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# YUKON TERRITORIAL COUNCIL

## Votes and Proceedings

Volume 2

Second Session 1965

I N D E X

VOTES AND PROCEEDINGS - 1965 (Second Session)

Volume 1 - pages 1 to 404  
 Volume 2 - pages 405 to 842.

Session Dates - Wednesday Nov. 10th, 1965 to  
 Tuesday Dec. 14th, 1965.

(See Appendix A

MOTIONS	<u>of Index for Context)</u>	<u>Moved</u>	<u>Discussed</u>	<u>Result</u>
1	Daylight Saving Time	38	77-85;94-104;325	Carried as amended
2	Radio Facilities Whitehorse	38	707	Carried
3	New Financial Advisory Comm.	38	305-307;574	Carried
4	Legal Advisor	39		Carried
5	Garnishees	39		Carried
6	New Deputy Speaker	54	55-57	Ruled out of Order
7	Participation at Federal-Provincial Fiscal Conference	58	58	Carried
8	Child Adoption	58	59 (answ.159)	Carried
9	Tax Benefits	59	59-62	Carried
10	Road Maintenance Discovery Mine	88	308-311	Carried
11	D.P.W. Employees	89	89-91(answ.30)	Carried
12	Trapping	92	93;283;(answ.473)	Carried as amended
13	Press Secretary	160		Carried
14	Fur Export Tax	160	301-305	Withdrawn Nov.23
15	Moving of Cemesto Houses	200		Carried
16	Corrections Programme	201	202 (answ.293)	Carried
17	Computer Facilities	203	316;363	Carried
18	Labour Legislation	249	250;318	Carried
19	Musk Ox	296	Reply 534	Carried
20	C.B.C.	296	Reply 500	Carried
21	Bridge at Dawson	298		Carried
22	Yukon Fishing	300		Carried
23	Commercial Fishing	313	314;318-324; 698-702 (answ.785)	Carried
24	Corporation & Income Tax Revenues	405	405-406	Defeated
25	Pelly River School	474	474-475	Carried
26	Additional Street Lights at Carmacks	475	475-476	Carried
27	Fire Hall Haines Junction	501	(Reply S.P.56)	Carried
28	Power Line Burwash	571	572	Carried
29	Votes & Proceedings	573		Carried
30	Home Owners Grant	599	600	Carried
31	Museum	601	601	Carried
32	Participation of Yukon Territory in Confederation	643	644-646	Carried
33	Coal Mine Lake	753	754	Carried
34	Coal Mine at Carmacks	786	787	Carried
35	Home Brew	788	789-790	Carried
36	Vocational School Certificates	805	824-828	Carried
37	Whitehorse-Juneau Road	806		Carried
38	Watson Lake-Ross River Road	815		Carried
39	Motor Vehicle Licences	809	449-452;amend810	Carried as amended
40	Dawson Airport	811		Carried.
41	Housing Policy of Territorial Gov.	813	364-367;368-372 and 837-838	Carried.

I N D E X

Votes & Proceedings - 1962 (Second Session)

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2. Agricultural Reports	87	159
3. Whitehorse General Hospital	200	Sessional Paper #45
4. Fire Loss Data	571	785; 797
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	<u>Asked</u>	<u>Answered</u>
1. Property Taxes	4	248 and S.P. 50
2. Overtime	4	Sessional Paper #42
3. Reduction of Insurance Y.T.G. property	4	159
4. Carruthers Commission	39	159
5. Elsa School	39	Sessional Paper #40
6. Territorial Government Housing	39	Sessional Paper #36
7. Moving of Cemesto Houses	93	Withdrawn 162
8. Cost of Territorial Election	162	313
9. South Access Road	162	293
10. Haines Junction Water Delivery	204	Sessional Paper #39
11. Liquor Regulation	301	473
12. Closing of Streets	301	Sessional Paper #41
13. White Pass Land	301	439
14. Squatters	301	473
15. Purchase of Estimates	315	500
16. Amusement Tax	316	500
17. Welfare Aid	358	Sessional Paper #51
18. Air Strip Old Crow	406	Sessional Paper #43
19. Election Cost	439	599
20. House Wiring	439	599 and S.Paper #57
21. Population at Confederation	478	Sessional Paper 58
22. Roman Catholic Pupils	502	599
23. Spring Session	721	785

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<u>Bill No.</u>	<u>Chapter No.</u>	<u>Short Title</u>	<u>1st &amp; 2nd Reading</u>	<u>Discussed</u>	<u>3rd Reading</u>
1	2	Amend Credit Union	63	74	121
2	9	First Supplementary Appropriation 1965-66	63	74-77; 110 359-404; 407-438 685-697	840
3	3	Amend Liquor	63	74-77; 110; 250- 283; 469; 575-598; (motion 591)	817
4	4	Amend Evidence	5	440-449	755
5	5	Amend Motor Vehicles	93	112-116; 141-157; 166-177; 187-197; 209-227; 449; 471; 601-611; 802	646
6	6	Amend Garnishee	162	351-356	755
7	1	Local Improvement Districts	301	455-469; 799- 800.	815
8	7	Intestate Succession	406	452-454	814
9	8	Amend Yukon Housing	13		841



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2. Motion re National Parks - page 22 - Carried
3. Discussion re Securities Legislation - pages 63 to 65
4. Motion re Companies Ordinance - page 64
5. Discussion on memo re Supply Bill & Motion - page 70
6. Discussion re Deputy Speaker - pages 71 to 74; and 163 to 164; 243
7. Motion re Companies not being registered - page 109
8. Re Rules of Council - 118
9. Discussion with Mr. Isser Smith re Correction Institute - page 122 and motion 140.
10. Discussion with Mr. Green re Civil Emergency Plan - page 178
11. Re Standing Order #5 - pages 198 - 246
12. Resignation of Councillor - page 294
13. Question and reply re Mayo Water System - page 317
14. Statement re Yukon News Editorial - page 357
15. Agriculture Report tabled - page 357
16. Discussion Water & Sewer Systems - pages 378 to 383
17. Discussion with Mr. Butler on Centennial Canoe Pageant - pages 408-412.
18. Discussion re Legal Aid - 479 to 492 - Motion 490 and 492
19. Memo re Kindergartens in Yukon - 534
20. Motion re Liquor Licences 591
21. Discussion with Supt. of Education re School Teachers Salary Negotiations - 618 to 640
22. Discussion Selkirk Street Advisory Committee Brief - 647 to 659 and motion - 659
23. Discussion with Supt. of Education re KINDERGARTENS - 666 to 679 and motion -784; 725 to 729; 740 to 751.
24. Question re Motion #32, Y.T. in Confederation and Reply - 681 to 684
25. Discussion re Motion #2 with Mr. Lloyd Moore of C.B.C.- 707-719 and motion page 713
26. Five Year Agreement Study - 731-739; 756-764; motion 762
27. Discussion with Area Dev. Officer on Low Cost Housing - 766-774
28. Motion re increase in Tote Trail Assistance - page 782
29. Motion re Centennial Committee - 794
30. Motion re Centennial Project Funds - 796
31. Press Release re New Imperial Mines - 817
32. Discussion with Mr. Justice J. Parker re Research & Development Board - 818-823
33. Discussion with Mr. Holland re Vocational School - 824 -828
34. Motion re Political & Economic Study & Discussion - 829-836.

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2	Motion #47 - Low Cost Housing Ordinance	2	8-9
3	Yukon Electrical Residential Rate Reduction	2	
4	Robert Service Park-Whitehorse	2	9
5	Motion #49 - Indian Co-Operative	2	10-12
6	Motion #8 - Television Services for Yukon	2	13-15
7	Motion #2 - Joint Discussions re National Park	2	15-22
8	Motion #5 - Extended Radio Service	2	22
9	Question #8 - Value of Terr. Lots	2	22
10	Motion #40 - Winter Works Programs	2	23
11	Dust Laying Project	2	24
12	Motions 12 & 15 - Medical Facilities	2	24
13	Motion #23 - Airport Facilities	2	24
14	Fall Session of Council	2	
15	Motion #20 - Winter House Building Incentive	2	26
16	Motion #22 - Yukon Fishing	3	26
17	Motion #7 - Fire Insurance Rates in Yukon	3	26
18	Motion #10 - Closing - Liquor Ordinance	3	29;590
19	Motion #9 - 24 Hour Radio Service	3	31
20	Motion #16 - Labour Legislation	3	32;39-42;43-51; 502-532(motion 519) 535-570(motion 542)



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<u>No.</u>	<u>Subject</u>	<u>Tabled</u>	<u>Discussed</u>
21	Motion #20 - Winter House Buiding Incentive	3	32;39-42
22	Question #9 - Justice	3	34
23	Proposed Extension - Whitehorse Elementary	3	35;66-67
24	Commissioner Cameron's Opening Address	1	
25	Waterworks and Sewerage Disposal System	3	68; 775
26	Crestview Sewage Disposal	3	
27	Re Mayo Chamber of Commerce Brief re Fire Chief	3	327-332;703-706
28	Minutes of Meeting re Vocational School	3	
29	Brief by Mayo Chamber of Commerce	87	118;333-334
30	Motion #11 - D.P.W. Employees	159	
31	New Years Eve Cabaret Lounge Hours	199	228
32	Civil Disaster Plan	199	Motion 339;342-340
33.	Financial Advisory Committee Report		
34.	Motion #15 - Cemesto Houses	293	334-338
35	City of Whitehorse Traffic By-Law	313	343-350
36	Question #6 - Territorial Gov. Housing	357	
37.	Vanancy for Whitehorse West	357	
38	Motion #1 - Daylight Saving Time	405	
39	Question #10- Haines Junction Water Delivery	405	
40	Question #5 - Elsa School Situation	439	
41	Question #12 - Closing of Streets	439	
42	Question #2 - Overtime	473	
43	Question #18 - Air Strip Old Crow	500	
44	New Schools	500	775 motion 777
45	Prod. of Papers #3 - Whitehorse Hospital	534	
46	Workmen's Compensation Inquiry Board	534	
47	Mine Rescue Program	599	778 motion 782
48	Motion #26 - Street Lighting Carmacks	599	
49	Cassiar, B.C. Fitness & Amateur Sport	681	721-725 motion725
50	Question #1 - Terr. Property Tax	721	
51	Question #17 - Welfare Aid	753	764
52	Yukon Centennial Committee	785	792
53	Centennial Projects Funds	785	794
54	Auto Insurance Item	785	797
55	Motion #28 - Power Line Burwash Indian Village	785	
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57	Question #20 - House Wiring	815	
58	Question #21 - Population at Confederation		
59.	Mr. Boyd's Closing Address	841	
60	Mr. MacKinnon's Closing Address	841	
61	Mr. Southam's Closing Address	841	
63	Mr. Taylor's Closing Address	842	
64.	Mr. Shaw's Closing Address	842	
65	Commissioner Cameron's Closing Address	842	

Council prorogued on Dec. 14th, 1965

## Context of Motions:

MOTION No. 1.

November 12<sup>th</sup>, 1965.

Moved by: Mr. Watt

Seconded by Mr. MacKinnon

Re: Daylight Saving Time  
for the Yukon

It is respectfully requested that the Administration set up the machinery to have a Territorial plebiscite on daylight saving time for the Yukon. This plebiscite will give the Yukon electorate three choices:

- (1) Yukon adopt Vancouver time which is Pacific Standard plus one hour of daylight saving time during the summer months.
- (2) Adopt Pacific standard without the extra hour of daylight saving time during the summer months.
- (3) Remain on Yukon Standard Time.

November 16, 1965.

Amended to give Commissioner power to establish two time zones on basis of Plebiscite. MOTION CARRIED AS AMENDED.

