the Yukon. The Yukon Act has been amended and this provision was made some years ago

but it has never been implemented and unless we exert pressure on the Department responsible it never will be implemented.

Mr. Taylor said he would laud this resolution as a step forward if the Department of Justice in Ottawa will act, as I am sure they will. He stated he hoped they would give this resolution their earliest consideration, nothing but a tremendous wealth of good can come from it.

Mr. Watt commented that if this resolution is passed he thought what would happen would be that Ottawa will simply re-name our Legal Advisor to Senior Legal Advisor.

Mr. Shaw stated that he did not know what Ottawa would do. But he wished to point out the urgency of having someone here. He had not discussed this subject with any member of the Administration, but he felt they do need some help in the Legal Department here. It is time something was done.

Mr. McKamey stated that his only comment was that if they do this, well and good. A Senior Legal Advisor is required in the Yukon Territory.

Motion Carried.

Mr. Taylor directed a question to Clerk of Council and asked if consideration has been given to supplying copies of the Votes & Proceedings to fulfill the motion of last Council respecting the placing of Votes & Proceedings in all libraries in the Yukon Territory.

Clerk in Council replied yes that this has been done.

Mr. McKinnon pointed out a mistake on the Votes and Proceedings on Page 8. He is alleged to have spoken on the tours from Skagway to Lake Bennet, these are the words of Councillor Watt, and down further he is alleged to have spoken again as to the site of the Whitehorse Jail, these are the words of the Councillor from Mayo.

Mr. Shaw stated that a mistake can easily happen with someone who is unfamiliar with the House.

Mr. McKamey said this is true, he made the statement in respect to the Jail in the back door of the hospital.

Mr. Shaw moved, seconded by Mr. McKamey that Council resolve itself into Committee of the Whole to discuss business as on the agenda.

IN COMMITTEE OF THE WHOLE:

Committee discussed Bill No. 1 with Mr. Hughes (Legal Advisor) in attendance.

Discussion  
Bill No. 1

Mr. McKinnon with approval of Committee and Mr. Boyd withdrew his motion of last night.

Withdrawal  
Motion Re  
Bill No. 1

Mr. Taylor read the amendment to Bill #1.

Motion  
Bill No. 1

Mr. McKinnon moved, seconded by Mr. McKamey that Bill No. 1 be reported out of Committee as amended.

Mr. McKamey directed a question to the Legal Advisor, and asked where in the amendment he refers to the Judge, if the Police Magistrate could take advantage of this, ?.

Mr. Hughes answered in the affirmative.

Mr. Shaw commented that it was doubtful it would ever be used.

Mr. Livesey stated that in his opinion this was a bill, which is not a bill. It looks more as an excuse to purchase recording equipment and experiment with it. This I am opposed to. Irrespective of the suggested amendments brought to our attention I fail to see how this eliminates Section 6. (Mr. Livesey read Section 6). This would still put it in the light of being something to which we must attach legal recognition once it has been accepted. I submit that those who may accept the use of a recording device under such circumstances are still accepting a situation to which we have not received evidence that there are machines without flaw. He felt sure that a good many people coming before the courts in the Yukon have no idea just what the situation is with regard to a tape recorder, what its flaws are, how it operates or the possibilities of error.

Mr. Taylor (Mr. Boyd in the chair) said he felt the same on this matter as the member from Carmacks-Kluane. In accepting and passing this piece of legislation we are placing the Citizens of the Territory up as guinea pigs. This would only be by consent of the parties thereto, but I am sure that a lawyer could agree to this, there is nothing stated here that he has to go to his client and ask if he will go along with it. It has been experimented with and the result was disastrous. We have viewed the opinions of some of the provinces in matters of correspondence and it has been shown as unsatisfactory. In the suggested amendments "It shall be the duty of the operator having sound recording apparatus to make such notes as the Judge may order to supplement the record". His opinion was that to accept this it should be reversed, a sound recording apparatus should supplement a Stenographers notes. He feels this is a dangerous piece of legislation which should not be passed.

Motion Carried.

Mr. Livesey against.

Mr. McKinnon asked the Legal Advisor if a motion was needed from this Committee in order to amend the rules of the Territorial Court to bring them in line with the content of Bill No. 1.

Mr. Hughes said his first view was that no motion is called for but now that the matter has gone this far, he intended to review this with Justice Parker and Magistrate Trainor.

Committee proceeded to Bill No. 2.

Mr. Boyd moved, seconded by Mr. McKinnon that Bill No. 2 be passed out of committee without amendment.

Motion  
Bill #2

Mr. Hughes gave an interpretation of the Bill to Committee and after a short discussion the Motion was carried.

Mr. Hughes (Legal Advisor) was excused.

Committee proceeded to discuss Bill No. 6 with Mr. MacKenzie (Territorial Treasurer) in attendance.

Discussion  
Bill #6

Mr. McKinnon asked if this was added monies needed for the Stewart-Crossing Dawson Road and the Flat Creek Eagle Plains Road.

Mr. MacKenzie replied yes that this was the case.

Mr. McKinnon asked if this money was 85% recoverable and where the money was found.

Mr. MacKenzie said yes, it is 85% recoverable. Ottawa turned it over to us from other monies they hadn't spent.

Mr. Watt asked Mr. MacKenzie if this work had already been done.

Mr. MacKenzie replied yes the money has been spent and our share has been recovered from Ottawa. The reason this Supplementary Estimate is necessary is that Engineering were not able to live within the reduced figure provided last year.

Mr. Watt asked if we would be having austerity cut-backs this year or if this was over.

Mr. MacKenzie said that he thought it is over now.

Motion  
Bill No. 6

Mr. Boyd moved, seconded by Mr. McKinnon, that Bill No. 6 be passed out of committee without amendment.

Mr. Livesey said that supplementary estimates appear to defeat the purpose of legislation. This facilitation can take place to create something which cannot otherwise be created. It tends to dispute the purpose of parliament and the purpose of debate on problems. I wonder if Mr. MacKenzie could advise the House on any thoughts he may have towards the reduction for the necessity for supplementary estimates of this type.

Mr. MacKenzie replied that he thought the only solution is to make sure that the main estimates contain full provision for our needs for the whole year. This is actually impossible to do, expenditures arise during the year that could not possibly be foreseen.

Mr. Livesey replied that his purpose should be clarified by this explanation and that is before the monies can be spent in the original budget, it must meet the approval of the House whereas the supplementary estimates are spent first and approval is gained second. It seems to him one is defeating the purpose of the other.

Mr. MacKenzie stated that supplementary estimates should really be only emergencies when there is no time to refer to anybody for the money.

Mr. McKamey stated that the House pass the main estimates and if there is an appropriation designated for a specific job and insufficient funds to cover it, this is where the supplementary estimates are used.

Mr. MacKenzie agreed this to be so but sometimes it is possible to use money from some other establishment and transfer the money from one allotment to another.

Mr. Boyd asked if this means that if \$50,000 were appropriated for a bridge on the Carcross Road and it only cost \$30,000, you would take the other \$20,000 and put it out on the Flat Creek Road.



Mr. MacKenzie replied that this would be permissible, but a major project requiring attention should go in the estimates to be discussed by Council rather than be covered by allotment transfer.

Mr. Watt asked Mr. MacKenzie on Page 9 of Supplementary Estimates if the red figures were allotments of transfers for monies voted.

Mr. MacKenzie replied that those are reductions. He reduced the estimates to cover a general cut-back of 10%.

Mr. Watt asked Mr. MacKenzie a question regarding the removal of the Lewes River Dam. He wondered if money was available for that now, or if money had been spent on this during last summer.

Mr. MacKenzie replied that nothing has been spent and he did not think anything was in the estimates for it. As he recalled, it was considered by the Army to be out of their line.

Motion Carried.

Committee proceeded to discuss Bill No. 7.

Discussion  
Bill #7.

After a short discussion, Mr. Livesey moved, seconded by Mr. Watt that further consideration of this Bill No. 7 be held over pending receipt of a report by the Chairman of the Financial Advisory Committee.

Motion  
Bill #7

Motion Carried.

Committee recessed at 12:00 noon.

Thursday, November 7th, 1963  
2:00 o'clock PM.

Mr. Taylor, Chairman of Committees, called the Meeting to order.

Committee commenced discussion of Bill no. 8 with Mr. Hughes (Legal Advisor) in attendance. Discussion Bill #8

Mr. Shaw asked what protection an employer had should a Justice order him to pay a sum of money to an employee. He pays it, but appeals. Supposing the employee, by the time the appeal goes through, has left the Territory, what sort of protection would the employer have of recovering the money should he win the appeal?

Mr. Hughes said he would have very little. You will see from Section 18(2) that even if he files his appeal before he leaves the court the payment forthwith would still rank. The approach to this legislation has been on the basis of trying to assist employees, and although he would not say the Yukon compares unfavourably with other parts of Canada, there are quite a number of complaints each year.

Mr. Shaw felt this a good Ordinance, but there should be some provision for appeal for all parties concerned and a provision made whereby payment could be left in abeyance if an appeal is filed forthwith.

Mr. Hughes referred the Committee to Section 16(1) and (2), which points out the fact that there is no appeal contemplated for less than \$100.

Mr. Taylor (Mr. Boyd in the chair) asked if cases could be heard by J.P.'s courts throughout the Territory.

Mr. Hughes answered that the word justice is not defined but it is intended to bring the law to the people, not that they should have to come here to Whitehorse.

Mr. Boyd wanted to know if in a situation where a complaint is lodged against an employer, who is also a magistrate, could the employee take his case to another court to avoid what he might feel to be a biased opinion?

Mr. Hughes said there would be no limitation. The judges are interchangeable, but a person could not be arbitrary about it in order to put the other party to inconvenience.

Mr. Shaw wondered whether in Section 8(a) the word "effluxion" could be substituted by the word "passage" and in Section 16(3) the words "de novo" could be substituted by the words "new trial".

Mr. Hughes said yes.

Mr. Watt said that if this Ordinance is passed we will be repealing our old Masters and Servants Ordinance. Section 9 in that Ordinance reads "This Ordinance applies to contracts made out of the Territory in respect of service of labour performed in the Territory." This section is lacking in the new ordinance and he was wondering if its omission would create problems.

Mr. Hughes replied it would have that jurisdiction only as long as the parties were in the Territory even if the contract were made elsewhere.

Section 8(2) was discussed with Mr. Hughes who pointed out that a justice is not empowered to deal with amounts in excess of \$1,000. If an employee wished to make such a claim against an employer he would have to take it to a higher authority.

Mr. McKamey wondered what would happen if a case tried by a justice was appealed to a higher court and there was no transcript available?

Mr. Hughes stated that a justice would always take notes but in any case, there would be a new trial.

Mr. Shaw referred to Section 16 which states that no appeal lies when the order of the court is less than \$100.00. Why is it necessary to prohibit an appeal even though it might be less than \$100.00?

Mr. Hughes replied that this limitation was placed in order to avoid excessive traffic passing through the courts, it protects justice and \$100.00 seems a reasonable cut-off.

Mr. Taylor (Mr. Boyd in the chair) wanted to know the position of the Territorial employee who cannot sue except by permission of the Queen. Should he have a grievance against his employer would he have any other recourse. He also stated his views concerning Section 16, that there should be restriction regarding an appeal. A person in an isolated area could live practically all winter on an amount under \$100.00 if necessary.

Mr. Hughes said he was not too well informed about wage complaints, etc. and suggested that Mr. Fingland, (Administrative Assistant to the Commissioner) who was presently in the gallery, to be consulted. Mr. Fingland attended Committee.

Mr. McKamey asked Mr. Fingland whether the Yukon Territorial Government is a non-legal entity, that can sue but cannot be sued.

Mr. Fingland said this is actually a legal and constitutional question but his understanding is that the Territorial Government is not an entity in itself, it is a part of what is generally referred to as the Crown and if anyone were to take legal action against the Crown they would have to take it to the Government of Canada.

Mr. McKamey commented that the procedure then would be to obtain permission from the Exchequer Court to sue the Territorial Government.

Mr. Boyd asked if the Exchequer Court set the hours per week an employee shall work or does the Territorial Government do this? If it is the Territorial Government, on what basis have they the right to set it if they are an entity of the Crown?

Mr. Fingland replied that they set the hours pursuant to the Public Servants Ordinance.

Mr. Boyd then asked if this means that there can be all kinds of hours designated to what shall constitute a month, a week or a day across Canada?

Mr. Fingland said the Territorial Government can do this in the same way as the Federal Government can do this with their employees.

Mr. Livesey we should come up with a labour code similar to that of the Statute of British Columbia whereby we, in the Territory, will more or less consolidate all or a number of ordinances which are now separate.

Mr. Taylor said he could agree with Mr. Livesey's remarks that we should combine these into one ordinance but he thought it quite clearly evidenced that right now we are dealing with an ordinance respecting recovery of wages by employees. What we are doing here is providing something to the working man of the Territory that he doesn't already possess. We're providing a means by which, if he has an injustice done to him, he can recover his wages. It has also occurred to us at this point that the Territorial Government employee is getting the short end of the stick because he has no apparent means of recovering his wages. We want to see equality in our working force. Insofar as legislation goes, we sit before this table in order to enact this legislation but what can we do about the Territorial employee? The Territorial Government administers the laws that we make and the people who have to go out and administer these laws aren't covered - this is an inequality that should be overcome and we should start thinking about how to do it now.

Mr. Fingland said it is true, speaking now in particular of the Federal Civil Servants, that the Governor-in-Council can specify standard work weeks, hours to work and so on, but there is also protection written into the Civil Service Act that Civil Servant is entitled by law and by right to three fundamental things, namely:

1. his pay
2. superannuation, and
3. the right to appeal on almost any injustice.

On any of these three points, he can appeal from leave by the Civil Service Commission to the courts, so the place to protect the Territorial Civil Servant would be in the Public Service Ordinance. He is denied certain rights which are open to the average citizen and so at the same time, he is given certain statutory protection.

Mr. Livesey said the point Administration brought to our attention when bringing us Bill No. 9 is that, it is a more or less concise matter that they can leave in a separate statute but he thought eventually it would be combined with the labour situation in toto. The immediate situation has been properly stated under a Sessional Paper dated October 29, 1963, covering labour legislation. It shows here in this particular Sessional Paper what the Administration has in mind. He agreed with Mr. Taylor that something should be done about it. As a matter of fact, as long as it has been a separate issue and as long as Territorial employees have been exposed to a different type of legislation, this is certainly evidence enough that injustice prevails.

Mr. Taylor recommended that Section 16 be amended to provide for appeals without the \$100.00 restriction and an effort be made on behalf of the Administration to try and overcome this inequality that exists in wage recovery.

Mr. Shaw said he thought they were digressing somewhat and that the matter brought up in relation to the Territorial Government would come under another heading. To go back to Section 16 where we have a limitation of \$100.00 on the amount, would it not be fairer to say "An amount claimed"?

Mr. Hughes said he wanted more time to consider the implications of the objections.

Mr. Livesey directed the following question to Mr. Fingland. Further to the matter regarding Territorial Civil Servants, under Section 4 of the Public Service Ordinance, it plainly says "For the Commissioner has the management and direction of the Public Service". It would seem to me that if we wanted to do anything about Territorial Civil Servants then, of course, we would have to repeal the entire Ordinance. Also under Section 2(e) of the Public Service Ordinance says "Public Service means the civil positions and employees in and under the Government of the Territory, but does not include prevailing rate employees not on a full time year round basis". He concluded from this, subject to other advice, these employees that are not covered by the Public Service Ordinance, although they are in the employ of the Territorial Government, would come under any other type of legislation.

Mr. Fingland said he could not answer this as it is again a legal question.

Mr. Boyd asked if an employee wishes to appeal a \$25.00 claim or any amount for that matter, does he simply say, I'm going to appeal this?

Mr. Hughes said that if it is proposed to do away with the \$100.00 barrier, he could serve notice under Section 17 and start up an appeal and there you are - you have a command. The employer could be peppered with appeals.

Mr. McKamey said he was never opposed to this Section. It is a good Section. He could see a lot of complications, but we can't delete this Section because everyone in the outlying areas knows what it costs to travel to Whitehorse to appeal something, and I will guarantee that it is practically impossible to come down here for a day or two for less than \$100.00.

Mr. Taylor asked if it's possible to appeal to another Justice of the Peace?

Mr. Hughes answered that our courts are not set up that way and he really would hesitate to do that.

Mr. Boyd thought the paragraph as written is quite good enough and we should see how it works.

Mr. Shaw said he had no objection to this as it has merit.

Mr. Taylor said he would go along with it.

Mr. Watt said he is still bothered by Section 4 and asked the Legal Advisor how this would affect people who are normally hired from month to month but it is intended that they normally work for years, such as in stores and people on construction projects.

Mr. Hughes said it wouldn't affect them at all.

Mr. Livesey said he did not understand where it says justice has the power to discharge an employee who is in effect not employed, and it also says he has the power to discharge an employee of an employer. Wouldn't this be some form of an invasion upon the usual ground and a perimeter of such ground wherein an employer has supreme jurisdiction?

Mr. Hughes said he does not want to change the word "discharge" but felt if the word "release" were substituted in one's mind the meaning would become clear. If a man goes to the justice with a complaint due to bad conditions, this man is not bound by service contract. The justice is enabled to sever that, he can release the man from the contract.

Mr. Chairman asked if Committee wished to propose an amendment to the Bill to provide for same.

Mr. Livesey said yes, there are several meaning throughout the Ordinance which will certainly have to be clarified, it is a matter of understanding the wording. The word "discharge" places in my mind, the power of an employer to discharge his employee. In this respect, it seems to me that the justice is now obtaining the same power to discharge an employee as an employer normally has, which I think is quite incorrect.

Mr. Shaw also favoured using the word release.

Mr. Hughes said he had made notes of substitution of "passage" for "effluxion", "release" for "discharge" and "new trial" for "de novo" and the Administration will prepare amendments to take care of that.

The Chairman asked if members wished to leave it with the Legal Advisor to bring forward the changes in wording in this Ordinance as he has outlined.

Agreed.

Committee proceeded with Bill no. 9

Mr. Taylor (Mr. Boyd in the chair) said this is just adding Discussion another regulation to the already overbalanced Area Development Bill #9 ment Ordinance and though he agreed with the prohibition of the discharge of firearms, thought the issuance of regulation under this Area Development Ordinance has gone too far. The practice of giving the Administration the right to make regulations respecting entire ordinances should be reduced to the points within the ordinance where regulations will be necessary.

Mr. McKinnon said the people in the subdivisions in his electoral district are actually deciding the regulations they want to live under. The citizens' organizations decide on the regulations and then go to Administration to have them administered. This is the only fair and democratic way the Area Development Ordinance can be run.

Mr. Taylor said he still thinks that we should restrict this regulatory power to those places where it is required. He agreed with the Bill as to discharge of firearms.

Mr. Shaw pointed out, in regard to these regulations, that all cities have vast quantities of by-laws, which are exactly the same as regulations.

Mr. Livesey felt that the more regulations you hand over to the Administration the less power you normally have as an elected body. It is the power of the Elections Ordinance which gives power to parliament, but if they in their wisdom or otherwise release this power to some other body then we are no longer representing the people. We sometimes quite foolishly use the word "purposes" when we are giving the Commissioner power to make regulations. We give him the power to cover the purposes and provisions of the ordinance. In a number of cases if we cut out the word "purposes" and left the word "provisions" we would facilitate the meaning of the ordinance without the transfer of all our normal power to the Administration. However, when it comes to the Ordinance of Area Development, if the regulations are being made consistently with the thinking of the people resident in these various areas, then this is a different situation altogether.

Mr. Livesey asked the Legal Advisor whether in Section 1 (g) would this mean the removal of the use of target practice, within an enclosed building or prohibit a man setting up something in his basement for target practice, does it apply to all areas inside a building or outside?

Mr. Hughes said that the idea of giving regulation powers to the Commissioner is to offer the utmost flexibility. A flat prohibition would immediately start bringing in exceptions.

Mr. McKamey said that he had several requests from constituents immediately following Halloween for an ordinance prohibiting firecrackers, he has requested this of the Administration and when it comes through everyone will be quite happy.

Motion  
Bill #9

Moved by Mr. Shaw, seconded by Mr. Watt, that Bill No. 9 be reported out of Committee without amendment.

Motion Carried.

Mr. Hughes was excused from Committee.

Moved by Mr. Boyd, seconded by Mr. Shaw, that Mr. Speaker now resume the chair and hear the report of the Chairman of Committees.

Motion Carried.

Committee  
Report.

Mr. Speaker resumed the chair and the Chairman gave his report as follows:

Committee convened at 10:25 a.m. to discuss public bills, memoranda and sessional papers. Mr. McKinnon and Mr. Boyd withdrew their motion respecting an amendment to Bill no. 1 made on the afternoon of November 6, 1963. Committee agreed. It was moved by Mr. McKinnon, seconded by Mr. McKamey that Bill no. 1 be reported out of committee without amendment. This motion was carried.

It was moved by Mr. Boyd, seconded by Mr. McKinnon, that Bill No. 6 be reported out of committee without amendment. This motion was carried. It was moved by Mr. Livesey, seconded by Mr. Watt, that further consideration of Bill No. 7 be held over pending receipt of a report by the Chairman of the Financial Advisory Committee. This motion was carried. Committee then recessed at 12 noon and reconvened at 2 p.m. this afternoon. Mr. Frank Fingland, Administrative Assistant to the Commissioner, attended committee for discussions on Bill No. 8. Further discussion on Bill No. 8 was deferred pending changes in wording. It was moved by Mr. Shaw, seconded by Mr. Watt, that Bill No. 9 be reported out of committee without amendment. This motion was carried.

Council accepted the report and adjourned until 10:00 a. m. Friday, November 8th., 1963.



Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from Commissioner Cameron in reply to Question No. 1 (set out as Sessional Paper No. 18) Sessional Paper # 18

Mr. Speaker also tabled a memorandum in reply to Motion for the Production of Papers No. 5 (set out as Sessional Paper No. 19) Sessional Paper #19

Mr. McKamey tabled a report from the Financial Advisory Committee (set out as Sessional Paper No. 20) Sessional Paper #20

Mr. Boyd directed the following question to the Administration: "What school teachers are employed by the Department of Education who are income tax exempt? What is their status - married or single and what is the salary paid each teacher in the above category?" Question #4

Mr. Taylor asked if the Administration could obtain copies of the Votes and Proceedings of the Northwest Territories Summer Session for Council.

Clerk in Council replied that he would attempt to obtain copies.

Mr. McKamey asked the Clerk in Council if it would be possible to obtain a copy of the Glasgow Commission Report.

Clerk in Council replied that these matters could best be handled by a direct inquiry to his office and he further stated he would be happy to oblige the members.

FIRST and SECOND reading was given to the amendment to Bill No. 1 First & Second Reading Amendment Bill #1

Mr. Taylor was opposed to the amendment, and suggested that before this Bill was given third reading it should be given a six month's rest.

Mr. McKinnon stated he did not feel third reading should be given to the bill until Council has the bill in its proper form.

THIRD Reading was given to the following Bills: Third Reading

Bill No. 2, An Ordinance to Amend the Insurance Ordinance Bill #2

Bill No. 3, An Ordinance to Amend the Corporation Securities Registration Ordinance Bill #3

Bill No. 4, An Ordinance to Repeal an Ordinance to Incorporate the North Star Athletic Association Limited Bill #4

Bill No. 6, An Ordinance for Granting to the Commissioner certain Sums of Money to Defray the Expenses of the Public Service of the Territory (Fifth Supplementary Appropriation 1962-63) Bill #6

Bill No. 9, An Ordinance to Amend the Area Development Ordinance Bill #9

Mr. Boyd moved, seconded by Mr. Taylor, that Mr. Speaker leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing public bills, memoranda and sessional papers.

Motion Carried.

Discussion Mr. Williams, Assistant Deputy Minister of Public Works  
change over attended Committee to answer questions respecting the change  
Alaska Hwy. over of the Alaska Highway.

Mr. McKinnon said that the Department of Public Works, taking  
over the Alaska Highway, will have far reaching economic  
implications to the Yukon Territory and especially to  
Whitehorse. He felt sure the Department had not found  
answers to all the questions and problems but wondered if  
Mr. Williams could give Committee a run-down as to the  
effect of the take over.

Mr. Williams replied that he was honoured to be in attendance  
and the first thing they have in mind is to make arrangements  
so that there will be no deterioration in the standard of  
maintenance of the highway. The Army have operated under  
one system that was appropriate for them but the circumstances  
for the Department of Public Works are quite different. We  
are being turned over to a going concern and our intention is  
to see that it continues to go that way. The Army have  
operated the highway as a military exercise and generally  
the way they are trained to operate is that they are self-  
sufficient and can, in most cases, operate entirely within  
themselves. This is not the way the Department of Public  
Works operate. Their set-up for operating is to deal with  
the economy of the Territory. The long term view of the  
Federal Government in having this removed from Army control  
is that eventually the highway becomes part of the normal  
highway system of the Territory and the Province of B.C.

They are aware of some problems and hope that what does look  
like a real asset does not, from a financial structure,  
become a liability. This is an operating system and they  
have to take it over and make sure it operates. He felt  
they had done enough fact finding and it would be unwise  
to say that on April 1st the Army does it this way, and they  
are going to do it some other way. He preferred to take  
over and continue to operate the way the Army is insofar  
as the Highway Maintenance Establishment is concerned. This  
means the civilians are not disturbed, they are now required  
on the highway and will continue to be required on the  
highway. The service personnel will be replaced where  
necessary. The arrangements they have for providing their  
requirements and materials and supplies will be similar, but  
they will enter into a somewhat different contracting arrange-  
ment for buying these materials. There will be a reduction  
in the things they do for themselves and more given to the  
private economy sector. There will be developed, in the  
Territory, more establishments to provide these services to  
them, rather than the Department of Public Works providing  
them directly. There will be a gradual reduction in the  
number of people here, but in the initial stage there will be  
an increase because they will be bringing people in to double-  
bank the personnel. Consideration to postings and school  
terms will have to be given, so this will be a gradual move.  
They have an arrangement, agreed to by National Defence  
Headquarters in Ottawa, that where they require a specialist  
Ottawa will provide them with this person until they can  
replace him with a civilian. In the long run this change  
over will encourage the development of industry generally in  
the Territory. It would be unreasonable to assume that the  
Territory will continue to develop and yet have a military  
establishment operating a facility in the Territory as vital  
as the Alaska Highway. He concluded that if there were any  
questions he would be happy to deal with them.

Mr. McKamey asked if after the highway is taken over by the Department of Public Works will the maintenance and improvements of the highway be out to contract or will it be fully maintained by DPW?

Mr. Williams replied that in the initial stages they will be carrying on pretty well as the Army has done, by April 1st they will have attempted to make some contract arrangements for the physical maintenance of the highway. There are some aspects related to the maintenance which immediately suggest a contract arrangement, such as supply of fuel, etc. These are by a Civilian Department a lot easier to handle by contract with a supply agency, rather than a bulk purchase made out of the Territory and distributed by the user himself. They will be looking for a contractor early, in this extent, but for the actual physical maintenance of the road they do not contemplate a contract for that right now. It depends on which is the most efficient way to do it and what sort of arrangement he can make with the Territorial Government.

Mr. McKamey asked if it was the intention of DPW or Ottawa to continue the realignment of the Alaska Highway and pave it in a few years?

Mr. Williams replied that he could not give a statement of the policy of the Government with respect to pavement. With respect to realignment, the first phase of a detailed survey was started last year. They were looking for a thorough examination of the highway, the standard of quality of the road and what realignment should be considered, and they are looking forward to the first phase of this in 1964. The objective of the survey was to determine how much it would cost to pave the highway. This will have to be set up as a scaled programme extended over a number of years. The other part that should be done, other than the survey, is that discussions be entered into with the U.S. Government, (the State of Alaska is interested), but these things take a long time. In the interval we should find out what we need and develop a program accordingly.

Mr. Livesey expressed that having lived on the highway himself, practically all his time in the Yukon, he remembers the highway when there were no bridges and it was just a trail, straight mud most of the time. This was under the jurisdiction of the U.S. Army. In 1947 it was taken over by the Canadian Army and he stated that most the time he feels he has been living in an area more or less in the condition of being under continuous military jurisdiction. The switch over of the Alaska Highway is going to be a tremendous change to those living on the highway. My question is, could we be advised with regard to the possible jurisdiction of the Territorial Government which would involve of course the Council as a whole, with respect to the take over of the highway by a Civilian Department of the Federal Government? How will this affect us sitting at this table? Will we discuss estimates like we do in other parts of the Territory where the Federal Government is interested? Will Council move into a position of more importance with regards to practically all matters in the Territory? It seems to me we have had jurisdiction over practically everything except the Alaska Highway.

Mr. Williams replied he was not competent to say how much the estimates would be discussed with you and stated that he is not that familiar with the financial set-up of the Territory. The way it will effect your estimates, the way we think at this stage with the basis of information we now have, is that we might suggest some kind of agreement whereby the Territorial Government becomes an agent and we can enter into a contract with you, and the Territorial Government will do certain work under our direction because we want to co-ordinate the maintenance on our long term plan for improvement.

Commissioner Cameron said we are stressing to Mr. Williams that this money must be 100% recoverable before the work is done.

Mr. Williams said he is trying to bring some of his people in to the Territory to work with the Army up to the first of April and in that period and at that time discuss with the Territorial people what their setup and capabilities are.

Mr. Boyd felt the proper people to maintain the highway within their own boundaries would be the Territorial Government, rather than import a lot of DPW employees. He felt his question had been largely answered.

Mr. Watt asked if we can plan on paving 50 miles of the highway in the next year, and have any financial arrangements been made with the U.S.A. and Canada.

Mr. Williams replied that no definite arrangements have been made between Canada and the U.S.A.

Mr. McKamey expressed that he thought the Haines Road very important in the Territory and asked if the Haines Road was going to be kept open this winter, who will be maintaining it, and at whose expense?

Mr. Williams replied that the jurisdiction of the highway is still under the Department of National Defence until April 1964.

Mr. Taylor stated that associated with the highway are many emergency flight strips. He asked if any thought had been given to their maintenance and continued up-keep?

Mr. Williams replied that he did not know what the arrangements will be but he understood the maintenance of the access to them has been accepted by National Defence up to now. Eventually it will be a matter between ourselves and the Territorial Government.

Mr. McKamey stated that he was in favour of the DPW taking over the highway and he believed they will do a good job. He pointed out to Mr. Williams the competent engineering department here in the Yukon and the terrific job they do as far as highways are concerned.

Mr. Boyd asked Mr. Williams if he thought he would have any trouble getting funds. For instance if you are asking for a certain amount to carry on with, do you think you are going to get it or do you think you will have to come along to somebody here and say the project will have to be dropped, or do you feel you will be treated generously and adequately?

Mr. Williams replied that he could not really forecast the attitude of Treasury Board. The normal reaction is that whatever we want is excessive. He stated that this had been discussed to some length this morning and he is quite concerned and they would have to watch anything done to fragment the appropriation for this highway.

Mr. Livesey asked a question in relation to the matter of right-of-way. He said he understands it is being controlled to a certain extent and within certain boundaries under a specific Act of Parliament related to National Defence. It appeared to him that if another department takes over this would indicate a repeal of a certain portion of that Act, but if not what will still be the situation with regard to the 300 foot right-of-way? This right-of-way has always been a problem in the Territory, it seems to me a "no man's land" as far as Territorial residents are concerned. He wondered if Mr. Williams could indicate any possibility of how this

change by a Civilian Department would place this highway as far as the Territorial Government is concerned?

Mr. Williams replied that this wouldn't change the position of the Territorial Government at all but a matter of transfer of the jurisdiction of the right-of-way to the Department of Public Works. The title to the right-of-way is in the name of the Department of National Defence and they will transfer it to the Department of Public Works. Transfer of the title to the Territorial Government would give them financial responsibility.

Mr. Livesey said that he was particularly thinking of the situation of some of these small communities that are growing up at the moment and the Alaska Highway is right through these communities. We have a stretch wide enough to run a military pageant. This wide strip of road has been dictating the building and how far apart these buildings should be and if we moved towards some other arrangement on this thing he thought it would assist the Territory a great deal in coming towards some proper arrangement as to how these communities are going to grow.

Mr. Williams replied that he would be prepared to discuss this with Commissioner Cameron and stated that there are some places where there is going to be realignment.

Mr. Watt asked if the negotiations with the State of Alaska are tied up to leave the Haines Road open, is the DPW or the Army prepared to keep it open with Canadian men and equipment this coming winter? He would like to see Canadian labour and equipment used if at all possible.

Mr. Williams replied that it will certainly be used if at all possible. He further stated this is an experiment and the success of this experiment in one aspect is the financial implication. Under these circumstances it would be foolish for them but to accept the most economic arrangement, and the most economical and practical solution is to make arrangements with someone who is there. It would be ridiculous to have the Canadian Army do a portion of it and the Territorial Government do a portion and have a duplication of efforts and the problem of co-ordination.

Mr. McKamey agreed with Mr. Williams on this point. He asked if there were any plans for the Ross River to Carmacks road?

Mr. Williams replied that the funds are provided by the Department of Northern Affairs and they are presenting their budgets to Treasury at this time. This was not a question Mr. Williams could answer.

Mr. Boyd stated that he did not think too much of economist's judgment in certain places because they don't look to the future. All they can see are the dollars and cents of today. Do you have to abide by their decisions or can you have some of the say?

Mr. Williams replied that the say is largely the Government's decision and they take advice from people like yourselves and myself and the economists, and they make the ultimate decision.

Mr. McKinnon agreed with the principle behind the takeover but the problems in the Whitehorse area alone are staggering, and he could ask thousands of questions re housing, hospitalization, bus system, etc. The implications are many and he was sure they would have a busy winter and spring.

Mr. Williams said we know there are these problems and we are not going to come in with a complete new arrangement because by trying to do it they are going to create problems in these areas rather than solve them. It is their desire to co-operate to the greatest extent possible with the Territorial Government and the municipal organization in Whitehorse.

Committee adjourned until 2:00 o'clock P.M.



Friday, November 8th, 1963  
2:00 o'clock PM.

Committee proceeded with discussion of Bill no. 10 with Mr. Hughes in attendance.

Discussion  
Bill #10

Mr. Shaw asked why, in Section 2 (a), the phrase "but does not include an independent contractor" was included.

Mr. Hughes replied that he could see difficulties arising. Suppose you had a TV set and you called in an independent contractor and he did some work for you. We wanted to make it quite clear that the person having that type of relationship didn't come under this. Perhaps it isn't as important as it might look when you consider the whole thing. If a private person has some feeling about employing a negro repairman who is in business on his own, he would obviously turn to some other firm. You will never find in legislature every situation, every householders private conscience, you can't do that.

Mr. McKinnon agreed with the principles behind the Bill, but wanted to hear comments whether they felt a Bill of this type is necessary in the Yukon Territory at this time. In the five years he has been in the Yukon, both in the motel business and working in the bush, he has never known of any discrimination against any person on account of race, creed or colour. Is it just going to be another statute on the books that is going to remain there and not going to be enforced?

Mr. Watt, in order to describe his feelings about this Bill, related the following incident that happened a little over a year ago when shacks in the Lower Whitehorse Area were being removed. In one particular case a house was removed that had been there for about fifteen years before Whitehorse was any kind of a city. It was the home of a native couple and was equipped with a fridge, stove, washing machine and so on. The man of the family, a welder by trade, went out on the Carcross Road on a little hunting trip. Two weeks later he came back and the house was gone with everything in it. It was finally found in the transient area sitting there amongst other houses. A mutual friend send him to me so I got on the telephone to see what could be done - his house was locked, he couldn't get permission to get in. This is where Mr. Hughes and Mr. Fingland entered the picture. We tried to come to some kind of an agreement where he could get into his house but this couldn't be done at that time. We decided to put him up in a hotel for the evening and straighten things out the next day. When I telephoned one hotel, the answer was they don't take natives. I described the situation to him and said I would come down and pay the money myself, but the answer hadn't changed; another hotel gave the same answer; the next hotel said they would take him.

Mr. Boyd said we have here a Department of Education employing school teachers with public monies. In the separate schools not one person of Protestant or other religious belief is employed-only those who are of the Roman Catholic faith. If this Bill is passed, will this type of discrimination vanish?

Mr. Hughes said he had anticipated this question so he made some enquiry. He is instructed that there is no discrimination

in a Catholic School against a Protestant teacher as such, but in the majority of these schools the subjects themselves have an inescapable intermingling with their religious philosophy which is perhaps difficult, possibly impossible for a Protestant to convey. Under the Schools Ordinance, it is open to the Advisory Committees to make suggestions regarding the staffing of the school for which they have been elected, so even if one is inclined to worry about the attitude of the education authorities, there is still the Advisory Committee, which is not restricted to members of the Roman Catholic faith for a Roman Catholic School, who can choose anybody. So you could, to carry the matter to extreme, in fact have an Advisory Committee consisting of three Protestants on a Roman Catholic School.

Mr. Boyd said he is not satisfied with the answer. What the Legal Advisor has said is that an Advisory Committee can name the teachers they require by religion. He pointed out that these schools are public schools built to accommodate children of the Roman Catholic faith. When you can't get a job in a school financed with public funds, because you are not of the right faith, it is discrimination.

Mr. Taylor (Mr. Shaw in the chair), said his knowledge of the situation is that a school of one faith often employs people on its staff who are not of the same religious philosophy and cited one example as being the Lower Post Residential School which is a separate school. If they need a nurse, they don't care what her religious faith is. They would prefer one of the same faith, but it's not mandatory; they hire lay teachers on the same basis. Insofar as the Ordinance is concerned, this is a very necessary piece of legislation. There are not too many cases, but he was involved in discrimination against an Indian. How does this apply to the Justice Department, where possibly a police constable or a justice of the peace may discriminate against natives. He asked Mr. Hughes what he thought about the instance cited in the memoranda from the Commissioner this morning, stating that interdiction notices were drafted for people even before they went to court.

Mr. Hughes said that in a busy court quite often forms are prepared in advance of their actual need.

Mr. Watt asked Mr. Hughes whether there was any particular reason this Bill was brought forward at this time. Was it just that the provinces had this type of legislation?

Mr. Hughes replied that the case Mr. Watt referred to was the thing that suddenly brought to their attention that there might have been this sort of thing going on. This is not suggesting that there is widespread discrimination, but there are instances. Perhaps the fondest hope that can be expressed for this Ordinance is that it will never be necessary to use it.

Mr. Boyd said he still felt there was discrimination in the case of separate schools.

Mr. McKamey said he thought Mr. Boyd's views were biased, prejudiced and bigoted. What he is talking about doesn't even enter into this Ordinance. As for Protestant teachers not being hired at separate schools, he said this is wrong because his own daughter who is attending a separate school has a Protestant English teacher.



Mr. Boyd said that only about a month ago he asked the Department of Education if we had any Protestant teachers in Catholic schools. They said yes, there is a Protestant temporarily relieving someone who is sick, apart from that, the staff is 100% Catholic.

Mr. Taylor said in his opinion this is a good Ordinance. This is the type of Ordinance which would only be enforced upon request if a person felt he was, in fact, being discriminated against. It would give him recourse to take his grievance to the Justice of the Peace and have it solved. It is going to be a good thing for our Indians, especially when the Department of Indian Affairs is taken over by the Department of Northern Affairs and they are put on the same basis as the rest of the population.

Mr. Shaw asked if in Section 13(d) where it states "Where the employer employs fewer than five employees", it means you can allow discrimination in small quantities but not in large quantities?

Mr. Hughes replied that this question could be compared with another, like that on apartments, it is the same thing, we have put these in simply as standards. This should have been mentioned before - we've put those in simply as standards and the bulk of the provinces have taken five employees and six apartments. This is for you to decide.

Mr. Taylor (Mr. Boyd in the chair) said that in the light of Mr. Hughes' remarks, we should consider the Bill as placing no restrictions on the number of apartments or on the number of personnel.

Mr. Shaw said he didn't think the apartment building section need enter into this at all because this is a different situation. If you own an apartment, a cabin or some piece of real estate and a person you know to be dirty and careless wants to rent it, you will automatically refuse. Should he then be of a minority ethnic group he will say that this is the reason you are discriminating against him.

Mr. Hughes said we must not overlook the complaints provisions. If you pass this Bill, somebody will have to be appointed to investigate these complaints. If a person who has been refused accommodation registers a complaint, it will be looked into and an order will be made. If the person affected by an order wants to appeal, he can do so under Section 7. Even the case of a disappointed African for a teaching position in a separate school, or conversely in a Protestant school, if they thought there was prejudice on religious grounds they could file a complaint.

Mr. Livesey said he recalled one member wondering whether this one piece of legislation is going to be used or not. Whether it is going to be used or not does not matter. What does matter is what we are judged by. We are not judged by legislation which is not in effect, we are judged by legislation which is in effect. It is positive thinking to agree with this type of legislation. This whole matter is something with which the world is engrossed, not just here in the Yukon Territory but everywhere in the world. The sooner, by education and practice, we do away with discrimination of all types, especially that against religion, race or creed, the better. One part does bother me against the present legislation and that is under Section 13(1)(a). I can see where this would certainly



be a reasonable place to put in an exception and yet when you come to think of it the home is the basis of democracy. It is from the home that democracy starts. Then what about 13(1)(b)? It's certainly not charitable to be discriminatory, it's surely not educational to be discriminatory, nor fraternal, nor in some respects, religious and certainly not social and yet these are all exceptions. The clarifying point seems to be here that you can be discriminatory as long as you are not making a profit. This is really rough, there is no question about that, I don't think that profit has anything to do with it. It seems with this exception here we are talking about money being the all encompassing point. We have here some legislation, territorial or provincial type legislation against discrimination. We already have on the Federal books one of the worst pieces of discrimination in the history of Canada, that is, the Indian Act. The Indian Act separates one particular segment of our population directly from another. Here we are trying to legislate against discrimination and the mother of parliaments of Canada has this discrimination right on the books. The Indian Act separates the children of the country. One set of children must be carted and toted all over the country because of this, that or some other reason. Surely when you are talking about discrimination, the children of Indian parents are no different than any other children. The Indian Act is creating a problem for which we are trying to create territorial legislation. As far as I am concerned the basic qualities of legislation of this type towards an attempt to eliminate discrimination is sound. In fact, if more countries around the world had done more about this very problem we would perhaps be further developed ourselves and others would have been further developed as well, and less time would have been spent with strife and grief instead of harmony.

Mr. Shaw said he needed clarification regarding the Indian Act. We have Indian people in this Territory and they have exactly the same rights as we have. As far as the law is concerned they are not discriminated against. There is no question that the Indian people have by law more privileges than a person of white origin. The Department will educate them right through, will feed them, they are not discriminated against, in fact they are assisted. He asked Mr. Livesey to explain in what particular way they are discriminated against.

Mr. Livesey set out the following three points:

1. They are the only group of ethnic origin that has an Act in Canada.
2. The Federal Government takes charge of the Indian people, not the provincial or territorial governments.
3. Education normally comes under the power of the provinces and territories for all other groups, but the poor Indian comes under a totally different scheme.

He said this is definitely discrimination, the rest of us are treated in one light and the Indian people are treated in a totally different light. As for doing this and that

for them, perhaps this is one of the biggest problems. He thought personally that in 1867, this Indian Act, by coming into being, has done the Indian people the greatest disservice - this is the worst type of discrimination we have in the country.

Mr. Hughes emphasized that if you have this Ordinance before you today, at a time when there is no conflict in the Yukon and there are no cases that outrage public conscience before you, it is easier to look coolly at the legislation and pass it, but you will never pass it in a time of high tempers. That is why today is most opportune not when it is needed, but now.

Mr. Shaw said he agreed with the Legal Advisor that the time to pass this legislation is now, but unfortunately there is serious dissension amongst members on a certain clause in relation to education. He thought to resolve this situation would be to take the education part out of Section 13 subclause (b) and put it in another clause.

Mr. McKamey said he favoured the Bill.

Mr. Watt said he generally agrees with it also.

Mr. Livesey said he had one question about the racial politics. He wondered if Mr. Hughes could inform us what would happen in the event an employer was opposed to certain people because of their views and therefore the employment of such individuals would cause nothing but strife in his organization.

Mr. Hughes replied that he supposed the employer would cheat. There are ways around these things. They can get around it by never stating the underlying reasons. But if this Ordinance serves no more than as a blueprint for right conduct in the practice of hiring, it does, as has been said, almost represent a statement of rights or something of that order. It won't always be easy to administer, it may break down in practice.

Mr. McKinnon moved, seconded by Mr. McKamey, that Bill No. 10 be reported out of committee without amendment.

Motion  
Bill #10

Motion Carried.

The Committee proceeded with Bill No. 11.

Discussion  
Bill #11

Mr. McKamey moved, seconded by Mr. Boyd, that Section 1 of Bill No. 11 be changed to read the Mayo Seaplane Base Agreement Ordinance.

Motion  
Bill #11

Motion Carried.

Mr. Shaw said in view of this change, what about the Lease Agreement with Her Majesty. Shouldn't the agreement also be changed?

The Chairman asked whether it would be necessary for this to be changed by motion. Is this appended to the Bill or is it just a blanket type of agreement?

Mr. Hughes said this could be picked up in the agreement without a motion.

Mr. Livesey wondered if Mr. McKamey would describe the situation in Mayo which may provide the reason for the Bill now before us.

Mr. McKamey answered that several years ago there was a lot of activity created north of Mayo due to the staking of the Crest iron ore find. Several major oil companies were also working north of Mayo with helicopters; one exploration company had five, another one had four. There were also mining companies working out of Mayo and Connelly Dawson Airways came there also. The oil companies had some of their own aircraft, such as Otter and Beavers. The loading facilities at Mayo at that time were nil. They were loading up to 11,000 gallons of gas per month for the aircraft that were working out of that area. The people recognized the need for better facilities so they asked me if there would be any possibility of the Territorial Government building a dock. At a public meeting, it was decided to go ahead and use the \$1,800.00 appropriated for the maintenance of streets for the construction of these docks. Commissioner Cameron and the Territorial Treasurer okayed the project and the dock was built. It enabled trucks to back right down to these floats and dump the loads onto the docks, from there they were loaded onto the aircraft and they were able to take off. There was a plane taking off there about every half hour of the day all summer long. I imagine the effect of this Bill if passed is that the Administration will recover the expenditure from the Department of Transport.

Mr. Shaw moved, seconded by Mr. Boyd, that this Bill be reported out of committee as amended. Motion  
Bill #11

Commktee proceeded to discuss Bill No. 7 with Mr. MacKenzie (Territorial Treasurer) in attendance. Discussion  
Bill #7

Mr. Chairman said they had reached Vote 5 under Health and Welfare of \$88,746.00.

Mr. McKinnon said that the total added cost for the Yukon Territory caused by taking over the St. Mary's Nursing Home amounts to \$88,746.00. This is quite a substantial sum in a supplementary estimate. Could Mr. MacKenzie say where the money was transferred from?

Mr. MacKenzie said that if we spend this extra money, we shall exceed the operating deficit grants from Ottawa by \$28,000.00. I don't anticipate that will eventuate because we invariably have lapsing monies in every vote and they will greatly exceed this \$28,000.00. In other words, I feel confident now that the actual operating deficit grants will be more than sufficient to meet the actual deficits, as was the case last fiscal year. Last year it was half a million dollars in excess of the actual deficit.

Mr. Watt asked Mr. MacKenzie how many people we have in our Senior Citizens Home in Whitehorse and if there are any vacancies and if any people who are applying here and cannot get in are being asked to go to Dawson.

Mr. MacKenzie said he did not have that information and suggested they consult Mr. Murphy.

The Chairman said he recalled in the main estimates they dealt with welfare cars, etc., and wondered how the car pool is working.

Mr. MacKenzie said it is not working at all. Administration tried to put one into operation but it wasn't practical, there were too many exceptions and there was nothing left to make a pool out of.

Mr. Watt said he would still like his question answered regarding the Senior Citizens Home.

Mr. McKinnon said he noticed under the welfare cost in the supplementary estimates, \$51,567.90 is voted to St. Mary's Hospital and under recoverable there is \$39,995.00. What makes up the difference?

Mr. MacKenzie said this was quite a complicated operation. The building that is going to house the hospital and the Aged Men's Home is going to be administered as far as utilities are concerned by the Aged Men's Home. The hospital will pay for meals, it will pay for the space it occupies, heat, light and power and all that. All these factors appear in the \$39,995.00. You will see it broken down on page 9.

Mr. Shaw thought the venture was almost a profit.

Mr. MacKenzie said there is the precedent recovering of 50% of the net operating costs from the Department of Labour. This is an institution whereby they agreed to bear half of the operating costs.

Discussion proceeded on Vote 6, Municipal & Area Development Administration.

The Chairman asked if the \$10,000 Sewer and Water Survey was a saving or a return of \$10,000.

Mr. MacKenzie said this is to remove from Vote 6, Operating and Maintenance, \$10,000 which was put in the main estimate to pay for survey of sewer and water services in the smaller communities. Now the cost of that survey is not operating and maintenance, it is capital, and it was a mistake to put it in operating and maintenance. This is simply correcting an error in the main estimate and you'll notice later on in the capital section that the cost of the survey has been put in.

Mr. Murphy (Director of Welfare) attended Committee.

Mr. Watt asked how many people we have in our Senior Citizens Home in Whitehorse and if there are any vacancies, and if any people who are applying here and cannot get in are being asked to go to Dawson?

Mr. Murphy replied that there are five occupants in the Senior Citizens Home at the present time and there will be five more in by the end of this month, making a total of ten. There is a possibility of one married couple who are going to apply and possibility of three or four pensioners who will apply when colder weather appears. He said it was not their policy to send people to Dawson. The Whitehorse Senior Citizens Home has twenty single units, three units are presently being used by the caretaker and his wife.

Mr. Watt asked Mr. Murphy whether he was taking applications to fill it up or are the rest of the units not being used.

Mr. Murphy said they are vacant at the present time but they will be advertising in the local papers. They will be issuing a press release about the opening and in this they will be asking for applications from other pensioners. It is actually to serve the southern area, not only Whitehorse.

Mr. Murphy was excused.

Vote 5 - Clear.

Vote 8 - Clear.

Vote 9 - Roads, Bridges and Public Works - \$23,526.00

Mr. Watt said he had written out a motion concerning this Vote. "It is the opinion of Council that an amount be included in Vote 9 to provide for the removal of the Lewes River Bridge this coming winter."

Mr. Livesey said that the motion is out of order inasmuch as it makes direct reference to the spending of public monies and, of course, that cannot be done in the House without the full approval of the Administration. We have various other ways and means of getting around this problem. Perhaps one of the best ways of doing it may be in the light of a discussion at his fall session in relation to the demolition of the dam. This could be taken up probably with the Department of Finance and the Treasury, possibly the Commissioner and Administration may have an easy way of getting around the problem. Perhaps we could ask Mr. MacKenzie if this would be the best way of going about it.

Mr. MacKenzie said he was not too well informed on the present position of the Lewes Dam Removal Project. He knew it was put up to the Army as an exercise and they turned it down as being unsuitable. What has happened since, he didn't know. The money could be found but he would have to check on that to make sure. Perhaps he could report back.

Mr. Watt said he would appreciate a report. In answer to Mr. Livesey, he said the reason he thought it should be brought into these estimates instead of the main estimates later is that this type of work is most suitably done in the wintertime.

Mr. Shaw said we had had quite some discussion on superannuation. Could we have information on this from Mr. MacKenzie?

Mr. MacKenzie said that it is not yet enforced for Territorial Employees. The expected date now is supposed to be January 1st, but thought that date is still on the doubtful side.

Mr. Boyd wondered if school teachers come under this scheme.

Mr. MacKenzie said teachers do not come under the scheme.

Mr. Shaw said he had a supplementary question. Are the people who come under the superannuation plan making payments into a fund in anticipation of it coming into force very soon so that it can be retroactive when it does come in?

Mr. MacKenzie said that nothing at all has been done in the way of deductions. The retroactive question he said he would be taking up when we knew definitely whether we are going to join.

Mr. Shaw asked if the money the Territory would normally pay toward this is presently held in escrow.

Mr. MacKenzie said no, it is provided for in the main estimates and the supplementary estimates and if it's not paid out in cash before the end of March it will lapse.

Mr. Taylor (Mr. Shaw in the chair) said his constituents at Teslin had noted from a radio program the establishment of the seaplane base facilities at Mayo. He pointed out that Teslin is a licensed seaplane base at present, but lacks satisfactory docking facilities. Would it be possible, or is it the policy of the Administration to provide these facilities? Would it be possible to have this considered in the main budget?

Mr. MacKenzie said by all means it could be considered. If the need was proven, then the Territorial Government would put in the facilities by agreement with the Department of Transport, which is what was done in Mayo.

Mr. McKamey said there might be a difference in what they constructed in Mayo as a seaplane dock and what Mr. Taylor referred to. The seaplane dock in Mayo is constructed to load aircraft and no one is allowed to tie it up and use it as a dock for their personal plane.

Mr. Taylor said he would bring this up at a later date, but just wanted to know the policy in relation to these docks.

Vote 12 - Travel and Publicity - \$17,467.00

Mr. Watt drew to the attention of the Committee the comments on Vote 12 by the National Advisory Committee for proof of submission to Council. A number of his constituents have had quite an increase in their property taxes and seemed to think that we were laying more taxes on to defray expenditures. He said he needed reasons to justify voting on this, and wondered what Mr. MacKenzie had to say.

Mr. Taylor said the thought this is the only department in all the Administration that makes money, that brings revenue into the Territory, and said he couldn't see Mr. Watt's point of view at all on this.

Mr. Livesey said he would take exception to Mr. Taylor's statement when he says this is the only department that makes money. Mr. Fitzgerald has a very solvent department and there are others who make money too.

Mr. MacKenzie said this supplementary estimate may seem a little high but it is misleading because very fortunately this extra \$17,000 is a revote of monies voted last year which was unspent and lapsed. For example, the vote last year was \$50,650 but the expenditures only \$29,000, \$21,000 had lapsed and part of that lapse is now revoted here.

Mr. Watt asked if he could have Mr. Gibson's opinion on how we can justify this vote.

Mr. Shaw suggested that a date be set to have discussions on this with Mr. Gibson.

Mr. McKinnon moved, seconded by Mr. McKamey, that Mr. Speaker do resume the chair and hear the report of the Chairman of Committees.

Motion Carried.

Mr. Speaker resumed the chair and the Chairman gave his report as follows:

Committee Report.

Committee convened at 10:40 a.m. to discuss public bills, memorandums and sessional papers. Mr. J. Williams, Assistant Deputy Minister of Public Works and Commissioner Cameron attended Committee at 11:10 a.m. to discuss matters relating to the change-over of the Alaska Highway. Committee recessed at 12 noon and reconvened at 2:00 p.m. this afternoon. Mr. McKinnon moved, seconded by Mr. McKamey, that Bill No. 10 be reported out of Committee without amendment. The motion was carried. Mr. McKamey moved, seconded by Mr. Boyd, that Section 1 of Bill No. 11 be changed to read the "Mayo Seaplane Base Agreement Ordinance". The motion was carried. It was moved by Mr. Shaw, seconded by Mr. Boyd, that Bill No. 11 be reported out of committee as amended. The motion was carried. I can report progress on Bill No. 7.

Council accepted the report and adjourned until 10:00 a.m., Saturday, November 9th, 1963.

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Saturday, November 9, 1963  
10:00 o'clock AM.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from the Commissioner in reply to Question No. 2 re Land Titles (set out as Sessional Paper No. 21); Sessional Paper #21

and a reply to Motion for the Production of Papers No. 2 (set out as Sessional Paper No. 22). Sessional Paper #22

Mr. Shaw moved, seconded by Mr. Boyd, that Council resolve itself into Committee of the Whole to discuss matters in relation to the R.C.M.P.

IN COMMITTEE OF THE WHOLE:

Commissioner Cameron and Inspector Vachon attended Committee.

Mr. Taylor read Bill No. 12.

Mr. McKinnon stated that he went through the history of this Bill the night before. At the Spring Session of Council the overlying factor seemed to be that here we had an expenditure of close to \$400,000.00 with no detail whatsoever as to what we were receiving for the money spent. The Bill was in line with the five-year agreement which suggested the operation of justice in the Yukon Territory be turned over to the Territorial Government as their financial responsibility. He felt members of Council were in accord with the principle behind the recommendation, but the Bill was deferred to the Fall Session to see whether more information could be received. There also was some discussion at the Spring Session that the idea of the Territory taking over the responsibility of paying for justice in the Territory should be complimented by the appointment of a Senior Legal Advisor who is to act as the Attorney General for the Yukon Territory. We thought by delaying the Bill, we would receive some action from the Federal Government in this regard. He believed there was some discussion whether these two necessary had to come about at the same time? He believed they should, and with the acceptance of the Territorial Government of the responsibility of paying for justice in the Territory, there should also be an appointment by the Federal Government of a Senior Legal Advisor to the Yukon. This is the background and he wondered if Commissioner Cameron could provide any of the details of this Justice Agreement. Discussion Bill #12

Commissioner Cameron replied that Mr. MacKenzie submitted a memorandum to him the previous afternoon regarding this and as a result we have no paper made. He continued to say that they did discuss this in Ottawa and attempted to get more information. (Commissioner Cameron read the memorandum submitted from Mr. MacKenzie)

Mr. MacKenzie (Territorial Treasurer) attended Committee.

Commissioner Cameron stated that the usual procedure and the agreement which we are signing is similar to that of the provinces the difference is the provinces pick up the whole cost, while we are taking up 40%, which puts us into the picture and allows us much more freedom in discussing negotiations with the police. This is exactly the same agreement as they have in the N.W.T.

Mr. McKinnon directed a question to Inspector Vachon and asked if he was familiar with the way the R.C.M.P. work in the Provinces?



Inspector Vachon replied that he has not had much experience with Provincial-Federal Agreements, but understands that the province enters into an agreement for the coming year based on the per capita cost of the operation of the Force. This includes the various services attached to general policing, such as highway patrols, communication, and identification section. They contract for "X" number of men at a formula of so much per man. The provincial end of the force then comes under the Attorney General of the Province.

Mr. McKinnon stated that this was the point he was trying to make. When the Territory accepts the Financial responsibility of policing, even on a 40-60 basis now, the idea is that eventually we are going to take over the full cost of paying for justice in the Yukon Territory. When a province does this the Attorney General looks the situation over and says we are going to need so many men in the Province this year and we will contract with the R.C.M.P. to do this. We are getting in the same position as a province and we have no Attorney General and no man to say just how many men we should contract for this year. What are we getting for this \$400,000.00? This is why he said the appointment of the Senior Legal Advisor and the establishment of the principle that we take over the payment of the R.C.M.P. in the Yukon are complimentary and the principle and establishment of the appointment should be simultaneous.

Inspector Vachon commented that the Provinces do not pay the complete cost of the policing. He mentioned that Manitoba, Saskatchewan and Alberta all pay 40% of the cost. They pay so much per man on the per capita cost, and this is 40%.

Commissioner Cameron stated when he was reading from Mr. MacKenzie's memorandum that they were paying the full cost. He believed what Mr. MacKenzie was referring to was that the Provinces themselves pay it, and don't receive a federal grant.

Mr. MacKenzie replied that he was not too sure and he was trying to trace the statement that the Provinces do pay the full cost.

Mr. Livesey stated that it seemed to him that the inclusion of justice is part of the Territorial Budget. He thought there were a number of reasons for this inclusion, and one of them is to combine justice with all other matters for which the Council is responsible. The Territorial Government and the Commissioner-in-Council is moving towards a more responsible form of Government and therefore this idea of bringing justice under this wing, because eventually Council will no longer operate under its present powers, but we hope, some day will operate under Provincial powers. If we are going to bring justice into the Territorial Budget then his position is that this responsibility should remain in the same category as all other responsibilities in the budget with regard to money. He felt that just giving them a blanket figure of \$400,000.00 and saying you have no choice, please sign here, Council is being made use of. When they refer to public expenditures in the Territory being those matters for which the Commissioner-in-Council is responsible, then of course the Council is involved. By proceeding in the manner in which it was presented at the Spring Session they are defeating this thing altogether.

Mr. MacKenzie referred to the memorandum from his office and stated that there are a certain amount of details breaking down the figures in the main Estimates, and he suggested that this be circulated to the members of Council for them to see. The jail costs are well explained and so are the 40% police services.

Mr. Shaw stated that he recollects this Bill and at that time he had no objection to the passing of this Bill. In the past they have had these police functions performed without any agreement, and they seemed to get along fine. The Department of Justice accepted the cost of this, but decided they would make a change and put it under a contract whereby they would ascertain the cost of this, and in turn the Department of Justice would make a grant to the Northern Affairs Department. Beyond that they were happy to see they were also going to appoint a Senior Legal Advisor to act as Attorney General. This hasn't come to pass. The fact that this agreement is entered into does not actually cost the Territory any money. To sign this particular agreement they could follow from year to year the exact expenditures. There may come a time when they feel they have too much personnel in the force, or vice versa, in which case that would be the time to revise the agreement. He thought they had little choice but to sign it, it wasn't something they were going to get stuck with as far as he could see. Things will remain the same as far as the actual operation goes, this is just a change in who pays.

Mr. Hughes wondered if the minds of some of the Councillors would not be eased if a look was taken at the agreement step by step and suggested there may be an opportunity in the agreement itself for him to prepare a draft, an amendment to the agreement to "beef it up" to the point of view of the Councillors. He thought possibly something should be written into it to appoint the Senior Legal Advisor or some other person as their "watchdog", then they can take a look at the Bill itself. At the moment the position of the police is an unenviable one, theoretically they don't know where their money is coming from. They can't plan ahead, how can they make any allocations of money if they don't know the basis of distribution. He suggested going through the agreement, and after hearing the comments, if there is an opportunity of "beefing" up the agreement, he would work on that and then come back to it.

Mr. Shaw stated that the only part of the agreement he was not satisfied with is the matter of the Senior Legal Advisor.

Mr. Taylor said that when this Bill and agreement were last discussed at the Spring Session it occurred to him that the people were not written into it, and this brings them back to the Commissioner-in-Council aspect. They have no Attorney General in the form of a Senior Legal Advisor to accept these responsibilities. As pointed out by the member from Carmacks-Kluane expenditures are made by the Commissioner, by and with the consent of Council, or better referred to as the Commissioner-in-Council. He also pointed out that under Section 4 of the Yukon Act where it states that "the Commissioner shall administer the Government of the Territory under instructions from time to time given him by the Governor-in-Council or the Minister", gave the Commissioner two hats, one on behalf of the Federal Government and one on behalf of the people. This agreement is between the Minister of Justice of Canada and the Commissioner of the Yukon Territory. It was also brought up at that time that possibly this was not really an agreement between the Commissioner of the Territory but an agreement between two Cabinet Ministers in Ottawa. At this point Mr. Taylor referred back to Beauchesne, in order to show his feelings of bringing the people into this agreement, this was one of his big objections to the Bill at the Spring Session and it still remains as such.

The people could be written into this Bill by including the Commissioner-in-Council.

Mr. Boyd stated that the main quarrel seems to be the fact that they do not have a Senior Legal Advisor. If this point can be settled everything else is automatically settled.

Mr. Watt asked if the R.C.M.P. are operating as if the agreement will be or is signed. He noticed the agreement will be retroactive to April 1962 and asked Mr. MacKenzie if this had been provided for in the estimates.

Mr. MacKenzie replied that they have paid out during the fiscal year 1962-63 what was provided for in the budget. Payments have been made as if the agreement had been signed.

Mr. Livesey expressed that it seemed to him there was a conflict of ideas here. They are bringing this matter into the budget, and if they do it should agree with the details of the Yukon Act. The agreement says they give it to you with one hand and take it away with the other. After reading the Bill and the agreement, bringing it into the budget is superficial in every aspect of the entire situation. It practically tells them they have to pass it without any questions. He thought those matters in other parts of the budget are matters over which they have control under the Yukon Act. Surely this gives them the power to come up with a decision on the part of the people they represent towards where the money should be spent. If they are going to have anything to do with this at all they should know what is going on, and not just give them some blanket figure that they have to say yes to. He further stated he could see the difficulties of those who feel this is the only way they can do it and yet cannot understand why it should be in there if they have no power over it. He felt the Yukon Act gave them the power to discuss the expenditure of money and this Bill takes it away.

Mr. McKinnon said that they are being forced to live up to their part of the agreement with the Federal Government but the Federal Government is not going to live up to their part of the agreement with them.

Mr. Boyd asked what Mr. McKinnon would suggest.

Mr. McKinnon replied he would suggest that the Government appoint a Senior Legal Advisor to act as the Attorney General of the Yukon Territory as soon as possible. This agreement would probably be signed tomorrow if this were the case.

Mr. Shaw stated he agreed with Councillor McKinnon insofar as they wish us to live up to an agreement and do not wish to live up to their agreement. He added that he can understand they haven't all the details on every expenditure that goes on, and that is one of the reasons they enter into a contract. When you call for a contract they want "X" number of dollars for duties performed, and for himself, he was not interested in knowing all the details of expenditures incurred. There certainly should be a person who will keep his eye open, in the administrative capacity representing the Attorney General of Canada, so that the thing can run smoothly. He had no complaint with the agreement itself, or the method in which they work the agreement from the financial part of it. The appointment of this particular person has been something he has complained about formally and informally and they still have no answer on it.

Commissioner Cameron stated that it was not clear what Council says the Federal Government are not fulfilling. Is it operating cost figures, a break down of where this money is being spent that the Council wishes?

Mr. McKinnon said they are asked to sign their part of the agreement and this was supposed to be done along with appointing a person to act as Attorney General in the Territory, so that the dealings between the Attorney General of Canada and the Attorney General of the Territory would determine the operation of the R.C.M.P. in the Yukon Territory.

Commissioner Cameron replied that there is nothing wrong with the agreement but if they will appoint a Senior Legal Advisor then this Council will be satisfied with the agreement and asked if this was correct?

Mr. Watt stated that what Commissioner Cameron said would meet with any objection he has.

Mr. McKinnon stated it would also meet with any objection he has. It is just that they want them to take over the economy that the Provinces have but let them also have the machinery as the Provinces when they accept this responsibility.

Mr. Shaw stated that he had no objections. They have many fine words as far as economy is concerned which are limited under the form of Government they have. The Federal Department have stated what they would do and there have been repeated requests for them to do what they have agreed to do in that fiscal agreement. They completely ignore that, they put up a multitude of excuses. If the Attorney General were taken away from one of the Provinces, justice in that particular province would just about grind to a halt. In this case they are going to improve the situation. They will put things on a business like basis but they don't fulfill what they say they will do, they ignore it. The Legal Department in the Yukon, even with the normal amount of business, is increasing and they haven't done anything to assist that. He thought it was time they got cracking on this and fulfilled the terms of this agreement.

Mr. McKinnon asked for Inspector Vachon's comments on this.

Inspector Vachon replied that they have a liaison now through their Headquarters to the Department of Justice where the Attorney General of Canada acts for them in the capacity of the Attorney General of the Yukon Territory. This does mean they have to go through channels to get to him.

Commissioner Cameron suggested that this matter be put over until Wednesday giving him an opportunity to contact Ottawa and explain the situation and the feelings of Council, and ask them what they plan on doing about it.

Committee Agreed

Mr. Shaw moved, seconded by Mr. Boyd, that Mr. Speaker resume the Chair and hear the report of the Committee.

Motion Carried

When Mr. Speaker resumed the Chair, Mr. Taylor, Chairman of Committee reported: Committee convened at 10:10 this morning to discuss Bill No. 12 with Commissioner Cameron, Inspector Report Vachon and Mr. K. MacKenzie (Territorial Treasurer) in attendance. After some discussion it was agreed that further discussion on this Bill should be deferred to Wednesday, November 13, 1963.

Council accepted the report of the Committee.

Mr. Speaker proceeded with Orders of the Day.

Correction Votes & Proceedings Page 17 Mr. Taylor pointed out that on Page 17, line 31 of the Votes and Proceedings where it states "Mr. Boyd had gone to Vancouver", this should read "Mr. McKamey".

First & Second Reading Amendment Bill No. 8 FIRST and SECOND reading was given to the amendment to Bill No. 8.

Third Reading Bill No. 8 THIRD reading was given to Bill No. 8 as amended, An Ordinance Respecting the Summary Recovery of Wages by Employees.

Mr. Watt asked Mr. Speaker if he had information on whether or not an agreement had been reached on keeping the Haines Road open. He stated he understood an agreement would be reached by 2:00 o'clock yesterday.

Mr. Speaker replied that the House so far had received no information in that respect.

Council adjourned at 11:45 a.m. until 10:00 o'clock a.m. Tuesday, November 12, 1963.

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1-8-35

Tuesday, November 12, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from Commissioner Cameron in reply to Question No. 3 regarding the Lewes River Dam (set out as Sessional Paper No. 23) Sessional Paper #23

Mr. Watt gave Notice of Motion concerning Safety on the Two Mile Hill. Motion #. 2

Mr. Livesey (with Deputy Speaker in Chair) gave Notice of Motion respecting Yukon Schools. Motion #. 3

Mr. Watt gave Notice of Motion for the Production of Papers concerning plans and progress on the escarpment stabilization programme. Production of Papers # 6

Mr. Livesey (with Deputy Speaker in the Chair) directed the following questions to the Administration:

(1)(a) Would the Administration please inform the house if any consideration has been given to the opening up of an emergency water supply adjacent to the bridge over the Alsek River in Haines Junction to facilitate the immediate requirements of the Fire Chief in the community? Question #5

(b) Is it the intention of the Administration to build a suitable Fire Hall in Haines Junction to house the fire truck and equipment large enough to contain suitable stores and drying fire hoses together with a meeting room for all those interested in this worthwhile community service?

(2) Would the Administration supply to the house information which would clearly indicate the immediate present position in relation to the supply of sewer and water facilities to communities in the Territory as such position may be related to a decision or pending decision to commence work on any or all projects previously discussed by Council? Question #6

Mr. Taylor moved, seconded by Mr. Boyd, that Mr. Speaker do leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, memoranda and sessional papers.

Motion Carried

In Committee of the Whole:

Committee proceeded with discussions on Bill No. 7 with Mr. MacKenzie (Territorial Treasurer) and Mr. J. Gibson (Director of Travel and Publicity) in attendance.

In Committee

Mr. Watt asked Mr. Gibson if he was familiar with Sessional Paper No. 10 concerning the Department of Travel and Publicity?

Mr. Gibson replied that he was familiar with it.

Mr. Watt stated that he feels Council is under a good deal of criticism for some expenditures made, most of which have been directed against Mr. Gibson's Department. He asked for more justification to off-set the criticism. He stated that he had

asked at the last session for more information respecting the Skagway-Whitehorse Highway and the volume of traffic that could possibly come to Whitehorse. According to Sessional Paper No. 10 the answer is as follows: "The completion of a highway from Skagway, together with an appropriate bus schedule, might attract some of the Cruise passengers to Carcross and Whitehorse during their limited lay-over period, but the required travel time for the 200-mile trip would reduce the value of this visit to the Yukon." It also says that tours wouldn't come to Whitehorse until accommodation is provided. He felt the best approach would be to get the figures on how much traffic could reasonably be expected if accommodation were built and the highway constructed.

Mr. Gibson referred to the Spring Council Session and recalled that the main topic of discussion on the subject Councillor Watt has mentioned, was the large volume of tourists travelling between Skagway and Bennett and return, and not entering the Yukon Territory. His Department was asked to report on what they were doing to influence this volume of traffic into the Territory and also to present their opinion of the influence, or value, of a highway between Skagway and the Yukon Territory. He believed, last year, that 24,000 tourists was referred to as having come from Skagway to Bennett and returned. Until this past summer, the Alaska Ferry Service, which also brought additional traffic into Skagway, was not in operation so they are referring to the volume of traffic coming up by other means. At that time the other means consisted of a number of Cruise Ships and a minimum number of tourists coming in by plane. He stated that he had prepared some figures that threw a clear light on the situation. These figures are based on the number of ship arrivals and the number of trips during the 1963 season, with the exception of the Canadian Pacific Steamer "Princess Patricia". All the figures cover the period May to August but the "Princess Patricia" did not get back into service until June, so it covers from June to August. This is what was revealed: There was a total of 53 ship arrivals, not including the Alaska Ferry Service. For the number of ships broken down into each category, the number of trips for each vessel was: "Princess Patricia" 10; "Prince George" 13; "Glacier Queen" 15; and the "Yukon Star" 15. The capacity of these ships was: "Princess Patricia" 300; "Prince George" 262; "Glacier Queen" 120; and the "Yukon Star" 120. If each of these ships operated at a full capacity for the summer season they could bring in 10,006 people. This is the total number of people who could come from the ships into Bennett, Carcross or Whitehorse and return. In addition to the Cruise Ships this season the first operation of the Alaska Ferry Service brought into Skagway, on their north bound trip, 8,653 people (this covers a nine month period from the beginning of their operation to September). This would total 18,659 people who would be deposited in Skagway during the summer season. They obtained, from the Customs Offices, the number of people who have come through as far as Carcross and returned and the number of people who have come all the way from Skagway into Whitehorse. The through passengers for the summer season totalled 6,391 and this included a certain number of vehicles off the Alaska Ferry and the passengers. The number of passengers who travelled as far as Carcross and returned were 7,990, for a total of 14,381 people leaving Skagway. This year the number of through passengers coming from Skagway to Whitehorse increased 130 percent, the number of turn around passengers (Carcross and returned) decreased by 4%. This indicates that there is a substantial increase in the volume of traffic coming through from Skagway to

Whitehorse. He believed a great deal of this increase is represented by the number of bus tour groups who have been coming up over the Alaska Ferry bringing the bus and the passengers from Skagway to Whitehorse over the White Pass train and then proceeding into other parts of the Territory. The factor of having a highway between Skagway and Whitehorse would benefit predominantly those people who arrive by the Alaska Ferry Service with their vehicles and put the vehicles on shore at Skagway. It is to be realized that the bulk of the people coming into the Territory are those who have purchased pre-packaged plans and tours. It would require a bus service from Skagway to Whitehorse, turning around and returning to Skagway during the twelve hour lay-over period, common to most of these vessels. The return trip would be over 200 miles which would reduce the amount of time these people could stop anywhere along the line, and particularly spend any money. That is the reason for the reference to the bus trip reducing the value of the visit to the Yukon Territory. As far as accommodation is concerned, he didn't think they would have much success in encouraging anyone to invest in additional hotel accommodation until they see the market is here. At the same time they have difficulty producing the market because accommodation is not available. The solution to this is not obvious at the moment. One hotel has been reconstructed and one has added more accommodation and he understands another hotel is considering an addition. This will probably aid the problem gradually.

Mr. Watt stated that he was pleased that there has been an increase of 130% in traffic through Whitehorse. He asked Mr. Gibson how many of these tourists would actually get off the boat if this highway was constructed to Skagway, come to Whitehorse and possibly from here go up the highway or around to Dawson City to complete their tour, and how would this effect the economy of Whitehorse and the Dawson City area and the highway north and south?

Mr. Gibson replied that as far as the vessels listed here, with the exception of the Alaska Ferry Service, there would probably be no benefit by constructing a highway between Skagway and Carcross because the passengers on these Cruise Ships do not, and cannot bring their own vehicles with them. As previously mentioned these tours are sold as a packaged plan. Where they begin their work is to get at these people to have them decide where they would like to go and how they would like to get there, before they reach the Travel Agent's Office. As far as the total clientele serviced by these four Cruise vessels, there is very little prospect of having them debark at Skagway and proceed on any other tangent unless it was sold to them as part of the tour. There is no provision on any of these ships to carry vehicles, they just carry passengers. They hope to influence Canadian Pacific Steamship Lines and Canadian Pacific Airlines to develop a circle route which would sell tickets on the Steamship Line to Skagway, have them come into the Yukon and then sell tickets to them for airline travel into Dawson City and then back to their homes through Whitehorse. They thought by using air transportation, the amount of time saved would give tourists sufficient time to see many of the attractions that are here. Here we have to depend on these two segments of the Canadian Pacific family to develop this tour on our behalf. He stated one reply had been received from Canadian Pacific Steamship Lines that was not too encouraging but on a recent trip to Vancouver he was encouraged by Canadian Pacific Airlines. They can see where they can benefit by increased passenger traffic if this circle tour should go into effect. As far as the Canadian National Steamer "Prince George" is concerned, they cannot make much headway there.



Mr. Watt stated that they have to reach the people before they go to the Travel Agent, but the people are not going to be attracted to the Yukon until we have sufficient hotel accommodation. He mentioned that Mr. Gibson's figures for the visits to Skagway were some 18,500 but the Skagway News gave a figure of 74,000.

Mr. Gibson stated that he would like to know where they got their figures from because they had checked every boat arrival for this season and had the traffic volume of each boat from Canadian Customs, the capacity of each boat and the number of trips they made this year. It would be impossible for that number of people to come in by boat, also this type of air traffic doesn't head out of Skagway.

Mr. Boyd asked Mr. Gibson, if there was a road from Skagway to Whitehorse, what would the effect be on the passenger cars that are arriving now by ferry? He understands they carry about 100 cars. Would there be a tendency for 50% of them to make the loop this way rather than go back down the Haines Road again?

Mr. Gibson replied that this is quite possible.

Mr. Livesey directed a question to Mr. Gibson in relation to the type of individual we are trying to attract to the Territory and the total cost of the operation of Mr. Gibson's Department. He said the total cost of operation is around \$58,000.00 per annum. The situation is we can't eliminate any type of tourist who comes to the Territory, we want to get them all. Those who travel by air or bus or other commercial forms of transportation, is one type of tourist and the other is the tourist who brings his own vehicle along. He felt the one who travels with his own vehicle is the one who is going to have the greater opportunity for spending additional time in the Territory and will in consequence leave more money behind. The man travelling by car spreads his expenditures out over various communities in the Territory depending on where he travels. Out of the total cost of operation of the Department, what action has been taken by the Department to attract this individual? Are they looking at this increase in the expenditure of the Department from a position of total views and attractions toward getting each and all types of individuals, or are they expending a little more to those who leave a little more in the Territory?

Mr. Gibson stated that during the first nine months of this year his office had processed almost 16,000 individual mail inquiries. He stated further that the Department did invest in two coloured brochures last year. These are distributed to many parts of the world, through Automobile Club Offices and Travel Bureaus and direct mail inquiries. They did embark on a series of newspaper advertising last year that was gratifying. They carried a series in the Western Weekly Supplement and they also carried advertisements in the Vancouver Sun and the Vancouver Province. They required the money to embark on an advertising campaign with magazines. A member of the staff, Mr. Bud Fisher, had a successful cross-country tour early this year and the results of this tour are still coming into the office. They couldn't estimate the value in dollars and cents in TV time, radio, newspaper photographs and articles even if they had to go out and buy them. He further stated that Mr. Fisher could make a tour in the United States early in the new year which will touch

approximately forty-three American cities. Arrangements are being made with travel offices and agencies in these cities to arrange free newspaper and radio advertising.

Mr. Watt asked Mr. Gibson what were the designated number of tourists that came into the Territory this year as compared to last year?

Mr. Gibson replied the total is up approximately 18%. The total this year over the summer period is estimated at 64,000 visitors.

Mr. Watt asked if the number of tourists is up in the summer period, or over the whole year?

Mr. Gibson replied that this figure is based on the summer months of June, July and August.

Mr. Watt stated he could not get over the difference in the estimates in the number of people that are coming into the Territory. If there are 74,000 tourists in Skagway, and we could get a percentage of them over here with a road to Whitehorse, then the Territory is losing a million dollars a year in tourist business right now.

Mr. Livesey stated that he had brought a pamphlet to Mr. Gibson's attention, put out by the Department of Northern Affairs and National Resources, a lot of which was misinformation. He wondered if Mr. Gibson could give the Committee some assurance that this will be corrected and if there is any indication that next year's program, by the Department of Travel and Publicity in Ottawa, is going to be an accurate picture of the accommodation on the Alaska Highway.

Mr. Gibson stated he had recently received a letter saying a re-printing of this booklet is now being prepared and they would forward a copy to their Department for vetoing information contained in the booklet which is incorrect and they would appreciate additional information we wish to have submitted.

Mr. Shaw asked Mr. Gibson if he had any figures or information that could determine the particular areas most of these tourists came from. He stated he mentions this because the Prairie Provinces have had extensive wheat sales and many of them will be travelling around and Canadians want to see some of their own country. He wondered if particular efforts were being made for our neighbors.

Mr. Gibson replied the advertisement in the Western Weekly has been a very fruitful point of contact with the Western Provinces.

Mr. Livesey wondered what Mr. Gibson's Department did towards attracting the people of Alaska to the Yukon. He felt there is one vital source of revenue not touched and that is the small aircrafts that are registered in the State of Alaska. He thought a lot of residents in Alaska are interested in fishing and hunting in the Territory and he wondered if the Department of Travel and Publicity had made any attempt to advertise the Yukon in Alaska, or thought of the question of small and private aircrafts.

Mr. Gibson replied that the Department had hoped to carry advertisements in the Alaska Sportsman in the last advertising season but were delayed because maps, etc. had not been received, but they are prepared to do this now. They have been providing the various newspapers and radio stations in Alaska with what they considered were timely and interesting news releases. For example prior to

the Sourdough Rendezvous this year they directed to the newspapers a number of articles attracting attention to it.

Mr. Shaw asked if we have at all points of entry, to the Territory, any distinctive sign indicating that the people are entering the Yukon Territory. He did not mean just a sign on the side of the road but something distinctive.

Mr. Gibson replied that at the moment there is a large sign at the highway entrance from every direction indicating "Now Entering the Yukon Territory" and on the reverse, "You are now Leaving the Yukon Territory".

Mr. Watt stated that in asking Mr. Gibson to come here today he wasn't trying to hamstring him or his Department at all, but he was trying to get information so they could justify this vote. He stated he is asked by citizens why taxes are increased and yet they are able to send people here and there.

Mr. Gibson was excused from Committee and discussion followed on Vote 10 - Capital Account - \$613,653.00.

Mr. Livesey asked, with respect to Education, \$200,477.00, that discussion on this expenditure be deferred until they have discussed a motion brought before the House this morning. (Motion No. 3)

Agreed.

Mr. Shaw, with respect to purchase of equipment for the Vocational Training School, felt that this school was already well equipped and wondered why this additional purchase of equipment was necessary?

Mr. MacKenzie replied that some of the equipment they originally intended to buy was not obtained last year although it was covered in the vote. It is also true to say that the original idea of what was needed was underestimated.

Mr. Shaw remarked that in the automotive shop he saw equipment that would not be found in any garage in the Yukon Territory and he doubted you would find them in many places outside the Territory.

Mr. MacKenzie, in reply to Mr. Shaw's remarks, referred to a list of the new equipment needed for this shop.

Mr. Shaw remarked that the student having completed this automotive course would have to go outside the Yukon Territory to be able to utilize his knowledge.

Committee recessed at 12:00 o'clock Noon.

Tuesday, November 12, 1963.  
2:00 o'clock PM.

Committee resumed discussion on Bill No. 7. Discussion  
Bill #7

Mr. MacKenzie in attendance.

Mr. Taylor asked with reference to Roads, Bridges and Public Works, \$162,146.00, "What is the total cost of the Watson Lake Resources construction?"

Mr. MacKenzie answered that it was \$105,000.00. The main estimate had \$70,000.00 in it, and this is \$35,000.00 additional. We were simply following the line given to us by Ottawa because they are paying for it.

Mr. Taylor asked what portion of this went into the office building.

Mr. MacKenzie replied that Committee would have to ask the Engineering Department for a breakdown.

Mr. Watt asked what is the position of the Microwave Site Road. He said he noticed entries for maintenance and believed it was a partly recoverable item. He said this road was blocked off not too far up the mountain and if it were moved back three or four miles, it would be a pretty scenic route.

Mr. MacKenzie said during the summer it is used for scenic tourist purposes and that is the reason for maintaining it.

Mr. Boyd pointed out in connection with the dam removal, that there are some rocks to be taken out which can only be done in winter when the water is low. He suggested that Administration spend the money this winter and come back in the spring with a supplementary estimate to cover it. This would save a year, and would add 30 miles of distance that pleasure boats (approximately 1,200 in number) could travel next summer.

Mr. MacKenzie said it could be done, but was not too well informed on the present position of the dam.

Mr. McKinnon told Mr. MacKenzie that Committee was informed this morning that the dam removal was to be in the estimates next spring as there is no practical purpose for the dam anymore. He wondered if the Committee put forth this request, this work could be done as a winter work's program, providing the money could be found.

Mr. MacKenzie said the money could be found, and it could be done as far as he was concerned, financially. He said he would have to take it up with the Commissioner, who would in turn take it up with Engineering.

Mr. Watt said out at Marsh Lake, there are quite a few cottages and the dam being there has been held responsible for abnormally high water in that area. One of his constituents said he has lost five feet of frontage on his cabin lot because of high water. He thought, therefore, the work should be done this year and wondered if a motion from the Committee making an official request would facilitate this work being authorized.

Mr. MacKenzie said yes, a motion would help.

Motion re  
Lewes River Dam

Mr. Boyd moved, seconded by Mr. Watt, it is the opinion of the Committee that the Administration consider the removal of the Lewes River Dam during this winter.

Motion Carried.

- Schedule B - Expenditures Recoverable.
- Vote 5 - Health & Welfare - \$79,678.00 - clear.
- Vote 8 - General - \$42,572.00 - clear.
- Vote 9 - Roads, Bridges & Public Works - \$4,828.00 - clear.
- Vote 10 - Capital Account - Education - \$136,532.00 - deferred.
- Vote 5 - Health & Welfare - \$6,162.00 - clear.
- Vote 6 - Municipal and Area Development Administration - \$23,696.00 - clear.
- Vote 8 - General - Vocational Training School and Dormitory - \$89,281.00 - clear.
- Vote 9 - Roads, Bridges & Public Works - \$77,024.00 - clear.

This clears all items in the Bill with the exception of those pertaining to education, which will be deferred until Mr. Livesey gets a reply to his motion (Motion No. 3).

Mr. McKinnon said his figures show that they were passing a supplementary estimate in the amount of \$831,046.00. Why was such a large supplementary estimate needed?

Mr. MacKenzie replied that from the capital point of view, we have the difficulties experienced over the schools. That is the major item of the capital section. In the operations section, we have the urgency with the St. Mary's Hospital at Dawson. Those two things form the backbone of the changes we are asking for now. As mentioned to you on the day we first considered these estimates, our cash position is not adversely affected. Capital wise, we are within \$2,000.00 of the amount provided in the Five-Year Agreement. Operation wise, we are in excess of our deficit grant by \$28,000.00 and that will be offset by lapsing monies. We shall end up with a fairly substantial saving. Financially, we are in a very satisfactory position.

Mr. Livesey asked what is the position in regard to the Committee on Staff Housing. He mentioned this question was discussed when the Financial Advisory Committee met and wondered if Mr. MacKenzie had anything on it.

Mr. MacKenzie replied that the various alternatives that were considered in the Finance Committee have not yet been worked out. The person concerned has been away and the necessary work has not been done. He hopes to have it done before Council completes this Session.

Mr. Shaw said he believed about two years ago, Council requested that the housing provided by the Territorial Government for employees should be self-sustained from an operational viewpoint. Is that the case at the moment?

Mr. MacKenzie said no, there is still a subsidy factor involved and a great deal of work has to be done on this to eliminate the subsidy factor as much as possible, therefore, he was not able to table it for Committee's consideration.

Mr. Boyd said with respect to superannuation that they had been promising this to the school teachers in particular and to the rest of the staff for quite some time. They all expected it would be in effect now, but judging from Mr. MacKenzie's remarks a few days ago, there is nothing assured even that it will be in effect at the beginning of next year. He asked if Mr. MacKenzie could find out if we are going to get this scheme through and if so, when?

Mr. MacKenzie said this matter was raised during the last trip the Commissioner and himself had to Ottawa and it depends entirely on Parliament passing the main estimate. He hopes it will be before the 1st of January.

Mr. Boyd asked if this means that the money for this is in the main estimates of Parliament right now?

Mr. MacKenzie said yes, that is correct.

Mr. Watt said, concerning the bid on the three schools that were called that the money allocated seems to have been far below what the bids were. He wondered if Mr. MacKenzie could explain where they got the figure for the bids. He said as he understands it the press gave the Council a little bit of a roasting on some of these contracts and made out, we didn't bid the money soon enough for the Engineering Department to assess the cost of construction so that the bids could be called.

Mr. MacKenzie said the calculations of the figures were affected by the Engineering Department based on their experience; they were changed because the specifications were changed on these highly expensive basements which was a major factor in the increased costs.

Mr. Taylor (Mr. Boyd in the chair) echoed Mr. Watt's sentiments regarding these school bids and the blame placed on Council by Administration for what they called "dragging our feet". Council passed the money asked for during the Spring Session and two and a half months later, tenders were called. It cost contractors and subcontractors an estimated \$10,000.00 to bid on these schools, but no contract was let. The schools were tendered again in October and Administration have just let the contract now. This is not a very efficient way to run a government.

Mr. MacKenzie said he had no information on this.

Mr. Watt said there was a motion made previously that when the main estimates are compiled for the Spring Session, they be compiled in such a way as to enable Council to go through the Engineering section first, so that the project capital vote can be discussed and voted. Does Mr. MacKenzie intend to do this?

Mr. MacKenzie said this will be done.

Mr. Taylor (Mr. Boyd in the chair) said the Vocational School and all other buildings of any size have been designed by one firm of architects. Why should one firm supply the plans for all our buildings? Couldn't we take our architectural needs and submit them to bids for contracts?

Mr. MacKenzie said we have found the present firm of architects satisfactory in the past. They charge standard fees, so you would gain nothing but a change of architects.

Mr. Shaw said he could see no purpose in changing architects.

Mr. MacKenzie excused from Committee.

Discussion  
S.P. #3

A short discussion took place on Sessional Paper No. 3.

Inspector Vachon attended Committee.

Mr. Shaw referred to the second paragraph of the reply from the Commissioner on this question. He asked Inspector Vachon whether the R.C.M.P. has a paddy wagon to escort prisoners back and forth.

Inspector Vachon said they have.

Mr. Shaw asked why then could they not use it to transport prisoners to and from the court room and bring them in the back door of the building.

Inspector Vachon conceded that the present method of getting prisoners from jail to court each day is not satisfactory. The method mentioned here would require additional manpower. Perhaps I could give you a hypothetical case of an ordinary morning here when we are taking prisoners back and forth from the jail to the court. We have a van which will hold six persons, that will be five and an escort. The regulations say that in the use of a van, there has to be somebody in with the prisoners. Assuming then that this morning, we have ten male prisoners and two female prisoners. We start off with the first truck and we can take five men over, a driver and somebody in with the prisoners. We bring the prisoners over here and somehow, we haven't been able to figure out where we come in, but we come in the back way, I gather. We come in the back door and we'd have to go through, perhaps the Engineers place in the basement or through the back door and then we would bring them through the corridors up here - that means the one man in the back is going to bring them up to court. The driver then returns back to the detachment and he picks up the next five men with another escort. The second escort brings them upstairs, leaves them there. The driver of the van returns and picks up the two or three female prisoners and he gets a matron and an escort. The matron and escort come back with the others. Now we've utilized the man driving the truck, three escorts and a matron to bring the prisoners over here, they've had poor security bringing them through the building, around the corridors and various places, we have disturbed the building bringing them through and we would have to do the same thing in returning the prisoners back to the jail. This you can see is going to tie up considerable men, and it is further tying up the van that is used to get the prisoners' meals at 11:00 o'clock, that is used around 10:00 o'clock to take the men over to get their medical at the hospital at various times and without additional equipment and manpower that proposal is too big to handle.

Mr. Shaw said in view of the fact, we contemplate having a jail, won't we have to go through that whole performance just the same, or would they walk them from wherever they may be?

Inspector Vachon replied that they would be held in the same place until they are sentenced. What you are building is not a holding jail but a jail of confinement.

Mr. Taylor (Mr. Boyd in the chair) agreed with Inspector Vachon geography of the building, but it occurred to him the prisoners could be transported to the side door and brought in that way. We seem to have reached an impasse regarding manpower and cost, but he said he still feels the situation as it now stands is undemocratic because you are holding somebody up to public rebuke before he has had his day in court. If more funds are required, they should be sought from the Justice Department for more manpower or for a larger vehicle, but we should not continue with this type of thing.

Inspector Vachon said he couldn't see the point of holding the accused up to public ridicule before they have had their day in court because in fact the court itself is public and anyone can sit in on the proceedings.

Mr. Taylor agreed there was a gallery in the court house where people could come and hear the cases, but there is a distinct difference in parading prisoners up and down the street.

Inspector Vachon said they are still going to be paraded through the building.

Mr. McKinnon asked Inspector Vachon if there have been any questions raised to Justice as to whether or not additional personnel or additional equipment could be found to be able to transport the prisoners over by vehicle.

Inspector Vachon said there haven't.

Mr. Livesey said it is the stigma of the line up that Council is troubled with. As for the manpower problem, the Territorial Government, if he remembers correctly, when they wanted to acquire the services of a school bus, were able to obtain one for the sum of \$1.00. Perhaps, this difficulty could be solved by a similar purchase? If you have a bus, that could accommodate about twenty prisoners, you would eliminate the problem of having extra constables.

Mr. Taylor asked if this proposal would present a bad security problem.

Inspector Vachon said he is not as concerned with the matter of security as getting them here. It is the manpower involved - if the Council wished it, he would suggest that additional help would be required to carry this out.

Mr. Taylor said this is a question that will have to be resolved at this Session, and asked Inspector Vachon if there is anything, in probing this problem, that Council could do to assist him in remedying it.

Inspector Vachon said if we were to do away entirely with the present method, we would certainly need to get additional personnel. If he had the support of Council for additional personnel, it would be of assistance.

Committee proceeded to Session Paper No. 4.

Discussion  
S.P. #4

Commissioner Cameron attended Committee.



Mr. Livesey said that since his constituents will be looking for information on this from him he would like any classified information that can be made public, discussed here in Committee.