MOTION No. 2.

November 12<sup>th</sup>, 1965.

Moved by Mr. Taylor

Seconded by: Mr. Shaw

Re: Radio Facilities,  
Whitehorse.

The Administration is respectfully requested to convey to the Canadian Broadcasting Corporation the immediate request for 24 hour radio service for the City of Whitehorse by either utilizing the present facilities or installing low power relay transmitters where required to service the Whitehorse area.

MOTION CARRIED, November 13, 1965.

MOTION No. 3.

November 12<sup>th</sup>, 1965.

Moved by Mr. Watt

Seconded by: Mr. Thompson

Re; New Financial Advisory  
Committee for the coming  
year.

That Mr. Boyd, Mr. Southam and Mr. MacKinnon be appointed to assume the full duties of the Financial Advisory Committee for the coming Year. Amended to Mr. Thompson, rather than Mr. MacKinnon. See page 574.

MOTION CARRIED, December 3, 1965.

MOTION No. 4.

November 12<sup>th</sup>, 1965.

Moved by Mr. Boyd

Seconded by: Mr. Thompson

Re; Legal Advisor

That our Legal Advisor be a Territorial employee.

MOTION CARRIED, November 13, 1965.

MOTION No. 5.

November 12<sup>th</sup> 1965

Moved by: Mr. Boyd

Seconded by Mr. Thompson

Re: Garnishees

That the amount of \$3.00 per day allowed as living expense to one who has been garnisheed be increased to a more realistic figure, and that the Administration present Council with the necessary amendment during this Council Session.

MOTION CARRIED, November 13, 1965.

MOTION No. 6.

November 12<sup>th</sup>, 1965.

Moved by: Mr. Watt  
 Seconded by Mr. MacKinnon

Re: New Deputy Speaker

Whereas the Deputy Speaker was appointed for one year, it is moved that Mr. Fred Southam of Mayo be Deputy Speaker and Chairman of Committees for the coming Year.

RULED OUT OF ORDER BY SPEAKER. November 15, 1965.

MOTION No. 7.

November 13<sup>th</sup>, 1965.

By Mr. Taylor  
 Seconded by: Mr. Boyd

Re: Participation at Federal-Provincial Fiscal Conference.

It is the opinion of Council that steps should be taken immediately to arrange for participation as observer only for one member of the Yukon Legislative Council to the next Federal-Provincial Fiscal Conference.

MOTION CARRIED, November 15, 1965.

MOTION No. 8.

November 13<sup>th</sup>, 1965.

Moved by Mr. Boyd  
 Seconded by: Mr. Shaw

Re: Child Adoption.

That in the case of child adoptions the Yukon Territorial Government accept the responsibility of preparing the necessary adoption papers on a no charge basis.

MOTION CARRIED, November 15, 1965.

MOTION No. 9.

November 13<sup>th</sup>, 1965.

Moved by: Mr. Thompson  
 Seconded by Mr. Watt

Whereas, Northern development is a policy of the Government of Canada, and

Whereas, that Government now sponsor such incentives as Prospectors' Assistance and Tote Trail Assistance to attract industry to the north, and

Whereas, that Government also sponsor a variety of government services such as geological, geochemical and hydrometric surveys to assist the natural resource industry in the north, and

Whereas, that Government has recognized the higher costs and the isolation of northern living by paying its employees Northern Allowances and by subsidizing their housing and transportation, and

Whereas, there are now, no tangible advantages to attract the private citizen from the prosperous south to settle and INVEST in the north, and

Whereas, the development of the north and thus the success of the Government policy is going to depend ultimately on the willingness of private citizens to live in the North,

THIS COUNCIL NOW RESOLVES TO ASK THE FEDERAL GOVERNMENT TO PERMIT PRIVATE CITIZENS WITH AT LEAST TWELVE MONTHS' RESIDENCE IN THE YUKON TO DEDUCT AN ADDITIONAL FIVE THOUSAND DOLLARS OVER AND ABOVE THE EXISTING STATUTORY DEDUCTIONS FROM TAXABLE PERSONAL INCOME.

MOTION CARRIED, NOVEMBER 15, 1965.

MOTION No. 10.

November 13<sup>th</sup>, 1965.

Moved by Mr. MacKinnon  
 Seconded by Mr. Southam

Re: Road Maintenance  
Discovery Mine

It is in the opinion of Council that the Administration give urgent consideration to the maintenance of the Discovery Mine road from Carmacks.

MOTION CARRIED, November 23, 1965.



MOTION No. 11

November 13<sup>th</sup>, 1965.

Moved by: Mr. Watt  
 Seconded by: Mr. MacKinnon

Re: D.P.W. Employees

It is respectfully requested that the Administration take steps to offer job security and wage guarantees to employees that are presently employed and are expected to be employed by the Territorial Government.

MOTION CARRIED, November 16, 1965.

MOTION No. 12

November 13<sup>th</sup>, 1965

Moved by: Mr. MacKinnon  
 Seconded by: Mr. Watt

Re: Trapping

It is respectfully requested that the Administration take every possible step to open all or parts of the game sanctuary for native Indian trapping. (Under direct control of our Game Department)

MOTION CARRIED AS AMENDED, November 22, 1965.

MOTION No. 13.

November 17<sup>th</sup>, 1965.

Moved by: Mr. Taylor  
 Seconded by: Mr. Boyd

Re: Press Secretary

It is the opinion of Council that Mr. D. Sawatsky be appointed as official press secretary to the Yukon Legislative Council.

MOTION CARRIED, November 18, 1965.

MOTION No. 14.

November 17<sup>th</sup>, 1965.

Moved by: Mr. Boyd  
 Seconded by: Mr. Thompson

Re: Fur Export Tax.

It is the opinion of Council that the Federal Government consider the removal of the 5% export tax on fur.

MOTION WITHDRAWN, November 23, 1965.

N.B. Motions 15 to 35 inclusive are set out as presented in the Votes and Proceedings.

MOTION No. 36

December 13<sup>th</sup>, 1965.

Moved by: Mr. Taylor  
 Seconded by: Mr. Southam

Re: Vocational School  
Certificates

That the Director of the Vocational training attend Council to discuss matters related to vocational training graduation certificates.

MOTION CARRIED, December 13, 1965.

MOTION NO. 37

December 13<sup>th</sup>, 1965.

Moved by: Mr. Taylor  
 Seconded by: Mr. Boyd

Re: Whitehorse - Juneau Road

That the Administration institute joint discussion with the Federal Government, the Province of British Columbia and the State of Alaska respecting the feasibility of establishing a road from Whitehorse, Yukon to Juneau, Alaska, via the Atlin, B.C. Taku river route.

MOTION CARRIED December 13, 1965.

MOTION NO. 38

December 13<sup>th</sup>, 1965.

Moved by: Mr. Taylor  
 Seconded by: Mr. Shaw

Re: Watson Lake - Ross River Road

The Administration is respectfully requested to discuss with the Dept. of Northern Affairs the possibility of completing construction of the Watson Lake - Ross River road at the earliest possible moment.

MOTION CARRIED December 14, 1965.

MOTION NO. 39

December 13th, 1965.

Moved by Mr. Thompson  
 Seconded by: Mr. Boyd

That in the opinion of Council the Registrar of Motor Vehicles be instructed to put aside a block of licence plates numbered one to two hundred and fifty for those persons who are desirous of obtaining a licence number of their own choice. It is further requested that this policy be implemented in 1966 and that no additional fee be attached to this request.

MOTION CARRIED AS AMENDED, December 13, 1965.

MOTION NO. 40

December 13th, 1965.

Moved by: Mr. Shaw  
 Seconded by: Mr. Southam Re: Dawson Airport

It is the opinion of Council that the Administration be respectfully requested to direct the Territorial Engineering Department to survey the Dawson Airport with the objective of extending the present runway and later applying some form of binding agent to the gravel which will then permit the landing and take-off of tri-cycle landing aircraft that normally cannot land on gravel strips, and further that if this project is found feasible that funds be allocated in the 1966 Spring Estimates for a start on this project.

MOTION CARRIED December 13, 1965.

MOTION NO. 41

December 13th, 1965.

Moved by: Mr. Shaw  
 Seconded by: Mr. Boyd  
 Re: Housing Policy of Territorial Government

In the opinion of Council this would be considered as preliminary proposals for resolving Housing policy of Territorial Government which could also apply to Federal Housing:

#### Recommendations

1. A housing authority be set up independent of the Territorial Government to operate all dwellings, occupied now and in the future by Territorial Government employees, to consist of an Administrator and minimum office help, to be self sustaining and non-profitting.
2. Establish Advisory Board of \$1.00 per year men, seven in number, one from each electoral district. To meet once or twice a year, to set general operational policy (i.e. how much furniture should be provided, amounts of depreciation, etc., etc.) with Administrator. These men if possible to be business men (i.e. men who understand one end of the cash register from the other).
3. The Territorial Treasury Department look after all accounting and ratios of cost in relation to rents charged as well as all disbursements and collections of money.
4. Housing Administrator to report once or twice each year to Commissioner in Council with any details that may be required.
5. The Policy established by the Commissioner in Council from time to time shall apply to the whole Territory, however this body may make certain exceptions where in their opinion extenuating circumstances are warranted or hardship is created in certain areas. This power shall not be given the Administrator.
6. If at all possible, the present occupants of Government houses in the above mentioned category be given the opportunity to purchase at a depreciated value to be paid for over a period of years on a rental purchase basis, or outright if desirable.

MOTION No. 41 continued:

General Terms of Reference of Policy:

1. The Administrator will manage all housing and see that all buildings are properly maintained, and establish under advice given by the Treasury Department, the proper rental of each building or part thereof. He will also make necessary arrangements to see that personnel using this housing are properly placed and be the person that attends to the requirements of personnel using the housing.
2. The Territorial Government will not construct any new housing in the Territory where National Housing and Mortgage Corporation provide facilities for the private home builder. Any Territorial Government house or building that reaches a stage of uneconomic repair or maintenance shall be offered for public bid to be demolished, removed or property sold outright, dependent as to whether or not the Territory wishes to retain the land.
3. In general the personnel renting will have the actual cost of the following computed in the monthly rental. (a) insurance (or prorata if part of building) (b) depreciation (c) property taxes (d) maintenance.
4. The tenant responsible for (a) electricity, (b) fuel, (c) garbage (de) collection (de) water a/o sewer & water, (e) willful damage.

MOTION CARRIED December 14, 1965.



Friday, November 26, 1965.

at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: Yes, Mr. Speaker. I have two Sessional Papers this morning. The first one is dated November 25, 1965, on Motion No. 1 - Daylight Saving Time for the Yukon, and it will be set out as Sessional Paper No. 38. The next one is Sessional Paper No. 39, dated November 25, 1965, on Question No. 10, Haines Junction Water Delivery. That is all for this morning, Mr. Speaker.

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee? Have we any Notices of Motions and Resolutions? If not, we will proceed to the next Order. Have we any Notices of Motion for the Production of Papers? We will now proceed to the next Order of Business. No Motions on the table...for the Production of Paper, but we do have Motion No. 24, Corporation and Income Tax Revenues, Mr. Taylor.

Mr. Taylor: Mr. Speaker, this is Motion No. 24, moved by myself and seconded by Councillor Shaw, respecting Corporation and Income Tax Revenues... "The Administration is respectfully requested to convey to the Prime Minister of Canada, a request for release of figures indicating the amount of revenue paid to the Federal Government in the year 1964, respecting both income and corporation taxes at the earliest possible moment." May I proceed, Mr. Speaker?

Mr. Speaker: Proceed Mr. Taylor.