Commissioner Cameron said he didn't think there was any classified information. He had read the Cabinet's decision and they pointed out that after considerable discussion, it was felt that this was in keeping with good public international relations. But they realized at the present time, there was no economic justification obvious. They have made arrangements through the Department of Public Works for an agreement between the Government of Canada and the State of Alaska for the maintenance of this Road on a one-year trial basis. There was an upset price on this of \$127,000.00. It was discussed at that time, the implications involving American labour or Canadian labour and it was pointed out that by using Canadian labour, it would increase the cost terrifically as it would be a satellite type of operation.

Mr. Shaw had two questions for information:

1. Is the \$127,000.00 in Canadian or American funds?
2. How many miles does it involve of the Canadian section that the Alaska Road Commission are keeping open?

Commissioner Cameron replied:

1. In American funds. This is in keeping with similar types of agreements, they had someplace down the west coast at a time when the shoe was on the other foot, and it was payable to the Canadians in Canadian funds.
2. The distance would be between Miles 48 and 94 which is 46 miles.

Mr. Watt wondered if a sign couldn't be put up by the Administration at Mile 1016 giving the closing time of Customs, so that people would not get stranded 90 miles from the nearest lodge. This could be extremely serious in winter.

Commissioner Cameron pointed out it is the intention that this road will be patrolled.

Mr. Taylor asked if any commercial traffic was indicated for the winter. Last year, one trucking organization wanted to use the Haines Road over the winter and it may be that somebody will want to ship ore this year.

Commissioner Cameron said there was no traffic of this type indicated that he knew of.

Mr. Livesey wanted to know if the cost of clearing this 46 miles of road was a total cost or a shared cost to Canada?

Commissioner Cameron said it is the total cost to Canada and no-one knows yet what it will cost, but this is the up-set price that will be charged to Canada.

Mr. Boyd said he assumed the Customs would pretty well be open 24 hours a day, particularly if the road is going to be used by truckers. There is also an hour difference between the time at Mile 48 and the time at Haines, Alaska.

Commissioner Cameron said that the Collector of Customs has been working on this and still is working on it.

Mr. Watt reiterated his desire that a sign be put up at Mile 1016. He didn't mean when D.P.W. takes it over because we are going to have a whole winter before they take over the Alaska Highway. We have a contract now with Alaska to keep the road open, and this is when we need the sign. This is all I asked for and it shouldn't present such a terrific problem.

Mr. Shaw said if Customs is open 24 hours a day, you won't need the sign, and that is what we are hoping will be instituted.

In connection with the Labour Relations Legislation, Commissioner Cameron said he would send a night letter tonight asking Ottawa whether they are going to send an expert to discuss this with Committee. Labour Relations Legislation

Committee proceeded to discussion of a memorandum from the Commissioner dated November 4, 1963, regarding the 1967 Canadian Centennial Celebrations. Canadian Centennial Celebrations.

Commissioner Cameron gave a broad outline of the requirements as follows:

"As you will recall last month, I attended the first Conference on this Centennial Celebration. Two or three of the provinces have done a certain amount of leg-work on the project. None, however, had firm definite commitments or a program completely planned. Some projects they had established were going to be completed for the Centennial. I had to point out that actually we had nothing to date, hadn't really got off the ground on it. We came up with some general ideas as to what we felt would be topics for discussion at the Conference in the next few days. We looked at the agreement and all the provinces agreed in principle to this, but I did not feel it was a workable agreement as far as the territories were concerned. Mr. Horton, Mayor of Yellowknife, was there representing the Northwest Territories and he expressed the same feeling. I suggested that if we could come up with some realistic program and some method of raising money, then through correspondence with the Federal Government, we could submit this proposal and ask for an outright grant either on a maximum dollar basis or some prearranged financial program. The Chairman of this Committee agreed that we had a particular situation and that we should submit our ideas and suggestions and ask for what we felt was fair assistance. The plan that is set up for across Canada is a dollar per capita. Approximately \$19,000,000.00 of Federal money is available on a matching dollar basis. The Federal government will put up \$1.00, the Provincial government will put up \$1.00 and the Municipalities will put up \$1.00. This, of course, is not too realistic, from the standpoint of the Yukon Territory. The money we would put in as the Territorial money would be in all probability the money we had received in the form of grants from the Federal Government. So it would mean Federal money being used right the way through. They did stress the point at this Conference that they wanted both the Indian people and the Eskimo people to partake as much as possible, and they were not to be left out or eliminated in the celebrations. They also asked that wherever possible every individual in Canada be permitted to partake in the celebrations, and the

celebrations should be based as much as possible on lasting effort, a lasting project, something that would show it was built commemorating the 100th birthday and that it would not be just a party for a week or two or for that particular year and then be gone. I thought that if Council could come up with just some general ideas as to what they would like to see then it is my feeling you should put them into the hands of your tourist director who will be the front man and will get everything brought together and tied into shape. I would also just pass on, for what it is worth, the idea that whatever is done in the Yukon Territory should be spaced throughout our two and a half months in such a way that there is no conflict in different areas. We do lack population and in order to get the maximum out of this celebration, something might be arranged along those lines. For example, if Dawson is going to have the week of the 17th of August as their main week for this Centennial Celebration, then nobody else in the Territory should have that week. That way we'll get the maximum of visitors and we will do the maximum amount of visiting ourselves.

Mr. Taylor (Mr. Boyd in the chair) noted that in the memorandum it cites those things which would be of a lasting nature. He could not see anything in there that they could take advantage of in Watson Lake. Any of the programs, they could come up with would not qualify for the grant money, this was the disturbing thing. He was wondering how they could get around that problem.

Commissioner Cameron said he would throw this idea in for what it's worth - Let us assume that the Committee or the Council have submitted a proposal to the working committee that some type of a drama festival be formed and that it be staged each year. We are going to establish a big drama festival where every community must put in some sort of a play or something and it would take place over a period of a week. If this was approved, the money would be made available for people to travel and to put these plays on, and every community would benefit from this because they would be financially able to enter into it. This is a thing they are thinking of because they want to promote travel within the provinces and within Canada; they are trying to come up with rate reductions by air and by buses that will be so low and reasonable that young people, particularly, can move throughout the different parts of the country at very cheap rates or have some kind of an exchange basis of students or certain types of entertainers.

Mr. Shaw asked if the construction of a blacksmith shop as it was in the early days would come into the category of building something to commemorate a by-gone era.

Commissioner Cameron said yes, and Dawson is in an ideal position to take advantage of the restoration of historic sites.

Mr. Watt said in connection with item 1 "The acquisition and construction of buildings, parks, and other capital works", if it were decided to build a museum, how would it be operated and who would do the maintenance?

Commissioner Cameron said this is one of the problems that must be faced in this project. On any expenditure of a capital nature, you would have to keep in mind who is going to operate it and how. This money would have to come under the process of grants from the Territory or from the City, plus collections made either at the door or by the operation organization. This is something Ottawa is not willing to pay out for. He added that there was no restrictions on the future operation of the project.

Mr. Shaw asked if he was assuming correctly that one could discuss this matter with the Director of Travel and Publicity and he will correlate all factors and see what will come out of it.

Commissioner Cameron suggested that the Council go on record as seeking more information at the Spring Session, that they are all in favour in principle of this, and they want to do everything possible to celebrate properly and successfully the 100th birthday and if they go through, put this work in the hands of the Travel and Publicity Department and ask them to come up with some ideas and suggestions and a full rundown for the Council. They can then be called on to do the leg work and collect the private letters and so on. Teachers are presently discussing it with the pupils. The main thing is to keep this moving. The main stick man should be Mr. Gibson and his crowd, he could push the publicity and set down the ideas and suggestions and submit them again. When I go to Ottawa in December all I can do is to say here are some of the projects we have in mind.

Mr. Boyd on a matter related to Labour suggested that the questions appear to be too difficult for Council to analyze, even with the help of an expert from Ottawa. He suggested we give them more thought and toss them back to the powers and ask them to answer the questions. He thought that asking for an expert at this time would do them no good until this is really gone into and laid down into some kind of terms that are acceptable. His idea was we should bring a couple of experts in to draw it up and draft it and then we have a look at it and have it explained to us after it is done. Labour Relations

Mr. Watt said he thought the whole purpose of these questions was to ask our opinion on these different parts so that they can draft legislation with out intentions in it. He asked if it would be proper for any member of Council to discuss this with anybody outside of the Council to get their opinion or whether this would be violating a rule.

Mr. Livesey said in this question of Labour Legislation, there is only so much you can put into Labour Legislation. You cannot absorb the power that is normally allowed to the trade unions. They have specific areas whereby they can use it as a means of arriving at an agreement. The actual legislation that we, as a government, are going to lay down is not necessarily an all-encompassing form of legislation. It is only going to be the type of legislation which we feel is necessary in a broad sense, in order to regulate the normal relations between employer and employee. You are not going to legislate out of existence the trade union just because you are bringing into existence a labour ordinance. It is quite within the means and the power of the Council to consider labour legislation. One of the things we should consider, very seriously, is the consolidation of a number of present ordinances that we have on the books with the usable and likely improvements that bring them up to 1963 and I don't believe this is beyond our power.

Mr. Boyd said Mr. Livesey talked about power and means, but he didn't actually say it was within our ability to do it. If you start answering these questions in saying what you want, you will have the labour contractors, employers, lawyers, etc., demanding this and that. It requires the work of a Committee.

Mr. Boyd moved, seconded by Mr. Shaw, that Mr. Speaker do resume the chair and hear the report of the Chairman of Committee.

Mr. Speaker resumed the chair and heard the Chairman of Committee report as follows:

Committee  
Report

Committee convened at 10:20 a.m. to discuss bills, memoranda and sessional papers. Mr. MacKenzie and Mr. Gibson attended Committee for discussions related to Bill No. 7. Committee recessed at 12 noon and reconvened at 2:00 p.m. It was moved by Mr. Boyd, seconded by Mr. Watt, that it is the opinion of Committee that the Administration consider the removal of the Lewes River Dam during the winter. This motion was carried. I can report progress on Bill No. 7. Inspector Vachon joined Committee to discuss Sessional Paper No. 3. Commissioner Cameron attended Committee to discuss sessional papers and memoranda.

Council accepted the report of the Committee.

Council adjourned until 10:00 o'clock a.m., Wednesday, November 27th.

2 for L.R.

Wednesday, November 13, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from Commissioner Cameron in reply to Motion 19 of the First Session 1963 regarding the Corrections Committee (set out as Sessional Paper No. 24), and a memorandum concerning the Police Services Agreement (set out as Sessional Paper No. 25).  
Sessional Paper # 24  
Sessional Paper #25

Mr. Boyd tabled a report from the Liquor Committee. (This report is available at the office of the Territorial Secretary)

Mr. Shaw moved, seconded by Mr. McKamey, for leave to introduce Bill No. 13, an Ordinance to amend the Motor Vehicle Ordinance. Introducing Bill #13

Motion Carried.

Mr. Watt moved, seconded by Mr. Boyd, that it is respectfully requested that the Administration provide Council with the following information:  
(1) amount of money spent and the progress made on the stabilization program during the last twelve months.  
(2) Plans for the future, particularly next year on the escarpment stabilization program.  
Production of Papers #6

Motion Carried.

Mr. Boyd gave notice of Motion respecting Fuel Tax. Motion #4

Mr. McKinnon moved, seconded by Mr. Watt that Mr. Speaker leave the Chair and Council resolve into Committee of the Whole to discuss Bill No. 5.

Motion Carried.

In Committee of the Whole:

In Committee

Discussion followed on Bill No. 5 with Dr. D. R. Kinloch, Chief Medical Health Officer, and Dr. W. Buchan, President of the Yukon Medical Association, present.

Mr. Boyd stated that he would like to hear Dr. Buchan's reaction to this bill. Discussion Bill #5

Dr. Buchan wondered if he could have Dr. Kinloch explain the background to the amendment.

Dr. Kinloch stated as they well appreciate there is some difficulty in securing postings of physicians to the Yukon Territory. This is for a number of reasons, isolation and the fact that many who come here will be practicing on their own, and the facilities may not be as good as they are elsewhere. There is the availability of consultant help and a minor point, not sufficient remuneration that is not sufficiently more than could be earned elsewhere. The Ordinance as it stands now restricts doctors who wish to come into the Territory to those who possess the LMCC, which is the licence of the Medical Council of Canada. This licence is obtained by examination and is usually taken at the end of the fourth year of medicine. It is an examination which largely

depends upon book knowledge rather than practical knowledge. This book learning is well known by students preparing for class examinations but at the end of two years of practice it is not so well known. They do have difficulties obtaining a sufficient number of Canadian graduates, but they do have a number of applications from people they feel are well qualified except for this stipulation of having an LMCC. Another problem is these examinations can't be taken at any time of year and they would not be eligible to write until the following spring, therefore he would not be able to take up a practice in the Yukon. The amendment will allow the Commissioner to accept certain qualifications in lieu of the LMCC. These are not specifically laid down in the amendment because they do not feel it is necessary. They have numerous bodies to which they can appeal, for instance the Medical Council of Canada, Colleges of Physicians and Surgeons in the various Provinces in Canada, to determine whether a specific person's training is acceptable. They don't have to make this decision here, it will be done by people more qualified than themselves. The crux of this amendment lies in the word "may". It does not necessarily mean the Commissioner has to grant a permit to anyone who applies, nor does he have to extend the duration of this permit for four years. He can make the permit for whatever period he desires under the circumstances. The real aim of this amendment is to allow eminently qualified people, who they know to be good men, to practice. He didn't feel they can legislate specifically on this, it would be too difficult. It is also a very good idea to have the decision, as to whether or not these people's degrees are acceptable, left to the discretion of the Commissioner so that he can apply for outside help. If we set qualifications here ourselves we will run into difficulties because, travel being what it is now, we have applicants from all over the world.

Mr. Shaw stated that this was something he had looked forward to for some time. In the Dawson area they have difficulty obtaining a doctor with the qualifications of the Canadian Medical Council. They had every assistance possible from the Northern Health Services and doctors in Whitehorse. After this a temporary lady doctor was obtained from Vancouver for a one month period. With the passage of this Bill there is a good possibility of being able to obtain a doctor from another country who is qualified to look after people. He thought the four years was sensible and it gives a doctor the opportunity to bone-up on the academic part of the profession.

Dr. Buchan replied that the Yukon Medical Association were in favour of it, in fact they inoculated this amendment by recommending that the Ordinance be changed to allow British graduates to practise. The situation in Canada is that doctors are licenced by the College of Physicians and Surgeons, these colleges are not necessarily the Canadian Medical Association. The College of Surgeons and Physicians is a body established by the Legislature of the Provinces to control the licencing and disciplining of doctors. In B.C., Ontario and Manitoba they require that the doctor fills out the LMCC. Saskatchewan, Newfoundland and Nova Scotia do not have this requirement, they accept British graduates. In 1954, when this Ordinance was made, Mr. Phelps, who was in the Council then, approached Dr. Tanner for advice on this thing. It appeared at this point that the forward step in medicine was to have the applicant qualified with the LMCC. Accordingly this was recommended to the Council to allow only candidates with the LMCC in.

Mr. McKamey asked if a medical practitioner was permitted to practice in the Yukon Territory, would he be compelled to write a qualifications test under this LMCC?

Dr. Buchan replied that under the old Ordinance he wouldn't be allowed to practice at all. Under the amended Ordinance he would have to write it after four years. The Yukon Medical Association feels however, this should be two years. Unless a doctor keeps up with modern developments he can be out of date in seven years. They feel that a two year limit would be an advantage, if for example a forty year old doctor was coming from Britain, the chances that he would be out of date are extremely high. The only difference in thoughts are that in two years a doctor has had enough time to bone-up and write the paper. In their brief to the Royal Commission they mentioned that possibly there should be consultation with the Yukon Medical Association before the licencing of new doctors. The Y.M.A. is no College of Physicians and Surgeons therefore it would be impossible for them to do the total licencing. As the Territory grows, and this Legislative Body itself has more power, they feel that the Y.M.A. also should be heading the way of the Provinces. They feel there should be mandatory consultation by the Commissioner with the Y.M.A. The Yukon Medical Association should not necessarily have a veto, but consultation would be necessary with a view to approaching Provincial status.

Mr. McKamey agreed with Dr. Buchan. He mentioned that one point he did not like about this bill was the legislating here is compelling someone to sign their resignation before they are even hired. Here he referred to Section 7A of the amendment. It seemed to him that the Commissioner has the right to write this permit and terminate it at any time. He felt too much power was being put on the Commissioner.

Dr. Kinloch stated he would like to refer this to Mr. Hughes.

Mr. Hughes commented that if anyone was suspicious of the motives of the Administration and the interpretation that would be given, then the only thing the Administration can do is withdraw this bill immediately. The Commissioner doesn't want to be party to squeezing good men out of the Territory, opening the gates to men with poor qualifications. This is an attempt by the Administration to overcome the problem, they know it exists and if the Commissioner is not to have discretion he saw no alternative but to withdraw the bill.

Dr. Buchan replied that he suggested the Commissioner be required to consult the Y.M.A. but that the Y.M.A. have no power of veto, this is purely a consultation factor.

Mr. Taylor asked if he was to understand that any attempt by this Committee to revise this Bill would amount to its withdrawal from the House.

Mr. Hughes replied that he could not, at the moment, tailor this Bill by drafting to meet the suspicions to eradicate any possibility that the Commissioner might be part of the design of this draft.

Mr. Livesey thought it the privilege of Council to control the power of the Administration, but sometimes it seems to go in reverse. If the House feels that the Administration is obtaining too much power, it is their legitimate right to speak on it. He stated he feels the Yukon does need assistance and fully agreed with Dr. Buchan. He hoped that by mutual agreement something could be



induced to assist the Medical Profession in the Territory, and certainly something to assist the people in outlying areas who have no assistance whatsoever.

Mr. Shaw stated he was happy to see the co-operation from the Medical Association. This bill is extremely important to the Territory and particularly Dawson City and perhaps Watson Lake. He commented that when the Army pulls out of Whitehorse no doubt the Army Surgeons will also be withdrawn. This will mean that more doctors will be required in this area as we do not expect that the population of Whitehorse will decrease to too great an extent. Canadian Doctors just don't want to come and practise in the Yukon. He felt the local Medical Profession have been very reasonable about this matter and indicated a desire to co-operate. He felt sure in future that the Administration will certainly consult with these people. He stated that the four year period might seem long but it is to be considered that a man from England or Scotland would hesitate to pull up his roots and stick his neck out on maybe a two year term. He concluded by stating that the principles, he thought, were accepted by all concerned.

Mr. Hughes stated he had worked out that if they introduce somewhere an addition providing that the Commissioner is required to inform Council, at the next subsequent Session, of applications received and the reasons for the refusal if applicable and the terms of any further issue, then they would be informed that there was no attempt to victimize anybody. Let the decisions be taken as they arrive and they will have reports on them. This way Council would know exactly what was going on.

Mr. McKinnon stated he had no desire to try and judge any applicants merit. He thought the solution to the problem would be found in the Y.M.A. having consultation with the Commissioner on any application.

Mr. McKamey fully agreed. He didn't feel competent to judge on anyone in this profession.

Dr. Kinloch stated that not only he is incompetent to judge applications from other countries but he also felt the Yukon Medical Association is not competent to do so. He felt it necessary to seek more learned consultation and suggested this be done through one of the Provincial Organizations or the Medical Council of Canada. These people are dealing with a larger bulk of applications and would be in a better position to advise them. He mentioned that the Province of Alberta has a list of Universities in Australia and New Zealand which they will accept and he felt this information could be obtained quite readily.

Mr. Shaw asked the Legal Advisor what length of time they allow a Doctor to practice in Alberta before he can get a licence.

Mr. Hughes replied that he could not answer this question at the moment but perhaps Dr. Kinloch could help.

Dr. Kinloch replied that there are no restrictions in the Province of Alberta but this applies in several other Provinces.

Mr. Shaw stated it would appear this Ordinance would be more restricted than what they have in other Provinces at the moment.

Dr. Kinloch replied that it would be. He further stated that this is specifically set up in Alberta to graduates from Great Britain and he felt sure they would not accept applications from just any country.

Mr. Shaw asked if it would be possible for the Yukon to enter into consultation with Alberta in relation to their Medical Council qualifying these persons.

Dr. Kinloch replied that he has already corresponded with Alberta on this point and secured this information about British graduates.

Mr. Boyd asked if it was possible for a doctor under a permit to come here after having used up his permit time from somewhere else in Canada. For instance if he had a four year permit in the Northwest Territories, and this expires could he come here and get another one?

Dr. Kinloch replied that the only other place this could apply is the Northwest Territories. In no province would this be possible because they are not required to have a permit, they are actually licenced in the provinces.

Mr. Taylor, (with Mr. Boyd in the Chair) stated that he has listened to the discussions with great interest. He felt two years should be considered rather than four years as the duration of this licence. He felt the Yukon Medical Association should be serving as a College of Physicians and Surgeons in the Territory. They are told in the Bill that one of the reasons they need these doctors is to put them in communities such as Watson Lake and Dawson. In his constituency a person requiring medical aid has to drive 600 miles to get it, so here is a place they need a doctor.

Mr. Shaw thought in passing this Bill it might assist the problem at Watson Lake.

Mr. Watt referred to Section 2 sub-section 3 and asked if a permit is issued for four years and later they find out the practitioner is not quite up to scratch, can the licence be suspended or cancelled and what type of violation is required before a licence can be cancelled or suspended?

Dr. Buchan replied that it is a very difficult thing to decide whether a doctor is practicing to the detriment of his patients. In the provinces a complaint, from a patient or another doctor, is taken to a disciplinary committee of the College of Physicians and Surgeons who hold his licence and they have a special committee to consider it. If they consider there is a definite malpractice they can remove his licence. The only way this could be duplicated in the Yukon would be for the Commissioner to set up a committee to investigate complaints, if enough complaints were received.

Mr. Watt stated that if a permit were issued for four years it would be almost impossible to suspend that permit unless there was malpractice, and he felt permits would be issued for the full period good or bad.

Dr. Buchan stated that it does seem amazing that the Yukon is setting up tougher legislation than Alberta, Nova Scotia, etc. B.C. and the interior have tougher legislation than is proposed here. In his opinion the Canadian graduate and the Canadian practitioner is a better trained man than the British practitioner.

Mr. Shaw stated the point he does not understand is that he has known doctors who have left the Territory and gone to England and Scotland to study further, if they can obtain this study in Canada why do they go to England or Scotland to take this post graduate course?

Dr. Buchan replied that in Britain there is a very high standard and a very low standard of practise. In teaching hospitals it is very high but in general practise it is very low.

Mr. Boyd asked if a person applying from Europe would have to come here to meet the Yukon Medical Association or could he meet with the Canadian Medical Association and have his credentials accepted or refused and if accepted, then proceed to the Yukon.

Dr. Buchan advised that all these things are done by mail. He would never come here to be interviewed and then be turned down but this is a touchy problem in the Yukon. The provinces handle this by writing to several doctors and asking them if they know anything adverse against this person. They feel it would be easier for the Yukon Medical Association to do the writing of this nature rather than for the government to do it. He felt as long as the Yukon Medical Association are consulted this is the first step in improving the medical situation in the Yukon.

Committee recessed at 12:00 o'clock Noon.

Wednesday, November 13, 1963

2:25 o'clock P.M.

Committee resumed discussion of Bill No. 5 with Mr. Hughes, the Legal Advisor in attendance.

Discussion  
Bill  
# 5

Mr. Shaw wondered if the Legal Advisor had any suggestions in relation to the proposal for the amendment to this bill.

Mr. Hughes replied that he had discussed the proposed amendment with Commissioner Cameron who, from the administrative point of view, could see no objection and accepts the amendment to read "The Commissioner may after consultation with the Yukon Medical Association issue a permit".

Amendment  
Bill #5

Mr. Boyd brought up what he called the "closed door" attitude with regard to the Medical Association.

Mr. Livesey said he sees no closed door at the moment. In using the word "may" it does not obliterate the powers of the Administration, all it does is include a consultation with those who are, being professionals, qualified to give the proper information to any layman, person or party seeking it. It would seem that in the Yukon Territory the Yukon Medical Association would be the most authoritative group on medical matters.

Mr. Shaw said a point in its favor is that it does create a certain amount of liaison that might possibly do away with any conflict that might arise and it assists the Commissioner in his deliberations to attain this particular end.

Mr. McKamey thought this to be in line with some of the recommendations made by the Glasgow Commission.

Mr. McKamey moved, seconded by Mr. Livesey, that Section 7A be amended to include after the word Commissioner in line one: "after consultation with the Yukon Medical Association".

Motion Re  
Amendment  
Bill #5

Mr. Boyd pointed out this means no medical practitioner can be issued a permit until after the Yukon Medical Association has been consulted. It seems sometimes doctors do not stay here because they can't get along with the Yukon Medical Association - they are ostracized and not allowed the necessary facilities. He felt they should be sure of what they are doing before putting everything into the hands of the Yukon Medical Association.

Mr. McKinnon said he could not see any inherent danger here whatsoever. If a doctor desires to come to the Yukon and the Commissioner consults with the Yukon Medical Association, even if the Y.M.A. is against the doctor coming to town but the Commissioner feels the doctor is qualified and should be granted a permit, the Y.M.A. has no say in the matter. On the other hand, if the doctor joins the Y.M.A. and practices in the clinic in Whitehorse, and at some subsequent time finds that he cannot get along in the association he is in, his permit is not going to be revoked and he can go into private practice.

Mr. Watt pointed out that if this suggested amendment isn't put in there is nothing to say that the Commissioner could not still consult with the Yukon Medical Association, but it doesn't make it mandatory for the Commissioner to consult with the Y.M.A. He would sooner vote for this Bill without the amendment.

Mr. Livesey could not agree with the interpretation just given. In his opinion this would mean that the Commissioner may issue a permit, and it lays down the stipulation that consultation must take place. This still doesn't tie the hands of the Administration, it only makes it mandatory that the consultation with the Y.M.A. takes place.

Motion Carried.

Mr. McKinnon said he had listened to the debate this morning on the question of the two year period versus the four year period. If a four year limit is left in the Bill it is very doubtful whether a doctor would undertake to write the exam before the four years are up. If a qualified medical person is moving into the Territory and knows he has a two year stipulation on his permit this will give him ample time to become familiar with medical advances so that he can sit and write his examination.

Motion re Amendment Bill #5

Mr. McKinnon moved, seconded by Mr. Watt, that in Section 7A (2) that "four years" be amended to read "two years".

Mr. Shaw objected to the motion as a two year period is not long enough for a medical practitioner, particularly one from another country, to familiarize himself with the requirements and practices of the Medical Association here to the extent that he could write an examination and pass it.

Mr. McKamey agreed with Mr. McKinnon saying that the two year stipulation would tend to upgrade the standards of the profession in the Territory.

Mr. McKinnon stated that in proposing this amendment he did not want it to cause any hardship on any of the members who are in constituencies where they have difficulties obtaining doctors. It was his opinion that in a two year period a doctor could certainly decide whether or not he would stay in the Territory and be licensed under the Canadian Medical Association. If the Councillors really believe that this was going to cause unnecessary hardship on their obtaining qualified medical practitioners then he would certainly withdraw the motion. His purpose in making the motion was to make certain that the Yukon would continue to have very competent and qualified medical practitioners.

Mr. Watt agreed with Mr. McKinnon.

Mr. Taylor (Mr. Boyd in the Chair) felt that two years is sufficient time for a man to determine whether or not he is going to write and qualify under the normal terms of the Ordinance. The intent of the amendment is to upgrade our medical profession and if the Y.M.A. feel this way he would have to accept their opinion.

Mr. Shaw said a man who had put in fifty years of devoted and efficient service in a community would probably have difficulty passing an examination. A person from another country would also have difficulties. It would take years for them to catch up. The four year period would not hurt anybody, but would allow a certain amount of latitude, whereas a two year restriction would seem to be out of the question.

Mr. Hughes asked where it says "The Commissioner would be given power to renew the permit", is it Committee's wish that he should again confer with the Y.M.A.?

Mr. McKinnon withdrew his motion on approval of the seconder Mr. Watt.

Withdrawal  
Motion re  
Bill #5

Mr. McKinnon moved, seconded by Mr. McKamey, that in Section 7A (2) after the word "may" the words "after consultation with the Yukon Medical Association" be added.

Motion  
re Bill  
#5

Motion Carried

Mr. McKamey moved, seconded by Mr. Shaw, that progress be reported on Bill No. 5.

Motion Carried

Mr. Watt moved, seconded by Mr. McKamey, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Motion Carried

Mr. Speaker resumed the Chair and Council accepted the report of the Chairman of Committees as follows:

Committee  
Report

Committee convened at 10:25 a.m. to discuss Bill No. 5 with Dr. Kinloch and Dr. Buchan in attendance. Committee recessed at 12:00 noon and reconvened at 2:25 p.m. Mr. McKamey moved, seconded by Mr. Livesey that Section 7A be amended to include after the word Commissioner in line one "after consultation with the Yukon Medical Association". Motion Carried. Mr. McKinnon moved, seconded by Mr. McKamey, that in Section 7A(2) after the word "may" the words "after consultation with the Yukon Medical Association" be added. Motion Carried. Mr. McKamey moved, seconded by Mr. Shaw, that progress be reported on Bill No. 5. Motion Carried.

Mr. Taylor gave notice of Motion respecting fur subsidies for northern trappers.

Motion  
#5

Mr. Watt moved, seconded by Mr. McKinnon, that a three man committee composed of the following be formed: a representative from (1) the R.C.M.P.; (2) the Territorial Engineering Department; (3) the Department of Public Works. The purpose of the committee is to make recommendations concerning safety and traffic control on the Two Mile Hill road. We wish special consideration to be given to the following items: (a) Need for a guard rail along parts of the edge of the road. (b) Need for widening and hardening the shoulders. (c) Painting of white lines to indicate lanes. (d) Approaches to the Two Mile Hill road, particularly from the service areas.

Motion  
#2

Mr. Watt, speaking on the motion, said that they know the Department of Public Works is taking over the maintenance of the Alaska Highway. The Two Mile Hill road is now partly maintained by the Department of National Defence by an agreement between the Territory and the Department of National Defence, and it would be a good time for a committee to be formed to look into the safety of this road. During the past week he had seen three cars over the edge. The shoulders going up on the right hand side are soft and the bank is steep and the minute you pull over a bit off the pavement your front wheel drops and pulls you over towards the edge. If a committee were formed they could make proposals to provide safety on the hill.

Mr. Shaw believed the Two Mile Hill road was under the complete jurisdiction of the Territorial Government and it has nothing to do with the Department of Public Works.

Mr. McKinnon said in seconding this motion he was particularly concerned with item (d). Anything they can do for added safety on the hill is worth while considering.

Motion Carried.

The following questions were directed to the Administration:

Question #7

Mr. McKinnon asked if the Administration had given any consideration to Motions No. 27 and 31 passed at the First Session of Council 1963?

Question #8

Mr. Shaw asked if the Administration could supply information as to the necessity of individual Wide Load Permits being required each time such a wide load is moved and is there any possibility of ameliorating the existing inconveniences and costly delays?

Question #9

Mr. Taylor asked would the Administration consider extending the beaver trapping season to commence on November 1st rather than January 1st? and would the Administration advise Council

Question #10

as to why more extensive use of local forest products is not encouraged in Territorial Government Contracts?

Question #11

Mr. Livesey (with Deputy Speaker in Chair) asked the following: Could the Administration advise the House what program has been adopted in relation to a motion passed at the Spring Session (Motion 21) relative to judicial training for the Office of Justice of the Peace in the Yukon?

Question #12

During the Spring Session this year, it was pointed out by the member of Council for Carmacks-Kluane Lake that some attention should be paid to recreational roads in the community of Haines Junction, one reference concerned access to Pine Lake. During the intervening period between sessions it was understood that the residents of Haines Junction had voiced some preference for the construction of a dam in the creek which leads to the lake in the vicinity of the tourist campsite in order to provide a water access route to the lake. Could the Administration advise the House of any decision to proceed with the work?

Mr. Taylor moved, seconded by Mr. Boyd, that Mr. Speaker do leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, memoranda and sessional papers.

Motion Carried.

In Committee

In Committee of the Whole:

The Committee proceeded to discuss the report of the Liquor Committee.

Discussion Liquor Committee Report

Mr. McKinnon referring to the terms of reference of the Liquor Committee asked if the Chairman of the Liquor Committee could advise why the terms of reference were not abided by?

Mr. Boyd replied that the Committee brought this up before the Administration and were told that the report would have to be made to the Commissioner regardless of how the motion read.

Mr. McKamey said it seems that any time you ask for a commission to investigate something you come back to the committee that was responsible for organizing it.

Mr. Taylor asked Mr. Hughes who established these terms of reference?

Mr. Hughes replied they were set out in the original motion. This created some confusion because the commission was to be appointed by the Commissioner and it was to report its recommendations to this Council, so the terms of reference do also indicate the report to the Commissioner.

Mr. McKamey said the reason that was incorporated into the motion in that manner was because the Legislative Council hasn't got the power to appoint a commission, it is contrary to the Yukon Act. When you appoint a commission you have to pay travelling expenses and so forth and this is not within their power. This is why it was requested by the Territorial Council that the Commissioner appoint the commission. It never entered his mind at any time that the committee was going to report back to the Administration and the Administration draft the report to Council.

Mr. Livesey said that certainly was his idea too. Definitely in a question like this where it says "It is in the opinion of Council..." it means simply that according to their rules, following the Parliament of the House of Commons, they followed the suggestion that the Members of the Commons by themselves are not empowered to suggest any question which could incur the spending of tax money or incur a debt upon the people unless it had been agreed to by the Administration. Certainly the first part of the motion was carried out, the Commissioner appointed a commission, but the second part "to report the findings and recommendations of the commission to the Yukon Legislative Council" has not been done.

Mr. Watt asked Mr. Boyd, Chairman of the liquor committee, who actually drafted the report.

Mr. Boyd replied that since the committee has no stenographers, typewriters and so on, it was put onto paper by the Administration and handed to them to be read and checked. This happened about three times and this is the final draft that they agreed to.

Mr. Watt stated the Administration more or less drafted it then.

Mr. Boyd replied that is true.

Mr. McKamey said he was very sorry to hear this was handled in such a manner and it did not follow the motion that was assented to and passed by this Council. He did not know what steps could be taken to rectify the situation but said this is not a cross section of what the people of the Yukon Territory want, but a cross section of what the Administration wants.

Mr. Boyd did not agree. Mr. Drury, Mr. Beaumont and himself have gone through it and the Administration have not put any words in that they disagree with entirely. He thought to get at their point of view had they, in their motion in the first place, made a committee independent of the Administration altogether it would have been more to their liking and more to their desire as he saw it now, but it so happens that Commissioner Cameron elected to appoint Mr. Delaute to act as secretary and Mr. Vars, Superintendent of Liquor, as part of the committee. How can a committee of three outsiders divorce themselves from a situation like this?

Mr. McKamey said as a point of information, some years back it was the request of the Territorial Council, to the Administration, to appoint a committee to investigate the educational problem in the



Yukon Territory. The motion was similar to this. The Administration appointed a committee on education which conducted a thorough investigation of all the problems, they met various parties and organizations throughout the Yukon Territory, they accepted briefs and discussed their findings to a great extent. There wasn't a doubt in his mind that the gentlemen appointed to the liquor committee did an excellent job; he thought they worked very hard on it and spent a lot of hours and they are to be commended for it. However, he thought that if they had taken the same course with the proposed amendments to the Liquor Ordinance as they did on the proposed amendments to the School Ordinance it would not have presented any problems. For some unknown reason somebody went way off on a tangent and he was opposed to this.

Mr. Shaw said that regardless of what they think of the committee's recommendations, they still have a draft of briefs from people in the Territory. He suggested that each member make himself fully conversant with the briefs that originated in their particular area and during discussions try to come to agreement with the recommendations on the various points.

Mr. Watt said the committee was composed of Mr. Boyd, Mr. Drury, Mr. Beaumont and Mr. Vars and they elected Councillor Boyd as Chairman. In addition Mr. Delaute acted as secretary to the committee and Mr. Hughes attended the committee as Legal Advisor. He asked Mr. Boyd if Messrs. Delaute and Hughes were actually members of the committee or did they just act in the capacities as secretary and Legal Advisor?

Mr. Boyd replied that they just acted in the capacities indicated.

Mr. Watt said Mr. Boyd stated the Administration drafted this but they weren't members of the committee, they just attended. He further stated that there were some parts of the report he took exception to and knew it wasn't Mr. Boyd's strong, firm, reasonable hand that had put these words in this report.

Mr. McKamey thought the committee has something to decide. Are they going to represent their constituents or are they going to represent the Administration? If they accept this report, as far as he is concerned, the way it is laid down in the report, they are representing the Administration. He asked for the committee's consent to table this for the time being and said there is a good possibility of a motion being tabled in respect to this specific report.

Mr. Taylor (Mr. Boyd in the Chair) said he agreed with Mr. McKamey. He understood when this matter was presented at the Fall Session they would have the recommendations itemized as in the education report. In this report he could see some recommendations but felt it wasn't enough to draft an ordinance out of. He wished to know from the Legal Advisor whether or not his office was handling this matter completely and solely, as far as preparing the information was concerned.

Mr. Hughes replied the Administration is here to assist the Council and he was certainly no stranger to this report. There is no issue at all that the work involved was considerable - very difficult for busy men such as Councillor Boyd, Mr. Drury and Mr. Beaumont and the other people to always be available for a period of approximately a month to get the first draft done. The first draft, which consisted of some forty pages was put before the committee for consideration and they could see they didn't think much of the first draft by the way it has dwindled. It is for the committee chairman

to tell them whether or not it represents the committee's views in its present form. It is commonplace in the preparation of long documents for laymen to invite the assistance of people who are accustomed to preparing reports. All this was done because the Administration feels it is charged with the duty to assist. He would be sorry to think that if in trying to perform this duty they were suddenly to be rounded upon and accused of some impropriety, and he suggested that criticism of the report would be better after reading it and at that point possibly some evaluation could be made. Initially he only tried to reduce the proposals in the brief into report form. The reason outside experts were not obtained was that no firm indication was given to have these experts. In the case of the education committee possibly a firm indication was made. In this case it was felt local people were more familiar with the problems.

Mr. Taylor said all he wants to do is establish the validity of this report. Is it a clear and concise cross section of opinion as per all the briefs, or is it just a portion, has something been excluded?

Mr. Shaw said they seem to be disagreeing with a lot of little things. They may not agree with the findings in the report but felt they should extend the courtesy of going through it and what they don't like they can discard and what they like they can accept. Mr. Boyd as chairman of the committee has accepted the report and tabled it before Council so it must indicate his feelings or the feelings of the committee. They might feel the report is inadequate but they should discuss it and go on from there.

Mr. McKamey said it was laid out quite clearly in the motion that the report was to be presented to the Territorial Council. It would seem there were two reports incorporated in one and one seemed to be very critical of the Council.

Mr. Hughes replied that he couldn't see where this report has been critical of the Council, and would apologize to Council for any inept phrase which has given rise to this feeling. He would just like to acknowledge the fitness of the point that has been made by Councillor McKinnon regarding the disparity between the points of reference and the wording of the motion. It is certainly not the intention of the Administration or the Commissioner to interfere with the report. He (Mr. Hughes) was merely a vehicle, just the mechanism used by the committee. If there is anything critical of Council in this report he would like to apologize now.

Mr. Livesey said the situation is fairly clear and the Legal Advisor has intimated that there was some misunderstanding. It seems there is more than one area of misunderstanding during this Session. He felt the motion of Council was quite clear. The ultimate answer has been, and he hoped always would be, that these committees are going to report to the Council and Council shall decide which of the views presented are the ones that are going to be incorporated into law. The reason why the members from Mayo, Watson Lake, Whitehorse North and himself have brought these points to their attention this afternoon, is to establish the fact that they don't agree that committees are something apart from Council after Council has already placed a motion on the floor and agreed that a committee should be set up. He agreed with Mr. McKamey that this submission is a step towards a report to the committee, it is not the final step and what they need is a compilation of recommendations. Probably four or five pages of recommendations would have been far better than what they have here.

He believed the point mentioned by the member from Mayo and Watson Lake, about criticism of the Council, was on page 6, paragraph 3 and he read as follows: "At the 1963 Spring Session of Council a modest power was suggested whereby the police would have authority to close a special occasion if disorder prevailed. The Councillors ignored the publicly stated opinions of mature and responsible citizens who have given months of thought to their beliefs and ....." He thought this was what the member was alluding to and if that clarifies the situation that was all he had to say.

Mr. Taylor asked the chairman of the liquor committee if this is the opinion of the committee or the opinion of the author of the report.

Mr. Boyd said the report is the opinion of the committee.

Mr. Watt requested they go through the report in an orderly fashion as Mr. Shaw suggested.

Mr. McKamey said the problem is right in the motion. If they did not receive what they asked for, should they accept it? He would like a little more time to study the report.

Motion re  
Liquor  
Committee  
Report

Mr. McKamey moved, seconded by Mr. Watt, that Committee defer discussion on the liquor report until 2:00 p.m. Thursday, November 14, 1963.

Motion Carried.

Mr. Boyd moved, seconded by Mr. McKamey, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Motion Carried

When Mr. Speaker resumed the Chair, Mr. Taylor Chairman of Committees reported as follows:

Committee  
Report

Committee reconvened at 3:25 p.m. to discuss bills, memoranda and sessional papers. Committee first discussed the report of the liquor committee. Mr. McKamey moved, seconded by Mr. Watt, that further discussion on the liquor report be deferred until 2:00 p.m. November 14, 1963. Motion Carried.

Council accepted the report of the Committee and adjourned until 10:00 o'clock a.m., Thursday, November 14, 1963.

Thursday, November 14, 1963  
10:00 o'clock a.m.

G.R.

Mr. Speaker read the daily prayers and Council was called to order.

On Thursday, November 7, 1963, the following questions were directed to the Administration by Mr. Watt: (a) What action if any has the Administration taken with respect to removal of the Lewes River dam. (b) Would it be possible to have this dam removed this winter with assistance of the Winter Works Assistance Program? A reply to this question was given on November 12, set out as Sessional Paper No. 23. Question #3

Mr. Speaker tabled the following memoranda from Commissioner Cameron:

- (1) Regarding Safety on the Two Mile Hill in reply to Motion No. 2 (set out as Sessional Paper No. 26). Sessional Paper #26
- (2) Regarding communication with Ottawa on certain subjects (set out as Sessional Paper No. 27) Sessional Paper #27

Mr. Shaw gave notice of Motion regarding the Restoration of the Economic Stability of Dawson City. Motion #6

Mr. Taylor gave notice of Motion respecting the Teslin Medical Facility. Motion #7

Mr. Watt gave notice of Motion respecting Public Washroom Facilities. Motion #8

Mr. Boyd moved, seconded by Mr. Livesey, that in the opinion of Council fuel used in the operation of farm tractors for farming purposes be exempt from the provisions of the Fuel Tax Ordinance. Motion #4

Mr. Boyd, speaking on the motion, stated that in the first place this tax from the farming source means nothing to the Territorial Government in dollars and cents. On the other hand there are three or four people trying to break some land in an attempt to grow the odd few bushels of oats for feed. They are very hard up for finance. Even though the amount involved is small, it is most irksome to them to think they have to pay fuel tax on something that is helping them to earn their livelihood. He thought out of fairness to these fellows, struggling to survive, they should help them rather than put obstacles in their way. He concluded that he sincerely hoped Council would go along with him on this point.

Mr. Taylor agreed fully with Councillor Boyd and stated that if they are trying to develop the north this is a very sound request.

Mr. McKamey wanted to know what this amounts to in dollars and cents.

Mr. Boyd replied that off-hand this would amount to less than \$100.00.

Mr. Watt stated he was in favour of giving any assistance to anyone who wants to gamble on agriculture in the Territory, particularly if there was any chance of an agricultural project becoming successful financially.

Mr. Boyd said there is nowhere in Canada where they pay fuel tax for farm use.

Mr. Shaw said anybody who goes farming in the Territory are definitely pioneers. Encouraging this would benefit the Yukon. He was in full agreement with the motion.

Mr. McKaney could see some trouble arising out of this, where boat enthusiasts and a few more would buy an acre of land so they could buy their gas cheap. Hay is hauled from Dawson to Whitehorse and other points, this is farming. He asked if they would be exempt for hauling that hay down or is it just for use right on the farm itself?

Mr. Boyd replied it is definitely for use on the farm itself. Gasoline is used to break the ground, to cultivate it, possibly to reap if there is a crop. This is strictly for the operation of the machinery that stays on the man's own farm.

Motion Carried

Motion #5 Mr. Taylor moved, seconded by Mr. Boyd, that the Federal Government be asked to earnestly consider implementation of a program of raw fur subsidies to northern trappers in order to stimulate the fur industry in the Yukon and Northwest Territories.

Discussion Motion #5 Mr. Taylor explained that he has included the Northwest Territories in the motion because any fur subsidy given in the Yukon would also relate itself to the Northwest Territories. The Yukon has always been a little short on industry but one industry they have is the fur industry, which has produced a great deal of fur over the years. The Territorial Government receives royalty revenues on all furs exported from the Territory. He referred to Federal Legislation and said that farmers are subsidized in many ways. The trapper who has as tough a time making a living as the farmer is also a farmer in his own right. If such subsidies were granted to the Yukon trapper this would reflect itself in many fields, one being Welfare. More native citizens would be out on their trap line, it would be a trend in that field to helping a man to help himself and his rewards would be based on his own efforts. As far as fur is concerned the bush is teeming with martin, mink, beaver, etc., in most areas in the Yukon. The type of subsidy he would encourage would be a price level subsidy whereby if the price of martin or mink fell below a certain level then the government would make up the difference through the subsidy. He felt this motion worthy of consideration.

Mr. Boyd said that for more than twenty years the Federal Government has kept every farmer in Western Canada from going broke, but they forgot to keep the trapper from going broke. There should be a minimum price the trapper expects to receive so he knows he will make a living. This is what has been done with the prairie farmer and it cost Canada millions in the grain field.

Mr. McKinnon objected to the motion. He objects to the farmers getting subsidies and to the majority of subsidies the Federal Government gives across the Dominion. He could not go along with the thinking that because they made a mistake in subsidizing the farmers they should go along and subsidize the fur trapper. This is a retrograde step, the whole idea of the north is that eventually it is going to be put on its own two feet, through private industry and private capital. The only reason the Federal Government is putting money in the north is towards that day when the north is able to stand on

on its own two feet and say we don't need your subsidies any longer, we are able to get along without you. That is the time we become a Province. Asking for subsidies for the north is just showing irresponsibility and that we are not even near ready to stand on our feet as yet. He was against the motion and would vote against it.

Mr. Taylor stated that this is an attempt to build the north and build up a principle industry which he felt is lagging.

Mr. Watt thought that the people who made this motion should provide Council with more information on the prices, if they need support, and what the possible effects of support would be? He would like to have more information before he voted on the motion.

Mr. Taylor stated that Mr. Watt overlooked one item in the motion which asks that the Federal Government be asked to earnestly consider implementation of a program. This is what would happen if this motion were approved, they would look into it. It doesn't say they are going to give a subsidy.