Mr. Taylor: Mr. Speaker, it seems that we have experienced, in the past, great difficulty in obtaining these figures. It also seems to me that for some reason, through the normal channels, that these cannot be obtained for us by the Administration as such, and it may be that the Prime Minister of Canada is the only one that is capable of unlocking the door in this respect. I would ask for the full co-operation of Council in the acquisition of these figures. Unless we know what these figures are, we hardly know what our position is in respect of gaining full autonomy in the Yukon Territory. Also, Resource Revenues is another one. I understand that this information is also not available to us and I'll say no more on this subject at this time. I would ask the full support of Council in respect to this Motion.

Mr. Clerk: Might I ask a question. Doesn't Mr. Taylor mean the Revenues particularly pertaining to the Yukon only? Isn't that the figure he wants? It doesn't say that in the motion.

Mr. Taylor: This motion, if enacted upon, would be dealt with by the Administration and the Administration, no doubt, would outline the intent of the Motion to Ottawa. If it is necessary to amend the Motion, I am quite amenable to that as well. It was not my intent to leave that out.

Mr. Shaw: I might state it would be clearer if it did state the Yukon Territory. I can quite see the matter Mr. Clerk has brought up.

Discussion  
Motion #24

Mr. Boyd: Mr. Speaker, that is exactly what I was going to say. I think it would be much wiser, if we are going to discuss this Motion, or a Motion of this nature, that it should be reworded.

Mr. Taylor: Well, if we did this, Mr. Speaker, I would suggest it be amended by inserting the words after Federal Government "by the Yukon Territory". If someone would care to move an amendment....

Mr. Boyd: Well, Mr. Speaker, may I ask if this is, in your opinion, a proper thing to do. I am not sure about this myself. It seems to me it is something more than I have dealt with before. I don't want to look like a monkey in the eyes of some people. Would you consider this motion should receive attention?

Mr. Speaker: I would...put it this way, I believe I have seconded the Motion.....although to clarify it, if the Members so wish, it would require, I think, an amendment as the Clerk has pointed out. But it is up to Council themselves.

Mr. Taylor: Well, Mr. Speaker, as I pointed out before, it is not...I'm not allowed as a mover of the Motion to amend my own motion, but I would suggest that if any Member wishes to amend it, he may do so by inserting after the words "Federal Government", line 4, "by the Yukon Territory".

Mr. MacKinnon: Mr. Speaker, I will move that Amendment... that we just add those words that Mr. Taylor has stated.

Mr. Speaker: Do I have a seconder to the Amendment? There's no seconder, so I will proceed to the Motion. Are you agreed with the Motion?

Agreed.

Mr. Speaker: Are there any contrary? Mr. Southam and Mr. Boyd.....The Motion is defeated.

MOTION DEFEATED

MOTION  
NO. 24  
DEFEATED

Mr. Speaker: The next matter we have on the Agenda is Questions. Have we any Questions this morning? Mr. Taylor, would you please take the Chair?

Mr. Taylor takes over the Speaker's Chair.

Mr. Shaw: Mr. Speaker, I have a Question, as follows: Could the Administration inform Council of the progress made in relation to Motion No. 29 of the 1964 Fall Session No. 18 in respect to the Air Strip at Old Crow? That you Mr. Taylor.

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Have we any Questions? If not, we will proceed to Public Bills and Orders. I believe we have Bill No. 8 for First and Second reading. What is your pleasure?

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 8, An Ordinance to Amend the Intestate Succession Ordinance, be given First Reading.

FIRST  
READING  
BILL NO. 8

MOTION CARRIED

MOTION  
CARRIED

SECOND Moved by Councillor Boyd, seconded by Councillor Southam,  
READING that Bill No. 8, An Ordinance to Amend the Intestate  
BILL NO. 8 Succession Ordinance, be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: That, gentlemen, completes the daily routine  
and Orders of the Day. What is your pleasure?

Mr. Taylor: I move that the Speaker do now leave his Chair  
and Council resolve itself into Committee of the Whole to  
discuss Bills, Memoranda, Sessional Papers, in Committee.

Mr. Speaker: And, I believe, on the Agenda, is Mr. Judd,  
Executive Assistant to the Commissioner, and Mr. Butler,  
Centennial Canoe Pageant Commodore. Is that correct?

Mr. Taylor: Yes, Mr. Speaker, but this is under Bills.

Mr. Speaker: I am just reminding you of this. Moved by  
Councillor Taylor that the Speaker do now leave his Chair  
and Council resolve itself into Committee of the Whole to  
**study** Bills, Memoranda and Sessional Papers and Motions.

MOTION  
CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair.

Mr. Southam: I will now declare a five minute recess while  
we get organized.

Discussion  
Bill No.2

Mr. Southam: We have Mr. Judd here and I will call the  
Committee to order. We will discuss Vote No. 8 on Bill  
No. 2...the first item under "Operation and Maintenance",  
"General", is Administration, \$15,189.00.

Re Per-  
sonnel  
Officer

Mr. Taylor: Mr. Chairman, under the first item "Salaries  
and Wages", I note that we are providing for a Personnel  
Officer, for a position to be filled approximately December  
First, 1965. Will this Personnel Officer be working out  
of the Executive Offices of the Administration and will  
he have at least the status of a Department Head, or above  
a Department Head, so the Department Heads of Administra-  
tion can't tell him who to hire and what not to hire?

Mr. Judd: I think, Mr. Chairman, he will be a Staff  
Officer working directly for the Commissioner. Exactly  
what his duties will be in the beginning may be different  
as time goes on. I think he will have certain specific  
assignments when he first gets here, particularly on the  
matters of salary, housing, etc. It's my own personal  
reckoning that he will have a full twelve months' backlog  
of work to cope with. The second part of his work...he  
will be called upon to advise in usual personnel matters,  
hiring of people, recruiting of staff and so on, but the  
Department Heads, in the end, will be the people who will  
recommend to the Commissioner who is hired and so on.

Mr. Taylor: Mr. Chairman, it seems to me that a man in  
this position, a personnel officer, and this is apparently  
quite a desirable post, but I feel that he should be acting  
out of the Executive Offices as you suggest, but he also  
should operate independently of any Department. In other  
words, I don't know what the policy is right now, but it  
seems there are at least one or two Department Heads who  
have a great deal to say about the staff hired anywhere to  
the Administration, and this is what I was hoping could be  
prevented...that this Personnel Officer could act independ-  
ent of these people and in status, in a manner of speaking



Mr. Taylor continues:  
of status, that he be hired as a Department Head.

Personnel  
Officer

Mr. Judd: Mr. Chairman, he will certainly be independent of any Department Head. As I said, he will report to the Commissioner. In my experience, the only Department Head, if you can call him that, who has a say in virtually all staff that is hired, is the Executive Assistant and that's under the terms of The Public Service Ordinance, where it says the Executive Assistant must be Chairman of the Selection Board. These Selection Boards are held every week, and the Department Head who has the great say is the Department Head concerned.

Mr. Thompson: Mr. Chairman, then in essence, it will be the Personnel Officer, in conjunction with the Department Head to whom he is considering an application.

Mr. Judd: Yes, that is right, and I think as time goes by, the Personnel Officer will be providing a service of recruiting people for Department Heads.

Mr. Southam: If I might speak from the Chair, this is the function of a Personnel Officer...is to work through Department Heads and with recruitment and nothing else. I was just going to say I see Mr. Butler in the Gallery. I was wondering if he could come and sit in at this time too.

All: Agreed.

Mr. Shaw: Mr. Chairman, one thing I note with regard to this employee...it is the first time that this has been, the position has been, filled by general competition, and I think this is certainly something I must commend. In view of what I have read of this gentleman's qualifications, it appears that he is a most competent person and I am anxious to see him get going on his particular duties. I am certainly in agreement with this.

Mr. Judd: Mr. Chairman, if I might just interject here.. I think there are two distinct positions...the Personnel Officer has not as yet been engaged. The Administrative Assistant is Mr. Keith Fisher Fleming of Dawson Creek who will be here early next week.

All: Clear.

Mr. Southam: Well, gentlemen. Since we have Mr. Butler with us, I wonder if we can go to the Centennial Canoe Pageant...which is \$2,300.00. Mr. Judd can probably give us a rundown here.

Centennial  
Canoe  
Pageant

Mr. Judd: I will give you some of the background and Butler will fill you in on all the details. The story of this is briefly as follows: Last spring, early last spring, the Centennial Commission got in touch with the Commissioner and said "we want to hold a Canoe Pageant beginning this summer 1965, going on to 67, and have all the Provinces and Territories participate. Will you put in a crew?"; and it was the Commissioner's feeling that if the Territory was to enter a crew, it shouldn't be a crew of Civil Servants paddling a canoe down the river..it had to come from some organization, some group of people, in the Territory outside the Government. The Commissioner asked the Yukon

Mr. Judd continues:  
 Centennial Voyageurs Canoe Club to take this under their wing because  
 Canoe they were the nearest Canoe Club and, as far as we were able  
 Pageant to discover, the only one. Mr. Butler, after some negotia-  
 tion, took on the job as Yukon Commodore, and in order to  
 take on this job, he resigned his position as President of  
 the Yukon Voyageurs Canoe Club in order to clearly designate  
 this wasn't a Whitehorse show...it was a Yukon show, and  
 that he would in future be organizing the Yukon's partici-  
 pation in the Canoe Pageant for the whole Territory, and  
 this is what he has done. Now, I suggested to the Commis-  
 sioner that Mr. Butler and I come before Council now  
 because the figure you have in front of you for \$1,800.00  
 is only part of the story. I asked Mr. Butler, as the Head  
 of this canoe show, to draw up an estimate of what he thinks  
 the total cost will be between now and September of 1967,  
 and I think the total costs will be in the vicinity.....  
 something over \$5,000.00. Incidentally, not \$5,000.00  
 plus \$2,300.00, but the \$2,300.00 is a part of the \$5000.00.  
 But my point is, that if Council wishes to approve this  
 item at \$2,300.00, it will probably be necessary, over the  
 next two years, to commit another \$3,000.00 to complete  
 the program. In other words, this is the first part of a  
 bigger program.

Mr. Thompson: Mr. Chairman, in view of the publicity and  
 everything that is attached to this, would not the Travel  
 and Publicity Department be a more apt department to have  
 this included in their function. You have broken it down...  
 travel, living, grants, miscellaneous, but it still amounts  
 to an outright grant of 3, 5, 7, whatever it happens to be.

Mr. Judd: Well, Mr. Chairman, it was included in Vote 8  
 simply because it is part of the whole Centennial program,  
 and all the Centennial items were included in Vote 8. I  
 don't see why it couldn't go under Travel and Publicity....

Mr. Thompson: One other question, Mr. Chairman. The  
 Centennial program, is this 100% recoverable from the  
 Federal Government?

Mr. Judd: No, Mr. Chairman. The Canoe Pageant is going  
 to cost \$350,000.00. The Provinces are going to contribute  
 half of this, the Federal Government the other half. The  
 Yukon's share is \$1,000.00...total for three years. In  
 other words, our entry fee is \$1,000.00...that's what we  
 have to pay to become part of the Canoe Pageant. The  
 additional money which Mr. Butler will be prepared to talk  
 about is for equipment and some travelling expense which  
 Mr. Butler, as Commodore, feels that the paddlers will  
 need.

Mr. Boyd: Is this a case of training and getting the  
 Yukon paddlers in condition and conditioning a team so to  
 speak? Is this the purpose of travelling around the Yukon?  
 What is the point?

Mr. Butler: My travelling expenses are going to be on a  
 recruiting tour of the Territory. We feel that to get the  
 best possible men, we will have to get out and look at the  
 population of the Territory and show them...show them  
 films, have public talks, etc., to try and get the best men  
 we can. I might point out that part of it is going to be  
 a race in 67, for which there is a total of \$105,000.00 in  
 prize money. In order to compete with people from Alberta  
 and Ontario who have many good paddlers, we are going to  
 have to get the best we can. That's the reason for the

Mr. Butler continues:  
\$300.00, that is for the recruiting tour. The rest of it...we have to supply all the men's equipment - tents, life jackets, paddles and so forth. We also have to insure the men.

Centennial  
Canoe  
Pageant

Mr. Shaw: Mr. Chairman, I assume there will be five crews.. five canoes and three men to a canoe.

Mr. Butler: No, Mr. Chairman. It's going to take part with one canoe from each Province, one from each Territory... six man canoes. So, in 1967, we require six men, plus two spares, plus myself. In 1966, we will require two canoes, that's a total of fourteen paddlers and myself. The reason for the two canoes is to be able to pick out the best crew of the two crews.

Mr. Shaw: So, in other words, Mr. Chairman, there would be more men involved until you have got to the final heat you might say. So, you've got two canoes and six men to a canoe. Is that correct?

Mr. Butler: That is correct.

Mr. Shaw: I noticed there were so many life jackets and what not. It seemed like more men than for one canoe.

Mr. Butler: The number of life jackets and so forth are for 1966. We will have fourteen paddlers...we require two sets a year.

Mr. Judd: Mr. Chairman, if I might point out...one of the reasons why the Commissioner felt that this must be handled by a volunteer group is that the canoes are going to have to be made up of volunteers. They don't receive pay for this. This year, we were talking about four weeks away from home; next year, it will be four weeks again; in '67, three and a half months. This is the great Pageant that will go right across the country. The paddlers will receive living expenses - something like \$7.00 a day which will probably pay for their food and their lodging out under a spruce tree. It certainly won't reimburse them for the time off from their jobs. Most of them will probably have to take leave without pay, and it is for this reason that if this Canoe Pageant is going to go forward and if Council wishes it to go forward, I believe we will have to make some contribution to the quite expensive equipment. In other words, we are asking the paddlers to do this at some loss to themselves. The paddlers will probably be more willing to volunteer if they don't have to spend a couple of hundred, three hundred, bucks themselves on the very top camping equipment which is needed for this Pageant. It's not a weekend at Marsh Lake.

Mr. Shaw: Well, Mr. Chairman, I think myself that this is a very good idea. I am certainly in favour of it. I realize that I don't know whether we will win the race or not. If they do, it will really be something. If they don't, they will be making a grand contribution to the Centennial effort in general and we will be represented and the people who are doing the representing will certainly be putting a great deal of their own personal effort into it and I think, Personally, that all assistance should be given to them and this is quite reasonable.



Centennial  
Canoe  
Pageant

Mr. Judd: I wonder, Mr. Chairman, if I can just clear up one point while Mr. Butler is here. I assume that these Estimates, which he has drawn up in his position as Commodore, \$5,800.00 in round figures, will be, as far as he can see it now, the total cost of the Canoe Pageant between now and September 1967, and if this item in this year's Supplementary Estimates of \$2,300.00 is a part of that total, not in addition to, so in other words, Council would be asked to approve \$2,300.00 in this year's Supps as a part of the \$5,800.00. There is one final suggestion which is not incorporated in the sum of \$5,800.00 and that is suggested prize money for '66 and this is something else again that you wish to ask Mr. Butler about.

Mr. Thompson: Mr. Chairman, I was wondering....I was going to ask about this....these are taking part in....it says here the 1966 Trials....if they place first, second or third in the seven day race from Montreal to New York, is there any remuneration from the Centennial Committee for placing in these events?

Mr. Butler: No, Mr. Chairman, there is not. All the paddlers will get this year is a straight \$7.00 a day, and I felt, as an added incentive, if we should place in the top three, it would give us that much more publicity, and this prize would be an incentive to get the paddlers to work that much harder.

Mr. Thompson: So conceivably we are talking about an extra \$700.00 at the most or \$1,000.00.

Mr. Butler: That is correct.

Mr. Thompson: What are the arrangements for 1967? Will this be recurring in 1967 or are there prizes from the Centennial Committee itself in 1967?

Mr. Butler: Mr. Chairman, in '67 there is a total of \$105,000.00 prize money which is part of the \$350,000.00 total....broken down, \$2,500.00 per man for the first canoe, \$2,000.00 for the second canoe, \$1,500.00 for the third and \$1,000.00 for every other man plus the \$7.00 living allowance. So we will be requiring no more prize money for 1967.

Mr. Judd: This prize money, as I understand, Mr. Chairman, comes from the Federal Government in the last year. What Mr. Butler is suggesting is that the Territory have its smaller prizes for next year.

Mr. Thompson: Mr. Chairman, what you are saying in fact then is although you are not being paid for the three and one-half or four months you are away, you will have your board or lodging at \$7.50 a day, plus a \$1,000.00 bonus minimum for participating.

Mr. Butler: In 1967, yes.

Mr. Shaw: I would like to ask, Mr. Chairman, in '66, apparently there is a trial. This is going to be a full scale trial, is it?

Mr. Butler: Yes

Mr. Shaw: And the Yukon will have a possible two entries. If they should come first and second, then the Yukon would, the suggestion is to provide the prize money if the Yukon crew get in on these trials, first, second or third. Yes, that's quite a little incentive.

Mr. Thompson: Could I clarify one thing. I am correct in saying that there would only be one Yukon crew in the finals, is that correct?

Mr. Butler: In 1967?

Mr. Thompson: In 1966.

Mr. Butler: In 1966, there will be two.

Mr. Thompson: And you will both have an opportunity to compete for the prizes?

Mr. Butler: Yes, that is my suggestion.

Mr. Thompson: So conceivably then, we are talking about \$1200.00, not \$700.00.

Mr. Butler: Mr. Chairman, I might point out that our chances of placing first and second are very remote. We have crews from Alberta who are professional paddlers...they are experts at it. This year you may have noted in Mr. Wahl's summary of this year's trip that every time that we started out, every day, the first thing that our crew would mention was "there goes Alberta over the horizon....miles ahead". I can't see us placing first or second. I would certainly like to see one crew if we could do it but our chances of placing first and second are pretty remote.

Mr. Thompson: Well, Mr. Chairman, I read Mr. Wahl's report with great delight. He gave a very vivid rundown and it was very well written, and I, for one, feel that this is very reasonable publicity on a National scale and I will wholeheartedly support any or all of your requests.

Mr. Butler: Mr. Chairman, just as one point in the publicity... I have here a paper from Ontario, front page coverage which Yukon received, along with the picture and headlines. That's the type of publicity we received all the way along the way.

Mr. Boyd: Mr. Chairman, might I suggest that we agree on this and go on.

Mr. Southam: Are you all agreed on this, gentlemen?

All: Agreed.

Mr. Southam: Shall we dismiss Mr. Butler at this time or do you have something further you wish to ask?

Mr. Boyd: Do you take the Minstrels with you, Mr. Butler?

Mr. Butler: We have a professional violinist in our crew. I hope he will go along with us.

Mr. Thompson: How are the crew shaping up or are you still in your recruiting program or do you have a nucleus that you can....

Mr. Butler: Just a very small nucleus. I have some fifteen names now, mostly Whitehorse people, a few from outlying districts.

Mr. Thompson: Are any of the native lads showing any.....

Mr. Butler: Not yet. I am hoping that I can possibly get to Old Crow to get some names out of Old Crow. I would like to see some natives on the crew if we can get them.

Mr. Butler leaves.

Mr. Southam: I see we have Mr. MacKenzie, the Territorial Treasurer, with us in the Gallery. I would ask him to join us at this time.

Mr. MacKenzie: Thank you.

Mr. Southam: We were discussing Vote No. 8 and we were on the first item of "Administration".

Bill No. 2  
Re  
Personnel  
Officer

Mr. Thompson: Mr. Chairman, could I ask Mr. Judd, on that Personnel Officer, it says "approximately the first of December". Has that competition been called yet?

Mr. Judd: No, it hasn't. Well, it has and hasn't. There have been no results at all, Mr. Chairman. This is wishful thinking. These people are proving a lot harder to get than we, than I, expected. We are trying our best to find someone.

Mr. Southam: May I ask a question, Mr. Judd. Do you think you can get a Personnel Officer for \$750.00 a month?

Mr. Taylor: Well, Mr. Chairman, I would dearly hope so.

Mr. MacKenzie: The answer to that, Mr. Chairman, depends on what you want him to do, and, in this case, we do not want a Personnel Officer to do Executive functions. If you did, you would have to pay more.

Mr. Judd: Mr. Chairman, this figure wasn't picked out of the air. We looked at the Federal Government salary scale for Personnel Officers and also at B.C. Hydro when Mr. McKillop with the Salary Commission was here and I think we can get someone at \$750.00.

Mr. Taylor: Well, Mr. Chairman, I can't see any reason why we can't because in this particular position, this is a \$9,000.00 a year job. The man, no doubt, is going to be provided with housing, he's going to have Northern Allowance, he's going to have benefits of some nature. He's also got \$1,500.00 to bring his furniture and all his gear in, and if we can't get anybody for \$750.00, I would be very dearly surprised.

Mr. Judd: Mr. Chairman, he will not get Northern Allowance because he's not a Federal employee and that means something like \$1,000.00 a year. He won't get assistance coming in either, and any housing he gets will be in one of the cemento houses and he will not be encouraged to stay there. In other words, this salary of \$9,000.00 is pretty well the cold, hard cash. It's all he is going to get.

Mr. Thompson: Mr. Chairman, I would say that this is going to boil down then to the fact that he may be working out of the Commissioner's Office but he's not going to be in the Hierarchy and he is going to be under the thumb of all the Department Heads.

Mr. Judd: No, Mr. Chairman, he won't be because he will be reporting directly to the Commissioner. He will be the Commissioner's staff officer on personnel matters. When the Commissioner wants advice, he will turn to this man. He won't be working for any Department and he won't be working for me. He will be working for the Commissioner and reporting directly to him. The feeling is that we must have someone independent of the chain of command, not involved in it, but independent of it, to pass on independent advice on

Mr. Judd continues:

personnel, on salaries and a host of things that come up. Re  
Personnel

Mr. Boyd: I have just one point in connection with the staff. There is a, what you call, is it a progress report, or a report monthly, or bi-monthly, or something, or six-monthly, prepared by Managers of Departments, presumably to the Commissioner, which gives how this man is doing. Does this cover the Heads of Departments. In the first place, I would assume that it covers all the Heads of the various departments and the point is, that I want to make, does the staff see these reports in all instances concerning themselves or are the reports turned in that the staff personnel do not see or know anything about? In other words, could there be a bad report go in and then when he goes to put in an application for another job, this report is looked at and he knows nothing about the report?

Mr. Judd: Mr. Chairman, I believe the reports that Councillor Boyd is referring to are the Rating Forms which are made out every year. The only time they are made out every six months is when the man is on probation. These reports are made out by the man's supervisor and countersigned by, at, the next level higher. As I understand it, the system in the Territorial Government is that the reports are discussed with the employee if they stand at either extreme -- if they are very good or very bad. If reports come in to the Commissioner's Office, as they do, which are detrimental to the employee, this matter is brought to the attention of the employee.

Mr. Taylor: Mr. Chairman, I have one question. I note we are providing travelling and living expenses...provision for travelling and living expense of the Administrative Assistant to the Commissioner...is this while he is in the Territory or is this to get him here again?

Mr. Judd: Mr. Chairman, this was meant to provide for his initial travel in the Territory. We want to give him a swing right around the Territory -- incidentally, if it proves necessary in the next two or three months to send him down to Ottawa for a week or so, perhaps with the Financial Advisory Committee, just to see that end of it.