Mr. McKamey stated that he is opposed to subsidies and agreed with Councillor McKinnon that all subsidies in Canada should be chopped off from coast to coast.

Mr. Shaw stated he was against subsidies in general, but he had to accept the economics in life and the fact that in order to maintain industries in various countries it is necessary to subsidize. This motion merely asks that the Government consider it and they will find out whether it is sensible or otherwise from an economic or political point of view. The Indian Affairs Department could set up a form of subsidy for these people who are trapping, assisting them to help themselves. It has possibilities if given consideration from that view point.

Mr. McKamey stated that he would vote on this motion if it was confined to the native population and would vote against it if it would subsidize white trappers.

Mr. Taylor said he felt consideration should be given to extending fur subsidies to both white and native trappers. There are white people on welfare as well as natives and many of them are people capable of trapping. This should be something that offers equality to everybody.

Mr. Shaw was inclined to agree with Mr. McKamey that they should do everything they can to help the Indian people help themselves.

Mr. McKamey asked that this motion be deferred until tomorrow morning to offer a chance to have an amendment worked out.

Mr. Taylor replied he could not see where an amendment is necessary. It is directed to the Federal Government and this could involve the Department of Citizenship and Immigration, Northern Affairs and Indian Affairs and the broader we leave it the better it is.

Mr. Boyd stated that he felt the only place a subsidy would apply would be in the case of where it does not pay to go out and trap. Trappers, white, red or black are not going to be on the trapline unless they can get enough money out of their fur to make it worth their while being there. You must own a trap line in order to trap and no matter who owns the trap line he isn't going to trap if the value is not there in the first place.

Motion Carried with Mr. McKamey and Mr. McKinnon opposed.

Motion #3 Mr. Livesey (Deputy Speaker in Chair) moved, seconded by Mr. Boyd that Council give approval to a recommendation that the House move into Committee of the Whole on a day certain during this Session for the purpose of discussing the 1963/64 capital expenditures for new school accommodations and the apparent change in policy by the Department of Indian Affairs covering the attendance of Indian children in Territorial Schools. It is respectfully requested that the following gentlemen be asked to attend the committee: Commissioner G.R. Cameron, The Superintendent of Schools, Mr. Harry Thompson and Mr. A.E. Fry, Director of Indian Affairs.

Mr. Livesey, speaking on the motion, said from 1958 to the present they have been endeavouring to move towards greater education and the elimination of discrimination in the Yukon. The Administration has gone along with this idea and during the Spring Session a considerable amount of money was spent on school accommodation for children. Now it seems a switch has taken place and where they need accommodation they don't have it and where they have accommodation they don't need it. He suggested the House indicate to the Chair a date to discuss the question, in Committee, and also suggest some members of the Administration whom they would like to attend.

Mr. Taylor suggested this be referred to Committee and Committee could ascertain when these people would be available.

Motion Carried.

Question #13 Mr. Taylor directed the following question to the Administration: Would the Administration provide Council with the names of those persons serving on the Yukon Legislative Programing Committee?

First and Second Reading Bill #13 FIRST and SECOND Reading was given to Bill No. 13, An Ordinance to Amend the Motor Vehicle Ordinance.

Mr. McKamey moved, seconded by Mr. Boyd, that Mr. Speaker do leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, sessional papers and memoranda.

Motion Carried.

In Committee of the Whole:

In Committee Discussion followed on Bill No. 13 with Mr. Hughes present.

Discussion Bill #13 Mr. Shaw commented on the use of the words "prima facie" in Section 1 of the Ordinance and suggested that the average person would not know what this means and he suggested that if these terms must be used perhaps an explanation of the meaning could be given in italics.

Mr. Hughes replied that he wouldn't like to disturb the body of the drafting by removing this expression but he could prepare a marginal note of explanation where these phrases are used.

Mr. Boyd asked what the result would be if the ninety days was taken entirely out of Section 2(2).

Clerk-in-Council replied that the section, as it is now worded, means that if a person comes here and takes a job he is immediately required to buy a Yukon licence for his car, but

would be allowed three months before he would be required to get an operators licence. If the ninety days were taken out of here then he would be required to take out his licence plates as well as his operators licence immediately upon becoming gainfully employed.

Mr. Livesey stated he often wondered what kind of check has been made on vehicles entering the Yukon Territory to ascertain if they are living up to the same laws that apply to a resident of the Territory. It seemed to him that in a number of occasions this is not so. He felt if a check was made it would be found that a tremendous amount of traffic is travelling the highway with no licence plates whatsoever. He has questioned drivers of these vehicles with no plates and they will say they have a permit issued in the United States to transport this vehicle to Alaska. What protection are these people affording the residents of the Territory, who are forced to take out insurance?

Clerk-in-Council replied that unfortunately this does happen, but maybe not quite as often as Councillor Livesey intimates.

Mr. Livesey asked the Clerk-in-Council if it is true that in other Provinces an individual can buy a licence without having to file proof of insurance.

Clerk-in-Council replied this is true in all Provinces of Canada.

Mr. Livesey stated that this was a statement he made when this insurance question came up many years ago and he did not get satisfaction at that time.

Mr. Boyd asked if this meant that practically every vehicle with a foreign licence plate on it is violating our laws by not having the necessary insurance? He asked what happens to someone in an accident and they have no money?

Clerk-in-Council replied that this doesn't mean that every tourist who comes in here and doesn't have insurance is violating our Ordinance. He is exempt from the provisions of our Ordinance if he is properly licenced in his home jurisdiction. There is another section that governs the situation if a person gets involved in an accident and has no money, we impound his vehicle, but it might only be worth \$300.00.

Mr. McKamey stated that to him the idea of having to have insurance on a vehicle before you can have a licence is ridiculous. Under the present Ordinance we are making the car liable.

Mr. Boyd referred to Section 2(2) and said it seemed if these ninety days were taken out, the only man it is going to effect is the man who becomes employed. Why shouldn't a man transferred here with a Government Department, etc. take out his plates immediately? It doesn't effect tourists in any way to cut off the ninety days.

Mr. Shaw felt a person who starts to work in the Territory should be required to take out licence plates immediately and also a drivers licence. He asked the Legal Advisor if any difference was made between a person working in the Territory employed in a job or a traveller.

Mr. Hughes referred the question to the Clerk-in-Council.

Clerk-in-Council stated that anyone travelling up the highway on business, such as commercial travellers, must obtain licence plates immediately. Only those touring for pleasure for a period



of ninety days or less are exempt. This particular section only applies to operators and chauffeurs licences and not to vehicle licence plates.

Mr. Shaw stated this answered his question in one direction but he sees commercial travellers from Alberta and British Columbia contravening the law.

Clerk-in-Council, referring to Section 20 of the Ordinance, said this is so and he asked the Legal Advisor to correct him if he was wrong.

Mr. McKinnon thought there should be a period of grace here. He did not feel that a commercial traveller should have to purchase Yukon licence plates as soon as he crosses the border and thought ninety days was fair.

Mr. Boyd agreed, but when someone is transferred here and becomes permanent then he should be required to take out his licence.

Mr. Shaw stated that in Dawson last spring the police periodically would stop a car to check the brakes, lights, etc. and he wondered if that prevails in this area.

Clerk-in-Council replied that the R.C.M.P. do periodically set up a road block for the purpose of a safety check on motor vehicles.

Mr. Livesey asked the Clerk-in-Council what is exactly meant by tractors with two axels and tractors with more than two axels. If you put more than two axels on a tractor you have a pretty cumbersome vehicle.

Clerk-in-Council replied that the front axel and the rear axel makes two axels. If it has a front axel and tandem rear axels, then it has three axels. The weight of the load he may carry is dependent upon the number of axels on the vehicle, including the front axel.

Mr. Watt asked the Clerk-in-Council if the amendment was to raise the actual licence fees?

Clerk-in-Council said it is not. This amendment is intended to bring the cost of truck licences in line with the cost of a similar licence for a truck-tractor semi-trailer unit.

Committee adjourned at 12:00 o'clock Noon.

Thursday, November 14, 1963  
2:00 o'clock p.m.

Committee resumed discussion on the report of the liquor committee. Discussion Report of Liquor Committee

Mr. Boyd, chairman of the liquor committee, gave a summary of the activities of the committee prior to the submission of the report. When they first met, the committee was at a loss to understand just exactly what was expected of them, so they got terms of reference laid down by the Commissioner, which they followed as closely as possible. Public opinion of the existing liquor legislation in the Yukon was then sought, Ordinances of the provinces were perused and the Bracken Report, which is the basis of the Manitoba liquor legislation, was read from cover to cover. Several people who travel across Canada and are familiar with the liquor question claimed that, by and large, Manitoba has the best act probably in North America. After discussing this act with the police and others, in committee, it was decided they could well take the Manitoba Act as a basis and use it except where certain things are not applicable to the Yukon. From there they put the recommendations as they saw them, according to what the people of the Yukon wanted, into this short brief they have before them.

Mr. McKamey asked whether the recommendations received from the committee are only temporary. Could they expect something along the lines of the Manitoba Act to be presented for a complete revision of the Liquor Ordinance?

Mr. Boyd said that is the ultimate goal. It is entirely up to Council as to what is done with the committee. Certainly to go the extent that a complete act will be brought forward, using the Manitoba Act as a basis is quite a job, and can only be done through the medium of legal brains as wording is all important.

Mr. Livesey had several things to say, but wanted to make it clear that his remarks in no way reflect on the member from Whitehorse East (Mr. Boyd) for whom he has the highest regard. He said he did not like to see the trend that is being made self-evident and is reflected in other areas by actions of the Administration. It was the intention of the Council to receive a full report, and full reports contain recommendations. This is the logical conclusion. He strongly objected to Item 12 of the terms of reference which clearly states that the committee must make a report to the Commissioner and not to the Territorial Council. He said he thought it a very poor thing that Council should be denied the very thing they are asking for in the motion. The report we have here does not contain recommendations, it is only a compilation of different discussions with people, a lot of uncorrelated facts, and contains nothing on which to base legislation.

Mr. Shaw said that the main bone of contention seemed to be that the report does not contain concrete recommendations. He wondered whether Mr. Boyd, thought that if they were given until the spring session could they come forth with recommendations along the lines of those presented by the education committee.

Mr. Boyd replied that time is a very important element. All the members of the committee are working men who can only devote a limited amount of time to this job.

Mr. McKamey asked Mr. McKinnon, the member who drafted the motion, whether the results we have received are in line with what he had

in mind when he drafted the motion.

Mr. McKinnon replied that he believed the establishment of this liquor committee, by the terms of reference that were laid down in his motion, would result in a recommendations list compiled out of all the briefs and all the study that the liquor committee did; that they would appear before Council and say, "Here are so many recommendations that we would like to present to you after having studied the briefs and interviewed the people throughout the Yukon Territory". Somehow it doesn't seem to have resulted in that kind of a summation of the problem in the Yukon. He felt Council should accept the report as an interim one, they should commend the committee for the work done, and ask them to summate their recommendations and the reasons for them, into a report for presentation at the spring session of Council.

Mr. Taylor (Mr. Boyd in the chair) said he understood yesterday from the Legal Advisor that everything had ended up in his hands and he was drafting it along the lines of the Manitoba Act. He felt the committee should be doing the drafting with the assistance of Administration.

Mr. Boyd said this is another stumbling block. We have to use the Legal Advisor. He is a busy man too and was away for a month this summer. It is difficult to put in the time required under these circumstances.

Motion Re  
Liquor  
Committee  
Report

Mr. Shaw moved, seconded by Mr. McKinnon, that the Liquor Committee be thanked for their efforts to date and be requested to continue further and present a summation with definite recommendations on the various items at the spring session of Council.

Mr. Watt said he agrees that there has been a lot of good work done and a lot of pointed questions asked by the Liquor Committee. The answers are probably all in the minutes of their meetings. This information could be taken out and compiled into a good recommendation report. The Liquor Committee now needs more direction from Council as to what we want, so we should go through the interim report and offer any criticism we might have right now before we pass it back to them.

Mr. Boyd commented that it is very noticeable from all the briefs that the majority of those submitted were from church organizations. Only one hotel operator appeared. We should find out why more business people didn't take an interest.

Mr. Watt suggested that before we call the motion, which will actually shelve this with no further direction from Council, we go through the interim report.

Mr. McKamey said it appears we are not prepared to accept the report. What we want is recommendations relating to the liquor problem in the Yukon Territory, not relating to criticism of the Territorial Council, as is found in this report. He said it is obviously not the work of the Liquor Committee because it is information that they themselves would not have, and we should disregard the report and wait for the recommendations relating to liquor and liquor only. The briefs submitted by the people in the Yukon should be studied and recommendations made based on those briefs.

Mr. Watt said if it comes to voting on the motion and the idea is to throw the work of the liquor committee out, he would have to vote against the present motion, not because he thinks this work should not be handed back to the committee. They should properly guide the committee by going over what they have presented and give them some assistance.

Mr. Chairman felt the motion is being understood and reread the motion.

Mr. McKamey wanted to make one point clear, namely that in the motion it is very explicit that the committee is to report the findings and recommendations of the commission to the Yukon Legislative Council with reference to the matters comprised within the inquiry. In the terms of reference, laid down by the Administration, Item 12 states "The Committee should make its report to the Commissioner and not to the Yukon Territorial Council". This inconsistency is what he was opposed to.

Mr. Boyd wondered if Mr. McKamey thought the Committee could carry on and accomplish what is expected of them under the present setup, for example being tied to the Administration.

Mr. McKamey said he thought this absolutely impossible. They have you over a barrel and you'll do what Administration wants. They incorporate into the recommendations what they want, not what the people want and not what the Legislative Council wants. This is the attitude that has been adopted by Administration. We had a similar motion here a few years ago on education. The terms of reference were laid down in the motion similar to this and they were taken out of the motion and a body of men appointed to do a specific job. They did a specific job, they did not let the Administration get in their way, but if they wanted information they got it, and the result was they came up with a report and with recommendations and also reasons why they made those recommendations. It is compiled into a volume and this is what the Administration go by. This is what we had in mind when we suggested a committee to make a study of the liquor problem in the Yukon Territory. He said it is really sad at this time to have to delay this to the spring session, and said someone has been remiss in his duties, He is not pointing this at the committee that was appointed, because they did a good job and are to be highly commended. He felt it the responsibility of every member around the table to get this threshed out now and find out whether this is going to be carried on and presented in the same fashion at the spring session.

Mr. Shaw felt that to continue further with this present paper would serve no useful purpose, as feelings seem to be running quite high at the moment.

Mr. Boyd said he could not speak for the rest of the committee as he did not know what their reaction would be, but felt there should be some change made. The Committee should be tied to Administration or freed - that is your choice - he stated he could not go on the way things are.

Mr. Shaw proposed that we supply a vote for Mr. Boyd and listen very carefully to his recommendations and to continue this further after this motion has been accepted or rejected.

Mr. Watt asked Mr. Shaw if it is his intention to go through the report of the Liquor Committee after the motion is voted on, or ever.

Mr. Shaw stated that to continue with this report with feelings as they are, we would get absolutely nowhere. The motion does not state whether we should continue or not, that is up to the committee.

Mr. Watt said that is what he was trying to get at. What is the intention of the motion? Without an explanation he would have to vote against the motion.

Mr. Shaw said all he is stating in his motion is that he thinks a good job has been done, but apparently the time hasn't been of sufficient duration for the Committee to complete the report and to please continue. If we want to take part of their section that's up to committee.

Mr. Watt stated that in order to vote on the motion he asked Mr. Shaw to clarify the motion and he hasn't done so. He thought the motion a little premature and they should have been given a chance to speak before the motion was made.

Mr. McKamey said he understood the motion, but stated that Councillor Boyd has got up and said he couldn't proceed the way that we think he should under the present conditions. He agreed with Mr. Boyd that he couldn't possibly come up with anything that Council require, in the line of recommendations, under the present circumstances.

Mr. Livesey said we just seem to be going around in circles. The main point of dissension is the lack of recommendations in this report. All we have to decide is how are we going to get these recommendations, when are we going to get them, and if there is some problem in the committee let's straighten it out. Perhaps we could get some assistance from Commissioner Cameron if we asked him to join the committee to discuss any question in relation to any change that may take place.

Mr. Chairman suggested that in order to expedite the proceedings the motion be dealt with as it stands, and if it is passed we should consider the directions we would wish to give to the Liquor Committee as requested by Councillor Boyd.

Mr. McKamey said it was obvious they would not get the results they expected under the present setup. He concluded new arrangements would have to be made. If the committee agrees we should have Commissioner Cameron down here and find out how to deal with this.

Commissioner Cameron attended Committee.

Mr. McKamey advised Commissioner Cameron that he was disappointed with respect to the recommendations presented to Council. In fact it was difficult to determine whether they were recommendations or not. He believed when Administration went to implement the motion passed by Council, they went off on a tangent. It was laid out quite clearly in the motion that this committee, upon the completion of their tour of the Yukon, were to come up with recommendations and present them to the Yukon Legislative Council. He understood the Committee visited all parts of the Yukon and had numerous discussions and considered many briefs. And also noted that in appendix I, the terms of reference that were

laid down by the Administration, states the committee should make its report to the Commissioner and not to the Yukon Territorial Council. It was his contention this was not what was agreed upon when this motion was passed by the Territorial Council. Through the results of the terms of reference that were laid down by the Administration there was a lot of undue interference. He thought it was in the minds of every member there when they discussed it, that the Liquor Committee would come back with the views of everybody in the Yukon, whether it was in line with what the Administration or the Council felt. What we wanted was the views of the people throughout the Yukon. Council was going to get all these briefs, but apparently there was a lot of administrative interference, and we ended up with practically nothing. He thought a lot of valuable time had been lost in something that is vitally important to the economy of the Territory. This reflects in our budget, in our welfare, all through our budget. He said the committee did a good job listening to all parties concerned but they did not have the full cooperation, they more or less had their hands tied behind their backs. He thought it was the general opinion of the members around this table, that they require recommendations, with the reasons attached. He would ask that the Administration free the members that were on this committee from the Administration. The Territorial Council will not place any influence on them and expected the Administration to do the same. Let them compile recommendations out of the result of their work throughout the Territory.

Commissioner Cameron said he had very little to do with this committee, but felt they have done an exceptionally good job. With respect to the terms of reference laid down by the Administration, this was brought to his attention yesterday. That was the first time he saw them. Whether there was a legal problem whereby they must report to the Commissioner instead of the Council, he did not know; unless somebody misread it and misprinted it. He thought everyone agreed that it was not practical for this committee, or this Council, or the Administration, to dive into the complete rebuilding of a liquor Ordinance. We felt that we should be able to learn from other people's expense, namely the Provinces that have put up a year or two or three. He did not know how long the Bracken report took to be made up, but it involved thousands of dollars. He did not sit with the Committee except on about three occasions when specific points came up. The writing is the Administration's writing but the content was the feelings of the committee. I assume that they have gone over this report and that they are in agreement with it. It was not a report from the Administration reflecting their feelings of what this committee did. The report was based on the findings of the liquor committee.

Mr. Shaw informed the Commissioner that there was a motion before Committee. The intention of the motion was, in the first instance, to endeavor to get a committee to study the liquor situation in the Yukon with no ties to the Council and to the Administration. This was to be a fact finding commission of the views of the people in the Yukon Territory. The Administration had been brought into the picture, and it did not appear to have worked out well. The Liquor Committee has been asked to continue on, and there are two members, Mr. Boyd and Mr. Drury, left. His suggestion was that the Territory provide funds to employ a person to act with Mr. Boyd and Mr. Drury and Mr. Vars, the Superintendent of Liquor. The person to be employed, should be someone who has had experience in liquor in one of the Provinces. They might loan us a man for two months, to come up here to work with this committee on what they have already found, to draft these various recommendations.

Commissioner Cameron wondered if they were ready at this stage of the game for the gentleman or for any paid help as has been suggested. By your motion you are not discrediting the committee for any work that they have done, but you are in fact asking that they give you further information. He did not think it was the intention of this Council, it wasn't his own feeling that they were going to straighten up all of the liquor regulations in six months or a year or possibly two years. He really did not think the Liquor Ordinance was in that bad shape. We have complaints about it, we will continue to have complaints about it, if we took the Bracken report or any other report. He suggested that they should have a very close look at the money involved, and the qualifications that this individual should have.

Mr. McKinnon directed a question to Mr. Boyd and asked if from their findings, did the Liquor Committee feel, and was the consensus of opinion, that the Liquor Ordinance as it now stands needs a general overhaul, and immediately needs to be amended and amended wholly? Or were most people satisfied with the Ordinance as it now stands?

Mr. Boyd replied that very definitely he would say most people were satisfied with the Ordinance as it now stands, there were only minor changes suggested.

Mr. Watt asked the Commissioner if he thought suggestions put forward here on the report would help the Liquor Committee in their future work.

Commissioner Cameron replied that this is his understanding of what the Committee is for, there was no deadline, this committee could actually continue on for three, four or five years.

Mr. Livesey said that there were no recommendations to go on, and merely to start an argument is no way to find a solution. It seemed to him from the discussion that things are clarified to this extent:

- (1) we want recommendations from a committee.
- (2) we need the committee to be divorced from the Administration.
- (3) the present chairman of the committee should have a committee that would act in an independent way and through their chairman, they would come up with definite recommendations on which we could base new or amendments to present legislation.

In order to carry on without the Administration the committee would need to be provided with a secretary.

Commissioner Cameron said in his concluding remarks that if the Committee were, as Councillor Watt has suggested, to go through the present report it would no doubt give food for thought which would promote direct questions or direct recommendations and suggestions. When you look at briefs as submitted and the complaints, there are no drastic changes required, and there might easily be modifications worked by such a committee on a year to year basis for submission to Council

Mr. Taylor (Mr. Shaw in the chair) agreed that modification of the present Ordinance would produce good liquor legislation in the Territory, but objected to the criticisms of Council in the report. He feels as Mr. Livesey does, that any future work on it should be left to the Committee with an independent secretary and free of the encumbrances of the Administration.

Mr. Boyd said regarding the report that there are remarks and suggestions in it which represent what the people think. For instance, the operators want to close at certain hours and so on, and they have been dealt with; every submission has been considered.

Mr. McKamey said it is his intention that there will be a motion drafted here to cover our discussions with Commissioner Cameron with respect to the committee.

The Commissioner agreed to attend committee tomorrow when this will be discussed.

Mr. Chairman reminded Committee there was a motion on the floor.

Mr. McKamey requested that the motion made by Mr. Shaw, seconded by Mr. McKinnon, be withdrawn and that later on today we elect a committee of two or three to draft a new motion for tomorrow morning.

Mr. Shaw withdrew the motion with the consent of the seconder.

Withdrawal  
Motion re  
Liquor  
Committee  
Motion re  
Liquor  
Committee  
Report

Mr. Watt moved, seconded by Mr. Shaw, that Messrs. McKamey, McKinnon and Livesey form a committee for the purpose of drafting recommendations in respect to the Liquor Committee report to be presented to Council tomorrow.

Motion Carried.

Committee proceeded with Bill No. 13.

Discussion  
Bill No. 13

Mr. McKinnon asked Committee not to vote this out of Committee until he has put in a proposed amendment.

Agreed.

Mr. Boyd said that as this had been well discussed we should be prepared to vote on it.

Mr. Livesey said he has an exception to the Motor Vehicle Ordinance on P.S.V. licences concerning the matter of wrecking trucks on the Alaska Highway and other highways throughout the Yukon Territory. If you are going to be too stringent about the PSV situation on wrecking trucks, what is going to happen? You have three points within a hundred miles, and the people don't feel they can afford to go in for this sort of thing, you could spend all day running up and down the highway following false messages. It seemed to him that what we should be encouraging in the Yukon Territory is that each and every stopping place along the highway do their best to carry this type of vehicle so that when there is a call for one it won't cost the person who needs a \$3.00 job \$90.00 to transport it from some unknown direction because the people in between just don't carry that type of vehicle. This is unfair to the tourists, and we want to keep them as happy as possible. He thought the government could help the situation by reconsidering the problem of PSV's.

Mr. Shaw thought that the PSV's for wreckers should be very low. There should be an approved schedule of rates published so that the wreckers would not be able to overcharge the motorist. He asked how many wreckers are presently licensed in the Yukon Territory.

Clerk-in-Council answered that there are eight or ten spread over the Highway, three or four in Whitehorse and the rest along the highway from Mile 1202 to Watson Lake.



Mr. Boyd commented that the Army is about the only outfit along the highway with a genuine wrecker.

(Bill No. 13 deferred until Mr. McKinnon brings forth his proposed amendment.)

Discussion Committee proceeded to Bill No. 12.  
Bill No. 12

Mr. Chairman read a motion that is before the House. Moved by Mr. McKinnon, seconded by Mr. Watt, "That the Corrections Committee formed by Council be authorized to execute and give effect to the aims of Motion No. 19 passed at the First Session of the 1963 Council".

Mr. Boyd asked in his capacity as a member of that committee if it is the wish of Council to bring this building into reality or do we stop where we are. We have gone as far as we can go without having further instructions.

Mr. Taylor (Mr. Shaw in the chair) said he believed the whole problem was over the proposed location of the Corrections Institution. In view of the Army moving out, could one of these buildings be made into a corrections institution?

Mr. Boyd replied that the Corrections Institution is to be fully designed for the purpose intended.

Mr. McKamey asked if Mr. Boyd could enlighten him on what agreement was arrived at with the owners of the property where this is to be situated. He said he understands there is an organization in Whitehorse that has done considerable work on this property in making it into a golf course.

Mr. Boyd said yes, but perhaps not entirely to your satisfaction. Mr. McCall, the Land Agent, knew all about this choice of ground, and it was understood by the committee that this ground had been held until such time as it had been determined whether or not the site would be there or not. The Legal Advisor might have more information.

Mr. Hughes said this isn't really direct information, but the group that Councillor McKamey refers to is the Graymounts Golf and Country Club who are not yet an organized group in the sense that they are registered under the Societies Ordinance or Companies Ordinance. This places them in a technical difficulty when it comes to making application for the ground. The ground in which they are interested doesn't cover the same area where the prison is to go, although there is a degree of overlap. It is obvious that someone has been working cutting timber on the proposed golf course site, and these people technically have been wrong in doing this because they had not yet had the land delivered to them. It is unfortunate they have done work on land they are not going to have full control of. The distribution of the land is something on which you should hear Mr. McCall, the Land Agent.

Mr. McCall (Land Agent) attended committee.

Mr. McKamey speaking to Mr. McCall said it is his understanding there is an organization in Whitehorse that made application for a specific piece of property on the Riverdale side of the river for a golf course. He understood they were told they could have this property and they had worked all summer on this preparing the right of way for a nine-hole golf course. How do they stand at the moment?

Mr. McCall replied that a society was to be formed for a

golf club. He did not think they had been formed as yet. They set aside a parcel of land back of the hospital but being that they weren't organized under the Societies Ordinance they petitioned the Commissioner to have this land set aside, and the only way this could be done was for the Government of the Yukon Territory to set aside this ground as a recreational area. And that is where it is now, about 1600 acres, for use for golf and recreational purposes.

Mr. McKinnon asked Mr. McCall if he is familiar with the site of the proposed jail, and if the jail and the golf course are encroaching on one another.

Mr. McCall replied that recently a parcel of ground of about 40 acres was reserved for the jail site which does encroach somewhat but certainly does not hurt the golf course.

Mr. McKamey said there was a plan of this corrections system that they were going to implement. It seemed to him there was a high wire fence involved in this. He asked Mr. McCall if he could give the names of the members that approached him to set aside this property.

Mr. McCall said they really didn't approach him, it was a petition to the Commissioner that a golf club was to be formed under the Societies Ordinance.

Mr. Watt asked Mr. McCall how many acres would the proposed jail occupy and how much land has been asked to be reserved for it.

Mr. McCall replied he thought it was about 40 acres.

Mr. Watt commented that the Golf and Country Club would still have roughly 1,560 acres.

Mr. Livesey asked if he understood correctly that the ground now belongs to the Golf Club.

Mr. McCall replied no, the ground is Federal land under the administration and control of the Government of the Yukon Territory and the Commissioner has the control both for the recreational area set aside for the proposed golf club as well as the area for the proposed jail.

Mr. Boyd wondered if it was a good idea to have three miles of land tied up by a golf club.

Mr. McCall said he was not prepared to answer that question.

Mr. McCall was excused from Committee.

Mr. Livesey said the motion reiterates that fact that once again we have had a committee and have no report or only a report of sorts, where it seemed to him that the decisions have been made before they were presented to Council. He brought this to Committee's attention because he thought in the future if we are going to talk about a more responsible form of government and mean what we say, then we are going to have to take cognizance of the fact that committee work is Council work and is not any other thing.

Mr. McKamey agreed with Councillor Livesey. He said he has been opposed and always will be opposed to the construction of a jail behind the hospital. We haven't consulted the medical staff of the hospital to see how they feel about it, but it

says in this report that Dr. Kinloch is concerned about it. He pointed out his opposition to having the jail facilities tied up with the hospital facilities as far as laundry and kitchen are concerned. This was not the original plan when we discussed it with Mr. Clark. We agreed to the plan Mr. Clark had laid out as to what we should have, but since the committee has been formed there have been a lot of changes and you will notice that the majority of the committee is made up of Administration. I can guarantee that if this committee had been made up of anybody else but Administration you wouldn't have these recommendations laid before you as they are.

Mr. Shaw said the committee has studied the situation thoroughly and therefore he feels he must accept the committee's decision on the proposed site as being the best place for the jail.

Mr. Boyd, referred to Mr. McKamey's remark and said that Dr. Kinloch was really not concerned about where the building was going to be but he did state that he would have to see what the Northern Health Services opinions would be. He got these and they had no objections.

Mr. Shaw said it would be a very good idea if all the facilities were contained right inside the institution.

Mr. Watt said that it is intended for the jail to have all facilities. He said he didn't know whether the location is good or bad and would like to leave it up to the committee to decide because they are pretty knowledgeable people. Also Mr. Baker had said that the location of the building could be far enough away from the hospital so it would leave a 500 foot width of trees between the hospital and the jail.

Mr. Boyd said the building will have all the self-sustaining factors built into it regardless of whether the hospital facilities are going to be used to start with.

Mr. McKamey asked Mr. Boyd if the committee approached such organizations as the Board of Trade and the people that are actually living in Whitehorse and Riverdale as to whether they wanted the jail placed in the centre of a populated area. He asked if this was the opinion of Administration or the wishes of the people living in Whitehorse.

Mr. Boyd replied no. He could not say they have been solicited because it was only ten days ago that we had confirmation that the site would be acceptable and we are not quite sure if it is acceptable yet, we haven't found the man who is going to operate the jail. We have only made a choice, we will certainly let the public know, and if it meets with unpopular thinking we can put it elsewhere. It seems there is always opposition to any suggestion. Though it is the choice of Duncan Clerk, the choice of the architects, the choice of the Committee, but the ground is still being tested to see whether it is suitable or not, so the choice is not definite.

The Chairman read the motion again and put it to a vote.

Motion Carried.

Mr. Livesey and Mr. McKamey against.

Mr. Boyd asked if it was the intention to have the Committee go ahead and see this thing to a reality or are they to report back here as to the final determination.

Mr. Watt read the end of Commissioner Cameron's memorandum "With the support of Council the Committee will be happy to see the project through to its completion". He said he voted to have the Corrections Committee see the project through to its completion.

Mr. McKamey said there is also an ultimatum at the end: "If the Committee is compelled to resign by rejection of its underlying philosophy then the only apparent way in which the project can come to fruition is for the Federal Government department to proceed on its own initiative with the implementation of the corrections program including the construction of the jail".

Mr. Livesey said this is more or less what will happen anyway because the Committee is Administrative, so we have handed over one of our fundamental rights and privileges, and that is to make our own decisions.

Mr. Shaw moved, seconded by Mr. Boyd, that Mr. Speaker do resume the chair and hear the report of the Chairman of Committees.

Motion Carried

Mr. Speaker resumed the chair and heard the report of the chairman of committees which was accepted, as follows:

Committee convened at 10:55 a.m. to discuss bills, memoranda and sessional papers. Committee adjourned at 12 noon and reconvened at 2 p.m. Discussion followed respecting the report of the Liquor Committee. Mr. Shaw moved, seconded by Mr. McKinnon, that the Liquor Committee be thanked for their efforts to date and be requested to continue further and present a summation with definite recommendations on the various items at the Spring Session of Council. Mr. Commissioner joined in discussions during debate on the motion. The motion was then withdrawn pending further consideration of the Liquor Committee report.

Mr. Watt

Mr. Watt moved, seconded by Mr. Shaw, that Messrs. McKamey, McKinnon and Livesey form a committee for the purpose of drafting recommendations in respect to the Liquor Committee report to be presented to Council tomorrow.

Motion Carried.

I can also report progress on Bill No. 13. Committee then discussed the Corrections Programme and voted on the related motion which was deferred on November 5. This motion was Carried. Moved by Mr. Shaw,

Council adjourned until 10 a.m. Friday, November 15, 1963.

Friday, November 15, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled the following memoranda from Commissioner Cameron:

- (1) A reply to Motion No. 15-Spring Session 1963 regarding the Community Centres Ordinance (set out as Sessional Paper No. 28) Sessional Paper #28
- (2) A reply to Question No. 9 respecting the Beaver Trapping Season (set out as Sessional Paper No. 29) Sessional Paper #29
- (3) A reply to Question No. 5 regarding the Emergency Water Supply at Haines Junction (set out as Sessional Paper No. 30) Sessional Paper #30
- (4) A reply to Question No. 11 (regarding Motion No. 21 and 22-Spring Session 1963) respecting the Training for the Office of Justice of the Peace (set out as Sessional Paper No. 31) Sessional Paper #31
- (5) A reply to Motion No. 3-Yukon Schools (set out as Sessional Paper No. 51) Sessional Paper #51

Mr. McKamey moved, seconded by Mr. Taylor, for leave to introduce Bill No. 14, An Ordinance to Amend an Ordinance to Prohibit Children being on the Streets after Nightfall. Introducing Bill #14

Motion Carried

Mr. McKamey gave notice of Motion in respect to the Keno Fire Department. Motion #9

Mr. McKinnon gave notices of Motion for the Production of Papers concerning Physical Fitness and Scholarships. Production of Paper #7 & #8

Mr. Shaw moved, seconded by Mr. Boyd, that it be resolved that the Commissioner of the Yukon Territory be requested to convey to the Minister of Northern Affairs and National Resources the feeling of Council that Dawson City in the Yukon Territory by virtue of its' past history and its' present depressed financial condition is deserving of exemption from the Criminal Code provision which currently prohibits gambling and that the Government supervise such legalized gambling upon such terms as it may be advised. Motion #6

Mr. Shaw, speaking on the motion, said this situation should be assessed in its true light. In a sense it is to ask for a certain amount of controlled gambling. One of the issues to arise from this is morality, which is a loose term as people have different conceptions of what morality is. In the more populated areas of the south they have horse racing with parimutuels where people lay their bets by the thousands. Legally and morally that is all right. In England for instance, they have book makers all over the country and this is considered an honourable profession. Monte Carlo sustains itself purely by virtue of having various casinos there. The United States has Reno, Las Vegas and other similar places. He referred to gambling as a natural desire and stated this was evident by the number of sweepstake tickets bought each year in Canada. We have difficulties in the north which are not apparent in the provinces, for example in our courts we have a six man jury, not a twelve. He stated it is noticed, in the newspapers, there are quite a number of complaints from people about the money the people of Canada are putting in the north. They

feel it is just a waste of money putting it in the icebox, and they continually accentuate the fact about how we are subsidized by the rest of Canada. It is hard living in the north and therefore almost necessary. This resolution is an effort to assist the Yukon Territory, particularly the area of Dawson City, which is in a very depressed condition. If they can come up with some type of business which is controlled it could mean a great deal for the Territory and help maintain an area known all over the world. It is one of the most romantic eras of Canadian history, but unless something is done in the very near future the whole complex will have disappeared. In introducing this resolution he wished it to be made clear that he does not ask for racketeers and free goings on. This should be supervised and controlled by the Government. He stated he would not even introduce the motion if it were to be wide open and everybody do as they like. This would provide the money to build up this area to be one of the show places of the continent and it would continue to keep its history. This is a critical time and they must endeavour to do something to build it up. Here is an opportunity where the people and the nation itself, by private enterprise under Government supervision, can create that permanency which would be invaluable in fifty years time.

Mr. Taylor commented that the idea itself is very sound and he thought it would certainly put the Yukon on its feet if they can get the support of the Federal Government. He would whole heartedly support this motion and felt certain people through the Territory would welcome such a move as this. He hoped it would be given support by Council and also that it receives support in Ottawa which will enable such a resolution being adhered to.

Mr. McKamey commented that he thought this motion very good. He was in favour of it and felt this would fill the bill as far as the Yukon is concerned, in doing their bit for the Centennial Year of 1967.

Mr. Boyd stated he seconded the motion and naturally was in favour of it. People will gamble and want to gamble and will travel miles to gamble. He could not see why they should be sticky on a thing like this. Horse racing is controlled by the Government, they permit and want it because it helps their purse strings, we want this here because it will help our purse strings.

Mr. Watt said he did not have any particular objection to the motion and did not feel the people he represents would object to such a motion. Las Vegas provides most of the economic stability of the State of Nevada and this in the same way could result in economic stability for the whole of the Yukon.

Mr. McKinnon stated he was in favour of this motion. He thought it came at a very opportune time. He knew the provinces have been lobbying for years for the Federal Government to allow the provinces to hold their own sweepstakes and lotteries, and he heard the Federal Government were just about to become a little more lenient.

Motion Carried.

Motion  
#7

Mr. Taylor moved, seconded by Mr. McKamey, that in the opinion of Council the Administration give earnest consideration to conversion of the spare classroom at the old Teslin school to serve as a nurses quarters and clinic room.

Mr. Taylor, speaking on the motion, stated this is much similar Discussion to a motion he presented at the Spring Session which was turned Motion down by reason of the fact that there was no information #7 available. Since that time he has endeavoured to contact the people from Northern Health Services, particularly Dr. Kinloch, who advised he would support such a motion. Dr. Kinloch stated they would even put a patient bed in such an establishment. The reason he raised it at this time was because at the Spring Session there was a motion that was defeated on this item and he wished to raise this question once again and obtain the support of Council in this measure in order to clear the book. When the new school is completed they are going to have an empty classroom and in order to have this change made it must be considered in the Spring Estimates in the preparation of the budget. The purpose of the unit is to give the local dispenser a place to work and also provide accommodation for visiting nurses who from time to time visit the community. There will be a clinic room for immunization etc. The balance of the building, in which this classroom exists, will be a teacherage and will be heated continuously. He believed the construction costs for this conversion were somewhere around \$3,000.00 or \$4,000.00.

Mr. McKamey wondered if the Councillor from Watson Lake had approached Mr. Thompson, Superintendent of Education, to obtain his views on this as well as Dr. Kinloch's.

Mr. Taylor replied that he had not approached Mr. Thompson as this does not appear to present any conflict with the Department of Education.

Mr. Boyd asked Councillor Taylor where this business is being carried on at the present time.

Mr. Taylor replied that in case of an accident they rent a room at the hotel or it is carried on in the dispenser's home. She does not like to do this work in her home therefore it is normally done in the hotel.

Motion Carried.

Mr. Watt moved, seconded by Mr. Boyd that it is respectfully requested that the Administration study the feasibility of providing easily accessible washroom facilities in the Federal Building, those washroom facilities to be available to the general public at least during normal business hours. Motion #8

Mr. Watt stated he has heard inquiries from people in his constituency and other people around town, about public washroom facilities and felt they should look into it.

Discussion Motion #8

Mr. McKamey asked Mr. Watt if this was directed to the Federal level of government or Territorial?

Mr. Watt replied it is directed to the Administration. He believed the Administration correlates the activities of both the Territorial and Federal Governments and stated the only agency he could direct this to is the Administration.

Mr. McKamey suggested it should be directed to the municipal level of government. He thought this a problem for the municipality and not the Territorial Government. The Territorial Government are only renting space in this building and do not own it.

Mr. Shaw stated he agreed with Mr. McKamey and felt it should be brought before the City Council.

Mr. Taylor stated he had spoken with the member earlier on this particular item and the situation is there are no wash-room facilities available for the visiting public in this building. He had spoken to a person who has worked in the building for a considerable time as a janitor and he explained the reason why this is not done. There is a decided lack of security in this building and some of the younger fellows would roar around and destroy things. It was decided that the washroom facilities would be kept locked and keys given to the people employed in the building. He felt the motion was in order and a very just request.

Mr. Watt stated in reply to Mr. McKamey that the City has no jurisdiction over the Federal Building. He said he would like to have the support of Council on this motion.

Mr. Shaw supported the idea but felt it more the City's business.

Mr. Boyd did not agree with this City business. This is a Territorial building here to serve the public and the public use it extensively. The motion calls for such a place to be opened during business hours and it is the responsibility of this building to have a place open for such things.

Motion Carried

Mr. Taylor moved, seconded by Mr. McKamey, that Mr. Speaker leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, memoranda and particularly Motion No. 3.

Motion Carried

In Committee of the Whole:

In Discussion took place on Sessional Paper No. 31 in answer to Committee Question No. 11 regarding Motion No. 21 and 22-Spring Session 1963.

Discussion Mr. Taylor (Mr. Boyd Chairman) stated he did not note a reply Sessional Paper #31 being received from the Watson Lake Justices of the Peace but he had talked to them and they agreed that Court should be held in a place other than the Police Detachment. In two of his communities, Teslin and Watson Lake, these proceedings are presently held in detachments and this is undesirable. There are community halls available for this purpose and in the case of holding court in these Police Detachments, the public are not encouraged to go down. People don't like to go to the police station. He read the following extract from the memorandum: "Council is aware that copies of the Votes and Proceedings are filed with the Department in Ottawa and the representations made by Council will have been noted in the usual way." He stated this is the grandest statement of the whole memorandum. "They have been noted in the usual way" which appeared to him to be "File 13", because nothing seems to have been done about this. He did not know how they should approach it, Commissioner Cameron has stated "If Council desires me to make further representations I shall be glad to receive an appropriate resolution". The only Police Court held this summer in his constituency was held on the Alaska Highway. They picked up a fellow who had been charged with an offence in B.C., they put him in a police car and drove him down the highway and crossed the B.C. boundary and held court there, fined him \$50.00 and sent him on his way. This haphazard method of carrying out the administration of justice is very



poor. As outlined in another Sessional Paper, respecting the interdiction of Nazar Zinchuk, people who are going into these Court facilities in Police Detachments are quite often pre-judged before they have had their day in Court, interdiction notices are made out before the man has had his day in Court. This gathers together to make a most undesirable situation indeed. He felt further and stronger representation should come from this Council at this Session to remedy such defects.

Mr. McKamey agreed with Councillor Taylor in his remarks about this memorandum. He understands that in England they will try you anywhere other than in the jail where you are confined. What they have here is the advice and thoughts of the Civil Servants and not the thoughts of the people. Some of the reasons behind this is that it is most convenient for the Administrative staff enforcing the law and this is why the desire to have it right in the Court House. A case was recently thrown out completely because it was felt the statements were made under duress. It was his contention that when anyone is tried right in a Police jail or station, where they take you out of the cell into the Courtroom adjoining the cell, you have this thought that you are going to try and get out of it as easy as possible. Quite often you are told that if you plead guilty, it will be easier for you. You are always under a state of duress and he felt this is one of the reasons why a lot of people plead guilty. In his way of thinking no-one should plead guilty. It is unjust to ask anyone to plead guilty. The set-up here in the Yukon leaves a lot of room for improvement and as elected representatives of the people they should make strong representation to have this thing rectified.

Mr. Shaw said many minor jobs require a certain degree of training for the person filling it before it can be adequately handled. Anyone can be appointed as Justice of the Peace, without training in the important matter of judging his fellow man. Why is that less important than a person who is going to work handing out bottles of liquor? He was much in accord that there should be some type of training program. It should be looked into in a more serious vein than just a matter of who can we get to fill the office of Justice of the Peace. In reference to Court facilities he believed an effort has been made in his particular area. He felt that trials of any person should be open to the public. It has good merit and is a principle that should be adhered to. He agreed a person has the right to have a lawyer but to get a lawyer, in the Yukon in any place other than Whitehorse, is beyond the pocketbook of a person charged with a small crime. He has no complaints the way Justice is administered but the complaint is the fact that they have an intermingling of enforcement and Justice. The first thing they hear is the matter of economy. When a person is charged with a crime, it could be murder or any serious crime, but they go ahead and conduct the investigation regardless of the expense. However, when it comes to a little Court they start to conomize and he could not see where you can economize by refusing a certain amount of justice. He felt that the trial any citizen is entitled to is one that is separated from the law enforcement and also is open to the public.

Mr. Livesey stated he has a deep rooted interest in the freedom of the citizens in the Yukon Territory. The freedom of the individual is one of the basic and cardinal principles of democracy. He felt that every individual charged with an offence is entitled to have every consideration that can be shown him. One of those considerations is that he should be tried and judged by the best people available. He understood the difficulties in this situation and also some of the problems with regard to the appointment of Justices of the Peace. It seemed to him that somewhere between the appointment and the act

of judgment the prosecution may seem to have the balance of power, in most of the cases, affected because of the training and other aspects of the situation. He also felt, on the part of the Justices of the Peace, that in a good many instances they may feel themselves that they are not fully qualified to answer a number of questions. The Administration should have evaluated the overall need for training and not just one aspect of it. This question of justice involves and encompasses the whole question of life and living in the Yukon Territory. The Administration could be well advised to proceed further and follow what he thought a positive step towards training of Justices of the Peace in the Yukon and he felt the Justices of the Peace will fully accept any suggestion towards a program. The Administration should accept the view that this whole question needs to be thoroughly investigated to see if the individual brought before any Justice of the Peace is really receiving all the justice to which he is entitled.

Commissioner Cameron attended Committee.

Commissioner Cameron thought he could explain what has been done and what reaction has been received from the outlying districts regarding this.

Mr. Boyd said that they had the answer to what has been done and the reaction is rather vague and indefinite. It didn't appear to be satisfactory and the progress concerning the situation didn't seem to be satisfactory at all.

Commissioner Cameron thought possibly the Legal Advisor might expand on this a little further.

Mr. Taylor (with Mr. Boyd Chairman) referred to the penultimate paragraph of the memorandum and stated this is the first inkling that their Motions, such as 21 and 22, were not forwarded by letter or any communication to the departments. This would indicate that anything in the Votes and Proceedings is just browsed through and if they happen to note this stuff they pick it up and if they don't happen to well they don't.

Commissioner Cameron stated this was not correct. The motions do go through and where they pertain to Federal Government action, they go through just as written, as a motion. Sometimes they hear and sometimes they don't hear on the particular motion.

Mr. Livesey asked Commissioner Cameron if there were any replies from the Department of Justice in relation to Motions No. 21 and 22.

Commissioner Cameron replied that he could not recall off-hand. This whole matter has been handled by the Legal Advisor and he would know about it.

Mr. Boyd suggested that this subject be dropped until further discussion could be carried on when the Legal Advisor attends by appointment.

Committee Agreed.

Committee proceeded to discuss Motion No. 3 regarding Yukon Schools with Mr. Fry (Director of Indian Affairs) and Mr. Thompson (Superintendent of Schools) present.

Mr. Livesey said the situation that they are attempting to clarify, with respect to this motion, is a matter where considerable tax money has been spent towards additional classrooms in various parts of the Territory and towards other additional facilities with respect to education. It has been Council's view all along that they should progress as far as possible and do their utmost towards providing the very best in education for all the children in the Territory. He pointed out that when he said "all the children in the Territory" he is including those of native status. They are aware of the differences provided for people in the Territory but they are trying to move towards equality and equality in education is not different from that in any other subject, and the Territory, he thought, were behind this move toward more and better education. This is in line with proper thinking and proper responsibility. He was sure, however that in some areas they have more facilities than they need and in other areas not the right amount of facilities. He was referring to the facilities that were based on the presumption that children of native status would attend. Proper preparation was made by the Department of Education towards creating these facilities at considerable expense, only to find out later that someone had upset the apple cart and these children were not going to go to these places. They were going to be moved to some other place. The question is, why was this done? Why was the Territorial Government put in this position? He felt that by proceeding with normal discussion and proper questioning they would come up with some solution, the people of the Territory were entitled to the proper answers and he asked for Mr. Thompson's remarks.

Discussion  
Motion  
#3

Mr. Thompson stated that there definitely was a change in action in that children they expected would be going to the local schools were either placed in a residential school or were brought to Whitehorse and placed in Hostels. This created the situation where they didn't have as many children in the outlying schools as calculated, and in Whitehorse more children were in some grades than anticipated. For example in the Frederick H. Collins School they expected to have four Grade IX classes, but ended with five. This created a problem for the school in trying to instruct this increase in pupils with the staff they had been provided with. On the other hand, in some of their schools such as Carmacks, Teslin and Mayo they found themselves overstaffed. They had more teachers than they normally would have placed there.

Mr. McKamey asked Mr. Thompson if he was notified earlier, before the school season started, that there would be changes in the enrollment at the various areas and an increase in enrollment in Whitehorse?

Mr. Thompson replied that they had been presented with some figures in May but these figures were less than they had anticipated when they were preparing the estimates.

Mr. Livesey asked Mr. Thompson if it was correct that when the estimates were made up last year the Department was under the assumption then that native children would be going to Territorial schools.

Mr. Thompson replied this was correct.

Mr. McKamey asked Mr. Thompson if his Department were following the line recommended by the Committee on Education in their educational program.

Mr. Thompson replied this was true.

Mr. Shaw directed a question to Mr. Fry and asked, if an Indian family decide they want their children to go to a Hostel rather than keep them at home in the locality in which they live, do they have the choice and is there a reasonable period of time in which they are required to notify you to make the necessary arrangements?

Mr. Fry replied that the choice rests on a number of things but initially the question of desire rests with the Indian parent. The return of Indian children to residential accommodation in this school year was desired by and effected by Indian parents. He stressed that no child goes to a residential school unless the parent signs an application to put the child in the school. No child is obliged to attend a residential school contrary to the wishes of the parents. He stated that had he received forewarning before September that the swing back to residential schools was going to be as great as it was, the Education Department would have been informed. He felt he was not in a position to go out and dictate to the parents as to where the children were going to go to school.

Mr. Boyd stated that the magnitude of this mass movement into Whitehorse seemed to him not to have been planned over night. A year ago the cry was that these children are away from their parents and must be brought up in their homes and live with their parents, this is humanity. This year this thinking and reasoning has disappeared. There must be some stability for any organization to succeed. The Department of Education must know where they are going. Who made a mistake or changed their mind? Is there going to be another change of mind at another terrific expense?

Mr. Fry stated he did not think he could add anything to what he has already said. There is an expanding population of Indian youngsters in the Yukon Territory and it is not the intention of his Branch, at this time, to make any expansion in residential accommodation. There will be a growing group of children in most communities attending the local schools.

Mr. Livesey stated he found some areas of contradiction. The Department of Indian Affairs say they are in favour of integration and follow a policy of separation. This doesn't quite add up. It seemed to him that the Territorial Government, in their anxious desire to build the necessary accommodation each and every year for all the people concerned, are entitled to constant liaison between the Federal Government Departments and the Territory so our Administration can proceed in a way where they are **not placing** the taxpayers money into spots where it is not necessary.

Mr. Taylor (with Mr. Boyd Chairman) stated he understood that out of the Dawson, Mayo area the Department of Welfare have moved seventy children, white and native, from their homes into schools. He also noticed in the Fort Nelson newspaper some time ago that all Treaty Indian children were going into hostels and residential schools. He thought there **was a desire** to get those children into day schools in the atmosphere of their own home. He could not understand the attitude of the Federal Government, why they will not embark on a program of social education at the community level to make this possible, because without this they cannot have these children going to day school. He stated that they have to consider that they have three generations to look at for improvement and unless they start now they are not going to see any improvement.

They talk about the native people today being trappers and hunters, but he submitted that the bulk of them are not trappers and hunters anymore. The oldtimers that are left were the trappers and hunters among the native people. The young fellows who have grown up in town, many of them are quite dependent upon our society for dependence in life, they don't know how to trap or hunt. These people are now raising children of their own whom they are attempting to accommodate in the schools. He asked Mr. Fry why life is passing these people by and why, through Indian Affairs, there is such a reluctance to provide this social education in order that they may assimilate these people into our society.

Committee recessed at 12:00 o'clock Noon.

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Friday, November 15, 1963,  
2:00 o'clock p.m.

Committee continued discussion on Motion No. 3 in respect to Yukon Schools with Commissioner Cameron, Mr. Fry and Mr. Thompson in attendance.

Mr. Taylor (with Mr. Boyd in the Chair) asked Mr. Fry the following questions:

Discussion  
Motion #3

- (1) Why is the Department of Indian Affairs apparently reluctant to provide social education at the community level?
- (2) What does he feel should be done to implement such a program?

Mr. Fry replied that they all recognize there are certain matters which one decides at the local level and certain matters which are decided at higher levels and he could certainly not speak on policy matters which belong to the Minister. The man on the spot in the field, you will find in government service, always sees more things which he feels he should be doing and he would like to have the staff to do these things. He believed that if he had more staff in the field, the right kind of men, he could carry out a useful program at the community level but it is not within his province to say that this particular requirement is greater than any other requirement that happens to be using up the available funds. The Indian Affairs Branch believes in everything at the community level that will help the Indian to help himself, rather than just be in the form of a give-away. The Indian Affairs Branch, like all other government departments and branches, goes to Parliament for money, and money is voted for specific purposes. At the present time, evidently, the funds are not available for this kind of staff density in the Yukon agency, as much as he, the local Indian Superintendent, desires to have it. If one wants to take up the question of relative importance of this expenditure as against other types of expenditures then one should deal with the people who are responsible for it.

Mr. Boyd asked Mr. Fry whether the plans of the Department of Indian Affairs are those in effect at the moment with regard to children going to the schools they are now attending and if the plans are the same, are they going to remain this way for a period of three or five years, or is another change anticipated?

Mr. Fry said the policy of the Indian Affairs branch is to integrate Indian children into local community day schools wherever possible. In the Yukon Indian Agency they expect their enrolment in local community schools to expand gradually from the present figures, and he thought there would be no change in policy.

Mr. Boyd said this hardly answers his question: "Are you now contemplating putting these children back in the schools in the communities in which their homes are located?"

Mr. Fry replied that they are dealing with a large number of individual cases. There will be individual cases always where residential school accommodation is in the best interest of the youngster.

Mr. Boyd said he would like to know if the Department of Indian Affairs has a concrete overall plan which they are following.

Mr. Fry replied yes, that plan can best be summarized in the policy of integration; integration in the local schools at the rate at which it can feasibly progress.

Mr. McKinnon said the Department of Indian Affairs has assured them that their prime policy is one of integration. The Territorial education policy is certainly one of integration. It was rather disappointing to come back this fall and find that this policy didn't seem to be followed too closely, but Mr. Fry has said there were very unusual circumstances this year. It would seem the policy of integration is being followed by both the Territorial education staff and the Department of Indian Affairs.

Mr. Watt said he first realized the full implications of the integration policy of the Department of Citizenship and Immigration when going through the Whitehorse Metropolitan Plan, which called for the complete elimination of the reservation area, as the Indian people would be integrated into the community. He asked Mr. Fry if he could explain what the adult Indian people think about (a) the integration of the children into local schools and (b) the complete integration of the native population into the community?

Mr. Fry replied that it is very difficult to speak for the Indian people. Indian people, like all other people, have a cross section of opinion among themselves. There are many who favor integration and sending their children to local schools, but there is no question that at the present time in the Territory there are many Indian people who still, to a greater or lesser degree, are trying to follow a way of life that their fathers probably followed more successfully. Integration confuses them, they see advantages and disadvantages. Perhaps they need more time to appreciate the full implications of this. On the question of integration in the community, the Metropolitan plan visualizes this, but neither he nor the Indian people had been involved in that plan, and it would seem that there is still some spade work to be done. On the subject of integration generally, there are a number of Indian families living right in the community; they have done this by choice and have been quite successful. Still, many Indian people wish to remain identified with a strictly Indian community which gives them a sense of security.

Mr. Watt asked Mr. Fry if in his opinion it would be reasonable to say that the Indian people could be integrated almost fully into the community within a period of twenty years.

Mr. Fry said this is expecting rather a lot, not just of the Indian people, but of the situation. They speak of integration as if the Indian people were anxious for it. The Indian people themselves are of a mixed mind about it, and the times are very confusing for many Indian people. In the sense of an Indian community as a home base, this is very important to them. What you will find for much more than twenty years are Indian communities, but you will have more and more individuals who have become citizens of the broader community in a significant sense to themselves. They will still feel that they belong to the Indian community, but they will work for the city or for the highway, and walk with confidence into stores and places of business and the youngsters will be going to local schools. They will be integrated, they will be citizens of the broader community, in their own feeling. They will also retain an identity as an Indian.

Mr. Shaw said there was quite a change last year in the number of children going to the various schools. It appears that some of these were predicted by the feelings of the parents, and this is certainly a factor that has to be taken into consideration. There probably are, as Mr. Fry says, quite a number of Indian people who do not want to be integrated, so we do have a rather complex problem. But this doesn't alter the fact that when they provide educational facilities for children it requires a considerable expenditure of funds by the Territory, and there should be some basis on which they can predict what they need from year to year. For example, in the last three years forty-three children have left Dawson to go to some of these schools. It would appear they need better liaison between the Department of Indian Affairs and the Territorial Department of Education.

Mr. McKamey agreed to a degree with Councillor Shaw that there should be some cooperation between departments. The Territorial Department of Education, under the supervision of Mr. Thompson, is doing a very good job and the only way he can continue to do this is to receive the cooperation of every department. There should be no barriers put in his way to stop the plan, as it has been recommended by the Committee on Education, which they are abiding by and which is working out well. Apparently there was a little change somewhere along the line. The Advisory Committee discussed the change this fall and asked the administration why the change was made; they did not know. The situation is not too serious, though this type of thing is not to be encouraged. They are sufficiently covered by an agreement that was entered into between the Territorial Government and the Federal Government. This was the Financial Agreement where the Indian Affairs Department agreed to pay their share of the cost of the schools built in the various districts of the Yukon, and they have done this. The Department of Indian Affairs are doing a good job of looking after the Indian people, in fact they are probably doing too good a job because some of the Indian people would rather accept welfare than work for a living. If some of the residential schools were running at half capacity last year they can do the same this year, there were no disputes from parts of the Yukon where Indian children were attending the local day schools. As far as integration is concerned this was a great leap forward for the Yukon in integrating the Indians into the community and encouraging them to participate. The system is working very well except for this one problem and the Administration should make sure this does not happen again.

Mr. Taylor (with Mr. Boyd Chairman) agreed entirely with Mr. Shaw but would not propose they try to make white men out of the native people. He would once again make an appeal that the Federal Government look at this problem and try to assimilate the two societies.

Commissioner Cameron, Mr. Fry and Mr. Thompson were excused from Committee.

Committee resumed discussion on the memorandum dated November 14 relating to training for the office of Justice of the Peace and court facilities, with Mr. Hughes, the Legal Advisor, in attendance.

Discussion  
Sessional  
Paper  
# 31

Mr. Livesey said it was unfortunate that the Legal Advisor was not present at the first discussion of this memorandum. He referred to the explanation on page 2 covering the program he had suggested for the training of Justices of the Peace throughout the Yukon Territory, and said his thinking was based on twenty years' observation of what he feels is a very grave situation. This to him didn't seem to be so much a question of what the Department of Justice may think, nor what could be gained by any particular question to the Justices of the Peace at present concerned.



He was thinking especially of the need for training of new Justices of the Peace as they come along from time to time. If those who are now Justices of the Peace would wish to participate in any course that is offered, it should also be open to them. Instead of just picking a Justice of the Peace on the basis of his residence in an area, these individuals should be trained in questions of law as far as it could be made possible. It would help them a great deal, and all those who come before them. The appeal was made to the Territorial Government because it was felt that assistance could be had from the Administration through their conversations with the Federal Government. The purpose is to improve justice in the Territory without criticizing what we have. If it were looked at in that light they could get more from the Department of Justice than just a blanket 'no' which is implied on page 2. He wondered if the Legal Advisor could assist him in this respect.

Mr. Hughes said all he could do would be to bring this to the attention of the Director for him to communicate to the Department of Justice.

Motion  
Re  
Justices  
of the  
Peace

Mr. Taylor (with Mr. Shaw in the Chair) moved, seconded by Mr. Livesey, that in the opinion of the Yukon Legislative Council the Federal Department of Justice be contacted and requested to implement those requests outlined in Motion No. 21 and Motion No. 22 of the Spring Session 1963.

Mr. Hughes noted the motion includes Motion No. 22. Provision of court facilities is something that lies, to a certain extent, within their own powers. Justices were being asked to assist by giving specific recommendations so that they can work out within the limits of the money available what can be done. The questionnaire was sent to all the Justices in the Territory. A lot of the Justices are not nearly as concerned as Council.

Mr. McKamey agreed that the Justices are not nearly as concerned as Council. Justices are servants of the people - why should they ask them what they want? They have stated here quite clearly what they want and they should abide by it. He asked Mr. Hughes why the questionnaire had been sent to the Justices of the Peace.

Mr. Hughes replied that obviously there are two ways of looking at it, but one could not send out a questionnaire to members of the public, specifically to those who were to appear before the Justice on various charges. If they were dealing with responsible people it would only ask them for their opinion and deal with the worst cases first. The key to it all is money. He is just as concerned as the Councillors about the dignity of these Justices' Courts, and he doesn't like the practice of using the R.C.M.P. barracks and the R.C.M.P. themselves don't like it.

Mr. Livesey said when the Council makes a decision to do something, they surely must have thought the situation over or they wouldn't be saying they want it. Motions No. 21 and 22 are a distinct declaration of policy that this Council wants in the Territory. The Council has been elected by all the people of the Territory, and they meet here as representatives of the residents of the Territory. Two of their decisions were Motions No. 21 and 22. This was a declaration of policy by the representatives of all the people of the Territory, not something that you can hold up in front of any class to find out whether you think it is legal, justified or anything else.

Mr. McKinnon agreed with both Motions No. 21 and 22 - that the Justices of the Peace should be trained in the law so they can enter the Courts confidently, and that trials should not be held in the R.C.M.P. Detachments. However, Motion No. 21 is under the jurisdiction of the Federal Department of Justice. The Legal Advisor has said that Motion No. 22 is a direction of the Territorial Department of Justice and under the Legal Advisor's jurisdiction. Mr. Hughes has advised them that he has been working on Motion No. 22 and is prepared to continue working on it until it is solved to the Council's satisfaction. He could agree with the motion put by Councillors Taylor and Livesey insofar as Motion No. 21 goes, but cannot see putting a directive to Ottawa to change the trials from being held in the R.C.M.P. Detachments to other suitable places when it is not under their jurisdiction. He felt the solution could be found right here in the Yukon Territory and he would be in favor of another motion proposing Mr. Hughes continue working on Motion No. 22. As it is now he could not vote for both problems being sent to the Department of Justice when they are only concerned with one.

Mr. Taylor (with Mr. Shaw in the Chair) submitted that both these motions are fully under the Federal Department of Justice; in the first instance it most certainly is with respect to training magistrates, and in the second, as far as Court proceedings are concerned, the Territorial Council or the Territorial Administration have no say whatever. They determined that some time ago. The only thing Mr. Hughes could be relating this to would be the business of providing a building in which to hold this. Certainly they have no control over any Courts held in Police Barracks at this time and the Department of Justice are, in his opinion, the only ones who can do anything about this situation. He suggested that if the motion were given the consideration and acceptance of Council these matters would be handled by the Federal Department of Justice.

Mr. McKamey asked Mr. Hughes to explain the situation respecting holding the Courts in Police Barracks.

Mr. Hughes said that the provision of facilities is a Territorial responsibility, the appointment of Justices is a Federal prerogative. He hadn't gone into all the details of the work that was done in connection with trying to improve Court facilities, but he had discussed the matter with the Director and the Superintendent of Education. He had the matter raised with the principals of schools to see whether they could use schoolroom facilities, and for a variety of reasons, because so often cases are taken during school hours and it is undesirable really to troop people, who are possibly involved in criminal charges, past children in the buildings, it was decided that this would not work out. At the moment they don't seem to be able to see their way out. Nobody is disputing the fact that there must be an upgrade, but they have tried schools and now they are trying to take the worst cases first and they shall be asking the Territory to make some provision in the budget to provide that facility. It is a Territorial responsibility and until they come through with better facilities, where else can the Courts be held?

Mr. Taylor (with Mr. Shaw in the Chair) said when he drafted this motion in the first instance at the Spring Session of Council he left it very broad and didn't direct it to the Department of Justice nor to the Administration, he just asked that something be done in the situation. Now months later they find no direct action has been taken and contended that it should be referred to the Department of Justice, and if they were to decide they should have further facilities they could make arrangements with the Territorial Administration.

Mr. McKamey said he is inclined to agree with Councillor McKinnon in respect to Motion No. 22. This is a problem they should be able to solve here, and the Legal Advisor has indicated he will give them assistance on this and see that it is implemented if there are facilities available.

Amendment to Motion re Justices of the Peace

Mr. McKamey moved, seconded by Mr. McKinnon, that the motion be amended by deleting the words "and Motion No. 22".

Mr. Taylor said the only reason he wants this to go to Ottawa is to get action which he is not getting at the Territorial level.

Motion Carried as amended.

Discussion Bill #13

Committee proceeded to discuss Bill No. 13, An Ordinance to amend the Motor Vehicles Ordinance.

Mr. McKinnon moved, seconded by Mr. Boyd, an amendment to Bill No. 13. (See Sections 6 and 7 of Bill No. 13).

Mr. McKinnon said he had been in Court one day when these sections of the Ordinance came up, and he subsequently obtained copies of the "Reasons for Judgment" that Magistrate Trainor gave at this trial. As the Ordinance now stands the only way a person can be charged for speeding under the Motor Vehicles Ordinance is by a charge of driving without reasonable care and attention which, as Magistrate Trainor remarked, is a criminal offence. This amendment would put a specific speeding charge into the Ordinance and would not demand that a person charged for speeding have a hefty charge placed against him in the Magistrate's Court.

Mr. Shaw thought this to be a very sensible amendment. He asked the Legal Advisor if in repealing this Ordinance it means they have no provision whatsoever for driving without due care and attention.

Mr. Hughes replied that Subsection 1 of Section 76 will remain and that provides "no person shall drive a vehicle without due care and attention or without reasonable consideration for other persons". The effect as Councillor McKinnon says, by subsections under the Act, almost makes a person guilty of two offences when he is speeding, one of speeding and the other of driving a vehicle without due care and attention. Part two of the resolution by Councillor McKinnon is almost a duplication of the powers of a municipality to pass by-laws, but it is probably still useful to put it in Section 76 as a reminder to people that municipalities can set their own speed zones. In the amendment in Subsection 3 of Section 6 - that would of course include trucks - possibly they would want to consider whether they want it to include trucks or whether they want it limited to private passenger motor vehicles.

Mr. McKamey asked the Legal Advisor if paragraph (a) of Subsection 2 would be a contradiction to those referred sections.

Mr. Hughes replied that he did not think so. If they look at 76 (2) as it stands now, this is already a reference of thirty miles an hour within a municipality or settlement and what the member seems to have done is to seek to disturb the wording as little as possible. He did not see that this would give rise to any difficulty in practise.

Mr. McKamey asked whether a person could be charged with speeding by going over thirty miles an hour through settlements which have no speed limits posted.

Mr. Hughes replied this would be better than being charged without due care and attention. Although he didn't think this was a real danger, he would like a little time to consider it.

In reply to a question as to whether this amendment would move the penalty provision from Section 163 down to Section 164, Mr. Hughes said the penalty for driving without reasonable consideration is in Section 163. The effect of these amendments would mean the penalty for Section 76 (1) would be controlled by Section 163, and the penalty for contravention of Section 76 (2) would be found in Section 164, which is the general provision.

Mr. Shaw asked the Legal Advisor if he feels that enough study has been given to this to clarify the various points.

Mr. Hughes said he was aware this was coming and had tried to sound out the information of a gentleman who is well qualified to rationalize this problem. Always one finds mistakes and errors years later. He would like Committee's direction whether, on permitted speed of motor vehicles, it is intended to include trucks.

Mr. Taylor thought trucks should be included.

Mr. Shaw pointed out that you will find in most places trucks have a lower maximum speed than automobiles and he has noticed on a Territorial road a sign reading "Maximum for cars 60 MPH, maximum for trucks 50 MPH". So either the sign will have to be taken down or a 50 MPH maximum would have to be put in this particular Bill.

Mr. Hughes said where signs are posted it disposes of the ruling. He drew attention to the fact that in Section 76, as it used to stand, with all its faults there was a distinction between a truck and a motor vehicle.

Mr. Watt noticed a distinction between cars and trucks in the old Ordinance but thought the Ordinance with the suggested amendment is more realistic.

Mr. Livesey said he is having a little difficulty with the word 'settlement' in Section 1 (2)(a). He read an interpretation under motor vehicles. Irrespective of the argument brought to the attention of Committee by the member for Dawson, who certainly had a point, in that respect would this word 'settlement', with regard to speed, be indicated in the new section where there was habitation but no sign?

Mr. Hughes said this is almost a restatement of Mr. McKamey's problem. The settlement has to be posted under Section 151.

Mr. McKamey said he would be in favor of leaving the speed section as it is drafted here. This actually is what is required in the Yukon Territory.

Motion Carried

Mr. Boyd moved, seconded by Mr. Watt, that Bill No. 13 be reported out of Committee as amended.

Motion Carried.

Discussion  
Sessional  
Paper  
#15

Mr. McKinnon said he would appreciate the Committee's direction as to how they are going to proceed with the Labour Legislation paper that the Administration has tabled before them. Are they going to ask for an expert on labour relations to assist them in this legislation?

Mr. Taylor (with Mr. Boyd in the Chair) felt they should work on this legislation, and in view of the reply from the Department of Labour with respect to an official advisor, he felt Mr. G. R. Curry should be asked to come to the Yukon by the Administration, and if they can't get any of the Department of Labour people then they should ask for someone from the labour unions.

Mr. Watt said he thought the only solution would be to form a committee of perhaps one or two members of Council. The committee should go to different organized unions, to United Keno Mines and possibly the Contractors Association and give each of these groups - labour on one side, management on the other - a copy of these questions and ask them to delegate one man to meet with this committee. In this way you may have eight or ten people giving their suggestions on each of these questions. Then the member of the committee, if it were to be formed, could correlate the four or five answers it will probably boil down to, and give the views of both management and labour to each of the questions as they came up for discussion. This could form a basis for Council's opinion to present to the labour expert when he comes up here to help draft the legislation.

Mr. Taylor didn't agree with the plan as the groundwork has already been laid by the Department of Labour and all they require is a labour expert from Ottawa to give assistance. If Ottawa won't give them a man, then they should consider getting someone from a labour union.

Mr. Livesey was also against any more committees. There is a wealth of information on labour relations and problems. All they need is something which will correlate the operation of the country so that management and labour is working together, producing something and Council could do this by working at it step by step.

Mr. Hughes said the questions on the paper were based on the existing legislation in British Columbia. He had taken an object already tested and put it to the committee question by question so they could think their way through on the problems involved.

Mr. McKamey suggested that all members study the information on hand and then meet for a few days between now and the Spring Session to prepare something for the Spring Session. This is a legislative problem and they do not want to legislate raises in pay for unions.

Mr. Shaw said these questions are very good, that is the way to arrive at a conclusion, but without a person who is very qualified in labour relations to give advice, it would be very difficult to make decisions on many points. He thought that unless they can have the right person up here to give them assistance they may as well forget about the problem for the time being, which would be regrettable as it is long overdue.

Mr. Hughes said it would be very difficult for a person who is rushed up here from Vancouver to give them what they want, and suggested that the paper which is now before Council be sent

to this gentleman to evaluate so that he can appear before them at the Spring Session, or possibly in the interim as Councillor McKamey suggested, and give them his opinions so that they can have the benefit of his mature approach.

Further discussion on Labour Legislation was deferred until the next day.

Mr. Watt moved, seconded by Mr. McKamey, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor, Chairman of Committee reported as follows:

Committee convened at 11:00 a.m. to discuss bills, memoranda Committee sessional papers and Motion No. 3. Commissioner Cameron, Report Mr. Fry and Mr. Thompson attended Committee to discuss Motion No. 3 which related to education. Committee adjourned at 12:00 noon and reconvened at 2:00 p.m. It was moved by Mr. Taylor, seconded by Mr. Livesey, that in the opinion of the Yukon Legislative Council the Federal Department of Justice be contacted and requested to implement those requests outlined in Motion No. 21, Spring Session 1963. Motion Carried. An amendment to Bill No. 13 was moved by Mr. McKinnon and seconded by Mr. Boyd. Motion Carried. Mr. Boyd moved, seconded by Mr. Watt, that Bill No. 13 be reported out of Committee as amended. Motion Carried.

Council accepted the report of the Committee and adjourned until 10:00 A.M. Saturday, November 16, 1963.

Saturday, November 16, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled the following memoranda:

- (1) Reply, from Commissioner Cameron, to Motion for Production of Papers No. 6 regarding Yukon Territorial Council Plans and Progress on the Escarpment Stabilization Programme (set out as Sessional Paper No. 34) Sessional Papers #34
- (2) Reply to Question No. 4 regarding School Teachers (set out as Sessional Paper No. 35) #35

Mr. Taylor moved, seconded by Mr. Shaw, for leave to introduce Bill No. 15, An Ordinance to Amend an Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to Sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory. Introducing Bill #15

Motion Carried.

Mr. Watt moved, seconded by Mr. Boyd, for leave to introduce Bill No. 16, An Ordinance to Amend the Labour Provisions Ordinance. Introducing Bill #16

Motion Carried.

Mr. Livesey (with Deputy Speaker in Chair) gave notice of Motion respecting an Emergency Water Supply. Motion #10

Mr. McKinnon moved, seconded by Mr. Watt, that the Administration provide Councillors with application forms needed to apply for Physical Fitness and Amateur Sport Grants and also information as to what the program has accomplished to date this year. Production of Papers #7

Motion Carried.

Mr. McKinnon moved, seconded by Mr. Watt, that the Administration table before Council all information available as to what scholarships, bursaries and loans are available to students of the Yukon Territory from both governmental and private agencies. Production of Papers #8

Motion Carried.

Mr. McKinnon gave notice of Motion for the Production of Papers concerning the Sale of Beer in the Yukon Territory. Production of Papers #9

The following questions were directed to the Administration:

Mr. Shaw asked if it would be possible for Dr. Kinloch to attend Committee of Council to discuss dental problems of the City of Dawson? Question #14

Mr. Boyd asked what is the course of delay concerning area development programing and when will it be possible to start natural implementation of at least some of the very important factors such as acquiring certain lands, etc? Question #15

Mr. Taylor asked if the Administration would advise Council if the sewer and water proposals will be tabled for discussion at the Session now assembled, and if not, why not? Question #16

FIRST and SECOND reading was given to Bill No. 14, An Ordinance to Amend an Ordinance to Prohibit Children Being on the Streets After Nightfall. First and Second Reading Bill #14



Mr. Taylor moved, seconded by Mr. Boyd, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, memoranda and sessional papers.

Motion Carried.

In Committee of the Whole:

Mr. Taylor asked Mr. Livesey, who acted as Chairman of the House Committee to look into the Report from the Liquor Committee, to give his report.

Mr. Livesey gave his report and said in part that the Liquor Committee was appointed to try to resolve the difficulties which arose in regard to the Report on Liquor and how the House would deal with it in Committee here this Session. The members chosen for the Committee were Mr. Livesey, Mr. McKamey and Mr. McKinnon. The Committee met in due course and had discussions on the various problems that appeared and came up with the following suggestions as recommendations to the Committee of the Whole as a possible means of solving the difficulties that were discussed. He pointed out that this was a rough draft and it is not intended to be a legislative document or one that after contemplation and serious looking into could not be misinterpreted. It was presented for discussion and perhaps eventual approval. He continued:

- (1) That the Honourable Member from Whitehorse East, Mr. Boyd, continue as Chairman of the Liquor Committee.
- (2) That commencing forthwith, all members of the Committee shall be chosen from those persons resident in the Territory capable of expressing an entirely independent viewpoint regarding proposed recommendations as a basis for new legislation or amendments to the Liquor Ordinance.
- (3) That the Chairman of the Committee be empowered to appoint members of the Committee.
- (4) That the Committee consider all briefs, papers and documents presented to the Council during this Session and perform such other duties and hold further meetings and receive such other evidence as may be deemed expedient and desirable.
- (5) That such a Committee be empowered to bring in recommendations with reasons to support such recommendations for the perusal and consideration of the Council at the Spring Session 1964.
- (6) That such a Committee be assisted in their respective duties through the employment of stenographic services and that the Commissioner be respectfully requested to provide such assistance by arranging for the necessary services that may be required from time to time by the Chairman of such Committee.

He concluded by saying that in presenting this report he felt that the Committee appointed studied the entire situation and felt that these were the basis of the organization and what the Committee felt was expedient and necessary at this time.

Mr. Boyd stated that yesterday they were asked the question of "Was there really very much wrong with our Liquor Ordinance as it is, were there any real complaints?" He wondered just how far they wanted to go. He knew they were asking for the views of the people and taking the briefs they have had, they will find that in the majority of cases the religious organizations predominate. He made it clear that he states this without disrespect. Take for example a Youth Organization or Women's Organization, there are as many as three organizations attached under the heading of Episcopal Corporation. They have had a Reverend in front of them as many as three times and in each



case the wording and contents of the brief were virtually his thinking, yet they represented three different groups of people. They found this quite difficult. For instance one question asked was "What do you think of any particular Cocktail Lounge?" His reply would be, "Well I don't know I've never been in it, but I am ready to condemn it all to pieces, it shouldn't be there". By and large the people came up with very little that they could grasp. He referred to operators who have quite a bit to talk about but they are thinking of themselves only and not of the people. They are not working on the basis of what the operators want they were thinking of the people. Another operator in the other end of town has other ideas and decidedly he is thinking of his best interest. A powerful Liquor Committee is the request of the people. He did not know whether they expect a real overhaul and asked how far they wanted to go beyond what the people have told them. If they wanted the Liquor Ordinance overhauled, this would be a terrible task and he did not feel capable of doing it.

Mr. Taylor (with Mr. Shaw in the Chair) commented that what he thought was required was the thinking of the Committee which reflects the general overall picture to be embodied in future legislation. He felt Councillor Boyd's question was would they be better off to amend their own Ordinance as it is or better to rewrite the whole thing along the lines of the basic framework of the Manitoba Ordinance. He suggested that members of the Committee, in view of this proposal, would be independent with the exception of stenographic service and they would be free to make inquiries on an informal basis here and there and pick up the loose ends that Councillor Boyd speaks of, and come up with these suggestions somewhat like the labour legislation.

Mr. Watt stated that he has listened carefully to the recommendations of this proposed motion and he thought some of them very sound. Mr. Boyd wants to know how far they want this thing to go and just what they want done. There have been recommendations made, and some of them, as Mr. Boyd has mentioned, are for the protection of establishments and the price of beer. There were a lot of things in the brief he did not agree with but there are definite recommendations. He felt this should be gone over and the Committee be given comments on their recommendations.

Mr. McKamey agreed with Councillor Watt. He thought there was a lot of good information compiled in the report and it would be wise of the Council to go through this and possibly pick out some of the weaker points or some of the points the Committee has not recommended changes on. He thought it would be erroneous not to finish the job now that it had been started as there was a definite requirement for a major overhaul of the Liquor Ordinance. Unless something like this was done it will be detrimental to their tourist promotion in the Yukon. When Councillor McKinnon studied the interim report he found certain things that he felt needed additional work and this will be seen by going through the report. Some of the points Mr. McKinnon pointed out were in respect to issuance of licences, upgrading of standards, the Liquor Commission, local option, alcohol education and advertising. These are good points and he thought it necessary that this be looked at and studied and recommendations made in respect to these items. This report is quite general, it has a lot of scope to it and if the weak points were picked out the Liquor Committee could continue on.

Mr. Taylor agreed to some degree with Councillor McKamey but it seemed to him they were only going to duplicate the situation and achieve nothing. What they are asking the Liquor Committee to do is to come up with a set of firm recommendations and present them at the Spring Session at which time all these matters would be under

discussion, and unless they are prepared to change the Ordinance right now, to make amendments to their present Ordinance, then he could see no useful purpose served in even discussing this document. He had questioned the validity of the document as being a fair representation of the Committee because there are words expressed in it that are not necessarily the words expressed by the Committee but by one individual. He could see no purpose in reading the document and felt certain every member had already read it.

Mr. Livesey believed the Chairman of the Liquor Committee did request that they give him some kind of an answer on what was required. He felt what was required would be to block out the various sections and headings of interest, with regard to any amendment to the present Ordinance, and list under those headings the recommendations of the Committee that they will be working with. If this was agreed to and passed on to the Chairman of the Committee then he will know exactly what is required.

Mr. Shaw asked the Committee if they agreed to go through this report point by point.

Committee agreed.

Mr. Shaw asked the definition of "Independent Committee", independent from what?

Mr. Livesey pointed out that as he had previously said this was not a strict legal document. He did not feel that it would be taken as a proper assessment of the situation to go into any detailed discussion about what they thought was independent. It would be more diplomatic to leave it just as the word was stated. What it means generally speaking is those not incorporated under any aspect of the operation of liquor. He felt the word independent was all they needed.

A discussion took place on the Liquor Report.

Mr. Watt referred to Page 2, paragraph 4 and asked if this point had in fact been discussed with Commissioner Cameron.

Mr. Boyd replied that they had a discussion and it was decided that patchwork was most inadvisable.

Mr. McKinnon referred to Page 2, paragraph 6 and asked the Chairman of the Committee for the background of the recommendation that hours be established by regulation and not by legislation and how this recommendation was arrived at.

Mr. Boyd replied that every operator seems to have his own views as to what hours he should be open. Their feeling is that as long as he declares his views and sets his hours at the beginning of the year at the time his licence is issued and he states when he shall remain open, he can remain open all through the night if he wants to but he will remain open if he chooses to, he cannot flip around. What applies here in Whitehorse may not apply somewhere else.

Mr. Shaw stated that this is the first recommendation of the Committee and if they could give some guidance to this recommendation, it might help the future Committee in further discussion.

Mr. Boyd referred to Minto, Carcross or Porter Creek and stated that it is not for them to say these men will remain open, so if they want to set their own hours then let them, they are doing so with the consent of the Commissioner.

Mr. Livesey stated that it appeared to him that the Administration will not set down any regulations concerning specific hours but there will be a subject of setting regulations in the area depending on what those operators may require.

Mr. Watt stated he could understand this in small areas but in a place like Whitehorse, where you have six or seven licences, do they all keep their own hours or do they get together and stay open the same hours.

Mr. Boyd replied they can be open so many hours in the day, all of them. What hours they want to be open is their business, they will give them a licence for that but they must live up to the hours they have requested. They can change their mind the next time they get their licence renewed.

Mr. Taylor stated he did not think they should make any firm decisions or issue any firm directives to the Committee at this stage, but he could see merit in discussing this. He asked if he understood correctly that the hours of consumption will still be controlled, only you can move those hours back and forth depending on where you want them and if this is the case, has the Committee considered lengthening the hours of consumption?

Mr. Boyd replied that the Committee has not considered lengthening the hours of consumption. They feel the hours as they are now are inadequate and sufficient, but they are not going to say to a man you must open at 9:00 and close at 12:00, his circumstances may be somewhat different.

Mr. Taylor asked if it would then be possible, where an operator has to open at 11:00 a.m. during the summer months, to extend his hours of consumption so he can open at 9:00 and close at 1:00 if he wants to.

Mr. Boyd replied no.

Mr. Taylor asked what will be the required number of hours to be open?

Mr. Boyd said he thought the hours now were twelve hours a day and it will remain twelve hours.

Mr. Shaw asked if the Committee generally agreed with this first recommendation?

Mr. McKinnon said he had a few points to be cleared up first and one is whether the Liquor Committee studied the hours of both cocktail lounges and cabarets and whether they thought that the hours they are open during the day are fair now and desirous to be continued. The other point was when Councillor Boyd mentioned that when they get their licence they would state what hours they were going to be open and would be held by these hours throughout the year. This is a valid point, if a person is operating premises on the highway and there is not a customer in the place from 6:00 to 12:00 midnight and he wants to go to bed at 10:00 o'clock, then he should be able to lock the door and go to bed. Under this recommendation he did not see how this would be possible.

Mr. Boyd replied this was probably true, but he is setting his own hours and they are not. An operator cannot change around and close when he likes because there is nobody there, he is in business to serve the public for a certain number of hours. He felt it the Committee's problem to make the recommendations, are they going to tell them now whether this is a good recommendation or not and if it should be made or not? He wanted to make this recommendation again and he is thoroughly sold on it and so is the Committee. He did not feel Council was here today to accept or refuse it.

Mr. Watt asked if they could just note the questions the member from Whitehorse North asked and then when this recommendation comes up on the final report they will know the suggestions have been taken into consideration.

Mr. Boyd said this point was discussed at every place they stopped. They asked these questions on the way down and on the way back so got quite a coverage on it.

A discussion took place on educating the public to develop better drinking habits.

Mr. McKinnon asked Mr. Boyd for his suggestions on how to upgrade drinking establishments.

Mr. Boyd said that he had been told by a person who had travelled all over Canada that the Yukon is the only place you find girls serving in bars and taverns. This to him is a big step in upgrading. A man will behave himself more so when there is a woman around.

Mr. Taylor said this is being done, how do they further upgrade an establishment?

Mr. McKamey stated the establishments must be upgraded. If an eating house or hotel has a licence to sell liquor the operator should have to spend a certain percent of his profit each year in improving his standards. He has noticed outside how hotels and motels are graded by a star system. In the Yukon it is important that they have this grading system and he thought it vitally important that they upgrade the standard of hotels and motels.

Mr. McKinnon referred to the report where it states "inspection and enforcement must be strengthened" and asked how this could be achieved.

Mr. Boyd stated he could only reiterate the public opinion that the enforcement is very poor. The Committee feel the enforcement is not what it should be. For instance you have a Liquor Inspector and you ask him what his duties are after 5:00 o'clock at night, he hasn't got any. This is when the owls come out and the angels go home. An establishment may have  $1\frac{1}{4}$  ounce drinks on the menu, but does the Inspector know they are actually serving  $1\frac{1}{4}$  ounces, he has never gone in to see if they are putting an ounce in or not. They may be getting  $7/8$  of an ounce.

Mr. McKinnon asked if the Liquor Committee intended to come up with any firm recommendations as to how the Liquor Ordinance can be enforced and incorporate this in legislation?

Mr. Boyd stated this was a bigger question than he intends to answer.

Mr. McKamey asked Mr. Boyd if it was possible to have a Liquor Control Board. If they had a good Liquor Commission set up it would solve a lot of enforcement problems.

Mr. Boyd stated that at every hearing they had this question was put to the people. They were asked if they favoured a Liquor Board with all the power and free of interference, and in every instance the answer was yes. A Liquor Board would run the liquor business for the Yukon and this will be their recommendation. He asked if the Committee was supposed to find out if this was possible by law?

Mr. McKamey asked the Legal Advisor for his views on this.

Mr. Hughes stated that Council has recognized that if it is possible to appoint a commission which is all powerful, they will have delegated certain authorities which they might like to reserve. If they create this body they will not be able to interfere with it except by an ordinance disbanding it and they may find this rather difficult. He referred to Page 5, paragraph 2 of the report. There has got to be a process of growing up. Ultimately when the Territory has a Provincial status they can establish a board which has the same powers. At the present time the Territory is not constitutionally geared for an all powerful committee because they must remember that Section 4 of the Yukon Act directs the Commissioner in the matter of his duties and until the Yukon Act is changed there would be some difficulty in creating a body that was not responsible to either the Commissioner or Council. He did not think it would be possible at this stage.

Mr. McKamey stated this was what he wanted to find out. If this is what the people want, that they should have a Liquor Control Board to put this under proper control and enforcement, then this requires an amendment to the Yukon Act. He felt this would have a strong effect on their new Ordinance, and it would be the back bone of the Ordinance and everything else would be centered around it.

Mr. Boyd said this was quite their concern, what is a three man committee with no say and no power whatever.

Mr. Boyd moved, seconded by Mr. Watt, that Mr. Speaker do now resume the Chair to hear the report of the Chairman of Committees.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor, Chairman of Committee reported as follows:

Committee convened at 10:30 a.m. to discuss bills, Committee  
memoranda and sessional papers. Committee discussed Report  
matters related to the Liquor Committee. I can  
report progress in this matter.

Council accepted the report of the Committee and following a discussion of the agenda, adjourned until 10:00 a.m. Monday, November 18, 1963.

Monday, November 18, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled a memorandum from Commissioner Cameron referring to Low Cost Housing (set out as Sessional Paper No. 33.

Sessional Paper #33

Mr. Taylor moved, seconded by Mr. Shaw, for leave to introduce Bill No. 16, An Ordinance to Amend the Labour Provisions Ordinance.

Introducing Bill #16

Motion Carried

Mr. McKinnon moved, seconded by Mr. Boyd, that the Territorial Treasurer provide Council with figures showing the effect if:

Production of Papers # 9

1. All bottles of liquor sold in government liquor stores were increased by
  - (a) twenty-five cents
  - (b) fifty cents.
2. If this increase in revenue were applied to the sale of beer, what could beer then be sold at in the Yukon Territory, with no loss of revenue.

Motion Carried.

Mr. Shaw directed the following question to the Administration:

Due to the recent failure of electrical power reported from Dawson and the serious implications which have been created by burned out furnace motors, could the Administration investigate the reason for such power failure and report it's finding to Council with recommendations if possible, as to how this can be avoided for the future?

Mr. McKamey moved, seconded by Mr. Taylor, that in the opinion of this Council it is deemed necessary to provide a Fire Warning System and protective masks for the Fire Department in the town of Keno.

Motion #9

Mr. McKamey said this was a request for Council's support asking the Administration to provide the necessary fire warning system that is required in the event of a fire. Recently, while he was in Keno, a fire started in the basement of the hotel, somewhere around the furnace. There was a lot of smoke from the oil and they had a problem getting downstairs to get to the origin of the fire. It proved that there was a definite need for some sort of a smoke mask. He thought every department in the Yukon should have this type of equipment, and they should see that this equipment is available.

Mr. Taylor said he would like to ask if they have a fire truck or any other fire fighting equipment there at all.

Mr. McKamey said they have a fire truck that was donated some years ago by the Territorial Government. It is a combination effort. Keno has no water system, they have to haul water. This tank truck delivers water and through the proceeds from the sales the fire department is maintained. There is this additional equipment that is needed and they are asking for a little help along this line.

Mr. Boyd said he would like to see Mr. McKamey go further. He just called for this to be installed at Keno, nowhere else. It seemed to him that it should be all over the Territory.

Mr. Taylor thought they would find that throughout the Territory where there are fire departments, there is adequate protective gear. Apparently Keno has not got it so far. At Watson Lake, there are two smoke masks, two chemox (self contained oxygen mask), one which they just purchased. They have found these are invaluable, they are life savers.

Mr. Shaw was surprised that they did not have protective masks. He felt it was a must with a fire department. As for the fire warning system, he was not sure what that implies. They had something in Dawson that didn't seem to work out too satisfactorily therefore they have to use the telephone. The fire warning system could possibly be just a siren. If that is the intention of the motion, he thought it was very necessary. But if it encompasses something where you have to stretch miles of telephone wire than it is another matter.

Mr. McKamey thought this was the type of system they want to introduce. There are very few telephones in Keno and a siren is actually what would be needed.

Motion Carried

Mr. Watt asked if a member of the signs committee would report before the end of this Session.

Mr. Speaker said yes.

Mr. Watt wanted to know if an oral answer could be given to the question he asked last Saturday concerning the Municipal Ordinance.

Mr. Hughes (Legal Advisor) said he did not as yet have an answer.

First and Second Reading Bill #15  
FIRST and SECOND reading was given to Bill No. 15, An Ordinance to Amend an Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to Sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory.

Mr. McKamey moved, seconded by Mr. Boyd, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, memoranda and sessional papers.

Motion Carried

In Committee of the Whole:

In Committee of the Whole:  
Discussion followed on the report received from the Liquor Committee.

Discussion  
Liquor  
Report  
Mr. McKinnon asked whether along with the recommendation would a Liquor Commissioner be appointed. He imagined the Liquor Commissioner would have the power to specify what was going to be laid down in the lines of inspection. Would they then still desire that the R.C.M.P. have the full powers of a Liquor Inspector and would they leave this in the Liquor Commission's hands.

Mr. Boyd said he understood the question as "Will the R.C.M.P. still have the power or will the Liquor Inspector?" The answer would be that in Whitehorse where they have a resident Liquor Inspector on hand at all times, the answer would be no, but in outlying areas, they would resort to the R.C.M.P. as it would not warrant the appointment of one.

Mr. Taylor (with Mr. Shaw in the Chair) said this had been discussed at great length at a former Session and he was not in favour of the R.C.M.P. being appointed as Liquor Inspectors. If Inspectors are needed in outlying districts, he would rather have Justices of the Peace.

Mr. McKamey noted in the report that the group thought draught beer was acceptable. There is nothing definite in this remark, it is a thought and he was wondering whether this was a question that was put by the Liquor Committee.

Mr. Boyd said yes, this was their question and it was wholeheartedly agreed that draught beer should be allowed. It was asked at every hearing and the only people that do not want draught beer are some of the operators. No individual said they didn't want draught beer. Some went so far as to say they did not drink beer but if they could buy a six ounce glass of draught beer, they could visit a cocktail bar once in a while.