All: Clear.

Mr. Southam: The next item is "Accommodation - Territorial Administration"....\$4,140.00.

Mr. Taylor: Mr. Chairman, just before we leave that, I didn't notice the next page...I notice here we have another \$1,800.00 over what we budgeted for postage. What occasion is this I wonder? Re  
Postage

Mr. Judd: Mr. Chairman, I can't give you any definite answer on that. I don't know the details of it. All I can say is that the figure seems, if anything, to be on the small side. There are hundreds and hundreds of letters that go out of here every week. It's amazing. Incidentally, I think that part of it, a good part of that is going to be taken up with that paper Plebiscite on Daylight Saving Time. We are sending out around 6,000 letters on that.

Mr. Taylor: Mr. Chairman, this was never proposed though when these estimates were prepared. The point I am making is that we have to maybe provide a little more money in the Main Estimates and start thinking ahead in preparation for these matters. It would be nice if we didn't have to consider Supplementary Estimates because as I quoted from



Mr. Taylor continues:

Beauchesne's, they do more to destroy the effectual control by Parliament than any other single thing.

Mr. Shaw: Mr. Chairman, this is a big organization. With all due respect, I cannot see how a man can have these things down to the, right down to the dollar, what it is going to cost. It's bound to fluctuate...fluctuate considerably. Postage...\$1,800.00, my goodness. I have a very small operation and I must spend \$100.00 to \$150.00 on postage myself in a year. To foresee exactly what a big organization such as the Territory will cost to operate, you might say eighteen months ahead...the estimates are made up ahead, I sincerely feel that in this particular respect that we are pretty close to the Estimates...very, very close. This is my feeling on the matter.

Mr. Taylor: Mr. Chairman, I still feel we can provide in Main Estimates for larger expenditures than we have provided now and this is reflected in this Supplement.

Mr. Boyd: I recall when I first hit this room, there was some hue and cry about putting in Estimates that were far in excess of what they expected to use. As Mr. Shaw points out, small, paltry figures, like this are explainable, they are sensible, and I would rather pass \$1,800.00 now or whatever the figure is now than have them show up with a ridiculous amount in the Main Budget.

Mr. Taylor: Yes, but I am talking about \$400,000.00 and that is what we have underestimated. That's \$400,000.00, or virtually that, in this Bill.

All: Clear.

Mr. Southam: I will call a short recess.

Friday November 26th  
11 o'clock a.m.

Mr. Chairman: I will now bring this Meeting to order.  
We will now discuss Vote number 8.

Vote # 8

Administration \$15,189.00  
Accommodation - Territorial  
Administration \$4,140.00

Any comments gentlemen?

Mr. Taylor: Is this area already being used, have we rented this additional space already.

Mr. D.A.W. Judd (Executive Assistant): As far as I know it has been rented and is rented for one or two particular reasons. When the salary Committee arrived there were three men and we had to hire one stenographer for them. We had no place to put them, we tried to put them in the Jury room down here but the Department of Justice couldn't release it. They had to have a quiet place to work with a couple of telephones and they were put in there we expect also when the Personnel Officer arrives he too will go over there.

Mr. Boyd: You are speaking along the lines of until we take over the top of the hill or is this continued after.

Mr. Judd: That is certainly my hope Mr. Chairman, and so far as I am aware it is also the Commissioner's plan. We will try to move up the hill in the Spring and take everyone with us.

Council agreed they were clear on this subject.

Mr. Chairman: We will now go on to Emergency Measures Organization - \$2,931.00

Council were clear on this.

Mr. Chairman: Next item Fitness and Amateur Sport  
- \$49,114.00

Mr. Taylor: Mr. Chairman, as a point of interest have we had any demand on these grants and if so about how much.

Mr. Judd: Mr. Chairman, in round figures as of two weeks ago we had committed about \$15,000.00 and since that time we have requests for approximately another \$12,000.00 This is the time of the year when requests start coming in, so we are now talking about \$27,000.00 committed to Clubs and Organizations in the Yukon.

Council were clear on this.

Mr. Thompson: This was just to get us back to the \$50,000.00 that we had in before.

Mr. Judd: This is correct. In the main estimates the figure was under-estimated and we are doing our best to put back what should have been there in the first place.

Council were now clear on this.

Mr. Chairman: The next item is the Yukon Centennial Committee - \$850.00.

Mr. Taylor: I understand that there is no monies forthcoming from Ottawa yet for the distribution to the Yukon Centennial project and I wonder if Ottawa has given any indication as to when they may start releasing funds to the Territory.

Mr. Judd: This is sore point Mr. Chairman, with me and I know with the Commissioner. We started submitted our programs to Ottawa for approval and we had been assured that approval would be forthcoming very quickly. We cleared all this in writing many months ago, emphasizing that approval would have to come quickly because of our construction system. No approval has been given so far and when the Commissioner was in Ottawa the first of the month he spoke to several of the senior people in the Centennial Commission and I think made the situation pretty clear to them. The problem as I understand it is that when the system of Centennial grants was set up, it was set up for the Provinces on the basis of a dollar for a dollar. Each Province would kick a dollar for their population and the Federal Government would kick in another dollar. From the Yukon no contribution was to be expected and the Federal Government would give a contribution based on \$2.00 per head or in other words a round figure of \$30,000.00. When our first projects arrived on paper in Ottawa at the end of August, we had to outline the financial developments of each project and there was mentioned \$8,000.00 or whatever it was from the Community Development Fund. Evidently they looked at this and said where did this money come from, we didn't think the Yukon could contribute anything. This matter as far as I know now this matter is being debated and the Commissioner has made his point very clear that we have not changed the ground rules. Ottawa was completely aware of where the local financing would come from, from Volunteer Groups and Community Development Funds and there has been no change in the ground rules whatsoever. Therefore there is no justification for the questioning of Ottawa, and where the matter stands now I don't know except. As I understand it the Centennial Officials in Ottawa understand our point of view and agree with it but their hands are being tied with the Treasury Board. My own hope is that this thing will unravel itself before Christmas, but if it doesn't we have told the Centennial Commissioner three times in writing that we feel this will very seriously damage our whole Centennial effort in the Territory.

Mr. MacKinnon: I would like to ask Mr. MacKenzie if it would be possible to borrow equal amounts of money from the Territory for these projects at the present time and then pay it back when the Federal Government do kick in.

Mr. Judd: Mr. Chairman, if I might answer that because I was looking after this. I suggested to the Commissioner three months ago that we would tell the Centennial Commission we would finance this ourselves, as a mark of protest. The Commissioner has a much shrewder assessment he thinks that if we do that we will lose our principles. There is a matter of principle involved here that Ottawa agreed on a certain arrangement and if we pay for this

ourselves we are letting Ottawa off the hook. The Commissioner is afraid that even if we loan the money to ourselves we will weaken our case.

Council now agreed on this.

Mr. Chairman: The next item on the program is Prospectors Assistance Program - \$30,000.00

Mr. Boyd: I see this is now going to be handled by the Territorial Administration. In other words it is not Federal any more.

Mr. MacKenzie: It is 100% recoverable.

Mr. Judd: The administrative set up was this, before the Prospectors Assistance Program was run from Ottawa from the resources division. This was no longer possible because of a technicality which I won't bore you with. To get around this technicality the amount was turned over and will be turned over each year in the future to our Territorial estimates and will be run entirely from Whitehorse. The \$30,000.00 does come from Ottawa and the administration of it is in Whitehorse.

Mr. Chairman: The next item is the Centennial Youth Travel Program - \$1,167.00

Mr. Shaw: I think this is a very excellent program, this is something which permits our children to go and see what the other parts of Canada are doing. There is just one comment I would like to make on this and that is the children that form the youth group that go outside, great consideration should be given to the ones that have lived in the Yukon most of their lives. The most benefit would be derived I think by children who have lived practically all their life in the Yukon and have not had the opportunity of seeing these large centres. I know we cannot make any rule about this, but I think we would get the utmost benefit from it.

Mr. Judd: I wonder if I could just point one thing out, I think the suggestion is a good one but I was very surprised that for the 48 vacancies we had to go out this year there was only about 52 applications. In the last day we had to scrounge around and get somebody to replace someone else who had mumps. I was amazed at the response to this, we really had to put in an effort to get the whole 48.

Mr. Chairman: May I ask a question from the Chair, What are the qualifications needed for this.

Mr. Judd: I will try to remember them, there is an age qualification of something like 15 to 17 and we asked for that figure be raised to 19 because some of our students are at High School longer. Beyond that there is good citizenship, we don't send necessarily the brightest children, we send the best Embassadors we can get from the Yukon and that is about it.

Mr. Shaw: I previously mentioned this because after the success that this has been I think there will be a number of applications in the future.

Council agreed they were clear on this subject.

At this time Mr. Judd was excused from Council, and a short recess was held.

Mr. Chairman: We will now go on to Vote 9 and we have Mr. K.J. Baker with us to answer all our questions.

The first is Territorial Buildings -	\$45,000.00
Palace Grand Theatre, Dawson	\$5,500.00
Lewes River Dam	1,500.00

Mr. Taylor: I noticed in the paper last night that tenders are being called for removal of a section or the remainder of the dam I don't know which. I wonder if this has been provided for in the Budget and what is to be done with the Dam.

Mr. Baker: Mr. Chairman, Mr. Taylor is not correct, the newspaper advertisement is <sup>not</sup> in regard to the removal of the Dam. The newspaper advertisement is for the removal of certain buildings at the Dam Site.

Mr. Taylor: I just glanced over it and it said Lewes River Dam. What are the buildings involved, what is the project?

Mr. Baker: We are attempting to clean up the site, there are a lot of buildings that have been there for a period of 40 years and longer and this is just an attempt to clean it up.

Mr. Shaw: This Palace Grand Theatre, I was wondering why it appears in the estimate, some things appear in one manner or another which would be the same thing but they don't appear in there. This Palace Grand Theatre as you know is closed down and where they get an operating cost of \$5,500.00 I don't know perhaps it is repairs. The people that use it take on the onus of acting for the historic sites and yet the people there pay for the use of the Theatre and they are also the ones that show people around in this particular historic site. It is unusual because in most places a National historic site is something that is operated by employees of the Department, but in this case in order to keep it going people have to pay. Why the walls need repairs on something which is comparatively new at this stage of the game, the Architects must have slipped up on something or another. While I am on this particular matter I would bring another matter to the attention of the Engineer but it may not be his Department. With the boat at Keno that is as you know canvas over the decks and it has been leaking for some considerable time and it hasn't been painted now for possible three or four years. If that fixed amount of 5 years policy is continued it would mean that it won't be many years before that boat will be rotten. I would ask if this is in the Engineers category at all that they investigate this situation and certainly take measures to have it painted. The water is going to run down into the decks and sit there and will become rotten, it might take a few years but it will happen.

Mr. Baker: Well Mr. Chairman, I note Mr. Shaw's remarks.



Mr. Boyd: Mr. Shaw was wondering why this thing was in the Budget it seems as though he might prefer it not to be there, but I am not one of this thinking. I like to see it in here and I know what is going on, and the fact that it is in here makes it possible.

Mr. Taylor: There is one other point, this saves Northern Affairs the political embarrassment which they have suffered and keeps it on our shoulders.

Mr. Shaw: I would say Mr. Boyd has a very narrow approach to this particular matter and I will leave my remarks at that.

Mr. Chairman: The next item is Range Road at Whitehorse - \$300.00

The Mount Freegold Road has already been discussed.

Dawson Boundary Road - \$45,000.00

Mr. Taylor: I have one question, do you feel that in view of the increased activity on this road that this will be sufficient funds or will you require more.