Mr. McKamey said he discussed this with operators. He directed some questions to some of the operators at Watson Lake and one said at first he was in favour but later changed his opinion. This operator went into the financial implications of it and arrived at a figure of somewhere around eight to ten years to pay this thing off. If the cost of making this installation is in the neighbourhood of \$8,000.00 to \$10,000.00, it would take a long time to pay for the service provided. He thought this was something they should give careful consideration to. There were more important things than the sale of draught beer. He would like to see some improvements in rooms, etc. rather than in equipment to sell draught beer.

Mr. Boyd remarked that if somebody wants to sell draught beer why not let them sell it. This is what the public want.

Mr. Shaw said they are considering the point whether draught beer is desirable or not. Draught beer apparently is desired by the public according to the petition. He would object, of course, if they said that Joe Blow operating a certain place had to sell draught beer. He felt the public themselves would create the climate where the operator would be faced with the option of putting in this equipment or not. They should merely make it available for the people to go into the draught beer business. He thought they should do what the public desire.

Mr. McKamey agreed to a point. He thought it very important that the public should get what they want if it is financially reasonable. If the public demanded that the C.N.R. put a railway from here to Aklavik, should that be done too? There are two ways of looking at it, and he wanted to know whether the Committee had gone into the financial aspects of selling draught beer. What about warehouses, refrigeration, etc. etc.? Would it be necessary to spend a million dollars to provide for the sale of draught beer in the Yukon? Suppose if only a small percentage of the outlets decided they would have draught beer, would it be financially reasonable?

Mr. Boyd said they had investigated this thoroughly. They even had several representatives here in Whitehorse from breweries in Alberta and B.C. Mr. McKamey was talking about millions of dollars to get this going. There will be no cost as far as the Government is concerned, they will even be operating at a much less cost than they are operating at today. The operator that wants ten kegs of draught beer will go to the Liquor Store, place his order and give them a cheque. The Liquor Store will order it and have the beer



delivered to whichever place it is. All they need is a refrigeration unit (which they already have) to keep their beer cold. There will be no additional expenses. Lower Post, in all the time they have been using it, have had one keg of beer that wasn't good.

Mr. McKamey said he was using suppositions and he wasn't being very accurate.

Mr. McKinnon asked what price the Chairman thought draught beer would be sold for in Whitehorse.

Mr. Boyd said draught beer is considerably less.

Mr. Taylor said as far as the glass is concerned, it costs you .30¢ for draught beer, in Lower Post, and you get the same amount of beer as there is in a bottle.

Mr. McKamey said he noted that it was recommended by the Liquor Committee that a Liquor Control Board, similar to the Liquor Control Board in the provinces, be appointed. He asked Mr. Hughes (Legal Advisor) whether a Liquor Control Board, set up under the provisions of the Yukon Act, would have the power to enforce the present Liquor Ordinance?

Mr. Hughes said they wouldn't as such enforce the Liquor Ordinance as would the Police, the Courts and the Commissioner, but the Liquor Commissioner would be able to see that the Inspectors made regular tours and the Liquor Commission itself would visit the various outlets and make recommendations. They would not take over but would supplement.

Mr. McKamey said he wanted to point out that at the present time under the Liquor Ordinance, the powers are given to the Commissioner and no doubt this would require some amendments. He thought it within the powers of this Council, under the Yukon Act, to appoint a Liquor Control Board and also to repeal the powers of the Commissioner under the Liquor Ordinance. If such a thing were done, they would have a Liquor Control Board that was appointed by the Territorial Council with the power to enforce the present Ordinance.

Mr. Hughes replied that it might be premature to create another body.

Mr. McKamey said his suggestion was a proposal, something to think about. They have heard the voice of the people in the Yukon Territory and they have seen the brief where they wanted draught beer. In the same brief they propose that a Liquor Commission be established in the Yukon Territory. This was a request to them and it is within the jurisdiction of this Council. They would not, he felt, be taking all the power away from the Commissioner. Under Section 47 of the Yukon Act the Commissioner, at the present time, has delegated his powers to the Superintendent of Liquor, Mr. Vars. Under such a proposal he would retain his powers and he would still have certain powers in respect to the Liquor Control Board as he has the control of the liquor that comes in. He could see a lot of work done by the Committee and Council going down the drain because there was a possibility, with the coming election next fall, before the proposed amendment is drafted there will be a lot of new faces around the table. He thought if this was discussed to a greater degree with the Administration they would probably agree that this was not too bad and a good way to solve the problem.

Mr. Taylor said he would like to ask the member from Mayo who ideologically would comprise this Board?

Mr. McKamey said it would be entirely up to the Council. There are a lot of people who are available to sit on such a board and give the effect to the Ordinance which is lacking today. They would receive their instructions from the Liquor Control Board and not from the Administration and it would certainly help the Territorial Council for unbiased recommendations at the Spring Session of Council.

Mr. Watt agreed with Mr. McKamey that they will need a Liquor Board. In Manitoba the Liquor Commission is comprised of three members, a full time Commissioner and two part time members. It does not seem justified at this time to have an employee for the sole purpose of a Liquor Commissioner. He wondered if Mr. McKamey was suggesting that a full time employee be the Inspector.

Mr. McKamey thought this would be very essential. Under the terms of the B.C. Act, they are governed by regulations laid down by the Administration or Legislation. These regulations were prescribing the duties of the officers or officer on this Liquor Control Board. He suggested that five or seven should be appointed to be on this Liquor Control Board, but after they come up with the proposed recommendations and they are presented to Council, they could probably be trimmed down to one on the payroll and two assistants appointed. In the event of meetings once or twice a year, whatever would be required, the Chairman of the Liquor Control Board would give his directions to the Superintendent of Liquor and the Liquor Inspectors who are already employed by the Territorial Government.

Mr. Boyd said the Inspectors would be required to meet any time there were irregularities. If anything went wrong, the man at the head of the Board wouldn't have to make the decisions himself. He would have to meet, call his Committee together and decide what would be the proper action to take. He didn't think the Superintendent would want to take this on himself. The Board, as he saw it, might be required to meet at any time.

Mr. McKamey said that would not present any problem, he would have the guidance of the Liquor Ordinance, enforcing this Ordinance would be putting it into effect.

Mr. Boyd said this Board would be required to meet at a moments notice and it would be necessary to call them in event that something does go wrong. These three men would have to be in the area of Whitehorse.

Mr. McKamey thought this problem could be overcome quite easily.

Mr. McKinnon agreed with the philosophy behind Councillor McKamey's idea and he agreed it was a bold one. The idea of an independent Liquor Board to enforce the various Liquor Acts is in practice. He could not, however, rush into this without having a lot more information on the constitutionality of what this Liquor Control Board's function would be in black and white. As he understood it, if they approved the principle of a Liquor Control Board being established in the Yukon Territory at the Spring Session, the machinery to put this into motion would be presented to Council at that time. He thought at this moment what the Liquor Committee and the Legal Advisor wants is that an independent Liquor Control Board be established in the Yukon. He was 100% behind this principle.

Mr. McKamey thought one of the problems that was confronting the Territorial Council as well as the Administration was what course are they going to take. He felt they would end up with either one of two types of legislation:

- a. To give effect to a Liquor Control Board and provide them with certain powers, or
- b. To propose legislation that will be administered by the Territorial Government.

In B.C. the Liquor Control Board is governed by regulation and the Board has a constitution under Section 103. The three members are appointed by the Lieutenant Governor-in-Council, this would be paralleling the Commissioner-in-Council in the Yukon Territory. They have another section covering the tenure of office, the appointment of staff, the purchase of liquor and so forth. A lot of this is incorporated in their present Ordinance. They are governed by regulations under Section 119 of the B.C. Liquor Act. He would like to point out some of the regulations they are governed by to give Council an idea how this proposed Board would work:

- a. Regulating equipment and management of stores and warehouses where liquor is sold or kept and prescribing the books and records to be kept therein.
- b. Prescribing the duties of officers, clerks and servants of the Board and their conduct and so forth.
- c. Governing the purchase of liquor by the Government.
- d. The furnishing of Liquor Stores as established under this Act.

Mr. Shaw said it appeared to him that this Liquor Control Board is an authority of its own. This Board cannot have full authority, they must answer to someone. Regardless of their recommendations if they don't suite the people, they should not come into effect.

Mr. McKamey said they received their authority under an Ordinance and regulations by the Commissioner-in-Council. He didn't think this presented a problem at all.

Committee recessed at 12:00 o'clock Noon.

...../148

Monday, November 18, 1963.  
2:00 o'clock P.M.

Committee proceeded to read and discuss the Liquor Committee Report. Discussion  
Liquor  
Committee  
Report

Mr. McKamey asked for an explanation of the chit system.

Mr. Boyd replied that it is the green card system or any card system whereby you must have your liquor purchases recorded on the dotted line and have a licence with you in order to buy a bottle of liquor. But from the Committee's point of view this is a detriment rather than advantageous, and only creates bootlegging. Sweden, after having this system for ten or twelve years, found out that it was working against them all the way through.

Mr. Watt pointed out that the Manitoba Liquor Commission had recommended that the individual permit system be discontinued.

Mr. Boyd commented that it had been tried all over the world and found to be virtually ineffective.

Mr. McKamey said the Liquor Committee would have to be told now whether this was going to come under a Liquor Control Board or under the Administration.

Mr. Boyd asked Mr. McKamey whether he would agree to a suggestion that recommendations, along with reasons for them, be awaited until the Spring Session, i.e. what the Committee recommends to be a board and what the board's authority would be.

Mr. McKamey said there is no need to wait, it is within the jurisdiction of this legislative body to instruct the Liquor Committee now what course of action to follow. Otherwise it will come up with another vague report in the spring. If that happens it is possible this thing will be kicked around a few more years.

Mr. Shaw said he thought a Committee comprised of Council members had been appointed to draft the recommendations.

Mr. McKamey said he was on that committee, and said the memorandum had been submitted as a memorandum, not in the form of a motion nor of a resolution. The Council members up to this point have not been asked whether they concurred with that or not. He said he would like to repeat that what is suggested in this paragraph, first paragraph Page 5, is identical with what he was proposing this morning, the only difference being that the delegation of power will be with the Commission or Liquor Control Board, whatever you may call it.

Mr. Shaw said he didn't know what the Committee wants to recommend, but would submit that according to the Yukon Act the office of the Commissioner is the chief administrator of the Territory and he could not see, in spite of what anybody might say, that that power could be taken away.

Mr. McKamey said he differed with Councillor Shaw. He said he had approached three lawyers in this town and after going through the Yukon Act they found it is definitely within the prerogative of the Council to do what he is proposing.

Mr. Shaw asked if these lawyers would be prepared to come up as witnesses and say how the Commissioner's authority can be given to somebody else.

Mr. McKamey said if Council wants to get legal interpretation he is quite amenable, he would support it one hundred percent.

Mr. McKinnon said he is positive that there is quite a constitutional question involved and until he had an expert opinion and the opinion of the Department of Justice on something of this nature, and all facets were explored, he could not vote one way or another.

Mr. McKinnon said it might be worthwhile to note that the Western Provinces all had liquor boards before they changed their legislation. The power the Liquor Control Board has today in Manitoba evolved over many years. It would seem impossible to say to three men, here you are, you are charged with the administration, sale, everything to do with liquor in the Yukon Territory. It should be a gradual process that we have to work towards and the only way to do this is to appoint a Committee that starts advisory at the beginning and gradually learn their job, things become clearer, and they eventually take over the control of liquor in the Yukon Territory.

Mr. Boyd said the three men, for example, who might be appointed to the committee, would be required to know all the liquor laws. They would have to spend many hours studying and listening to people. It is asking a lot of business people to devote the time required for such a project - you say they would be allowed \$25.00 a day while they sit - but what about the countless hours they would have to devote to study, etc.? It would seem they should be paid for their knowledge and their effort. To know their business they would have to be able to make decisions equivalent to the Administration. This is a point to be considered.

Mr. McKamey agreed they would have to make decisions, but as far as knowing anything, it is right here in the Liquor Ordinance. All they have to do is enforce it. All we need to decide is what course of action the committee should take so they can come up with results for the spring session of Council. It has been said that the people of the Yukon want a Liquor Control Board, if that is so, we should provide legislation for it.

Mr. Shaw said a committee was appointed a couple of days ago to state in a report what was wanted of the Liquor Committee. He said he expected the committee to bring forth a report that was satisfactory.

Mr. Watt said he would suggest finishing reading the report.

The Chairman continued reading the report.

Mr. McKinnon said he would have to take exception to the line (Paragraph 2, Page 5) "that the committee feels that interdiction can play a valuable part in dealing with alcohol problems", and wanted to know how they arrived at this conclusion, as he felt the interdict does and can procure liquor and so interdiction serves no valuable purpose. He cited the case which came up recently in the magistrate's court where a native woman was being charged for the fifth time this year of being drunk in a public place while being an interdict, and this sort of thing happens time and time again.

Mr. Boyd said he noticed that Mr. McKinnon has picked out the native. They don't even know the meaning of interdict. There are other people not in this category where interdiction does serve its purpose. He said he noticed the remarks on the amount of welfare money that gets into the hands of the Government drugstore. He said this is just as controversial as the question we're on, and the question is where to draw the line. He thought interdiction is doing more good than harm and is definitely accomplishing something.

Mr. Taylor (Mr. Shaw in the chair) said he disagrees with Mr. Boyd because he thinks interdiction adds to our welfare problem. The only place this could be beneficial is in the case of an individual realizing his own problem, wishes to put himself on the interdiction list. In Watson Lake they are interdicting Indians right and left, they are just doubling the problem because when you tell a man he can't drink any more he makes a point of drinking.

Mr. Boyd noted natives were being referred to again. He said maybe it should not be applicable to natives, but he didn't hear any mention of what harm it might do the white man.

Mr. Taylor said he did not mean to restrict his remarks to the native population, as it applies to everyone. He told of a case of a white man who was indicted for eight months. He said in cases like these the man spends all of his money getting liquor by devious means, when they do that their families are neglected and they become wards of the Territory.

Mr. Boyd said the Committee had discussed this with the Department of Welfare for two hours but nothing conclusive came out of it.

Mr. McKamey asked what has been concluded from the time just spent on the subject of interdiction.

Mr. Boyd said "nothing, two councillors have expressed themselves, four others have not". He wondered where the majority comes in.

Mr. McKamey wondered what was to be gained from discussion unless some conclusion is reached.

Mr. Taylor said this cannot be resolved until the Spring Session when the recommendations are brought forward by the Liquor Committee. We can only give our viewpoints now, not adopt recommendations.

Mr. Watt thought the interdiction list does serve some purpose, and he agreed with the report in this respect, but said the list should be kept up to date. He said one person's name has been on the list since 1945, the person had changed his name and lived under the changed name in Whitehorse for at least ten years, and people serve him without knowing this.

Mr. Boyd said he thought now he would go to Welfare and ask them for an opinion of whether the native should be taken off the interdiction list.

The Chairman continued reading report.

Mr. McKinnon asked Mr. Boyd how the Committee felt they could resolve this problem. (Paragraph 3, Page 5)

Mr. Boyd said Committee's suggestion is that we should attempt to follow the Manitoba Liquor Act. Before anybody can build anything they must have the approval of a liquor committee or liquor board. The Manitoba Act says you shall have so many rooms in an establishment, otherwise you don't do business.

Mr. McKamey said he thinks this problem will never be resolved under the present course of action because there is no guidance for the Committee - we're going right back to where we will have an Ordinance that will never be enforced. He said he would like to see some agreement on guidance for the Committee.

Mr. Shaw pointed out that in the first instance the report was incomplete and they wished it to have definite recommendations. There were members of this committee who wanted to discuss the report but he had given his opinion that it would just create a lot of hard feelings and unnecessary oratory. He said he is quite willing to forget about this report and go on to the recommendations of the subcommittee that was established.

Mr. Watt suggested they carry on with it to the end and give the recommendations later.

Mr. Boyd said he didn't know who the next Committee are going to be, but they would have to know what Council wants. There would have to be much broader coverage of people's opinions to decide on points like this.

Mr. McKamey said it makes sense to a degree. You have a large volume of briefs which is the voice of the Yukon, but you should have some further advice on what we are going to accept.

Mr. Taylor continued reading (Paragraph 1, Page 6).

Mr. Taylor asked Mr. Boyd why should the Commissioner in Council lower the age when all other references are to a Liquor Commission.

Mr. Boyd expressed the thought that whoever lowers the age is going to be boomed with sermons from the pulpit and goodness knows where else. This has been one of the most discussed problems all the way through.

Mr. Livesey referred to (Paragraph 3, Page 6) and asked, "Is this a summary conviction of the Council?"

Mr. Boyd said it wasn't intended to knock Council at all, it was just a little remark that was left in.

Mr. Shaw said this discussion took place before the views of the public were known.

Mr. Taylor asked Mr. Boyd if this, where it said "A reversal of their inactment of the Spring 1962", was the opinion of the Liquor Committee or the opinion of the author of the document.

Mr. Boyd said he would accept the responsibility for it himself.

Mr. Watt asked Mr. Boyd why the Committee recommends the severance of interest?

Mr. Boyd replied that in Manitoba it was found that if the brewery did not own the hotel they at least owned it by way of a mortgage and that the product of the holder of the mortgage outsold the products of any other brewery.

Mr. Shaw suggested this might encourage getting better hotels.

Mr. Boyd said this is true.

Mr. Shaw requested that the Committee in their deliberations take under advisement the conditions prevailing in the Yukon Territory, more particularly in the outlying areas, and seriously study where the good and bad points could be in this and make recommendations that might improve the situation for the Territory. If it is possible to get finance to build a decent hotel or lodging house some place on these roads, it is worthy of some consideration.

Mr. McKinnon didn't think this would create any great problem in the Yukon Territory at this time because under the Ordinance the licensee has, by law, to keep all popular brands on stock. The trouble they ran into in the provinces was that a hotel kept only in stock, on draft and in bottle, the brands of the brewery that held the mortgage and you just could not get the other brands. This is already protected by law in their Ordinance as it now stands, so he could not see what great hardship could develop, he could see it actually as a benefit along the same lines as Councillor Shaw's thinking.

Mr. Boyd said a person could buy twenty-five cases of one brand and one case of another brand; when the one case is sold he is out and the customer would have to take the other brand.

Mr. Taylor asked Mr. Boyd if there has ever been a case in the Yukon where this has been taken advantage of.

Mr. Boyd said no.

Mr. Shaw said a point like this could be resolved by a Liquor Inspector, but he thought this could be taken advantage of and someone be got to put up a good building. They are looking at the black side of things. If they did push their brand a little more than the other one, this could do no harm, it might even create the incentive of another brewery to put up a building somewhere else. Certainly it would not make any difference to the drinking habits of the public or create any hardship for them.

Mr. Boyd said if there was sufficient consumption of beer here to warrant a brewer but all the drinking establishments were owned by breweries, we would never get one.

Discussion followed on paragraph 2, 3, 4 and 5 on Page 6.

Mr. McKamey thought the members of the Council saw fit to pass a Discriminating Ordinance here recently and was wondering whether they should allow licensees to discriminate against the public or should they allow legislators to discriminate against licensees. They should have something definite as there seems to be discrimination here.

Mr. Taylor asked the Clerk-in-Council if the situation relating to the Liquor Inspector getting paid for work done in the evening had been rectified.

Clerk-in-Council replied he was not aware of any change.



Mr. McKamey asked the Clerk-in-Council if it is necessary for the employees of the Territorial Government to sign a book as they come in at 8:30 a.m. and leave at 5:00 p.m. and would the Liquor Inspector have to sign?

Clerk-in-Council replied that the Liquor Inspector does not come under his department.

Mr. McKamey said he was referring to the Inspector's duties here in town. He thought this person should be free to work the hours the cocktail bars are open in the evenings.

Mr. Taylor (with Mr. Shaw in the Chair) said this brings up an interesting question. In view of the fact that the Chairman of the Liquor Committee has pointed out that the trouble arises in the evening, when the owl comes out and the angels go home, and the fact that enforcement has been foremost in the minds of the Administration in their submissions on liquor, of those submitting the briefs and also of the Committee, why have not the Administration taken any steps to ensure that the Liquor Inspector is given his overtime or his hours of work changed to permit him to make inspections?

Mr. Watt suggested they add this to the list of resolutions they are going to talk about afterwards.

Mr. Boyd said it shouldn't be put into a resolution of any kind, it is strictly an Administrative problem.

Mr. McKamey said that if the Inspector's hands are tied he is not able to do the work he should. If this was set out specifically the Inspector would not have to answer to any Administrative staff.

Mr. Taylor asked, regarding paragraph four on Page 8, how this would affect the community clubs.

Mr. Boyd said it would not affect the community clubs. The feeling of the Committee, after listening to several briefs, was that in reality possibly the Legion and the Elks are virtually in opposition to those who are in this particular business. You can take any number of guests down to the Elks, there might be a hundred people there and only five are members - the abuse of the guestbook is really bad. They even want more patronage along this line.

Mr. Taylor (with Mr. Shaw in the Chair) said it states in paragraph four on Page 9 that they should get away from a dependency upon liquor for the greater portion of their Territorial revenue. He believed this was roughly a million dollars, and he pointed out that every province in Canada has large liquor revenues. If they take the dependency from one place where are they going to put it? Regarding the last sentence about pricing up cheap fortified wines, etc., the only thing they would accomplish here would be to put these people on hard liquor; he couldn't see the value behind this as they would just buy the cheapest anyway. He asked Mr. Boyd if there was any consideration given to a proposal of letting cocktail lounges sell liquor for off premise use.

Mr. Boyd replied yes, this was discussed, but the Committee does not recommend it. It is recommended that cocktail lounges stay open long enough to satisfy the public.

Mr. Watt wondered if Mr. Boyd had any comments or recommendations on the hours that the Liquor Store is open now, should they be open longer, shorter or are the present hours satisfactory?

Mr. Boyd said they had complaints all round and there will always be complaints.

Mr. Watt asked if this means the Liquor Committee recommends the hours remain the same, at least for the time being.

Mr. Boyd said yes, for the time being.

A discussion took place on the proposal from the Committee of the House.

Mr. Watt asked Mr. Boyd if this would outline duties for a future Liquor Committee Report so they would get back what they want in order to draft legislation.

Mr. Boyd said he thought what the Committee wants them to do is to probe a little further and come up with a list of recommendations and specific reasons for them. Beyond that he could not see where they were asking for any more. He said he had found the briefs disappointing and what was said in the preliminary report does cover these briefs fully, but there are further angles that could be gone into and should be gone into. This was his interpretation and if he is wrong he wanted to be told right now.

Mr. McKinnon said this is exactly the intent of the people who drafted the outline of what the Council wants.

Mr. Taylor (with Mr. Shaw in the Chair) also agreed and said a lot of the spade work had been done although he recalled the comment of Mr. Boyd's that he didn't feel there was a true cross section yet. These briefs represented basically the opinions of religious organizations and law enforcement groups and possible more information was required from the man on the street, operators and so forth which would be picked up in the normal course of events in preparing a firm group of resolutions for the Spring Session. The only point that is not clear is whether or not Commissioner Cameron would agree to provide the stenographic services so that the Committee could work independently of the Administration and the Council.

Mr. Boyd suggested that Commissioner Cameron be asked to attend Committee.

Mr. McKamey noticed somebody had prepared a questionnaire that apparently was circulated and he wondered whether the briefs were based on the questionnaire.

Mr. Boyd replied that they were not.

**Commissioner Cameron attended Committee.**

Mr. McKinnon said they had before Committee this afternoon a list of recommendations that were a continuance of the Liquor Committee's Report, which a subcommittee of Council had come up with. The only question involved is that the subcommittee requested that the Liquor Committee be provided with stenographic help for their purposes and he wanted to know whether this could be done.

Commissioner Cameron said yes, this is quite satisfactory.

Mr. Shaw asked if Commissioner Cameron had seen the entire recommendations as it would appear there might be more expenditures involved.

Commissioner Cameron, after reading the recommendations, said yes the charges would come out of the liquor account.

Mr. Watt said when the Liquor Committee's interim report was discussed there was a statement made by the Liquor Inspector that any inspections in his off hours were done on his own time. This seemed to present some kind of a hardship.

Commissioner Cameron said this is not correct. He is not working from 9:00 to 5:00. He goes in any hour of the day or night; he chooses his own time and the time off is arranged through his department head, the Superintendent of Liquor. That is not really a problem. His reports always say the times and they vary anywhere up to one o'clock at night.

Mr. Watt drew Commissioner Cameron's attention to the statement in the report which read as follows: "It was discovered that all his inspections in the evening were conducted on his own time".

Commissioner Cameron assured him there was no problem there. Perhaps this was more of an observation than anything else. He hadn't heard of a complaint from the Superintendent of Liquor or from the Inspector who agrees himself that he must do these inspections at odd times. He could be wrong and the Liquor Committee could have checked into it further but he had received no complaints on it.

Mr. Boyd said they did have Mr. Kerr (Liquor Inspector) attend Committee and they asked him when he inspected and what hours. At that time he intimated that his day ended at five o'clock and anything after that was on his own time. This was about two months ago and the situation could have changed since.

Mr. McKamey asked Commissioner Cameron if the R.C.M.P. write reports to the Administration on the liquor outlets in the Yukon Territory on how they conduct their business and so forth.

Commissioner Cameron said no, he has police reports come in on practically any item, but only when it has to do with some infraction of the law.

Mr. McKamey asked if the Liquor Superintendent would receive any reports from the R.C.M.P. on how business is conducted on licensed premises in the Yukon Territory.

Commissioner Cameron replied that he had no idea but imagined if he asked for them he would get them. If the R.C.M.P. were having a lot of trouble with certain licensed premises they would no doubt put in a report, or does he mean if a report comes in on a renewal license once a year?

Mr. McKamey said as to whether they should have a licence to operate or not.

Commissioner Cameron said this is correct, they can say that this place was run in accordance with the law.

Mr. McKamey asked Mr. Boyd if he had been able to peruse any of the reports in respect of some outlets in the Territory.

Mr. Boyd said he hadn't seen any reports. According to Commissioner Cameron's remarks, it immediately brings up the point - who does the operator apply to for a renewal of his permit; does he go through the Police Force first for a recommendation and then forward that to the Commissioner's Office?

Commissioner Cameron said he goes to the Liquor Superintendent who checks it out from there.

Mr. McKamey said it seems that most of the offences that come to Court are under the Liquor Ordinance. A person would think that if the Police and the Court were investigating this properly there should be some report tabled which would tell where the person became intoxicated, where the Police picked him up, whether on the doorstep of a liquor outlet or within their premises. With the information received by both the Court and the Police they should be able to arrive at some conclusion and make certain recommendations to the Administration and if this is not done somebody along the line must be very lax. Maybe it should be incorporated into one of the ordinances that such a course be followed.

Commissioner Cameron said he thought when the charge is laid in the Court the location is usually spelled out if it is in a particular establishment but in most of these cases the infractions are in automobiles or in public places. Then there are other things in the Police Reports that are confidential and unavailable. He believed they do spell out the definite building or location involved.

Mr. Boyd understood the Police do not enter the premises at all, this is not their job unless they are called.

Commissioner Cameron said the Police were called in to sit with the Liquor Committee and they had an extensive discussion and study with them. No doubt during the course of the study there were cases where names were not necessarily used but where conditions were shown to back up their wishes or statements regarding a change in the Liquor Ordinance.

Mr. Taylor said that it states on Page 2 of the report that "A useful meeting was held on December 5th with members of the Royal Canadian Mounted Police at which the Police indicated the areas where they felt legislative changes could usefully be introduced. The Police Officers made many constructive suggestions for the consideration of the Committee". He said in most cases the minutes of the meetings and brief submissions were included in the file and he wondered why this information was not included.

Mr. Boyd said that when the Police were asked to come before them it was understood that it would be a closed meeting so that they could talk freely. The Police by and large felt the Manitoba Act would take care of 99% of their problems if it were adopted.

Mr. Watt said there is a recommendation in the report that draught beer could be brought in with the removal of a meaningless restriction. He asked Commissioner Cameron if this would offer any difficulty.

Commissioner Cameron said there were one or two difficulties he has heard about from operators and the Administration. As far as the Administration is concerned it is the capital cost involved - the Territory's cost in establishing proper warehousing facilities - it is very critical that this beer be stored at exactly the right temperature. One or two of the operators he had talked to claimed that they were trying to get away from draught beer outside because it was difficult to keep track of the amount of beer, and to quote him "A good tap man could effect a considerable personal gain".

Mr. Watt said Mr. Boyd had outlined an arrangement where the beer would be ordered by the liquor vendor from the Liquor Store but delivered direct from the brewery.

Mr. McKamey raised the same point as he did that morning that it raises a multiple of problems in the Yukon Territory. One of them is Section 47 of the Yukon Act where "No intoxicant shall be manufactured, compounded or made in the Territory or imported or brought into the Territory from anywhere outside the Territory whether it is in Canada or elsewhere except by permission of the Commissioner or a person authorized by him". He wondered who was going to be responsible for the warehousing in the Yukon Territory.

Mr. Boyd said again that the Committee had no intention of recommending draught beer be brought in here and stored and stocked by the Government. What they intended to recommend and will recommend is that the Government will be saving one nice chunk of money because they will never see this beer; they will make the money and they will order it and it will come into the man's place of business. There are some people who don't want draught beer, but who are they to say that those who want it shall not have it.

Mr. McKamey said he is not opposed to draught beer in the Territory but he is opposed to the sale of it if it is going to create a financial hardship on the Consolidated Revenue Fund. He asked Mr. Boyd if he would take the onus of responsibility off the Territorial Government.

Mr. Boyd said the onus of responsibility here is not any different than anywhere else in Canada, they have virtually the same setup. When an outlet wants some beer in any of the provinces they don't get it from the Liquor Store, it isn't even stocked by them, it is delivered directly from the brewery.

Mr. Taylor said in the case of Lower Post the carrier is held responsible for delivery in perfect state, as it is insured freight.

Mr. Watt said this is a definite recommendation of the Liquor Committee and he thought Council should take some of the recommendations and pass an ordinance on them. If they can assist the present liquor situation in the Yukon they should do it using the report as a guide.

Mr. Boyd clarified one point by stating these brewery men were requested to come in and meet the Liquor Committee to prove the point that is being put over to them.

Mr. Shaw said everyone seems to be overlooking Mr. McKamey's point that the Government only can bring liquor into the Territory which means that the breweries can't bring it in. He asked if the Legal Advisor could clarify that point.

Mr. Hughes said it is a simple contractual arrangement and if it were brought in it would not be at the risk of the Territory and there would be no difficulty.

Commissioner Cameron was excused from Committee.

Motion re  
Liquor  
Committee  
Report

Mr. Livesey moved, seconded by Mr. McKinnon, that they adopt the report of the Committee.

Motion Carried.

Mr. Shaw moved, seconded by Mr. Boyd, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor, Chairman of Committee reported as follows:

Committee convened at 10:40 a.m. to discuss bills, memoranda and sessional papers. Committee first dealt with the liquor enquiry report. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Commissioner Cameron attended for discussions related to the appointment of the new Liquor Committee. Mr. Livesey moved, seconded by Mr. McKinnon, the adoption of the report of the committee. Motion Carried.

Committee  
Report

Council accepted the report of the Committee and adjourned until 10:00 o'clock a.m., Tuesday, November 19, 1963.

Tuesday, November 19, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled the following memoranda from Commissioner Cameron (set out as Sessional Papers as follows):

- |   |                            |
|---|----------------------------|
| (1) Reply to Motion No. 4 regarding Fuel Tax (set out as Sessional Paper No. 36)  | Sessional Papers<br>No. 36 |
| (2) Reply to Motion for the Production of Papers No. 1 respecting Federal Resources Revenue (set out as Sessional Paper No. 37) | No. 37                     |
| (3) Reply to Motion No. 7 regarding the Teslin Medical Facility (set out as Sessional Paper No. 38)                             | No. 38                     |
| (4) Reply to Question No. 10 respecting Local Forest Products (set out as Sessional Paper No. 39)                               | No. 39                     |
| (5) Reply to Question No. 8 regarding Wide Load Permits (set out as Sessional Paper No. 40)                                     | No. 40                     |
| (6) Reply to Question No. 6 regarding Sewer and Water Supplies for Territorial Communities (set out as Sessional Paper No. 32)  | No. 32                     |
| (7) Reply to Motion for the Production of Papers No. 7 respecting Physical Fitness (set out as Sessional Paper No. 41)          | No. 41                     |
| (8) Reply to Question No. 13 regarding the Legislative Committee (set out as Sessional Paper No. 42)                            | No. 42                     |
| (9) Reply to Question No. 14 regarding the Dental Profession (set out as Sessional Paper No. 43)                                | No. 43                     |

Mr. Livesey (with the Deputy Speaker in the Chair) moved, seconded by Mr. McKamey that, in the opinion of Council the Administration of the Government of the Yukon Territory be respectfully requested to open a road to an emergency water supply adjacent to the bridge over the Alsek River on a temporary basis in the community of Haines Junction for the purpose of creating an adequate water supply for fire fighting. Speaking on the motion Mr. Livesey said that this is an emergency situation. In the past they had been using a well and he understood they were not satisfied with this situation, but needed access to water as an emergency measure. He read a memorandum received from the Advisory Committee in Haines Junction dated November 4, 1963, and said it was a simple request to obtain a more ample supply of water so that if anything did happen they would have water available.

Motion  
No. 10

Mr. Boyd said he understood there is a road to the river which could be kept open. He wondered if in the winter a water hole could be kept open or if there was open water?

Mr. Livesey said all that is involved is to keep an area of the water in the river clear. An ideal place for this would be near the bridge.

Mr. Boyd wanted to know if the river freezes over solid.

Mr. Livesey said he had not personally inspected this, he felt that the community itself knows what it needs.

Mr. McKinnon wondered if there was any liaison between the Fire Chief and the committee at Haines Junction. He had a memorandum dated November 14, from the Administration stating it was their understanding in the past that an old Army well was used for this purpose and they have not been informed by the Fire Chief that this source is inadequate. He asked if there is any liaison between the Fire Chief and the committee and does the Fire Chief want this?

Mr. Livesey said if they read the memorandum they would find that it is not a matter of a liaison with the Fire Chief but rather with the Administration. What is indicated is that the Fire Chief has not advised the Administration but obviously has advised the committee.

Mr. McKamey said there are associations set up in the small communities and they follow a proper procedure which he outlined. He felt if they needed water they should get it.

Mr. Shaw thought this was a very simple request and could see no reason why this could not be agreed to.

Motion Carried.

First and  
Second Read-  
ing Bill #16

FIRST and SECOND reading was given to Bill No. 16, An Ordinance to Amend the Labour Provisions Ordinance.

Mr. Taylor moved, seconded by Mr. Shaw, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, memoranda and sessional papers.

Motion Carried.

In Committee of the Whole:

Committee  
Discussion  
Bill #14

Committee proceeded to discuss Bill No. 14, An Ordinance to Amend an Ordinance to Prohibit Children being on the Streets after Nightfall, with Mr. Hughes in attendance.

Mr. McKamey said this was a request by the Parent-Teachers Association at Mayo and had been under considerable discussion at Mayo for over a year.

Mr. Boyd wondered if there was a necessity for the Ordinance in the first place.

Mr. McKinnon said as far as he is concerned the Curfew Ordinance is impracticable and it is just something that digs into the past. He could not see why children going to attend a youth sponsored dance on the weekend should have the Police checking to see if they have a note or are accompanied by a duly authorized adult to bring them home. He thought it was out of date and they should throw the Curfew Ordinance out completely.

Mr. Livesey thought possibly that the Ordinance was "Victorian" and it seemed to him that the matter as it had been presented to them is not a question of repealing the entire Ordinance. It is merely to repeal a certain section of it in order to make the Ordinance more workable and more in line with the elimination of certain problems. This Bill merely asks for a certain section to be amended and he certainly agreed to it.

Mr. Watt said he had discussed this with several parents and found that they are in favour of the Ordinance. He felt the Ordinance was fair.

Motion Bill  
#14

Mr. Shaw moved, seconded by Mr. Livesey, that Bill No. 14 be reported out of Committee.

Motion Carried with  
Mr. McKinnon opposed.

A discussion followed on Sessional Paper No. 43 in reply to Question No. 14 respecting the Dental Profession with Dr. Kinloch present.



Mr. Shaw said there is need for a full time dentist in Dawson. Discussion  
They have tried to have a dentist from Whitehorse visit there Sessional  
now and then but there is a great concern because the people in Paper #43  
Dawson do not have regular dental attention. They were assured that the  
dentists in Whitehorse would visit and attend to the dental  
requirements of that area and they were quite satisfied and did  
not expect them every week. The last visit made to Dawson by a  
private dental practitioner however was in July of 1962 and before  
that, it was a year earlier. In three years there has been  
practically no private dental practitioner in that area. These  
are the facts of the amount of service they have had in Dawson.  
If a person requires dental attention now he has to come to  
Whitehorse which involves quite a considerable cost - fares, hotel  
and meals plus the cost for dental attention. This is more than  
most people can afford. Some people are not in a position to  
leave their jobs all this time. The reason he asked Dr. Kinloch  
to attend this Committee was to make a proposal which he could  
pass on to the Department of Health and Welfare. His proposal is  
that when the dentist, who is employed by the Department of Health  
and Welfare makes regular visits in that particular area for the  
purpose of looking after the Indians, he be permitted to do any  
fillings, extracting and normal work for the balance of the people.  
They could be charged the regular fee.

Dr. Kinloch said he would like to make it clear that the Dental  
Clinic here has done a very good job of looking after the Territory.  
The volume of work here in Whitehorse is sufficient to keep them  
busy. They have shown themselves very willing on all occasions  
to do work in all parts of the Territory. They have completed  
the majority of the work at Mayo this year. The Yukon is an  
extremely large area for them to cover and the population would  
be 10,000 people which is a very high number for two dentists to  
look after. Another problem is that the City of Dawson has  
shown itself to be rather rigid on issuing business licences.  
The dental practitioners here feel when they go to Dawson, take  
their own equipment, etc. they should not each be required to  
pay for a business licence. They did have plans to go to Bear  
Creek this year but they had difficulty with their portable equip-  
ment. They feel they will be able to visit Dawson next summer  
and hope to have, at that time, a third dentist. The point of  
having a departmental dentist to work, as suggested by Mr. Shaw,  
is a good suggestion. It has always been the policy of the  
department that where there is no dentist the departmental dentist  
will do any work that is required. If they get a dentist, he will  
be going into Dawson primarily to do school children but he could  
also do any emergencies that are required at that time.

Mr. Shaw said he just pointed out the facts, he was not condemning  
the dentists. He did not know about the licence fees charged by  
the city. He thought they should be charged a licence fee the same  
as everyone else. If there is a dentist coming up with the Depart-  
ment of Health and Welfare they could give consideration to doing  
this normal dental work.

Dr. Kinloch gave his assurance that if they did get a departmental  
dentist that would be done.

Mr. McKamey wondered if the Ordinance respecting dentistry in the  
Yukon regulated the amount of dentists that were allowed in the  
Yukon Territory?

Dr. Kinloch did not think there were any regulations. They are  
having difficulty in securing the services of another man.

Mr. Watt asked if the Commissioner had to have any kind of a recommendation when he issued a licence or is it just when he issued permits?

Dr. Kinloch replied that he would have to look that up.

Mr. Shaw asked if they had any statistics showing the number of people served by a dentist, doctor, etc.

Dr. Kinloch said there was. He was most familiar with the medical statistics. The average in Canada is something below 1 to 1,000. Up here they are operating a little higher than that, 1 to 1,300 possibly. For dentists it is usually about 1 to 1,500 he thought so they are well below the average for dentists.

Mr. McKamey said he did not exactly know what the population of Dawson was at present but he did know that the area he represents has over 1500 people in it and he thought this would almost support a dentist in his district, if not, a combined area between Mayo and Dawson would certainly support one. He wondered if Dr. Kinloch would be opposed to legislation protecting a dentist servicing Dawson and Mayo. He thought it would provide a good service for the north end of the Territory if they could have somebody up there.

Dr. Kinloch said he could not see any necessity for this protective legislation, although it depended much on the type of population they were dealing with. He thought the dentists here had difficulty keeping up with the work at the present time without going to the northern part of the Territory and they should be very pleased, in fact, to have a dentist in that area.

Mr. Taylor wondered if the situation might resolve itself by putting in a mobile dental clinic?

Dr. Kinloch said this is what the dental clinic here planned to do. They are more or less mobile now. They put their equipment in the car and travel that way.

Mr. Taylor said he was thinking more of a bus type unit.

Dr. Kinloch replied there were many problems in this sort of operation such as high expenses involving water, heat, etc. plus the fact that pulling a bus is a very slow method of travel and it wastes valuable time which could be used for dental attention.

Mr. Watt wished to know if there were many inquiries from the dental profession about conditions in the Yukon.

Dr. Kinloch said he never had any.

Mr. Boyd said that Dr. Kinloch stated that the dentist employed by the Health Department would look after emergencies if he was in Dawson City, but primarily he was there to take care of the children. He wondered where you draw the line of an emergency? He thought if the teeth needed attention he should be prepared to do the job rather than wait until it becomes an emergency. This should be the case unless they can get assurance from the dentists that they will visit these areas at certain times. This is the only way the public up there can be assured of dental treatment. If they can't assure this the dentist from the Department of National Health and Welfare should be prepared to look after the teeth of the people in that district. He could not see how two dentists can handle this area and do

a good job. He wanted to know, when a dentist comes into this town, how does he go about it? Can a dentist walk into this town and simply start up or are there some restrictions he must adhere to which are set by the medical or dental fraternity?

Dr. Kinloch referred this to the Clerk-in-Council who could give them the licencing requirements.

Clerk-in-Council said that the only requirements are under the Dental Profession Ordinance. If he fulfills those requirements he can set up, there are no other restrictions.

Dr. Kinloch said there was another question in Councillor Boyd's remarks, namely whether or not their departmental dentist could look after other than emergency work. This is not a matter of them being restricted in any way, it is a matter of time. The dentists that they have in the Yukon have been allotted six to eight weeks in the Territory - that is the total and this is to cover all the outlying areas. So they could see from this that it is impossible for them to do any other work than emergency work in such a short time. This man not only covers the Yukon Territory but also the Northwest Territories and also part of Northern Alberta as well. It is a hopeless task. The number of dentists is much smaller than they need, not only in this country but in other countries of the world as well. They now insist on a higher standard of dental hygiene and care. Dentists like to do preventative work, work designed to prevent cavities in teeth, but they are so busy it is impossible. He did not think there was much hope of attracting a suitably large number of dentists to the Yukon to cope with all their needs.

Mr. Shaw said all he hoped to ascertain was that the Northern Affairs Department would consider every possible way to alleviate this situation.

Mr. McKamey referred to some of Dr. Kinloch's remarks and said it would seem to him that there is a definite requirement for more dentists in the Department. If they only have six to eight weeks in the Yukon there must be work left over.

Dr. Kinloch said they were unable to get dentists. They have had dental positions open in the Yukon Territory for years.

Mr. McKamey asked if it would be possible to get dentists from foreign countries. It seemed to him that the Department of National Health and Welfare could take advantage of this even though they do not have Canadian dental qualifications and let them study for these while in the departments employ.

Dr. Kinloch said that the department has done this several times. The problem is that these dentists only stay for a short time and then they settle down to a private practise.

Mr. Shaw said the object is to have higher standards each year in the dental profession, but if on the other hand you make these too high, you will cut down on the number of dentists qualifying. As a result the people do not get the proper care. As far as he could see very shortly they will be getting less and less in the sparsely populated areas of Canada. They will all conjest in the urban areas. Unless something is done it will become more and more serious.

Mr. Livesey said one thing that hasn't been mentioned today is the cost of dental work. People in outlying areas are charged almost double compared to those in Whitehorse, not to mention loss of time, etc. He thought the more services in the outlying areas, the more they would develop the country.

Committee recessed at 12:00 o'clock Noon.

Tuesday, November 19, 1963  
2:00 o'clock P.M.

Committee proceeded to discuss a memorandum from Commissioner Cameron re Wide Load Permits (Sessional Paper No. 40).

Discussion  
Wide Load  
Permits

Mr. Shaw said some construction companies seem to have trouble with this. He could not say whether it was because they did not know they could have a load ten feet wide and not eight feet. As it works at the present moment, however, a person who wishes to take a wide load has to get a permit to take it on the highway if it is over eight feet and contractors are allowed to take a maximum of ten feet without getting a permit. People in the hauling business should be thoroughly conversant with the law in respect to what precautions must be taken, such as a vehicle in front, one behind and a "wide load mark" on the lead vehicle. On the Dempster Highway, the man who does the hauling with his lowboy goes up into this particular area and can haul anything. If when he gets up there the oil companies or whoever it might be that are contracting ask him to move a building two miles because they are moving camp he must first go to Dawson to get a permit. This can be on a Sunday, a Saturday, it doesn't make any difference, under the existing regulations this person then has to go to Dawson and get a permit for this. In the meantime his truck is tied up 100 miles or more from Dawson, but he has to go all the way back to get a permit from the Territorial Agent. If this person gets there at 6:00 or 6:30 he cannot do anything but wait until 9:00 o'clock the next morning. The object of this permit is quite clear - to prevent people cluttering up the highways with wide loads and this is necessary. On the other hand, when you get vehicles or firms which carry P.S.V. licences to haul heavy material such as this, he felt that it would be quite sensible if that person could apply to the Territorial Agent and get a permit for say one month to haul these particular things - he would still have to attend to and recognize all the regulations. The reason for requiring the permit was so the police could be notified and could assist or would know where this particular wide load was being hauled. His request was that the "bona fide" truckers or contractors operating in the Territory can get a permit for one month to haul within a restricted area of their operation.

Mr. Watt said he appreciates the situation as it is in Dawson City and on the Flat Creek Road but up along the Alaska Highway and the Air Base here in the summer, there was an average of two large buildings a week moved and they were moved at times that were laid out for reason of traffic. If you allowed somebody a permit to move ten buildings in two months, the buildings are liable to come down the highway slowly during rush hours, how would Mr. Shaw take care of a situation like that?

Mr. Shaw said he was not in the process of taking care of a situation but would say that his request might apply to equipment along. This is open to discussion. It might be necessary in the Whitehorse area due to the heavy traffic that you might need an individual permit for a building, but you certainly don't need it when you are a hundred miles from the Arctic Circle.

Mr. McKancy said he agrees with Councillor Shaw that it is unreasonable the way it works out at the moment. Contractors or transportation companies apply for a permit to haul a piece of equipment up to Chapman Lake or perhaps Frances Lake, and quite

often we could save a company or even an individual considerable amounts of money if he could have the heavy duty type trucks take something back, but he has to go to Whitehorse to get a permit first. In respect to buildings, he felt Mr. Watt had a good point, but it could be specified on the permit that this permit was designed for equipment or portable types of buildings to a certain width and the permit could specify that nothing beyond that would be hauled and the problem would be solved.

Mr. Watt said that would take care of any objection he has to the change in the regulation.

Mr. Taylor (with Mr. Shaw in the chair) thought issuing this type of permit subject to specific regulations would be a good thing.

Mr. Shaw recommended that the people who have a P.S.V. licence be permitted to get a thirty-day permit to haul within a restricted area. This would make them aware of the fact that they have a responsibility and would not create any particular hardships.

Motion re  
Wide Load  
Permits.

Mr. Shaw moved, seconded by Mr. Livesey, that the Administration be requested to issue regulations to permit "bona fide" trucking or construction companies to obtain a wide load permit that will extend thirty days and can be renewed upon expiry and that the area in which this permit is desired be outlined.

Mr. McKamey meant this should be restricted to Yukon vehicles only.

Mr. Livesey asked just how this is going to affect the residents of the Alaska Highway.

Mr. Taylor said he thought the Alaska Highway is under a completely different jurisdiction so it should have no effect.

Clerk-in-Council said that the Northwest Highway System follows our regulations.

Mr. Watt said as far as moving buildings is concerned, it is a good thing it comes under the Yukon Territory.

Motion Carried.

Mr. McKamey directed the following question to Clerk-in-Council in respect to the Alaska Highway. He said "I understand this is under the jurisdiction of the D.N.D. and possibly the Department of Public Works, where did they get this power? Was it by Order-in-Council in respect to the authority the Army has over the Alaska Highway?"

The Clerk-in-Council said it is considered a defence establishment and that is where they got their authority. There was some discussion whether it should be controlled under the Government Property Transport Regulations, which is a Federal Act, or whether it should be governed by our own Motor Vehicles Ordinance. It has been agreed upon it should be under the Motor Vehicles Ordinance of the Yukon Territory.

Discussion  
Watson Lake

Sign Posts S.P.  
No. 8.

Committee proceeded to discussion on Watson Lake Sign Posts.

Mr. Taylor (Mr. Boyd in the chair) said when the Army told the residents of Watson Lake the signs would have to be removed from the Highway and no signs could be put up within two or three miles of town, they began to fear for the Watson Lake

Sign Posts. This is in effect an historical site and they have endeavoured to find a new place to put them. They found the Territorial Government have a lot directly behind them on which they have the liquor store. The community are definitely opposed to moving these signs and distance from where they are. He said they still would like a little assistance from the Administration in looking after the signs. They had thought maybe the National Sites and Monuments Board would give a hand and set it aside as a historical site, but so far they haven't seen fit to. That is where it stands today and it would seem there is no further action to be taken, it would not seem that Council could take any action at this time to benefit the situation.

Mr. Watt asked Mr. Taylor how this would fit in with the new regulations, even if you had a lot behind where they are now, could you still put your signs up under the new Territorial regulations that are proposed for the Alaska Highway?

Mr. Taylor said signs are allowed off the right-of-way.

Mr. Watt said he understood the proposed regulation said that nothing could be put within nine hundred feet of the Highway.

Mr. Taylor said he believed this is something the Sign Committee is looking into.

Committee proceeded to the Corrections Programme and Custodial Facilities of the Yukon Territory.

Discussion  
Corrections  
Programme  
S.P. #12

Mr. McKamey said he would point out to members of Council that their decision was based solely on misinformation and the results of the survey by the Department of Public Works conducted on the proposed site behind the hospital. The information received from Mr. McCall was misinformation because he was misinformed himself. Further, the Golf and Country Club has said that the site for the correctional institution takes up 99% of the golf course. He said he had been told by different members that they were authorized by the Commissioner to go ahead and build the golf course and clubhouse because they could have the property and this is why so much work has been done.

Mr. Boyd said he could not quite grasp all that Mr. McKamey had to say. He understood there were between 1300 and 1600 acres the golf club could use, and the 40 acres that would be required for the correctional institution would be negligible. He said when the Committee was over there two months ago, no work at all had been done on the course. Nevertheless, he said, a motion was passed here a couple of days ago authorizing the Committee to proceed and bring the situation to a conclusion, so it is now out of the hands of Council, but added that the proposed site had not yet been finalized.

Committee proceeded to item respecting the Mayo Airport.

Discussion  
Mayo Airport  
S.P. #14

Mr. McKamey said he had additional information on what it would cost to construct the airport, and it is nothing like that handed down by the Department of Transport. This is being worked on at the moment, and he said he would like it to come up for discussion again at the Spring Session. He said it would be a good project for the Financial Advisory Committee to discuss in Ottawa.

Discussion  
Community  
Centers Ordinance  
S.P. #28

Committee proceeded to discuss Motion No. 15, Spring Session 1963.

Mr. McKinnon said this was a motion of last session. The reason behind it was that after studying legislation in the majority of provinces across Canada and the Northwest Territories, it was found that the Yukon Territory was the only one that had no provision for a cost sharing agreement between the government and bona fide community clubs for aid and assistance in building community centers. He had stated at that time that he did not agree with the way the liquor (community development) fund is disbursed and said there is no point in pursuing the argument with this Council. Rather than stir up a bitter controversy by bringing it up now, knowing the motion would not be agreed with, he said he would just pass it on to future councils for their information. He said he is opposed to the way the liquor fund is disbursed; he is absolutely opposed to any elective member of any legislation anywhere having any control over any public funds whatsoever, and will continue to fight this arrangement.

Mr. McKamey said as he remembered, we had a copy of the Votes and Proceedings of the Northwest Territories and he brought it to the attention of this Council that such an Ordinance was in effect and he received and has on file a copy of this Ordinance. He said it was he who had initially suggested that we should adopt something on the same basis.

Mr. Chairman asked whether Committee wished to deal with this or defer it.

Mr. Shaw could see no point in discussing it. He said there is one point in this that seems to be quite sound, and he would certainly recommend that when the term of office expires if the fund is not spent it also expires and goes into the Territorial revenue fund.

Mr. Boyd agreed with Mr. Shaw except for one point. He felt that at least half of the councillor's annual allotment should be left for the incoming councillor.

Mr. McKamey said present councillors started with nothing. He pointed out paragraph 1 where Mr. Carter of the Department of Northern Affairs stated the allotment system was unconstitutional. If Committee remembers, this was a suggestion of Mr. Carter's that the liquor revenue be put aside for this specific reason. The Community Centers Ordinance had nothing to do with this.

Mr. Watt said he could not fully agree with the way the money is used, but nobody to his knowledge had come up with a better idea. When the money is used in this way the people in the communities can help supervise its use, and this seems fair. He thought a lot of the criticism against this system was unjustified. He said he would be happy to pool his allotment with the other Whitehorse councillors, so any submissions made by clubs in Whitehorse or the surrounding area would go to the chairman of the group. To those who thought it was wrong, he would say that conditions in the Yukon are different than in any other part of Canada including the Northwest Territories, who have huge sums of money they don't know what to do with.

Mr. Taylor said he could see merit in Mr. McKinnon's proposal, but as far as the arrangement goes right now. In his district, the allotments have been entirely expended each year and have paid off two social centers. He said he liked to think of this money as something that is just being redirected back to the people as a refund on their tax dollars. He felt that when the writ ordering an election is issued, all remaining revenues should go back into the treasury.

Mr. McKamey said his constituents are very happy with the results of the present appropriation as they now have a hall to be proud of. It is used for movies, dances, recreation of all sorts, and even for a courthouse. He said they intend to go one step further and do the same thing in Keno City. This is exactly what the people want, and whoever is elected next spring will be asked to do the same thing as he has been asked to do. As far as the paper is concerned respecting community centers, this is the provision made in the Northwest Territories where the government contributes on a dollar to dollar basis in the development of community centers, and this was why there was request for such an ordinance.

Mr. Shaw said he disposed of the money in his district by asking the people at a public meeting how they would like to spend it. They requested a swimming pool and that is just what it will be used for.

Mr. Livesey thought if there is anyone with a genuine interest who wants to challenge the way the money has been spent, they will find out that genuine interest in the outlying areas in the Yukon Territory has been shown by every member around this table. As far as his district is concerned, practically every single item that has ever been asked for has been challenged, and these statements can be backed up by fact. If anybody feels they have a better business outlook and a better business way of handling money on behalf of either themselves, the government or the people who contribute to the tax coffers of this Territory, let them stand on their feet and show us. He said he had heard a lot of talk about criticism around this table but if you will look at the criticism you will see that there is a small minority genuinely interested in constitutional procedure, and no doubt in time constitutional procedure will take its place, however, for the rest, in his opinion, the criticism was purely political and it is federal politics not territorial politics that causes these so called forms of criticism. As far as the money itself is concerned, we have a different problem in the outlying areas of the Territory than in the heavily inhabited areas. To come along and say you can have this or that kind of a building if you will pay 50%, you may as well write it off the sheet because they could never raise that kind of money. With this help and assistance we have been able to obtain from the administration, the small community has been able to grow and it has given the people of the area some interest in their local communities which could otherwise not have been maintained. He felt quite sure this has contributed to the Territory as a whole. He said some day it will probably be substituted with something else, but until that day happens he could see nothing wrong with it.

Mr. McKinnon said he accepts the challenge of the member of the Beaver Creek for someone to stand on his feet and ask him how the money could be better allocated. He said he had suggested before



that this \$8,000 of liquor money that each Councillor receives each year to disburse be put in a central pot which would constitute \$56,000 per year. The various community centers, and the people, and the organizations who believe they have a bona fide request ask for a disbursement on a dollar matching basis and that these requests are channelled through this Council. All members seem to think that somebody is trying to say that they have not been allocating these funds fairly, equitably and without any political "hanky panky" whatsoever. He thought the overlying principle of it is wrong and is constitutionally wrong for any democratically elected legislative assembly to have personal control over any public funds whatsoever. He said just so that there can never be any danger whatsoever that this money be used for political purposes, a solution should be found.

Mr. McKamey said apparently Councillor McKinnon is not aware why this tax is imposed, and suggested he should go back to the roots of it.

Mr. Watt said we had the same type of system that Mr. McKinnon is talking about now. It first came up here in the first grant for the Physical Fitness fund. This was a fund of \$15,000.00 that was set aside for physical fitness in the Yukon Territory for that particular year. Submissions were made from throughout the Territory for the money. What happened was that \$8,000 went up to Old Crow and \$1,000 went to the rest of the Territory, \$6,000 was lost.

Mr. McKinnon said he didn't think an analogy could be drawn between this and a fund which was completely Federal in control - the Department of Health & Welfare had full say over what projects would be accepted under the Physical Fitness and Amateur Sports. He said he had suggested that the \$56,000.00 of this money be under complete control of the Territorial Council and they have the say as to the disbursement.

Mr. McKamey said Council does not have complete control over it. He upbraided Mr. McKinnon for having had his picture published in the News Advertiser presenting a cheque to the Porter Creek Community Club. He said he has heard this type of thing being used but he would never use it to this advantage himself. He said it is his practice to get all the community organizations together to agree in some teamwork where they are going to funnel the money into a project that will assist the community as a whole, and it has worked successfully in his district.

Mr. Watt made a definite proposal to Mr. McKinnon to put the Whitehorse West fund into a central fund with Whitehorse North and possibly Whitehorse East if they would like to join. He said he would be willing to put forth a letter of approval that this money go into a central fund, and out of the three members they choose a chairman so that all submissions that would ordinarily come to the three of them would go to the chairman. The Committee of three would then meet two or three times a year to consider projects.

Mr. McKinnon said he would go along with this proposal 100%.

Mr. Taylor (with Mr. Shaw in the chair) said regarding Mr. McKinnon's proposal that the \$56,000.00 go in: one fund poses a problem because of the lack of fund raising ability in the small communities means that they don't have the money to go on a matching grant basis. Even the existing appropriation

only provides for capital construction costs and every nickel residents can raise goes towards maintenance and upkeep of the building. Here in Whitehorse, this problem would probably not exist because the fund raising ability is good due to a larger population.

Committee proceeded to Sewer & Water Supplies Territorial Communities,

Discussion  
S.P. #32

Commissioner Cameron and Mr. McKenzie (Territorial Treasurer) attended Committee.

Mr. Taylor (with Mr. Shaw in the chair) said during the summer in Watson Lake and elsewhere much work was done by Associated Engineering as outlined here in determining the feasibility and costs etc. of the sewer and water systems. He wondered whether any or all of these proposals would be included in the spring budget and if so, he thought, some consideration should be given to the reports of the various districts prior to being introduced to the budget. In reviewing the Watson Lake proposals, the people found the water system was too rich for their blood, but also realize they have a sewage problem they are going to have to cope with in the business area only. He wanted to know just where they stand.

Commissioner Cameron said in part: "The totalling at the present time of the Associated Engineering reports shows that we are \$500,000.00 short. The \$700,000.00 which is available, some of which has been spent to date, is for the total of five years and was to cover ten communities. At the last session, we wanted to get more information from Ottawa regarding the subsidy involved, as to whether the \$700,000.00 was the total amount or whether this was the amount that we had available to spend in our five year agreement, and if we could anticipate an additional financial assistance programme. They informed us that there was no further money available. Then when we started to look into the finances of it we conceded there was not enough money to do this - \$500,000.00 short is not actually correct, it might be \$600,000.00 or \$700,000.00. I might also add that we have stopped Associated Engineering at this stage until we find out how far we can go, if we can go anywhere, and if so in what direction."

Mr. McKamey directing his question to Mr. MacKenzie said in respect to the sewer and water system established here in Whitehorse, it seems they underestimated the cost of that which did not present any problem in obtaining the necessary funds. Is there any reason why they could not do the same thing?

Mr. MacKenzie said this is five or six years later and times are different and may be circumstances are different. Then again they were in a hole, they just had to find this money. He did not think they should undertake anyone of the whole systems at this time. They took up in Ottawa this question of finding additional money for projects like this, and were told they must stick to the programme outlined in the five year plan. If they wanted to verge from that, they should find the necessary money themselves.

Mr. Taylor (with Mr. Shaw in the chair) said there are problems within communities. In Watson Lake, we have raw sewage actually running in the ditches in some places. He feels it is nothing more than a typhoid trap, but didn't know how they could solve the problem. He wanted to know what he should tell his constituents who had been holding off drilling wells waiting to find out what the score was.

Mr. MacKenzie said he would suggest these communities be advised to carry on under the assumption that the partial systems are to be put in, but don't count on full systems, although sooner or later, they will be put in. It was impossible now to say when they can afford to do so. He understood from the Medical Officer of Health that he is not able to say that full systems are necessary. If this is so, how could they justify putting them in?

Mr. Taylor said this could not be said of the Watson Lake sewage system because this has been a problem for years which is worsening.

Mr. MacKenzie said the Medical Health Officer did include Watson Lake in his opinion. If he were to recommend a full system be put in without delay, we would have to find the money because the health risk could not be taken.

Mr. Taylor said maybe within the limited funds available, we could take the approach of putting in the minimal sewage system on a much reduced scale than it is planned on now, to service the two or three hotels, the businesses and the Army camp. This would solve their problem and they would have no contamination. The same type of thing might be workable in the other districts, for instance in Porter Creek, they might feel they can get by without the sewage and just put in the water. Perhaps with the amount of funds available we might be able to put in partial systems.

Mr. MacKenzie asked if partial systems would mean full systems for part of the community.

Mr. Shaw said it would mean to have either sewage or water piped.

Mr. MacKenzie agreed this was an alternative.

Mr. McKamey said the constituents in the Mayo district have informed him that they are prepared to accept the proposal - they would prefer the water system - and if this installation were made within the next year, it could probably save the Territorial Government money in many respects. There is an expansion programme in effect in the mining industry up there and if they had some sort of facilities in Mayo - water or sewage - this would encourage more people to live in Mayo and work at the mines and contribute to the overall costs.

Mr. Livesey said he has a similar problem in Haines Junction. The engineers agreed that it was possibly one of the most suitable places, due to natural fall, for a sewer system in that respect. As we all know in the outlying areas, we are trying to keep down the threat of infectious diseases, and are doing our best to eliminate problems of lack of proper sewage disposal and lack of water systems. In Haines, with the type of soil they have there and the almost impossible situation they have with regard to the dispensation of sewage through the normal programme and outlet of the septic tank system, something certainly should be thought about. He said he could see the more or less financial block, we are up against but certainly whatever can be done should be done, and we should not leave it until the problem gets so bad that we run into a far worse position than we are in today. He said we should be able to make a start at it and the people should be informed what should happen and when.

Mr. Watt said during the summer he had been in different areas of the Yukon where they presently do not have sewer and water, and one question he was often faced with was "When are we going to get sewer and water, we are planning on drilling a well but if we are going to get sewer and water next year or the year after we won't put facilities in." He thought the Committee with the help of the Administration should lay out a plan so people would know when this is going to be done.

Mr. Shaw proposed that the Councillors, who have this problem in their communities, should meet with the Administration to discuss ways and means through which they could put a programme into effect.

Commissioner Cameron said he has no objection to such a proposal. The problem could be simplified if Council here could notify the Administration of their wishes and select a test program of one of these four communities and see what could be done next year in setting up the sewer and water systems.

Mr. Taylor said if they adopt the proposal that Commissioner Cameron has suggested and decide amongst themselves which community to start with, and find out what they can do with one and proceed along that line. He believed Mayo was first, Watson Lake second, Haines Junction third and Porter Creek fourth.

Mr. Livesey said he had one difficulty with this, it seemed that they started out with ten communities and they shrunk to four. He thought that was a "Sanforized" situation but apparently it isn't and they are now down to one. Just where does the Five Year agreement figure in against one when they are considering ten?

Mr. Taylor said there is one thing to bear in mind and that is if they have the money to put the whole system in at once instead of in patch work they will save money on it.

Mr. MacKenzie said it is much wiser to build up the money first before they spend it. It would be a mess if they found themselves short of cash.

Mr. Boyd said he would suggest the four members take the advice of Commissioner Cameron and settle it but he thought the oldest community has been waiting the longest and therefore should get the first attention.

Commissioner Cameron said they might expand on that, it doesn't sound too well to say the oldest community, because the oldest community could be a dying community. In this case he thought Mayo was going to be there for quite a number of years, there is a fair amount of government spending already being done and capital expenditures made. He thought it lended itself not only because of age but because the lot sizes are very realistic and it would be a good pilot location to find out what a system would cost to build and operate. In the meantime the remaining six that had not been touched upon could still be served with a water truck, if required; this type of service is touchy at times because they like to leave that open to private enterprise which is usually the case. A man will do this along with some other business he is involved with - he will sell water or he will run the garbage truck but in the event that there is no private enterprise to do this the money has been set aside so these people can be served in one way or another.

Mr. Watt said he had written a motion out for the records: "That the four members in whose constituencies water systems are required

meet and decide upon a community in which to install a water and sewage system or partial system, whatever is required. The Administration is respectfully requested to check the engineering data presently available and commence installation next summer if possible."

Mr. Taylor said he could not see the need of a motion and no committees would be required, as the four members could just get together and discuss it, though this could be quite difficult for people a few hundred miles away.

Mr. Chairman asked for a seconder.

Mr. Boyd said he could only agree after the people in the district in question have declared their intention by plebiscite.

Mr. McKamey said he would be agreeable to such a suggestion that the four get together with the Administration and see what they can do about it. He had heard Mr. Carter, right here, saying that any money appropriated, within the framework of this agreement, is entirely up to the Territorial Government to do with it as they see fit.

Mr. Watt said he thought we were about to inherit a great white elephant; there will be some changes needed in the five year plan next summer anyway. They would inherit the whole Takhini area, miles and miles of road, miles of power and water, fire halls and so on and there will not be enough taxes to cover this, another grant will be needed to cover this.

Mr. MacKenzie said this will be covered by a separate agreement.

Mr. McKamey asked would it not be wise in the future before we enter into another five year financial agreement that any of the communities in the Yukon be assessed as to what it would cost to provide partial and full systems, then the Administration would be armed with something to get larger appropriations from the Federal Government to cover the cost of such systems.

Commissioner Cameron and Mr. MacKenzie were excused from Committee.

Mr. Boyd moved, seconded by Mr. Shaw, that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees.

Motion Carried.

Mr. Speaker resumed the chair and Council accepted the report of the Chairman of Committees, as follows:

Committee convened at 10:30 A.M. this morning to discuss bills, memoranda and sessional papers. It was moved by Mr. Shaw, seconded by Mr. Livesey that Bill No. 14 be reported out of Committee without amendment. The motion was carried. Dr. Kinloch attended Committee to discuss dental services in Dawson City. Committee recessed at 12:00 noon and reconvened at 2:00 P.M. It was moved by Mr. Shaw, seconded by Mr. Livesey, that the Administration be requested to issue regulations to permit bona fide trucking or construction companies to obtain a wide load permit that will extend 30 days and can be renewed upon expiry and that the area in which this permit is desired be outlined. The motion was carried. Commissioner Cameron and Mr. MacKenzie attended Committee for discussions related

Committee  
Report

to sewer and water proposals. He could report progress here.

Council adjourned until 10:00 A.M., Wednesday, November 20, 1963.

Wednesday, November 20, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled the following memoranda from Commissioner Cameron:

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|  | Sessional<br>Papers |
| (1) Reply to a motion requesting the attendance of a Senior Official from the Department of Transport (set out as Sessional Paper No. 44)  | No. 44              |
| (2) Reply to Motion for Production of Papers No. 4 regarding Northwest Territories University Students Assistance (set out as Sessional Paper No. 45)                              | No. 45              |
| (3) Reply to Motion for Production of Papers No. 8 respecting Scholarships (set out as Sessional Paper No. 46)   | No. 46              |
| (4) Correction to the answer on Question No. 6 regarding Sewer and Water Supplies for Territorial Communities given in Sessional Paper No. 32 (set out as Sessional Paper No. 32A) | No. 32A             |
| (5) Reply to Question No. 12 respecting the Access to Pine Lake in the Haines Junction Area (set out as Sessional Paper No. 47)  | No. 47              |

Mr. Taylor moved, seconded by Mr. Watt, that Mr. Speaker leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing bills, sessional papers, memoranda and other related matters.

Motion Carried.

In Committee of the Whole:

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| Commissioner Cameron attended Committee. | In<br>Committee |
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| Mr. McKinnon said there was a matter of public urgency before them this morning and this is namely the flood situation in Marwell, Whiskey Flats and Sleepy Hollow areas. He heard conditions were bad last night and they worsened today and he wondered if Commissioner Cameron could advise them how the situation was at this time and what steps had been taken by the Administration to alleviate the flood condition. | Discussion<br>Flood<br>Situation |
|--|----------------------------------|

Commissioner Cameron said he just had a report from the Police and the situation has changed a little since last night. They have the water nearly controlled in the Marwell area but there are a number of trailers and buildings that have water around them. The water has come into the Sleepy Hollow area and it came up a little more during the night but the situation is not critical as yet. The Police are running regular patrols every hour in these two areas, the Welfare Department has their operation going as far as looking after the people to see if anyone has to be evacuated and the Chief Medical Health Officer is keeping an eye on it regarding the sanitation. The Police Aircraft is coming in today from the north and they have been asked to look at the river below town and see if they can find out just what type of a jam it is. He imagined it was as in past years, the ice jams up in the bend of the river and after a few days it again begins to flow.

Mr. Watt asked if the Engineering Department has had a look at the situation with a view to finding a permanent solution for this - widen the channel, scrap it out, etc.

Commissioner Cameron said they hadn't. This would be very expensive and it would not be recommended in this case unless the river is being used as a traffic artery. It is only unfortunate that these people have situated themselves in this area. The contour maps show that this has always been below the high water level of the river. This is a squatter area and they are entirely there on their own. You can't blast or do anything about it. They have dykes down the side of the road but there is no way they can dyke off the whole river.

Mr. McKinnon wondered why blasting the ice jam would not work.

Commissioner Cameron said blasting only works where you have a regular noticeable dam at one location. It happens here that because of the shallowness of the river there is one long jam involved. The ice is very jellylike and it can't be blown apart and they don't have the quantity of water needed to wash it out.

Mr. Watt asked Commissioner Cameron if there was anything that could be done by controlling the water level at the dam.

Commissioner Cameron said this had been looked into. The water at Schwatka Lake had to be controlled very carefully as it is very important they maintain a certain level. If they were to lower the level at this time they would most likely get ice there and it could damage turbines or other equipment.

Mr. McKinnon asked if the Administration would advise Council if there was any change in the situation.

Commissioner Cameron was excused from Committee.

Discussion  
Sessional  
Paper #29  
Beaver  
Trapping  
Season

A discussion took place on Sessional Paper No. 29 regarding the Beaver Trapping Season with Mr. Fitzgerald (Director of Game) in attendance.

Mr. McKamey said Council had received a memorandum dated November 14, 1963 as a result of information that they requested. It was his intention to make a motion at this session to extend the beaver trapping season. This is the result of discussions with local trappers. He quoted from paragraph four of the memorandum: "The information arrived from such inquiries was to the fact that beaver were not prime during November and further that a good number of beaver would not be in the mature range and would result in small beaver being killed that would bring very little revenue to the trappers" and from paragraph five "I feel that if our trappers benefit financially from such a move then the season should be advanced, however as the beaver are prime in March and bring the best price then, it seems to me the trapper would be cutting his resources by taking inferior beaver in November". He said he was not certain when the beaver were prime. He contacted Mr. Charlie Taylor, whose firm has dealt with furs for a number of years and he again contacted Western Canadian Raw Fur Auction Sales, Vancouver. He then proceeded to read a letter received by Mr. C. Taylor in reply to his inquiry. He continued to say that he felt the Director of Game had some information also and he would like to know if they were to make such a move, would it be in the best interest of the trappers.



Mr. Fitzgerald said if there is a source of revenue here for the trappers and they can assist the trappers by moving the season ahead to November 1st, he would say it is a very good move. The season opens in some parts of B.C. and the Northwest Territories on November 1st, but his information is that prime beaver is obtained around the first of March. As he said before, if this assists the trapper and he wishes to trap in November, December and take his crop then rather than in the spring of the season, this should be left up to the trapper.

Mr. Taylor (with Mr. Boyd in the Chair) said that beaver are absolutely prime in the first part of November. As a matter of fact they are in better shape than they are at the 1st of March. The reason is the fact that they live under the ice all winter and this damages the hides, they get rubbed very badly and consequently the best price for beaver is certainly in the fall. The second effect as far as the trapper is concerned is that when he takes fall beaver he gets them into the first sales and gets the best prices. Towards spring the beaver start getting into floodwater, they get rubbed and around the end of May they start fighting so this is when you get the bites. The trapper has the spring and the fall in which he can get beaver. He did not concur that beavers were not prime in November and he would support any motion to move the season back.

Mr. Fitzgerald said beaver in the Yukon did not live under the ice all the time but he still suggested that prime beaver appear around March 1st.

Mr. McKamey said he had trappers approach him in his district and they also suggested a shortening of the season, a month or six weeks, would protect a lot of the beaver. At that time of the year, end of May, the beaver are very poor and due to the high waters they are fairly easy to catch. It is their argument that by trapping beaver in January they brought good prices but in the spring the prices were low. He thought it would be worth a try to extend it to November 1st and if it didn't work they could change it back. He also thought it would be wise to shorten the season a month or six weeks and see what the effect is.

Mr. Taylor agreed to moving it back but not to shortening it. In March many trappers can't trap because of the ice and it is very hard to carry on successful trapping. In the spring they get into the back channels, sloughs, etc and they still provide a source of revenue. He would certainly recommend that the beaver season remain as it is now except to be moved back to November 1st.

Mr. McKamey wondered if Mr. Fitzgerald could give any idea of the amount of beaver pelts shipped out of the Yukon.

Mr. Fitzgerald said the 1961-62 season statistics show 1,925 beaver pelts.

Mr. McKamey wanted to know how this would compare with twenty years ago.

Mr. Fitzgerald said he thought it was very low. The take depends on the price offered.

Mr. McKamey wanted to know if there was any reasoning behind this.

Mr. Fitzgerald said it was because of the population.

Mr. Taylor thought the reason why their fur production is so low is because it doesn't pay people to trap at the prices that are now available. It was not too many years ago when they could get \$1.00 an inch for beaver.

Mr. Fitzgerald said that lately, for some reason, probably the price of fur, they have had a large number of people in the office looking for traplines. They were doing everything possible to get these people on lines.

Mr. McKamey asked if this would be natives.

Mr. Fitzgerald said yes mostly.

Mr. McKamey asked if there has been any thought of reducing the size of these traplines so that there would be more of them. He knew in the area he represented some of the natives have found it hard to get a trapline.

Mr. Fitzgerald said they were doing everything they could to get these people traplines. In the northern part of the Territory the lines are a little larger, the reason is that the people who trap in there go in in the fall, stay in and make good use of the lines. They also have trouble where fire swept an area and this really ruins a trapline but they try to relocate these people.

Mr. McKamey asked if they could reduce the size of traplines by regulation.

Mr. Fitzgerald said they have a man who has a fairly good sized line but he has a son who wants to trap with him this year. Quite often he lets his son take a portion of the line, they then register this portion to the son and draw new maps. He knew that one person is not supposed to trap on another persons line without permits but unless a person is sick, they don't issue them.

Mr. Watt said in paragraph five it says "In the final analysis, I feel that if the trappers benefit financially from such a move, then the season should be advanced, however as the beaver are prime in March and bring the best price then, it seems to me that trappers would be cutting into their resources by taking inferior beaver in November". He agreed with this paragraph and he wanted to know Mr. Fitzgerald's opinion if by advancing the date to November would the trapper benefit financially.

Mr. Fitzgerald felt that the trapper knows his line well and he should have an idea how to farm it in order to keep it productive, he feels if he is short of cash in the fall and wants to take a certain number of beaver, this was what he did. If the beaver aren't there in the spring he can't trap them. This has worked in other areas.

Mr. McKamey thought there were several things they could consider at this point, there is a welfare problem in the Yukon Territory and if this would help solve their welfare problem to a certain degree, they should give it consideration. Secondly it was pointed out that B.C. and other provinces have their season around November 1st and some even earlier than that. To his way of thinking this does not allow the trapper a fair chance in getting a high price for his furs because the furs are bought from the other provinces first. He thought they should give it a try and extend it to November 1st.

Committee concurred with Mr. McKamey's suggestion.

Mr. Fitzgerald was excused from Committee.

Committee proceeded to discuss Sessional Paper No. 41 on physical fitness with Mr. Delaute present.

Mr. McKinnon asked where the Yukon stands on the physical fitness and amateur sports program this year. Councillors in various districts have had inquiries how groups would go about obtaining this grant.

Discussion  
Sessional  
Paper #41  
Physical  
Fitness

Mr. Delaute said he could not add much more to what was in Sessional Paper No. 41.

Mr. McKinnon asked if there were advertisements placed in the newspapers in respect to this program.

Mr. Delaute said they had put an advertisement in both newspapers for two consecutive weeks once the agreement was signed, urging people to file their applications as soon as they could with all the details included. They supplemented that by writing to most of the organizations who had made claims last year, selecting only those which were likely to have their projects approved. There were some that were turned down last year and there was no point of urging them to apply again. Out of that activity they have only received seven submissions, three have been approved and four pending.

Mr. McKamey said he understood that any organization that requires some assistance through this program would make application to the Administration and then it is sent to Ottawa. He asked if this is pending approval by the Administration or by Ottawa?

Mr. Delaute said they checked the application and made sure it is the type of application that the Director of Fitness and Amateur Sport would approve.

Mr. Shaw said the difficulty appeared to him to be where they can best apply the money. One of the objects of this is to increase physical fitness in the form of having people train other people to be fit. He wondered if in this category could a person teaching people to swim be eligible for assistance.

Mr. Delaute said yes this would certainly be a project that would be submitted to the Director on the basis that an instructor would be engaged. If this were a municipality the Director might agree to pay 50%.

Mr. Watt asked what happened to the rest of the recommendations which Council made in the last Session recommending that the Federal Government's share, under this program, be increased both in Whitehorse and in the smaller communities.

Mr. Delaute said this was part of the survey. The survey is a matter that is still under consideration and that question would be answered by paragraph three of the Sessional Paper.

Mr. Watt wondered if anything has been done towards appointing a fitness co-ordinator for the Yukon.

Mr. McKinnon said he would not recommend such an appointment for the Yukon.

Mr. Watt said it seemed to him that a co-ordinator is required for the City of Whitehorse.

Mr. McKinnon suggested that the City of Whitehorse apply to the physical fitness and amateur sports programme for help in obtaining this person. He did not think such a person is necessary in Whitehorse either.

Mr. Livesey wanted to know if Mr. Delaute feels that merely offering monetary support to the existing organizations presently interested in sport is really fulfilling the basic principles behind a federal move towards an attempt to place Canada foremost in world physical fitness and sports competition. He thought the government must have felt this way when the programme was set up. He asked if the proposal is just merely to offer money to existing organizations.

Mr. Delaute could not answer this question.

Mr. Watt said he noticed in the list over organizations that have been getting help or consideration that there were no applications or money allotted for winter sports, which is the greatest recreational activity in the Yukon.

Mr. Delaute said he assumed that everybody read the advertisements in the press and there have been no applications along that line. There has been an application from one community club interested in broomball and this is a good winter sport. They have received applications from the curling club but nothing from hockey teams, etc.

Mr. McKinnon said he appeared before the Whitehorse Municipal Council and suggested that they apply for grants, as he supposed to go out and get applications from them.

Mr. Shaw said he had a couple of customers lined up.

Mr. Taylor said they wanted a hockey rink in Watson Lake but the cost was so high they could not participate in this program.

Mr. Delaute said that capital projects would not be covered by this. At the Interprovincial Conference that took place in February, they did go so far as to say that in areas such as the Yukon they might consider the grant for capital projects provided these capital projects were under the jurisdiction of the province itself. In other words if Watson Lake wanted a rink under this proposal, this would have to be run by the Territory.

Mr. Taylor said it occurred to him that this would be only applicable to larger areas where they have facilities.

Mr. Delaute said the main object of the fitness and amateur sport act is the training of physical education graduates, sending youths to university for that purpose. The next thing is sending people out to a place to be better in a particular sport, to get instruction so they can come back and give instruction. Basically that is what they have in mind.

Mr. McKamey asked if they would consider allowing anything for operational costs under this program, say of a community center.

Mr. Delaute said no, they would not.

Mr. McKamey said if, under this program, they had an instructor come in for the Judo Club in Elsa or take a trip to a competition, could they ask for a grant to defray the expenses?

Mr. Delaute said the Judo Club could ask for a grant for travelling and living accommodation for competitions within the Yukon. They could also ask for a grant to pay for an instructor in Judo and that sort of thing, or to pay the fees for one of their members to travel outside the Territory to get instructions from an expert Judo man and then come back to teach the local club.

Mr. Livesey asked if there is any evidence that any act done so far shows that this physical fitness program is moving ahead in the Yukon.

Mr. Delaute said again he would have to draw their attention to the Sessional Paper. It shows what progress has been made in 1963-64, what has been approved and what is pending. This is not an outright grant, they have to spend the money first and then bring forth evidence that they have spent it, then Treasury and the Director in Ottawa will scrutinize this and if it is satisfactory they will pay it.

Mr. McKamey said if they were to hire an instructor and had to pay a certain amount a month, when the account was submitted to the Administration for approval and they turned it down, what then?

Mr. Delaute said there is no possibility of that. In the first place the instructor would have had been hired after they have had the approval of the Director for the scheme. They would have said in the project that the cost for his salary would be so much and that would be approved. The organization would submit an invoice for payment saying you paid this man so much money for salary, travelling etc.

Mr. Taylor asked if Watson Lake decided to hold a "Trapper's Rendezvous" where they would have curling events, dog races and events related to physical fitness, could they recover a portion of the prize money and other things related to this event.

Mr. Delaute said he would like to see them try it. He suggested that the organization send a letter to the Commissioner giving full details what the thing is about, what the competitions are going to be, where the people are coming from, etc. and give an itemized account of the costs they would like to recover. It might also be a good idea to state that they will partly finance this themselves and to ask for only a portion of the costs involved. It would be worth a try.

Mr. Watt asked if the Sourdough Rendezvous Manager could come under this and he asked if an application had been filed?

Mr. Delaute said they had not filed an application as far as he knew.

Mr. Watt said the only way to find out for sure if a grant will be approved is to submit an application and see what happens.

Mr. Delaute said that is correct. The application is more likely to be approved if it is indicated that the organization will carry part of the cost.

Committee recessed at 12:00 o'clock Noon.

Wednesday, November 20, 1963  
2:00 P.M.

Committee proceeded with discussion on the Workmen's Compensation Ordinance. Recommendations for Amendments to the Workmen's Compensation Ordinance put forward by the International Union of Mine Mill & Smelter Workers, Elsa.

Messrs. Mills, Barazowski and Galutzo, representatives of the Mine Mill & Smelter Workers Union, and Mr. Hughes, (Legal Advisor) attended Committee.

Committee proceeded to discuss the brief point by point.

Mr. McKinnon, mentioning point 1, said he had at one time asked whether or not it would be feasible to establish a Workmen's Compensation Board in the Yukon Territory. The answer was that it was not economically feasible to do so because the amount of work that was done through the Yukon was not sufficient to warrant a board. He wondered if the Administration knew of any change in this matter.

Discussion Brief  
re Workmen's  
Compensation  
Ordinance sub-  
mitted by Mine  
Mill & Smelter  
Workers Union.

Clerk-in-Council stated a complete study was made in 1960, but the figures are out dated and they are being brought up to date at the present time. He said Administration had spoken to Mr. Barazowski several weeks ago and promised to send him these figures with the comparisons properly made.

Mr. McKamey asked whether these figures could be submitted to members of Council before the Spring Session.

Mr. Clerk said yes.

Chairman read point #2.

Mr. McKamey asked for enlightenment of recommendation No. 2 from a member of the Mine, Mill & Smelters Union.

Mr. Barazowski said if you will check the Ordinance you will note that it provides for the company or the insurer to name the doctor that the man is going to be treated by. Further down in the Ordinance we come to the question of appealing. It states that the referee in consultation with the man's doctor can accept an appeal. You have a situation where on the one hand the company controls who the doctor is going to be, then you have a contradiction in the Ordinance itself that if a man wants to appeal the decision that has been made in his case, he is placed in the position of having to have the doctor that he himself had no choice in getting to bear evidence for him. That is the main point, aside from the fact that a person may feel more confident in being treated by another doctor.

Mr. Boyd asked where it may be assumed a doctor may be called from. Is it intended that you would possibly use a local doctor, or give you the right to call a doctor from the man's own home which might be a considerable distance away.

Mr. Barazowski said in practice if a man is hurt he is given care by the doctor immediately available, later we feel he should have a choice. There are two doctors in Elsa so this is no problem. When you come to the section on the appeal, however, everything is loaded against us.

Mr. Boyd asked if he could take it that at Keno Hill for instance, if a doctor were required, it would be quite acceptable to have a doctor from Whitehorse or your local doctor.

Mr. Barazowski said yes, unless the doctor then orders special treatment where you would have to be sent outside in any case.

Mr. McKamey asked what would be the practice outside in the Provinces.

Mr. Barazowski said in Alberta when a man gets hurt and it is a matter of immediate attention, the first doctor there would treat him, then later he has the choice of doctors. We are not placing the primary emphasis on this question from the point of view of the man's confidence, we are placing the primary emphasis on the Ordinance itself, which puts a man in this position, that he is told what doctor he has, then if he has a complaint to make or if he wants to appeal his case, then the law states that the board, in consultation with his doctor, shall decide whether a rehearing is necessary.

Mr. Boyd said this would seem that just any doctor is not acceptable.

Mr. Barazowski said doctors being human are subject to all the fallacies of a human being, and they too can make errors in judgement. He is not suggesting that there is anything underhanded being done by the doctors, but they can err. If a person has lack of confidence in a doctor, by going to another doctor he is jeopardizing himself in that his compensation can be cut off.

Mr. Boyd said any doctor, even one of your own choosing, can err, so that would eliminate that part of the thinking.

Mr. Barazowski agreed, but gave the following example: "We had a case in Keno, a man hurt his ankle, he was pensioned - given a permanent partial disability pension. We thought the case was not properly handled and we made an appeal. We had a rehearing, a board hearing, and the result of it was that they raised his pension from some \$5.00 a month to some \$31.00 a month. This man had been examined by specialists who had given evidence upon which the referee had made the earlier decision. When he was brought in for a rehearing he was again before specialists and on the basis of their evidence the referee increased his pension. So even specialists will disagree."

Mr. Shaw said he has known of men on compensation going to Mayo from Dawson and the Workmen's Compensation Board has paid the doctor bill and the compensation, He thought that Elsa workers would have the same privilege as people from Dawson.

Mr. Mills said they had a case in Mayo where a man injured his foot and was being treated by the company doctor. He went for treatment for several months and did not improve at all. Then of his own accord, he went to see Dr. Clark; Dr. Clark treated him and his ankle improved, but he was immediately cut off compensation because without permission he changed his doctor....

Mr. McKamey pointed out there are provisions in the Ordinance where to change doctors, consent must be gained from the Workmen's Compensation Board. In this particular case was application made for permission to change doctors?

Mr. Mills said the man did go to the doctor first and then made the application - he was wrong in that, but it was rather a stiff penalty to lose all his compensation.

Mr. Shaw said obviously a man has the privilege of choosing his own doctor, and in the particular case under discussion, it appears that man just did not comply with the regulations.

Mr. McKamey said in Section 20 of the Workmen's Compensation Ordinance it is laid down clearly that there is nothing to stop a person from going to a different doctor. However, sometimes a problem arises between the workman and the company, insofar as the company hires the doctor and if an employee is hurt in the mine or on the job he is more or less obligated to go to that doctor. He asked whether anyone at Keno Hill Mines has at any time made a request to change doctors and has been refused.

Mr. Galutzo said this case happened about seven years ago and he could not say whether he had requested a change of doctors, he believed so, but could not swear it.

Mr. Barazowski said what happens in practice is that when a man is not satisfied he just goes to another doctor.

Mr. McKamey said he could certainly give support on this. There was a case in Mayo where a man was strung up on a rack with weights, ropes and casts for quite a few months. Finally, when one of the other doctors went through the ward he said "Doctor, can you do anything for me, I want to get out of here". The doctor said "No, not as long as you are on compensation". So the man replied "As of now I am off compensation," and he took it upon himself to pay his own debt, and in about six weeks time this man was walking down the street. There is nothing in the Ordinance preventing this providing you take the proper course.

Mr. Barazowski said no, you can go to any doctor you wish, but you have to pay for it.

Mr. Shaw asked the Legal Advisor if, according to the Ordinance, in the event that more than one doctor is available, a person can have a choice of that doctor, and whether the compensation insurance will pay for the same.

Mr. Hughes said he was unable to understand paragraph 2 of the recommendations, as workmen are perfectly free to attend doctors of their choice now. He pointed out that the definition in paragraph (p) of section 2 is an inclusive, it doesn't say means, but includes. With regard to the question of payment, he said he would have to take a little more time on it.

Chairman continued to point 3.

Mr. Shaw asked, in view of the fact that there is a limit for various reasons, whether right or wrong, what would be the suggestion as to how many years this should be confined to, if any?



Mr. Barazowski said they believed it should be the same as in other compensation laws. For example, a man has a back injury, he is examined and the doctors estimate a 10% disability. That back injury could worsen over the years and ten years from now the man could be a complete cripple because of it. Under the Ordinance he would have no right to have a review of the case. Converseley, it might be that seven years from now the injured man has overcome his injury and doesn't require the same amount of compensation. We feel that the case should be open, that if a man at some time finds, and there is medical evidence to establish that he has become more disabled because of the original injury, that he should have recourse to a medical examination and a reassessment of his incapacity.

Mr. Shaw asked if it is proposed that, say, once yearly after the injury has occurred in which a person is receiving an indemnity of one form or another, he should be required to appear before a board for an assessment of his case, and that the insurers should create the area so that there will be a yearly inspection.

Mr. Barazowski said that under the existing Ordinance the insurer, or a company, or the referee can call in a man for a medical examination any time they choose; he must go or he is liable to lose his pension.

Mr. McKamey said he could appreciate that because he has an article from the Financial Post on silicosis which states that it is sometimes twenty years before it really takes effect, so if a person was exposed to dust for ten years without any trouble, and ten years later was no longer able to work because of it, he would have no recourse to be compensated under this Ordinance.

Mr. Chairman asked if in the course of the ten years the man worked in six different mines, how would it be determined which mine was responsible for the exposure to dust?

Mr. McKamey said this is explained quite thoroughly, there is a research foundation sponsored by McIntyre Porcupine Mines Ltd. in Ontario, and they have done a lot of work on it and have come up with some very good statistics.

Mr. Boyd said he thought silicosis is a problem that should have Federal coverage, as it is beyond us at this time to do anything about it,

Chairman read point 4.

Mr. Chairman asked what is the present waiting period.

Mr. Hughes referred to Section 13(6) where it states if the injury disables the workman longer than the period of three days, no compensation, other than medical aid, is payable for the first three days of disability, and where the disability is of more than six days duration compensation is payable from the date of disability.

Chairman read point 5.

Mr. Chairman asked Clerk-in-Council for his comments.

Clerk-in-Council said he is fairly certain there will be a bill, which is being prepared right now, ready for the Spring Session, to bring our payments up into line with the Provinces.

Mr. Shaw said he thought he had proposed a resolution last spring that an overhaul be made of the Workmen's Compensation Ordinance.

Clerk-in-Council said the actions of Administration were commenced from Mr. Shaw's motion.

Mr. Hughes referring to paragraph 5 of the Union recommendations, wondered if the delegation, in talking about the rates of compensation, are suggesting that in order to bring ourselves into line with the higher limits in the Northwest Territories the physical disability rating should be upgraded.

Mr. Barazowski said the Union's principle position is that any man who is injured should be compensated at 100% disability. It is precisely when he is injured that his costs and everything go up, and in receiving anything less than his wages of course works a hardship on him and his family.

Mr. McKamey wondered if any of the Union members could indicate how many compensation claims were made against United Keno Hill last year.

Mr. Galutzo said those figures are not available to the Union. United Keno Hill have a system where workmen who have sustained injuries will be put on what they call light duty. These men do not receive compensation payments. He said the actual number of cases they have paid compensation on is low, but there are an awful lot on light duty.

Mr. McKamey asked what would be the rate of pay on light duty for an underground miner who has been injured.

Mr. Barazowski said it would be his basic rate at day shift with no bonus and no shift differential. He said he believed, but was not sure, that the rate is cut down to that of a mine labourer, which is a cut of about 26¢ an hour.

Mr. McKamey said he could see where a company could have half a dozen workmen on light duty, but could not see how this could be advantageous to them. Perhaps the delegation has some idea of why they put up with this, recommend it or support it in the camp. It would seem that the Compensation Board would be sluffing on their end and making it the responsibility of the company. It would also seem that there must be some reason behind that, has the delegation any idea what it is?

Mr. Galutzo said the working of the Compensation and the rates they charge the company are unknown to me, but it seems that the more people they have on compensation the higher the rates are, so they keep them on light duty to keep them off compensation, and naturally keep their rates down.

Mr. McKamey asked if they knew what would happen to employee on light duty if he were suspended or decided to leave. Would he receive no compensation at all if he had a permanent injury?

Mr. Galutzo said right now the man is receiving a pension of \$18.20 a month. He has two bullets in his ankle and they are moving around and causing him quite a bit of trouble. If the man quit or was discharged, he said he thought that would be all he would get.

Mr. McKamey asked if the man has had a hearing, or has he asked for one.

Mr. Galutzo said they were working on it now.

Mr. McKamey said he imagined this would take one back to recommendation No. 3, where you have the review of disability. Is it the Union's recommendation that this section be revised so that an employee could not be forced to go on light duty work?