Mr. Baker: Mr. Chairman, it is quite difficult to say exactly how much money is going to be required for the maintenance of this Dawson Boundary Road as it is quite a new thing for us to maintain this road in the winter. As you know the expenditure of money is directly related to the amount of snowfall and for this reason it's going to be very difficult to come up to a firm figure. We feel that \$45,000.00 in addition to the money that we have for summer maintenance will be adequate, but we have to face up to the fact that it may not be.

The Council agreed they were clear on this subject.

Mr. Thompson: Could I ask a question Mr. Chairman, we have here transfer by allotment of \$45,000.00 where did we transfer that from.

Mr. Mackenzie: If you look further down on page 64 you will see that it was Watson Lake and Ross River Road.

Mr. Thompson: My second question is that we have an item in here for \$75,200.00 for maintenance of the Watson Lake Ross River Road from Mile 0 to Mile 70 and I wonder if Mr. Baker could give me any indication as to the amount extended in this particular establishment for this year.

Mr. Baker: It is impossible for me to give an exact figure, I would say off hand we had already spent \$55,000.00 on maintenance of this particular section.

Mr. Taylor: I have one question in respect of this and that is we were pulling funds from this project and transferring by allotment, but in view of the recent development to Dynasty it seems there is going to have to be a tremendous amount of supplies taken out there this winter. It appears that it is going to be essential to keep this road open now from Watson

Lake to Ross River and in view of that I am wondering if we will have to transfer funds back into this to provide for it and keep the road open. It is unfortunate that the road hadn't been completed and the Federal Contractor who was doing this appeared to me to be 2 years behind in this. We have a boom and we can't use the road, I wonder Mr. Baker if we can get funds to do this.

Mr. Baker: First of all I would like to say this, some time in the Fall we were approached by Dynasty as to whether we could keep a road open into Ross River and we felt at that time it would be more economical to keep the Watson Lake, Ross River Road open. Dynasty felt that Canol Road would be much more advantageous to them because it is closer to Whitehorse. We accepted their reasons and as you all know right now we are in the process of maintaining the Canol Road for the winter. Therefore I don't see the necessity of keeping the Watson Lake Ross River Road open, I maybe wrong.

Mr. Taylor: I am surprised that we are still using the road, because Canol Road is so twisty that trucks have been jack knifed up there on more than one occasion. I understood that many of the truckers refused to haul in on that area and it would appear that we are going to have to open the other road to get supplies in.

Mr. Thompson: I would just like to say for Mr. Taylor's edification that the truckers who are driving in there and can drive are doing an admirable job and materials are going in.

Mr. Taylor: Yes I know that, but much of this stuff is coming from Watson Lake and I happen to know the trucks and truckers involved and this is why I would say that they have had a lot of trouble with the road.

Mr. Boyd: As a matter of curiosity this Palace Grand Theatre is sitting on ice, what is happening is the building sitting on ice or what is the score.

Mr. Shaw: Its sitting on pilings.

Mr. Boyd: Okay so its on pilings, as I was informed by our honourable Councillor Shaw from Dawson that everything was on ice. What is going on.

Mr. Shaw: When you have permanent frost condition how can you avoid everything sitting on ice unless you hang it up on sky hooks. There is piling that is driven down into the ground 15 or 16 feet that is it everything is on ice when there is perma frost underneath don't blame us for that.

Mr. Boyd: I am not trying to be synical or sarcastic I am just wondering what has gone wrong. I don't think by the way you spoke a moment ago that they were going to do anything about this, because you remarked what did go wrong.

Mr. Baker: When this building was designed the heating system which is a hot air system with ducks under the floor and the heat loss from these underfloor ducks caused the perma frost to thaw so we ended up with a big sag under the building. Whenever it rained this sag would fill up with water, so what we did this summer

was the repairs to the retaining wall around the perimeter of the building in an attempt to seal off the seepage of water into this low area. This is really an attempt to prevent further degregation of the prema frost.

Mr. Thompson: Did this cost \$10,000.00 Mr. Baker.

Mr. Baker: No not at all.

Mr. Thompson: This the amount we have in the Budget.

Mr. Baker: It was \$1,900.00 for the retaining wall.

Mr. Thompson: But we have expended \$10,000.00 on the Palace Grand Theatre this year. \$4,500.00 in the main vote and \$5,500.00 in this vote, and \$1,900.00 on the retaining wall.

Mr. Shaw: I cannot see how they can possibly spend this money on that. This is utterly ridiculous.

Mr. Baker: I believe that some of this \$10,000.00 is the cost of operation which is fuel, power, water and sewage.

Mr. Shaw: This is a building, which the Architects laid this out back in a place somewhere like California and they constructed it in the same conditions as they build it there. I think Mr. Baker would agree to that and it was constructed for a building as you would build possibly in Vancouver or somewhere like that. For this climate it just won't take it and things are going haywire and have to be continually fixed. The people that could have been asked in that area how to go about these things were not asked, they just went ahead and they did it and of course this is the result of it. They will be continually repairing it until they get it fixed up like it should have been in the first place, ducks under the floor!, no installation, no protection from the weather, how could they prevent anything from freezing.

Mr. Baker: Mr. Chairman, just as a matter of interest the \$10,000.00 that we have in the estimates is for repairs, maintainancé, operation and caretaking. The operating, caretaking part of the amount is \$6,000.00 or \$7,000.00

Mr. Boyd: I am very happy to have the answer to my question and am very much enlightened to know that there was a thaw or something of this nature. Where are the pipes now are they underneath or someplace else?

Council were clear on this subject.

Mr. Thompson: I would like to get back to my roads, if Mr. Boyd has finished for the moment. We have an item down here for the Watson Lake, Ross River Road of which we have set up \$7,000.00 of which you have borrowed \$45,000.00 Has this been turned over to the Territory as yet?

Mr. Baker: No Mr. Chairman it hasn't been turned over to the Territory as yet, we won't except it until a lot of work is done on it.

Mr. Thompson: Well my second question is, of this \$107,000.00 that we need we have \$72,000.00 sitting over here which we could conceivably apply to this.

Mr. Baker: This is partly true Mr. Chairman, some of that \$72,000.00 I think \$50,000.00 of it has been taken to maintain the Canol Road.

Mr. Thompson: This leads me to another question Mr. Chairman. In view of the fact that the Canol will be maintained, I think the \$79,700.00 is a little in excess of what it was last year and so I thought this was probably for the maintaining of it for a little longer. Could I ask Mr. Baker that wouldn't this be the place to show there had been a further \$50,000.00 taken out of this to maintain the Canol Road.

Mr. Baker: Quite correct Mr. Chairman, but we didn't take \$50,000.00 on the supplementary estimates.

Mr. Thompson: The Administration have a habit of not exactly camouflaging matters but not telling you anything unless you ask. In other words when would we have likely been informed of this further exchange of monies within the vote?

Mr. Baker: In the Spring supplementary estimates,

Mr. Taylor: I do know Mr. Chairman, we are going to have to get to work on the maintainance of this road some time early in the Spring. Whether this becomes 100% recoverable item or whether we pay our 15% I know we are going to have to leave money here for provision for this even if we go and re=alot money back again.

Mr. Thompson: It hasn't even been turned over to us yet, it's still the Federal Government's responsibility so what do we need money for to maintain it.

Mr. Taylor: Because it has to go through our Budget.

Mr. Boyd: I suggest we call it 12. o'clock Mr. Chairman.

Mr. Chairman: Are you agreed that Mr. Baker be excused at this time.

Council agreed.

Mr. Chairman: I declare a recess for lunch.

Friday, 26th November 1965  
2.00 p.m.

The Chairman called the meeting to order at 2:00 pm with Mr. MacKenzie, Territorial Treasurer, and Mr. Hughes, Legal Adviser, present.

Mr. Chairman: We will discuss Bill No. 2, Vote 13 - Justice. The first item is Travelling and Living Expenses : \$2,060.00. Are there any comments on this gentlemen?

Bill #2  
Justice

Travelling  
& Living  
Expenses

Mr. Thompson: During the Financial Advisory Committee meeting earlier this year, it seemed to me most unusual that where we have a vote of approximately half a million dollars, Justice should have the affront to come at this time and ask for an additional \$5,000 and my contention then and now is that if the Justice Department cannot find \$5,000 in a budget of half a million there is something very radically wrong and I would suggest that this amount be transferred from the miscellaneous column that we have been trying to find some edification on for the past two years.

Mr. Taylor: I agree with Councillor Thompson and I think it has finally been decided by the members of that Committee that when we negotiated our five year fiscal agreement the responsibility was set out clearly as being Federal and we adopted the view that this should be paid by the Federal Government, not by the Territorial Government, and I believe we all concurred on that point.

Mr. Hughes: May I offer a few comments? As you are all aware my position originally was with Northern Affairs. Years ago Northern Affairs had budgeted for my position; it wasn't a new position. When I was transferred from Northern Affairs to Justice, Justice had never contemplated having a Legal Adviser charged to them in the Yukon. So there was a bit of a breakdown there. This showed itself last Fall when I went out to the Uniformity Conference in Niagara. I went out for two reasons, firstly because it is my best contact for keeping up to date and seeing what the other people are doing and, secondly, because the Department of Justice wanted me to go but it appeared that while they wanted me to go they didn't at that time have any money provided for my transportation and temporary accommodation was provided by the Territorial funds. That is why I didn't want this situation to creep up again. Now in addition to the fact that nobody had foreseen a member of the Justice Department here seven years ago, nobody foresaw - perhaps this is too brave a word - the arrival of an assistant for me, but if that day should ever dawn we may be left with an assistant and nothing budgeted. So in order to avoid this I thought that I would put something in here at least, since Justice even with its \$487,469 obviously wasn't sure that it had the money to send me to Niagara I didn't see how they would have enough money for travelling and living expenses for an additional body. That is why you have these items of travel, living and removal expenses. You may well feel that these are direct charges that should go into the \$487,469. With regard to No. 62 - Material and Supplies - they are a supplementary of \$325. Now as a member of the Department



of Justice the Department does supply me with a certain number of books. However, I have asked for other books and I have not had them. Now I am sorry; there may be good reasons for this, may be I have asked through the wrong channels but I can't spend all my working time trying to find the right channel. I have asked through the librarian of Justice; I have asked her to consider as far back as April or May the provision of certain books which incidentally had been suggested as useful additions to the library. I consulted colleagues in the towns what they thought should be added to the library to improve it and I had no reaction at all to my requests. As your Legal Adviser and as the Commissioner's I cannot function without up-to-date law books. It is ridiculous for me to come up with old law; I have got to keep up with the changes that occur every day and therefore I wanted to have absolutely direct control and have the money to order books that I feel are necessary. With regard to law reports you are probably aware that there are many of these published; there's the Western Law Reports, Dominion Law Reports, Ontario Law Reports and so on and obviously if a lawyer is going to be sincere he has got to keep up with this. Unfortunately the Department of Justice only supplies one set of law reports out of this \$487,469 which filter through from the judge to the magistrate and then after six or nine months arrive in a great big lump on my desk. Now I cannot usefully digest cases which come by the ton; I have got to be keeping up to date over the whole period, not in great indigestible gobbets of six or nine months and if I may with respect ask you, if you take anything else away leave me with the power to order books and journals that I want. The rest is conceivably a matter that should be charged back to Justice if and when we do get an assistant. It is pure theory, a provision in 54 and 55 but I have to look ahead and at least it has provided an opportunity for this discussion. That is really all that I can say at this point unless you want some discussion on the \$487,469, of which my information is extremely limited, but I can undertake to get answers to any questions.