Mr. Galutzo said in a way that is what is asked for here.

Clerk-in-Council said Mr. Galutzo started off by saying that a man was put on light duty because the company wanted to keep him off compensation. It would be cheaper for them to keep him on light duty. Then he ended up by saying he was on a pension of so many dollars a month which certainly is compensation. Could this be straightened out?

Mr. Galutzo replied that he didn't say the company kept him on light duty to keep him off compensation, he said they kept him on light duty to keep their compensation rates down.

Clerk-in-Council replied that if he is already on compensation, why would this not affect their compensation rates. The man's claim has already been adjusted.

Chairman read point No. 6.

Mr. Shaw asked that 6(a) be explained.

Mr. Barazowski said if a person works for two years in Ontario, four years in Saskatchewan, then comes up to Keno and works for two years, then becomes disabled from silicosis, he is barred from getting a pension. The Yukon Ordinance says he must be exposed for a minimum of three years in the Yukon.

Chairman read recommendations from 6(b) - (h).

Mr. Boyd asked the Union committee if these proposals are being taken up at the Federal level.

Mr. Barazowski said the jurisdiction for compensation rests with the Provinces. We had a discussion with Mr. Lang of the Department of Northern Affairs a couple of weeks ago, and he expressed what most people express. There are ten Provinces and two Territories and it is almost impossible for a man if he is working various Provinces to receive a pension because of the present existing legislation. This is the recommendation made by the Chairmen of all the Compensation Boards of Canada. They were hoping that the legislatures across Canada take under consideration the recommendations that are being made which would put silicosis into a controllable position rather quickly.

Mr. Shaw wondered if he is given to understand that when a man goes to work in a mine in which silicosis is prevalent he does

not have an X-ray when he goes there, that he does not have an annual checkup each year, and that there are not periodic dust counts and control in this particular mine.

Mr. Barazowski said he would like to make it clear that they are endorsing a position taken by the Chairmen of the Compensation Boards of Canada. In Keno Hill, of course, it is mandatory by law that every man has to be X-rayed every year. The dust counts began in Keno Hill as a result of a fight our Union had to establish the first pension in the Yukon for silicosis (Black Mike). It is possible, however, that you can have an X-ray once a year and still have silicosis and not find out, because it takes special training to be able to spot silicosis on X-ray.

Mr. McKamey said there is a paragraph in the Financial Post that it takes at least five years exposure to dust before fibrosis of the lungs show up in X-ray, statistical surveys on silicosis are long term projects.

Mr. Shaw said he believed they have some kind of an aluminum dusting type of program. Is that utilized in the Mayo area?

Mr. Mills said it is in the mine but not in the mill.

Chairman read point 7.

Mr. Chairman asked the Clerk-in-Council when we could expect the reply on the silicosis investigation.

Clerk-in-Council said he had expected it before this session.

Mr. Shaw asked whether we can expect to have these proposals that are under consideration by Administration by next spring.

Clerk-in-Council answered in the affirmative.

Mr. Boyd asked Clerk-in-Council if there is any co-ordination between the different boards in this particular field.

Clerk-in-Council said he believed the committee was consulting other boards on this matter.

Mr. Shaw asked the Union delegates if they consider it necessary to practice the same control in the mill.

Mr. Mills said yes, he thought it should be done, because in certain parts of the mill there is quite a lot of dust. They have ventilation and dust collecting apparatus but it is still not sufficient. Whether aluminum dust is the answer he could not say, it is controversial, but he felt it should be included as well.

Mr. Shaw suggested that perhaps it would be the best effort science has come up with.

Mr. Watt asked if, in the opinion of the members of the Union, the light duty is used instead of compensation and retraining, as seems to be implied.

Mr. Galutzo said it seems there is some reason for it, but they don't have the figures of what compensation pays or how their rates are established, but they have as much as four or five people on light duty at a time who are not turning a wheel and undergoing no rehabilitation.

Mr. Watt says he would take their stand to be that these men should be put on compensation and retrained, is that correct?

Mr. Barazowski said their position is that when a man is injured he should not go back to work until he is fit. If it is a permanent injury then the degree of his disability should be assessed and he should be given a partial permanent pension and retrained into another job.

Mr. McKamey said he thought the members of the Union have some recommendations worthy of further study and some definite changes are to be made. If it is a weakness in our Ordinance, it is a necessity to make these changes.

Mr. McKinnon said that Council has been aware of some weaknesses in the Workmen's Compensation Ordinance for some time and had already asked for a review of it, and along with these submissions from the Mine Mill & Smelters Union he was sure that next spring they would be able to come up with some amendments.

Chairman on behalf of the Committee thanked the delegation for being with them this afternoon.

Committee proceeded to discuss a memo in answer to Question 12 Access to Pine Lake in the Haines Junction Area.

Commissioner Cameron attended Committee.

Discussion  
Sessional Paper  
#47 - Access to  
Pine Lake

Mr. Livesey said he believed there was a typographical error in the Sessional Paper in the reply to his question. It would now appear we are going to build this Pine Lake Dam right in the middle of next year's budget, there seem to be some words left out. However, if it means that this work is actually going to be carried out this will be very acceptable to the constituents in Haines Junction. There was a point raised with regard to the construction work on the school and the connecting work to be done on Pine Creek. He had been asked if perhaps a lot of the waste material from building the school at Haines Junction could become part of the material to be used in the dam itself. He asked Commissioner Cameron if he could assist him in this.

Mr. Commissioner suggested the Territorial Engineer would be more helpful.

Mr. Baker (Territorial Engineer) attended Committee.

Mr. Livesey directed his question to Mr. Baker and added he was wondering if the two jobs could be done at the same time during this winter.

Mr. Baker said the dam would be a very very small structure and will be primarily an earth-type dam. The material they were taking out of the excavation at the school is not suitable for this type of construction at all, first of all it is so frozen that we could never use it.

Mr. Livesey asked, in view of the answer that the material from any school construction in Haines Junction would be unsuitable, just what type of material is going to be used for the dam.

Mr. Baker said they would have to find some sort of clay material to form the core of the dam, and it of course in turn will be protected by gravel and rock. Perhaps the material out of the excavation could be used in the summer months, it is a silty clay type of material that might be entirely suitable, but it hasn't been looked at closely.

Mr. Livesey asked if, in other words, this work is definitely going to be done next year and in warm weather.

Mr. Baker said this was his intention.

Mr. Watt said he had put a question about Two Mile Hill and had had an answer back. He said he was particularly concerned with the approach from the service area to the Two Mile Hill and what he had hoped might come out of the meeting was an alternate route to tap off quite a bit of the traffic from the Two Mile Hill directly into Second Avenue, but the memorandum from the Commissioner suggested that resigning or possible resigning might be all that is needed. Does Mr. Baker think the present approach will be satisfactory and safe for this coming winter?

Discussion  
Sessional Paper  
#26 Safety Two  
Mile Hill

Mr. Baker said he thinks it will, and knows of no accidents yet having occurred there. People utilizing the Robert Service road entrances seem to be taking care and there doesn't seem to be any traffic tie-up.

Mr. Commissioner added that what he thought Councillor Watt was getting at shows in the Metropolitan Plan for the Whitehorse area, but this is some time in the future because it is not quite as easy to divert traffic at that point.

Mr. Watt said he was directing his thoughts along the lines of the Metropolitan Plan, but the type of road he was thinking of was just more or less a service road.

Mr. Baker said apparently everything is satisfactory so far. The only criterion we can use is the rate of accidents and so far this has been negligible.

Mr. Baker was excused from Committee.

Centennial Project.

Commissioner Cameron said he was wondering if the Council would give consideration to the Centennial Project, in one phase particularly, at this session. That is how they felt they should go about raising their amount of money. He said in part "As pointed out earlier I do not feel that the present system of a dollar per capita is realistic in the Yukon Territory, and the Centennial Committee agreed that we had a specific problem here and in the Northwest Territories. It is up to us to come up with some alternative suggestion. I am asking this Council to give us an idea of what you feel would be a proper way of raising some money, or putting some money aside, so we would have the means needed to go on and set projects into motion as they do come in over the next three years."

Discussion  
Session Paper  
#16  
Centennial  
Project

The Chairman asked if Administration had any ideas or thoughts along this line which might be useful to Council.

Commissioner Cameron said the only thing they had thought of or discussed in the Administration was that unless they went to an additional increase of taxes in one way or other, the only other real opportunity they have at the present time would be to take one year's liquor tax money and say this is our donation.

Mr. Boyd said he would be dead against the possible increase in tax on liquor or fuel. He said he would welcome the idea of Council giving up \$56,000.00 between now and 1967 out of the liquor tax money.

Mr. Taylor (Mr. Shaw in the chair) said in this regard he finds that the \$8,000.00 he had out of his liquor tax money has to be spread over a big district. He said he did not know how Watson Lake, Teslin or Ross River could possibly participate, except perhaps by creating a museum which is not contemplated at this time. Consequently he felt they should retain the \$8,000.00 because they would need it to build up their own community projects.

Mr. McKamey asked what year would this money be required.

Mr. Cameron said the projects are to be completed or practically completed by 1967 which is the Centennial year, and if they are not completed by that time there must be a very good reason shown in order to get the necessary funds for the completion of the projects.

Mr. Taylor asked if it would not be necessary to know what projects we are going to embark upon so we will know how much money we are going to require before the Commissioner goes to Ottawa.

Commissioner Cameron said he didn't think so. There is a principle involved, which he would ask them to agree upon first. They would naturally say "Before we will spend the money or turn the money over to you, we want to see the colour of your money, also your projects". But since they were deviating from the standard Canadian agreement, there is a policy change required which would be applicable to the northern territories and this is what he would like to be able to give them an idea about next month when he goes to Ottawa.

Mr. Watt said he thought it could be proper that we use part of the money for this type of thing if it falls within the reason for which this tax was levied, i.e. recreation and community development. But if the money is put into a fund and used up for travelling expenses between here and Montreal he could not agree with it.

Mr. McKamey said he thinks each community should provide something for the Centennial celebration. He said as a result of the liquor tax money the people in Mayo have a hall, otherwise they would have no place to hold a celebration of any kind. He said he has promised his next appropriation of liquor tax money to be put into the construction of a hall at Keno and he cannot go back on this promise.

Mr. Livesey suggested that the groups in the various communities should do just what they are doing now in providing recreational facilities for the people and use them as Centennial projects, and mark them in that way.

Commissioner Cameron was excused from Committee.

Bill No. 5 (Medical Ordinance)

Mr. Boyd moved, seconded by Mr. Shaw, that Bill No. 5 be reported out of Committee as amended.

Motion  
Bill #5

Motion Carried.

Bill No. 16 - Labour Provisions Ordinance.

Mr. Watt said this was to put a labour clause similar to a labour clause that the Department of Public Works have in their standard contract. He said: "I have here a typical contract which I got from the Department of Labour and it is a standard form. It is a page and it gives the wage rate that must be paid on this job in the different classifications, and this wage rate is arrived at by the Department of Labour that sends out a circular keeping this up to date, of the wages of the local area concerned. This is kept up to date by Ottawa, by the Department of Labour, and I believe the Territorial Secretary has a book that is up to date on this. If a contract is signed for a road with a classification of labour in it, the Department of Labour sends to the Unemployment Insurance Office a sheet such as this which lays out the project, the types of labour employed, and the local wage rate for each of these types of labour. These rates are pretty well kept up to date and it means that the contractor or sub-contractor cannot pay less on this particular job than the rate laid out in the labour clause of the contract. This puts everybody who is bidding on the contract on an equal basis.

Discussion  
Bill #16

It means that if a contractor from the Yukon is bidding on the contract 99 chances out of 100 he is already paying these rates or in many cases he is paying more than this now, but some contractor from outside who also bids on the job may be thinking of bringing half his cat operators up from Winnipeg and paying them a lot less. This puts the contractor in Winnipeg on a closer basis with the contractor in the Yukon. This amendment shall be enforced on and take effect from the first day of April 1964. This means that contracts that are being thought about now and won't actually be called until April 1st or afterwards, the people who are bidding on these contracts will know that they are going to have to pay these certain wages. There are several objections to this bill, one is the Labour Ordinance is going to be redrafted. If it is going to be redrafted it usually takes quite a while as we have seen with our proposed redrafting of the Liquor Ordinance. In the meantime there have been unnecessary hardships caused to both contractors and working people within the Territory because we have not bothered to put this in. Another point that may come up that could cause hardship, and I asked the knowledgeable member of the Federal Department of Public Works what would happen if there is a wage increase, that a contract is let that will run six months or a year and say the carpenters get a ten cent raise, what happens then? The answer was the contract that still has to stick by the agreement, and the contractor, if he has a contract of that size, is supposed to look into these things before he signs the contract. I understand from the Department of Public Works, Federal Department, that if this is done it causes no hardships, they have never had a case where it has caused hardship. I have been told by Mr. Kellos from the Department of



Public Works that this labour conditions clause saves them trouble and makes the work a lot easier for them."

Mr. McKamey said he understood Mr. Watt to say that when anyone bids on a contract it states in here that this is the wage he will pay, why is there a necessity of an amendment to the Labour Provisions Ordinance if there is a provision in there when they bid on the contract?

Mr. Watt said the whole idea of the amendment is to have a labour conditions clause included in Territorial contracts, we don't have these. This sample is a Federal Department of Public Works contract.

Motion Re  
Bill #16

Mr. Shaw moved, seconded by Mr. Watt, that Bill No. 16 be reported out of Committee without amendment.

Motion Carried

Mr. Boyd moved, seconded by Mr. Watt, that Mr. Speaker do resume the chair and hear the report of the Chairman of Committees.

Motion Carried.

Mr. Speaker resumed the chair and Council accepted the report of the Chairman of Committees as follows:

Committee  
Report

Committee convened at 10:25 a.m. to discuss bills, memoranda and sessional papers and other items on the agenda. Mr. Commissioner attended Committee to report on Whitehorse Flood control. Mr. Fitzgerald attended to discuss the extension of the Beaver Trapping season in which Committee recommended that the season be extended to November 1st. Mr. Delaute then joined Committee to discuss matters related to physical fitness and amateur sports. Committee recessed at 12 noon and reconvened at 2:00 p.m. Committee then held discussions with representatives of the Mine Mill & Smelter Union related to Workmen's Compensation. Commissioner Cameron attended committee to discuss Question No. 12 and Mr. Baker also attended these discussions. Commissioner Cameron discussed with Committee problems related to Centennial celebrations. Mr. Boyd moved, seconded by Mr. Shaw that Bill No. 5 be reported out of Committee as amended.

Motion Carried.

Mr. Shaw moved, seconded by Mr. Watt, that Bill No. 16 be reported out of Committee without amendment.

Motion Carried.

On motion Council adjourned until 10:00 a.m. Thursday,  
November 21, 1963.

Thursday, November 21, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

Mr. Speaker tabled the following memoranda received from Commissioner Cameron:

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|---|-------------------------------|
| (1) Reply to Question No. 17 respecting Power in Dawson<br>(set out as Sessional Paper No. 48)                    | Sessional<br>Papers<br>No. 48 |
| (2) Reply to Question No. 15 regarding Area Development<br>(set out as Sessional Paper No. 49)                    | No. 49                        |
| (3) Reply to Motion for Production of Papers No. 9 respecting<br>Sale of Beer (set out as Sessional Paper No. 50) | No. 50                        |

Mr. Livesey (with Deputy Speaker in the Chair) tabled the report of the Signs Committee (set out as Sessional Paper No. 52) No. 52

Mr. McKinnon asked for unanimous consent to move, seconded by Mr. Livesey, that it is the opinion of this Council that Mr. Alan Beddoe be commissioned to design a Mace for the Yukon Territory. Motion #11

Mr. McKinnon, speaking on the motion, said it was introduced as a result of the visit of the former Deputy Minister of Northern Affairs and National Resources, Mr. Robertson, to the Yukon Territory. Mr. Robertson sat in Committee and was asked about a Mace for the Yukon Territory. He suggested that Council contact Mr. Alan Beddoe who was the top expert on this in Canada. What brought this to his mind again was reading through the Votes and Proceedings of the Northwest Territories where they are talking about a Mace for the new part of the Territory. As they all know the Mace is the symbol of authority of the House and he thought that the House of the elected Legislative Assembly in the Yukon Territory should have one.

Mr. Taylor said this was discussed at the Spring Session and he was in support of the motion.

Motion Carried.

FIRST and SECOND reading was given to the following Bills as amended:

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|---|--|
| Bill No. 11, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting the Seaplane Base at Mayo Airport. | First &<br>Second<br>Reading<br>Bill #11 |
| Bill No. 5, An Ordinance to Amend the Medical Profession Ordinance.   | Bill #5                                  |
| Bill No. 13, An Ordinance to Amend the Motor Vehicles Ordinance.  | Bill #13                                 |

THIRD Reading was given the following Bills:

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|---|-----------------------------|
| Bill No. 1, An Ordinance Respecting the Taking and Recording of Evidence by Sound Recording Apparatus.<br>Mr. Taylor was opposed.   | Third<br>Reading<br>Bill #1 |
| Bill No. 5, An Ordinance to Amend the Medical Profession Ordinance.   | Bill #5                     |
| Bill No. 10, An Ordinance to Prevent Discrimination in Regard to Accommodation and Employment and in Regard to Membership in Trade Unions by Reason of Race, Religion, Religious Creed, Colour, Ancestry, or Ethnic or National Origin. | Bill #10                    |

- Third Reading Bill #11 Bill No. 11, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting the Seaplane Base at Mayo Airport.
- Bill #13 Bill No. 13, An Ordinance to Amend the Motor Vehicles Ordinance.
- Bill #14 Bill No. 14, An Ordinance to Amend an Ordinance to Prohibit Children being on the Streets after Nightfall. Mr. McKinnon was opposed.
- Bill #16 Bill No. 16, An Ordinance to Amend the Labour Provisions Ordinance.

Mr. Boyd moved, seconded by Mr. Shaw, that Mr. Speaker leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing a Mace, the signs report and such matters as may be found in the agenda.

Motion Carried.

In Committee of the Whole:

In Committee Committee proceeded to discuss Sessional Paper No. 48 respecting Power in Dawson with Commissioner Cameron present.

Discussion  
Sessional Paper #48  
Power in Dawson

Mr. Shaw said this was a very serious matter. The question of power in Dawson had always been a problem and the main problem in the past had been the exorbitant rates which have to be paid. The problem now however, was not the fact that the rates were high, it is that the ditches become full of slush and adequate power is not provided. To produce sufficient power during the winter, they raise the water level in the ditch during the fall and let it freeze. As soon as it is frozen over, they drop the water to allow an air space. This way they are able to provide good service through the winter. During this critical time, when the ditch is full of slush, it plugs up the grates and does not allow the water to travel in its usual volume and the turbines slow down. The result is that the voltage drops. In the past this was not too serious a situation. Most people burnt wood and if the power did go off they had heat but now the heating is entirely dependent on electricity. When the power drops motors burn up in the furnaces and they have no heat. In the past few days approximately forty motors burnt out forcing some people to leave their homes. He said the situation is becoming more serious each year as people modernize and obtain electrical appliances. In 1960 he wrote to the Deputy Minister of Northern Affairs and National Resources and put forth a suggestion to him that Northern Affairs obtain and install one unit in Dawson that would produce sufficient standby power which they could depend on. Nothing positive came out of his request and he continued to say that something had to be done. He said in part: "The only people that can do something are the government. The suggestion has been that part of the electrical system that is in the Palace Grand Theatre could be used to hook into this system. I have done some investigation on this and found it nearly impossible. It is Council's responsibility to protect the people in this area by some form of legislation so that they don't have a reoccurrence of this unfortunate situation. This company is a company registered in the Yukon Territory in 1900 and should be subject to certain rules and regulations governing the distribution of its power to the public. As a general rule when I have a problem I have a solution to the problem but this time I do not know what to suggest to alleviate the situation. Every effort that has been made by the people to try to improve this situation has resulted in nothing. The last time that this was embarked upon by the City of Dawson

and the Administration of the Yukon Territory the result was that the consumers had to pay an additional amount".

Commissioner Cameron thought Councillor Shaw had covered the situation very well. He had written to Ottawa and asked if permission could be given to use the power units in the Palace Grand Theatre as standby units. In the event of any further power drops this plant could be raised into the line to give it an additional boost. He has not heard from Ottawa yet but he went ahead and asked that a survey be made.

Mr. McKamey agreed with Councillor Shaw that this is a very serious situation. He could not understand the fact, that in the past few years Council has been passing legislation allowing power companies to enter into franchise agreements with Watson Lake, Carcross, Haines Junction, etc. and this seems to be working very successfully, why is Dawson so different? Why could a power company not go in there?

Commissioner Cameron said in all the communities mentioned by Councillor McKamey the population has been on the rise, Dawson is in the unfortunate situation that there has been a decline for a number of years. Therefore a company is reluctant to go in with any kind of investment because it is very hard to establish what their write-off period would be. In order to put a diesel power operation in Dawson City and drop the rates, new lines and poles would have to be put in. There is a large capital investment involved in running new poles and lines and they can not establish a power supply to service a certain amount of people and the population is declining. In other areas the investor knows that these communities are growing.

Mr. Shaw said that what he had been stating before the Committee were predicated on facts. He read from a notice sent out by the company to all users of electricity as follows: "The company recommends that any customer planning to install a large electric appliance in his home or place of business should notify the company in order to be advised whether or not the company would be able to supply electricity for the installation". He said a large electrical appliance would be a range, as far as he was aware there is not such an appliance in Dawson. He had a letter received from the City of Dawson and read as follows: "Since my phone call to you on Saturday, this office has received numerous calls that something simply has to be done about the local power problem.

No need for me to repeat all the arguments, you know them. However, perhaps we could go over some of the pertinent points.

The local Utility Company has no franchise. We feel that the Territorial Council should introduce legislation to the effect that all utility companies could not operate without a franchise. A main regulation would be that adequate standby facilities are to be installed.

We have had the same Fall problem for years due to ice conditions at the North Fork Plant. It may be correct that the Company is doing its best, but that is not good enough. Years ago when we had the same ice problems, no one got hurt for reason that there were no motors being used for heating etc. Biased opinions to the contrary, progress is evident in Dawson City. Example:-

|      |         |            |
|------|---------|------------|
| 1945 | 98,000  | Kilo Watts |
| 1962 | 161,000 | " "        |

The above indicates progress in customer uses in light and power but the local Utility Company has not and does not intend to recognize this progress and provide services according to this progress. The local power system is geared to 1898 and there it has remained.

We have had numerous arguments, two investigations, none of which have solved the problem. The only way to solve the problem is to introduce legislation so that Companies who provide public service for a profit should provide these services in keeping with progress and should they

fail in this then such services should come under Government enterprize. It is indeed a shame to have read in the papers and Hansard where Mr. Hal Banks appeared to be stronger than the Federal Government. In view of the peoples feelings in this City, regarding the Utility Company, sometimes we wonder if the Utility Company is not bigger than the Government. There appears to be room for suspicion. It is indeed irony to hear the Utility Company announce over the radio that there will be a power shortage etc. etc., but the Company does not say that there will be a reduction in the cost to the consumer, we continue to pay 25¢ for less service. The Company does not say that as a result of poor low power due to not having proper standby facilities, power motors burn out and homes are placed in a dangerous condition affecting men, women and children, in 30 below zero weather, the Company does not, that the Company will make good all damages as a result of their incompetence.

Such has been the situation the last few days. The Company could not care less if the whole Town froze up but they make sure that their own properties are locked after. There doesn't appear to be no shortage of power in Bear Creek and the local Company Office which has no furnace is entirely heated with individual power units. This Mr. Shaw is most economically wrong in view of the Company radio announcement.

The people in the City feel that this has gone far enough. We feel that the Territorial Government should take a positive position. We like to think that the Territorial Government look upon people as the most priceless resource, all the gold and oil aside.

The Territorial and the Federal Governments gave to Mayo and Whitehorse power facilities so that the people in these towns could enjoy these things which progress demands is their right. It is indeed regrettable that the two senior Governments should provide these facilities to two centres and refuse it to the third, Dawson City.

We feel that the time has come for progressive action.

Signed 'M.J. Comadina, City Clerk.

N.B. This office has been asked that the City start legal action against the Company to reimburse the cost of burned out motors. Could you obtain a legal opinion."

He felt that some negotiations should be started immediately to assure that this problem does not arise again this coming fall. If negotiations cannot be made and people are going to be subject to the same thing, he suggested the government expropriate the whole company

Mr. Watt agreed with Mr. Shaw. He was willing to go on record as favouring the Territorial Government producing and supplying power in the Dawson area, if the company who is presently there cannot or will not sell power at a reasonable rate.

Mr. Shaw said he has found out that there is an Ordinance respecting this particular company. It was assented to July 14, 1900, and Clause 5 states the maximum rate of tolls and charges that can be charged by the Company from the consumers of light, heat and power shall be fixed by the Commissioner-in-Council. The point he made was that the Government has some say in what they charge and what they don't charge and he doubted if at any time the company had made application to the Federal Government or the Territorial Government, as to what they should charge.

Mr. Taylor (with Mr. Boyd in the Chair) said he could see a degree of urgency in this situation and hoped that some good would come out of their discussions as an immediate solution. He agreed that some emergency measure should be taken to insure that this situation doesn't happen again.

Mr. McKamey said he would support anything to straighten this deplorable situation out.

Mr. Livesey felt there is a strong need for a stern look at the whole question and wondered if any attempt has been made to obtain answers from the present company with respect to legislation as to the exact course that they will follow. If the need for legislation is strictly to remove the present company from distributing the power, the substitution for whatever they have now should be ready. This should be looked into to find just what alternative source they are going to use before they take this step. He sympathized with the Member for the struggle they have had over the years and thought they should give this matter much thought and discuss it thoroughly with the Administration.

Mr. Shaw said this is exactly the stand he had taken. They should start a concrete effort to try to ameliorate the situation. However he also felt that if no satisfaction was obtained they would have to use a much stronger method. He thought negotiations should be entered into to see that this does not recur.

Mr. McKinnon asked Mr. Hughes whether any action could be taken under Section 5 of the Ordinance Mr. Shaw referred to.

Mr. Hughes (Legal Advisor) said it would perhaps be regarded as unfair of Council to take the position that the company are at fault and he added they had the right of repealing the Ordinance.

Mr. Shaw said he was very pleased they had taken an interest in this. He wanted to say that Commissioner Cameron had indicated to him that he was prepared to do everything he can to assist in this. He felt certain that Council's attitude and acceptance of this problem will assist him in carrying forth the general intention of Council in trying to improve this situation. He asked Commissioner Cameron if this was correct?

Commissioner Cameron agreed and said it is essential that power is supplied and if private enterprises will not take it then it falls back on them.

Committee adjourned at 12:00 o'clock Noon.

Thursday, November 21, 1963  
2:00 o'clock P.M.

Committee proceeded to discuss education with Commissioner Cameron, Mr. Thompson (Superintendent of Schools) and Mr. Baker (Territorial Engineer) present.

Discussion  
Construc-  
tion New  
Schools

Mr. Taylor (with Mr. Shaw in the Chair) asked Mr. Baker if there was any way Council could assist the Administration in getting construction projects underway so that the contractors could do the work during the summer of the year in which the money is appropriated. He stated that according to the contractors and subcontractors, bids on the construction of the three schools in this area last year had cost the industry \$10,000.00 and then the bids were thrown out and the jobs retendered.

Mr. Baker said they could start earlier providing decisions were made in the fall and the funds approved. The architects could be requested to prepare the drawings in the fall and winter, which would allow for calling of tenders in January or February, and everything could be ready for a construction start in May.

Mr. Taylor raised the question of architecture, and said it seemed to him if you contemplated a new school or other capital project you would have something in mind as to its size, the number of rooms and what they would be used for. He wondered if it would not be proper to submit the proposal of a project to three or four different architects and ask for sketches and cost estimates. He said perhaps the problem could be resolved by looking after the budget in the fall or in January, so it would not take until midsummer to get the projects under way.

Mr. Baker agreed that they should get onto these construction projects in the fall of the year for construction the following summer.

Commissioner Cameron said the situation over the three schools last year was unfortunate but in the final analysis there was a good saving of the taxpayers dollar involved. It is also providing some winter employment. He said it does cost contractors money to bid these jobs but that is part of the anticipated cost of the trade. Their concern is with the taxpayers money. He continued to say that in the past few years they had built schools as they felt schools were required, and when the school was completed or near completion they went to the Federal Government and asked if they would contact the different departments - National Defence, Indian Affairs, R.C.M.P., D. O. T. etc. and pay their share of the cost. When he was in Ottawa the other day he was asked to submit plans for approval before going ahead with these schools so that the plans could be changed if necessary. This does not tend to speed up the building process. With respect to getting estimates from various architects he said that this would cost more. They had, in the case of schools, used a particular architect for the last three or four years because they found they received the best dollar value from this particular concern. It is very difficult to get money in the fall to build new schools on supplementary billings. If it could be foreseen this year what was wanted in 1965 there would be no problem.

Mr. Watt asked Mr. Baker if the plans are obtained from the architect before or after the request for money is submitted to Council.

Mr. Baker said first of all Mr. Thompson tells them what the requirements are and the sketch is drawn up in their own office. Then it is sent to the architect and when his plans are acceptable they ask him what the cost will be; this is the amount that is put in the estimates.

Mr. Watt said that last year the local newspapers stated the contracts on the three schools were held up because Council was late in voting the money.

Mr. Baker said in the case of the three schools the money was apparently placed in the estimates without any proper planning being done, but normally the procedure is as he had previously described.

Mr. Taylor wondered if a project is given budget approval in April would the months of May and June not be sufficient to get the tenders in and arrangements made to have the projects rolling some time in July.

Mr. Baker said that on the first go at the three schools tenders were closed on July 18, which would indicate this sort of timing can be met. But he felt that July is too late to receive tenders, they should be received in April or May to allow the contractors the advantage of all the warm weather during the summer.

Commissioner Cameron, elaborating on Mr. Baker's point, said in addition they get a much truer cost picture if they can go to the contractor in the very early parts of the year when he does not have his summer planned. He pointed out that they are now talking about schools, but there are many projects that go through on main estimates immediately assent is given.

Mr. Livesey wondered why the Federal Government has just now become interested to such an extent in capital expenditures as far as education buildings are concerned and he asked for an explanation of why the three schools were more or less lumped together.

Commissioner Cameron said he had no answer to the first question except that they now realize they are paying out a lot of money. From here on they want to have a little more say as to how the money is spent. The reason the three schools were lumped together was strictly to get a better price.

Mr. Taylor, regarding Ottawa's perusal of the project plans, asked whether arrangements could be made with the local office of the Federal Department of Public Works to do the work on behalf of Ottawa.

Commissioner Cameron said it would not work because the people in Ottawa who peruse the plans are individuals in the Department of Education who specialize in school construction and efficiency of operation.

Mr. Shaw (with Mr. Boyd in the Chair) said that the Administration should know in the fall of the year what school facilities are required for the following year and once they have established their requirements they could draw out a sketch and the necessary approval obtained from Ottawa before spring when it could be voted on by Council.

Mr. Thompson said there was considerable amount of consultation done with the Department of Labor, Vocational Training Branch, in connection with the Vocational School because they paid 75% of the capital cost, and also it was felt that as experts in vocational training they were better qualified to approve the final plans. In regard to what Mr. Shaw said, it is true



they know in the fall what the school requirements will be but sometimes when it is felt that the addition of a classroom is all that is needed, it is later found that this is impractical or impossible and an entire school will have to be built.

Mr. Chairman suggested that every consideration be given to this problem with a view to speeding up the process.

Mr. Thompson was excused from Committee.

A discussion followed on Radio Communication in the Yukon Territory.

Discussion  
Radio  
Communica-  
tion in the  
Yukon

Mr. McKamey said he has noticed in the budget there are considerable amounts appropriated through various departments to provide for communication. There is need for a V.H.F. (very high frequency) radio system in the Yukon Territory as during certain times of the year there are total "blank outs" in the bush for several weeks at a time. Would the Committee concur in giving the Administration some directive to make a very thorough study and come up with suggestions and possibly make arrangements for a joint effort with other branches of the Government such as the R.C.M.P. and Forestry. He knew no mining company would hesitate to pay for the use of such a communication system and they would be providing a greater incentive for companies to invest in the Territory as well as complying with their own Ordinance.

Mr. Taylor agreed that an efficient radio system would be a good thing in the Yukon but a V.H.F. would not work because it is strictly a line of sight proposition and they would have to go to a higher intermediate frequency. He thought the solution lies in bringing back the Army Signals which have served the Yukon well for years.

Commissioner Cameron said a study is going on with respect to the communications system in Forestry and in the Yukon Territorial Government. The Forestry system, although it works quite well, is still not ideal and the equipment is quite old. They felt they have to go into the newer V.H.F. or U.H.F. systems and plans are being made to tie in the Territorial service with this Forestry service. Reports have been put into the Federal Government and the costs estimated so far are, without the Territorial participation, \$144,000.00 for new equipment. Further consideration will be given the C.N.T. operation which would work on a different basis, i.e. mobile units and an automobile. Forestry is very anxious to have this done as soon as possible. There are however, still some physical tests to be made on certain locations as to the type of equipment best suited for the Territory.

A point by point discussion followed on Sessional Paper No. 52 regarding the Signs Committee Report.

Discussion  
Sessional  
Paper #52  
Sign Committee  
Report

Mr. Watt asked the Chairman of the Sign Committee if he was right in assuming that these regulations were in force before the regulation came out on sign removal on the Alaska Highway.

Mr. Livesey said that recommendation No. 1 is a means to bring into force the continuation of the existing regulations and merely stipulates that those not otherwise described in this report should remain in the regulations.

Mr. Livesey, referring to point No. 2, said when the committee met to discuss this question they saw the necessity for an elimination of the present multiple sign system that is in operation today. They understood that not only were there an excessive number of signs in existence but there were additional requests for more signs which would further complicate the situation. The Committee has suggested that in this ten mile area, instead of having ten separate signs they put ten signs on one board.

Mr. Watt asked for an explanation to point No. 5.

Mr. Livesey said this is merely a recommendation but felt that if this were taken up with the Vocational School authorities they would be quite receptive to having the young students make up the signboards for this purpose.

Mr. McKamey questioned the suggestion of the Vocational School making signs for businesses.

Mr. Livesey said all that is intended is the actual back board but not the advertising.

Mr. Watt wanted an explanation to point No. 6.

Mr. Livesey replied that this recommendation has been put here for the Administration to discuss, with the Corrections Committee, who might be looking for projects that can be worked on by those on a minimum security sentence and it would be one way to provide the Yukon with park-like stopping areas for tourists. Regarding point No. 7 he said the Committee felt the present sign system should be left until a more acceptable system could be organized to replace it. Recommendation No. 8 is really an added clarification to No. 7 and would show the new people taking over the maintenance of the Alaska Highway that Council is willing to sit down and discuss with them any problems in connection with signs.

Mr. Shaw wondered how these recommendations would affect the Administration.

Commissioner Cameron said he had no comments to make on it at all as they had not given the sign situation any further consideration since the official announcement of the change-over of the Alaska Highway and until such time as the change-over is in effect there will be nothing further done on it. Eventually when they do take over the maintenance and operation of it some time next year, either as an agent for the Department of Public Works or otherwise, anything that is done with signs will have to be done on a Territorial scale.

Mr. Watt asked Commissioner Cameron what the present situation is as a result of the sign removal regulation.

Commissioner Cameron said it was never instituted though a number of business people took signs down themselves. With the changeover of maintenance of the Alaska Highway the Army are no longer interested in this.

Mr. Taylor asked if it is the intention of the Administration to withdraw Order No. 1963-82.

Commissioner Cameron said he hadn't given it any particular thought but would do so if they found it necessary. He thought everyone is of the same opinion that there is no use carrying the plans, as established by the Northwest Highway System, any further.

Mr. Livesey moved, seconded by Mr. Boyd, that they adopt the Sign Committee Report.

Motion re Adoption of Signs Committee Report

Motion Carried with Mr. Watt opposed.

Committee proceeded to discuss a mace for Council.

Mr. McKinnon said the only thing to do at this time, because it involves an expenditure of money, would be to contact Mr. Alan Beddoe, who is the expert in heraldry and has done the beautiful mace for the Northwest Territories, and see if he would be kind enough to design a suitable mace for the Yukon Territory. If they approve it perhaps money could be found to purchase it as the mace is the symbol of authority and would be a desirable addition to the House.

Discussion Motion #11

Commissioner Cameron said he would be quite happy to contact Mr. Beddoe and find out the procedures and the cost. He understood there was approximately \$7,000.00 involved in the Northwest Territories Mace and its replica. The replica which is used in the Council Sessions was over \$3,000.00.

Mr. Shaw thought the design should be practical rather than heraldic.

Mr. Livesey said he could only support the motion made by Mr. McKinnon for the reason that the mace is part of parliamentary institution and of the institution of the people's government by the people for the last five or six hundred years. He felt that after the mace comes a recognized legislative chamber for the Yukon Territory. He suggested that this could be an item for consideration as a project for the 1967 Centennial celebrations.

Discussion followed on Bill No. 7 respecting an item under Education in the amount of \$200,477.00 (Schedule A) and \$136,532.00 (Schedule B).

Discussion Bill #7

Committee Agreed

Mr. Boyd moved, seconded by Mr. Shaw, that Bill No. 7 be reported out of Committee without amendment.

Motion Bill #7

Motion Carried

Committee proceeded to discuss Bill No. 12.

Discussion Bill #12

Mr. McKinnon said his stand remains the same as it was at the last Session, that as soon as the Federal Government lives up to their part of the financial agreement he would be happy to move passage of this Bill.

Mr. Livesey said his stand is the same as Mr. McKinnon's. He feels the Bill on one hand denudes the Council of any responsibility whatsoever and by merely placing an amount in the budget for the expenditure on Police funds or for the policing of the Territory with one hand and providing them with a Bill which takes away all authority to inquire into its operation and expenditure is only making a farce of the government and he is opposed to it.

A discussion then took place on Bill No. 15.

Discussion Bill #15

Mr. Livesey said his opinion is the same as it was in 1958. The power to legislate is given to the Commissioner-in-Council and that means the Commissioner by and with the advice and consent of the Council. The Council in its previous efforts were merely thinking of the rights of the constituents in the areas governed by a franchise and without the words Commissioner-in-Council the

constituents have no power over something to which they have to contribute on a day to day basis. The words Commissioner-in-Council gave a representation for the users of the franchise, those people who are most important in any franchise are the ones that pay the bill, without the users there would be no need for a franchise in the first place.

Mr. Shaw said if they use the words Commissioner-in-Council it means that no decision can be made before it is brought before the Council. Recently Yukon Electric reduced the rates but he questioned the legality of them being able to do this insofar as it is Commissioner-in-Council, in other words it must report before the Council before a change can be made.

Mr. McKamey said perhaps it was illegal but a lot of the Territorial Ordinances and probably a lot of the Federal Statute Regulations are violated every day. Council sits twice a year at least and this should not present a problem at this time.

Mr. Taylor (with Mr. Shaw in the Chair) said he still feels they are handing away any power that the people have but on the other hand he has to work on behalf of his constituents who are quite amenable to this other arrangement, so he would vote for the Bill but he did not agree with the principle of taking power away from the people in this regard.

Mr. McKinnon could not agree that this is taking power away from the people. He said it is just an Administrative help if Commissioner is in instead of Commissioner-in-Council. The Administration has recognized the difficulty that they are so often faced with, that they feel they are encroaching on their responsibilities. They have come up with a very sensible compromise in the amendment to the Bill.

Motion  
Bill #15

Mr. Boyd moved, seconded by Mr. Shaw, that Bill No. 15 be reported out of Committee without amendment.

Motion Carried with Mr. Livesey  
and Mr. McKamey opposed.

Discussion  
Sessional  
Paper #49  
Area  
Development

A discussion followed on Sessional Paper No. 49 in answer to Question No. 15 respecting Area Development.

Mr. Watt said since the Whitehorse Metropolitan Plan has been laid out and studied there has been quite a change in the Whitehorse Area and he was wondering what the position of the plan is now. He had expected legislation to be before Council at this Session. Construction is being held up in Whitehorse because of lack of approval of the plan or part of it.

Mr. Shaw thought Mr. Watt had brought up a very good question. In this plan they have certain areas that are Department of National Defence property and if the services are leaving the area, are they going to turn this property over to the Territory or the Federal Government or are they going to retain it?

Mr. Boyd said working arrangements are being carried on right now in Whitehorse and it is just too early to expect any answers.

Mr. Watt said the question regarding the large areas tied up by the Department of National Defence should be raised now so that the answers can be available in the spring. He felt an appendix should be added to the Whitehorse Metropolitan Plan so they would know that the great changes that have taken place in landholding in Whitehorse in the last couple of months have been taken into consideration.

Mr. Boyd said in the first place the plan is not instigated at all and in the second place it is a twenty year plan subject to revision at all time and until they see what is before them in the spring they can hardly answer any questions that might make sense.

Mr. Watt said if they can settle this now it may make the difference between a couple of hundred dollars worth of construction taking place right here in Whitehorse next summer. If they have to throw this Ordinance back to Ottawa in the spring and say it has not been drafted properly, taking the new situation into consideration, they lose a full construction season.

Mr. McKinnon said it would seem that Mr. Watt is worried that neither the C.M.H.C. nor the Department of Justice, who will be drafting the Bill, are aware that the Department of Public Works are taking over the jurisdiction of the Alaska Highway. He felt they were and would certainly bear it in mind.

Mr. Boyd said he is not in a position to state, criticize or request anything until he sees the Bill.

Mr. McKamey moved, seconded by Mr. Boyd, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Motion Carried.

When Mr. Speaker resumed the Chair, Mr. Taylor, Chairman of Committee reported:

Committee convened at 10:40 a.m. to discuss bills, memoranda and sessional papers and those items on the agenda. Committee first discussed problems related to Dawson City Utilities with Commissioner Cameron in attendance. Committee recessed at 12:00 Noon and reconvened at 2:00 p.m. Committee then discussed matters related to education with Commissioner Cameron, Mr. Thompson and Mr. Baker in attendance. Following these discussions Committee dealt with topics related to Radio Communications. Mr. Livesey moved, seconded by Mr. Boyd, the adoption of the Sign Committee Report. Motion Carried with Mr. Watt opposed. Committee then discussed the acquisition of a mace for the Yukon Territory. Following a short recess Committee considered bills still in Committee. Mr. Boyd moved, seconded by Mr. Shaw, that Bill No. 7 be reported out of Committee without amendment. Motion Carried. Mr. Boyd moved, seconded by Mr. Shaw, that Bill No. 15 be reported out of Committee without amendment. Motion Carried. with Mr. Livesey and Mr. McKamey opposed.

Council accepted the report of the Committee and adjourned until 10:00 o'clock a.m., Friday, November 22, 1963.

Friday, November 22, 1963  
10:00 o'clock A.M.

Mr. Speaker read the daily prayers and Council was called to order.

THIRD Reading was given to the following Bills:

- Bill No. 7, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory (First Supplementary Appropriation 63-64) Third Reading Bill #7
- Bill No. 15, An Ordinance to Amend an Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to Sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory Third Reading Bill #15  
Mr. McKamey was opposed.

Mr. Speaker said they have reached the hour of prorogation and as usual, at this time, he would call for their replies to the speech from the Throne.

- Mr. Taylor gave his reply. (Set out as Sessional Paper No. 53) Sessional Paper #53
- Mr. Watt's reply. (Set out as Sessional Paper No. 54) Sessional Paper #54
- Mr. Shaw gave his reply. (Set out as Sessional Paper No. 55) Sessional Paper #55
- Mr. Livesey (with Deputy Speaker in the Chair) gave his reply to the Throne. (Set out as Sessional Paper No. 56) Sessional Paper #56

Council adjourned until 2:00 o'clock P.M.

2:00 o'clock p.m.

Mr. Speaker called Council to order.

Mr. Livesey: Commissioner Cameron, the Council of the Yukon Territory has, at its present sittings thereof, passed a number of bills to which, in the name and on behalf of the said Council, I respectfully request your assent.

Clerk-in-Council said: The bills requiring assent are -

- Bill No. 1 - AN ORDINANCE RESPECTING THE TAKING AND RECORDING OF EVIDENCE BY SOUND RECORDING APPARATUS
- Bill No. 2 - AN ORDINANCE TO AMEND THE INSURANCE ORDINANCE
- Bill No. 3 - AN ORDINANCE TO AMEND THE CORPORATION SECURITIES REGISTRATION ORDINANCE
- Bill No. 4 - AN ORDINANCE TO REPEAL AN ORDINANCE TO INCORPORATE THE NORTH STAR ATHLETIC ASSOCIATION LIMITED
- Bill No. 5 - AN ORDINANCE TO AMEND THE MEDICAL PROFESSION ORDINANCE
- Bill No. 6 - AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY (Fifth Supplementary Appropriation 62-63)
- Bill No. 7 - AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY (First Supplementary Appropriation 63-64)
- Bill No. 8 - AN ORDINANCE RESPECTING THE SUMMARY RECOVERY OF WAGES BY EMPLOYEES
- Bill No. 9 - AN ORDINANCE TO AMEND THE AREA DEVELOPMENT ORDINANCE

Bill No. 10 - AN ORDINANCE TO PREVENT DISCRIMINATION IN REGARD TO ACCOMMODATION AND EMPLOYMENT AND IN REGARD TO MEMBERSHIP IN TRADE UNIONS BY REASON OF RACE, RELIGION, RELIGIOUS CREED, COLOUR, ANCESTRY, OR ETHNIC OR NATIONAL ORIGIN

Bill No. 11 - AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF THE YUKON TERRITORY TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE GOVERNMENT OF CANADA RESPECTING THE SEAPLANE BASE AT MAYO AIRPORT

Bill No. 13 - AN ORDINANCE TO AMEND THE MOTOR VEHICLES ORDINANCE

Bill No. 14 - AN ORDINANCE TO AMEND AN ORDINANCE TO PROHIBIT CHILDREN BEING ON THE STREETS AFTER NIGHTFALL

Bill No. 15 - AN ORDINANCE TO AMEND AN ORDINANCE EMPOWERING THE COMMISSIONER OF THE YUKON TERRITORY TO GRANT A FRANCHISE TO THE YUKON ELECTRICAL COMPANY LIMITED TO SUPPLY AND DISTRIBUTE ELECTRICAL ENERGY IN THE TESLIN AREA, YUKON TERRITORY

Bill No. 16 - AN ORDINANCE TO AMEND THE LABOUR PROVISIONS ORDINANCE

Sessional Paper #57

Commissioner Cameron gave his proroguing address. (Set out as Sessional Paper No. 57)

Mr. Livesey: "On behalf of all Members of the House I take great pleasure in offering to the Commissioner and his staff our sincere appreciation for all assistance given during this fall session. Looking at the National scene we all felt the impact of the news pertaining to the death of the President of the United States. On behalf of the House and the people of the Yukon Territory - whom we represent - I extend to the family of the President and the people of the United States our heartfelt sympathy at this time of home and National bereavement."

Clerk-in-Council: "It is Commissioner Cameron's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued."

Council prorogued November 22, 1963.