Mr. Shaw: I can quite see where we may have a little difficulty to adjust this vote insofar as we have one big sum of \$487,469, almost half a million, but there seems to be an area whereby the Legal Adviser is the senior legal counsel, then he puts on another hat as administrator, then another hat as registrar of joint stock companies, then another hat as territorial legal counsellor and so on. There are certain things that he would require from time to time in the nature of territorial capital expense or expense otherwise, books for example. There is no question that from time to time this Council asks for certain information in relation to the other provinces, in which case the only advice that can be obtained is from the statutes of those provinces. These change from time to time so that it is necessary to have those things here and available right in the office for the sake of convenience. It does seem sensible to me that this expenditure on books should be approved along with the other journals which the Legal Adviser has mentioned he may require. I know that it has not been possible for the Legal Counsellor to travel to parts of the Yukon to assess things that are to do with law. Why? There are no travelling expenses. That should be attended to. We have for quite some time wanted to have an assistant. I don't know the exact title of the person but Council feels and I certainly that though this new position has been established as senior legal

counsel in law, or whatever it was called before, all that has happened in this particular case is that the new title has given various new duties to make it even more complicated and more arduous a task so that we need another legal man in this department. This amount we may say is not territorial, it is federal. This is questionable as, firstly, the money that we receive to pay the Department of Justice is a grant from the Department of Northern Affairs. This would have to run in the same category and I think what we should consider is whether we need these particular things. We need a court room possibly. In Haines Junction, Teslin, Carmacks, Mayo, the money is provided for that purpose. Who pays for it? That can be haggled out after but I would not like to cut it out so that these people will not have these facilities. I myself was one of the proponents of getting regular court rooms so that people could be tried there rather than in a police barracks. So in all conscience I couldn't say cut this item out because it is something I believe in. Further to this I would suggest another expenditure in relation to this. I would certainly propose that an expenditure be put in here for about \$20,000 for the purpose of providing legal aid to people who cannot afford it. As you will note in a question that was raised last year on the amount paid for prosecution, there was an expenditure of \$40,221.72 in the year 1964/65. This department we are dealing with is called the Department of Justice. Now justice, as members are well aware, has two sides. It is for and against. We are prepared to pay out \$40,000 to attempt to convict people and not one cent to go on the opposite side of the scale. \$40,000 for prosecution and nothing for what might be called justice. So rather than deplete this particular budget I would suggest that we increase it and it would be really under the Department of Justice, not under the Department of Prosecution. I have known of many people that have a clear-cut case where they have been offended by persons; it may be the government side, it may be individual persons, but they haven't the money to pay the services of a lawyer so they are just out of luck and in the provinces they have situations whereby the lawyers themselves have an association for the protection of people who don't have the money to protect themselves, or they have grievances that they don't have the money to bring forth to a court. They provide this legal counsel to these people. We do not have any society where this could possibly apply or does apply and in fact I believe you will find that in many cases certain groups will retain more than one firm of lawyers so that you have no choice where to go if you do want to do something else. So this is I feel something that is quite important and it is time we started on it. I would like to hear Council's comments on this course.

Mr. Taylor: I agree with Councillor Shaw in the latter part of his remarks and I think that when we conclude this particular item we should discuss it further, but to get back to the item here, I note that I have been given a copy of Report for the Government of the Yukon Territory on Notes taken during Discussions in Ottawa. This explains the situation and I will quote for the record: 'Supplementary estimates #1 for the current fiscal year were examined and approved; due note being taken of Finance Committee criticism of the Justice vote (which is the matter we are now discussing.) It is the agreement

that the Department of Justice should be the sole paying agency for justice matters in the territory and it would be incorrect procedure for the territorial government to make any payments in respect of justice other than to the Department of Justice in reimbursement of expenditure incurred by them in accordance with the Federal Territorial Financial Relations agreement. I think that this spells it right out. However, I might say that I have never thought at any time that the territorial government has a Department of Justice. We are not in the justice business, the federal government are the only people in the territory that are. Now I noted that Mr. Hughes outlined, and rightly so, his need for law books and this is something that could be considered territorial and I would suggest that the sum of \$325 be taken out of this vote and placed in the Public Administrator's vote for this purpose and for the balance of funds required here I think the bill should be sent to Ottawa for them to pay. I don't think we should pay this; if we do then we are going contrary to the agreement now valid by Ottawa, contrary to the five year fiscal agreement and contrary to the principles we live by in respect of this.

Mr. Hughes: Could I know when that was reached and who advised the Yukon representatives? I was unaware of the existence of this and I would certainly have tendered advice to the contrary had I been consulted.

Mr. MacKenzie: I can't recall at the moment who was present at the discussions, but the best thing to do in this case I think is to delete the entire \$5,010 and take it out of the \$487,469 and have it in the main supply bill. It would not be appropriate to put it in the Public Administrator's vote.

Mr. Taylor: Just for the edification of the Committee I believe it goes on to state that there was some discussion with a Mr. Beddoe of the finance division of The Department of Justice. This would likely be the man Mr. MacKenzie met with in Ottawa. This was November 1st to 5th 1965 that the meeting took place.

Mr. Thompson: When I raised my original objections to this \$5,000 I can assure you that it wasn't for the \$5,000, or what it was meant for in the supplementary estimates. They go to great pains to show us what \$5,000 will do in the Justice vote but they cannot give us any indication of what they want \$500,000, or a half million dollars for. If they think for one moment, and by they I mean the Administration here or in Ottawa, that I am about to approve a Justice vote again in the same form then they've got another think coming. Out of a half a million dollars they can't find \$5,000. I quite understand that this is for local expenses, which is fine, but I think unless we make a stand and make them come to us and say - we want half a million dollars and this is what we're going to spend it on and we want your approval - I don't think there's a man at this table who wouldn't approve it but as long as they continue in this manner I will go on record as stating that I will not support any Justice vote that is presented to this Council in this manner again. I would now like to make two or three other comments: Mr. Legal Adviser made a statement on his original submission supporting this to the effect that he hasn't the time to spend looking for the right channels in which to make various submissions and this I feel is why we should

have somebody to assist him, and as long as we are in this position of being able to ask for - and it looks like we are going to get down to the point of demanding - assistance for the Legal Adviser, I feel we should do it. I don't know whether we are going to have to appoint somebody or whether they can lower their sights - they say they have been asking for somebody who has the qualifications of a judge - until we get somebody to take the work load off the present Legal Adviser we are going to remain in the same position. I would also like to comment on two or three of Mr. Shaw's statements. On one or two occasions I would have thought from Mr. Shaw's remarks that he was on the Administration's side and not on the people's side. He is asking for an increase in the budget and I would point out to Mr. Shaw that the Administration is a pass master at padding assessments and asking for much more than is required. I would personally like to see Mr. Shaw stay on our side of the fence. I realize that he is in a very ticklish position being the Speaker of the House because he is a buffer between Administration and Council and this is why he is so designated - he has to placate the Administration in many of these trying matters, but there are so few tax payers, and by that I mean the people who are supporting the territory as a whole. You know and I know that the majority of our subsistence is coming from Ottawa. Now this is a very high-sounding word because it's still the tax payer's money and I feel that anything we can do to cut down the cost of government is not only going to reflect here but all over Canada, and if we do not make a start nobody is and this is the place to try and do something in this matter and I will have no part of this \$5,000.

Mr. Hughes: I am taking my position from the remarks made by Councillor Taylor that the move to provide funds, which really have to be a resolution for legal aid, would be discussed after the vote because I certainly see the dismay registered by Councillor Thompson. But there is something to be said for legal aid. I can tell this Committee of many cases within my personal knowledge where I am not satisfied that the rights of the people receive the recognition they should have done simply because of the difficulty of providing legal representation. If that is going to be taken up again I would like to expound on that area. With regard to what Councillor Thompson has said on the main estimate, of course that is over and done with; the 487,469 was approved in your Spring session, so that that is there but, as a point of principle if you wish to reject the \$5,010, this obviously is an opportunity to signal your dissatisfaction with, shall we say, the operation of my department. So I am sure that, while I would like the \$325, I do need these books and I can still get them, but I want to be able to get them on my order, not have to write to the Department of Justice and wait six months. I might say I bought through rather devious channels the other day - in fact Mr. Herb Taylor doesn't realize that his vote is down by \$62.50 - one book. These books are not peanuts and the Encyclopaedia of Judicial Terms and Phrases of Strouds is \$62.50. It covers four volumes but this is the last word and any time I am quoting some of those obscure Latin terms that always incur the ire of Councillor Shaw, that's where I look them up before I use them, but it costs me \$62.50 to do it.

Mr. MacKinnon: I would like to comment on this. If the \$5,000 is needed I don't think it should be denied, on the other hand for my own information I wonder if Mr. Hughes could tell me just what the \$487,469 is used for. I haven't got a clue.

Mr. Hughes: I will give you the broad headings: for instance in 1965/66 I think the five year agreement sees for policing \$191,469; maintenance of prisoners - \$175,000, and administration I think is \$121,000. For 1966/67 the estimates for policing will be \$199,127; maintenance of prisoners will be unchanged, and administration will be \$132,000. Now those are the headings that I have. I do know that maintaining prisoners in the cells over there run out at something like about \$85,000 per annum and if the new jail comes to full flower it was the RCMP's hope that they would be relieved of this and that the prisoners would be taken up there and held overnight in custody or during the period of remand and after sentence before the long terms were sent out. They wanted to be relieved of this jail keeping facility that they have here, but from the remarks of Mr. Issa Smith which I saw quoted the other day it would appear that that's not his approach to the question, so that \$85,000 would still continue. Now that is the nearest I can come to a positive figure on any special item. I tried to work out the estimates for the next five year period although as you will suspect the figures show a steady increase, but they are all estimates and they are not educated ones at the moment. They are just my rather untutored attempt to guess what will happen. I could give you these but I do not think you should rely on them and they are rather frightening in some respects.

Mr. MacKinnon: I would suggest that due to the facts we have heard, this money is not being squandered and the \$5,000 is needed by Mr. Hughes, and that we should vote for it.

Mr. Hughes: I was unaware when I put this supplementary in of these discussions in Ottawa and as I indicated freely at this table I would have tendered advice against that departmental decision because I foresee that it will become an impractical situation. I can see the territory is moving quite steadily to its own legal departments and sooner or later the break must come. One should therefore be gaining local experience in the administration of some justice votes. I've no doubt that what I am saying now will sound like heresy in another place but I am here to tell you my view of the way the thing will have to run sooner or later in the Yukon. I am here to advise you, not to disguise you and my view is that despite that memorandum, some provision sooner or later must be made, but I will reserve my general remarks for the exploration of the legal aid question.

Mr. Taylor: I think that the matter is quite clear and I would move that the sum of \$5,010 be deleted from vote 13 and that Committee recommends that the sum of \$325 be placed in vote 16 to provide for the purpose of law books.

Mr. Hughes: I should say that in fact something like this does happen in regard to travel. If I have some reason for wanting to visit, say Watson Lake or Dawson, I generally have to wait for somebody to die and then I go in connection with Public Administration work and then also attend to the other matter at the same time. I

wear so many caps that sooner or later I could draw on one fund or another to get me to Watson Lake or Dawson but I don't get a direct travelling fund for Justice.

Mr. Southam: Anybody second this motion?

Mr. Taylor: I am not suggesting that this money won't be spent; I am suggesting that the money should be forthcoming from the Federal Government in Ottawa, and this is where it is agreed by Ottawa that this would be 'incorrect procedure for the Territorial Government to make any payments in respect of justice other than to the Department of Justice in reimbursement of expenditure incurred by them in accordance with the Federal-Territorial Financial Relations Agreement.' Now this is clear-cut and this is why I proposed the motion. We will still have to have funds for the rental of court room space but this money has to come from Ottawa. I'm not saying that we can't spend money for these things, I'm just saying that we can't spend Territorial money. In effect we have no Department of Justice yet in the Territory; some day we may, but we use this vote primarily as a vehicle by which we can dispense funds to the Federal Department of Justice and this is likely what it's called - justice. This is why I have recommended that this item be deleted from here, that the sum of \$325 be placed possibly under vote 16, which is the Public Administrator's department. I would even delete that from the budget but I would hate to see the provisions for law books lost, because I believe this is a territorial responsibility because our Legal Adviser does advise us and does require these books. But I am all for removing the \$5,010 because it also removes the principle.

Mr. MacKenzie: This is correct and this figure of \$325 should not be left in. There is no need and it can be taken out of the \$487,469.

Mr. Hughes: If Mr. MacKenzie is saying that I can initiate a requisition locally for any books that I want and that he will pick up the tab and bill Ottawa, I am quite happy to see that \$325 taken out, as long as I can do my shopping on my own decision instead of having to wait for a full pregnancy before a book comes back.

Mr. MacKenzie: The mechanics of the thing can be worked out later but I do feel that the \$487,469 is sufficient to include the \$5,010.

Mr. Boyd: I feel by now that you've arrived at what should be done, that this vote for \$5,010 should go out and I am at a loss to understand why it should go in in the first place. This is all beside the point now but the thing that mystifies me is the position of our legal adviser. He is listed as a senior legal adviser and yet he hasn't got any money, not even out of the \$487,469. He can't get anywhere and this is precisely why I made the notion that we have a territorial employee as legal adviser and then we can vote him some money as he is our employee and we can get around these things. I certainly don't think we should do it as proposed here.

Mr. Taylor: I think where we sold the ship was when we signed the police agreement; that was the only ace card we had up our sleeve and when we signed that we lost our hold on justice and this is why we're going to have lots more trouble on this.



Mr. Shaw: There has been some reference to where my allegiance lies which I think is unfounded, unwarranted and certainly uncharitable. I do not take an extreme attitude in anything - maybe that is wrong, maybe right. And I call the shots just exactly as I see them. I try to avoid any personalities. The remarks I made in relation to this is thinking of the people at Haines Junction, Teslin, Carnacks and Mayo. They need a courtroom up there the same as they need one right in Whitehorse whether the Territory pays for it or whether the Department of Justice pays for it. It doesn't mean that it is not necessary to have as soon as we can provide it; it is something that in a former Council we put up a great battle for so that people could have justice in a courtroom instead of in a barracks. That's why I was not wishing to take that particular section out. The other matters I went through so I am not doing it for defending or taking the part of the Administration, or the part of anybody. I am just taking the part of what seems just plain ordinary common sense to me. If we need the money, the Northern Affairs will provide it as they provide about 80 per cent of it right now.

Mr. MacKinnon: I surmise that Mr. Hughes sort of contributes to us on a dual purpose basis. He is our Legal Adviser and in regard to this fact don't we have the right to put money into the budget? Would somebody put me straight on this?

Mr. Taylor: We have no right to put any money in any budget, except maybe our own coffee account.

Motion re  
Deletion of  
\$5,010 from  
Vote #13

Mr. Boyd: Can I move that the \$5,010 be deleted from vote #13.

Mr. Thompson: It will be a great pleasure to second that motion Mr. Boyd.

Mr. Southam then asked Mr. MacKinnon if he would take the chair.

Mr. Southam: I would just like to express my views on the matter before the vote is taken. I am heartily against it. I see no reason for it. I also think Mr. Legal Adviser is entitled to funds for travelling within the territory when it is necessary and certainly that he should buy his own books. Any supervisor of any department that can't run his department and get these fundamentals means that it's time everything was washed out. That is my opinion gentlemen.

Mr. Taylor: Possibly Councillor Southam is unaware of the fact that we voted '(1): provision to cover the cost of administration such as salary, travel expense, legal fees etc.' this year in the main budget of \$121,000 for this purpose.

Chairman: A motion before the House gentlemen proposed by Mr. Boyd and seconded by Mr. Thompson that the amount of \$5,010 be deleted from Vote 13. Are you ready for the question?

Committee Question

Ar. Chairman: Are you agreed?

Motion  
Carried

The motion was carried with Mr. MacKinnon contrary and Mr. Shaw abstaining.

Mr. Taylor: At this point I would like to ask Mr. MacKenzie if it is now clearly agreed that we will find this \$325 somewhere?

Mr. MacKenzie: Yes, no problem.

Mr. Chairman: I will now call a recess for tea.

Friday, November 26, 1965  
3 o'clock p.m.

The Chairman called the Committee to order and informed them that they would proceed to Vote No. 16 - Public Administrator. Before discussion commenced, however, Mr. Taylor informed the Committee that he wished to comment further on Vote No. 8 - Justice. Bill No. 2 (Vote No's 16 and 8)

Mr. Taylor: Mr. Chairman, the first item is the matter of the assistant to the Legal Adviser, or Senior Legal Adviser, or whatever the title may be. We finally received one answer and again, this is taken from the notes of a discussion at Ottawa, which states:-

See  
Ottawa  
Report

"The question of the replacement for the Legal Adviser received attention and it was suggested that possibly the difficulty and delay experienced in finding a suitable replacement might be due to setting too high standards. It was considered that perhaps: an individual who might not be exceptional would be suitable for the work that has to be done. Also the position might be more easily filled if, were attached to the Territorial Public Service. An initiative in this matter left to the Territorial Government. This matter was to be discussed further with the Department of Northern Affairs and the Department of Justice in Ottawa".

This, gentlemen, was the result of long and continual battle with the Justice Department to get people up here. We have proposed a Motion in Council which goes along with this idea but I would not agree that we should look for somebody less than capable. What we are going to have to do is find the funds to pay a better salary and I am wondering if we have to amend Section 8 of the Public Service Ordinance in order to do this. I believe this is the section of the Public Service Ordinance which restricts the amount of starting salaries. I think that this would be the way to approach the problem.

See  
Section  
8  
Public  
Service  
Ordinance

Legal Adviser: Mr. Chairman, as I am wholly unfamiliar with the document just read, may I ask Mr. Taylor whether the word is actually "replacement" for the Legal Adviser? I'm sure there is support for this in many quarters but I am surprised to find it in an official memorandum.

Mr. Taylor: Mr. Chairman, it does state:-

"The question of the replacement for the Legal Adviser ...".

Legal Adviser: Thank you, Mr. Chairman, for allowing me to see this. Whoever prepared this can hardly have expressed the true feeling, I hope, that you should settle for somebody who might not find it easy to gain employment in some other field? "It was considered that perhaps an individual who might not be exceptional would be suitable for the work to be done". Council is aware that somebody always takes exception to anything I do and I think the candidate has to be exceptional, in one respect. I'm sorry but I would have liked to have been aware of this before coming to this meeting. Mr. Taylor has suggested that you have to consider making a direct appointment. May I suggest that since this is a policy discussion that that particular matter be reserved for discussion with the Commissioner. Obviously there are going to be a lot of implications arising. I was not present at those discussions in Ottawa therefore I cannot vouch for the accuracy of the statements therein. It may very well be that the only course, as far as you can set

the course, would be to develop completely. I wouldn't say an independent Legal facility but simply that my job and the job of an assistant will become a Territorial function. This is surely the logical part of the growth to which we are all looking and hoping will come.

Mr. Taylor: Mr. Chairman, I would agree that the Commissioner should be here for discussions in this regard. Possibly then we could hold this particular matter over until we arrive at the point of Justice which will be coming up in the five-year agreement later on in the session.

Chairman: Are you agreed on this, gentlemen?

All: Agreed.

Mr. Shaw: Would you make a note of that, Mr. Chairman, so that we won't miss it.

Legal Adviser: Mr. Chairman, do you want to go to P.A. now or do you wish to go to Mr. Shaw's remarks?

Mr. Shaw: Mr. Chairman, could you also make a note in relation to discussion on Legal Aid?

Legal Adviser: May I, Mr. Chairman, take that as advance notice of an opportunity to be present at the discussion on this. I will try to get for you a summary of how Legal Aid works in one or two other places. This has been the subject of great study in the past. I think the ratio of expenditure on, prosecution to defence, we do supply certain legal aid in the Territory, is something like \$35,000 for the prosecution and \$4 - \$5,000 for defence. But, that is only on criminal matters. I would like the opportunity of discussing the provision of Council for litigants who have not the type of money to assert their rights. If you are going to have an expensive corrections programme to correct those people who do find their way to jail, it is only logical to try to keep as many out of jail through accident, convictions, etc.

Mr. Shaw: Mr. Chairman, I very much appreciate having Legal Adviser in on these discussions to enable us to get all facets as possible.

Chairman: Any further discussion on this particular subject, gentlemen?

Mr. Taylor: Just one more thing before Legal Adviser leaves us, Mr. Chairman. I wonder if he could find the time to look at Section 8 sub-section (1) of the Public Service Ordinance in the light of what we have been discussing as it affects the employees and this would affect other departments as well and would he consider a repeal advisable regarding this section?

Legal Adviser: I certainly will do this.

Mr. Boyd: Is the Federal Government hiring a Territorial Legal Adviser? Have they not been Territorially employed before?

Mr. Clerk: Never.

Mr. Boyd: Never! Rather strange.

Mr. Shaw: Mr. Chairman, it is very necessary and just as soon as possible to get the Department of Justice up to the point where it affects the Territorial Government. I don't refer to the functions of the Judge except that they must comply with the standards listed, but we are in a position where we ask an employee advice on a particular matter; an employee of the people that is, we may have a dispute with. As far as Ottawa is concerned, we have many. The advice he gives us puts him in a untenable position and he might feel like saying these people are absolutely wrong, I agree with you and we will take this action but his hands are restrained. That's obvious. He gives us the best possible advice that he can on a situation but he is not in a position to implement any action that would not be acceptable to his employees. Therefore, at the first possible time, we should have this department as a part of the Territorial Government, and the Senior Legal Adviser would be part of the Government by and on behalf of this Government. I cannot see the objections to the gentleman receiving remuneration from the Federal Department. Why should he not be an employee of the Territorial Government? Possibly I am not making myself very clear but that I think is what we should endeavour to aim at. As an excellent illustration - our Legal Adviser, I think I am correct, is part of the Department of Justice and here we have a policy of the Northern Affairs Department mixed up with something else now who advise one thing that it should be done this way but is not aware of any part of it! It's absolutely strange. You don't let your right hand know sort of attitude. There can be no efficiency in situations like that. Therefore, let us start at some place and see if we cannot get it straightened out.

Mr. Taylor: Mr. Chairman, I wouldn't wholeheartedly agree with Mr. Shaw's last remark. I don't think that we can approach Ottawa strongly enough to have them straighten this situation out. The only way we can solve this problem is to make it a Territorial position and bring it under our control. But, gentlemen, you must remember, the Federal Government do not wish to give us any autonomy whatsoever and grant us some controls in the Department of Justice.

Mr. Shaw: Mr. Chairman, I realise that this is not their desire or viewpoint. It is just a matter of continually bringing this to their attention. You never can tell. The walls might crumble, one of these days!

Mr. Boyd: There is a Motion in that the Territorial Legal Adviser be Territorially employed. I think it is up to us to pound on this Motion and see that we not only get one answer, but several answers. If the first one is not good enough, go for another one and stay with it.

Chairman: Are you all agreed on this, gentlemen?

All: Agreed.

Chairman: The next item is Vote No. 16 - Public Administrator. Bill  
Do you have any comments on this, gentlemen? No. 2

Mr. Taylor: Just as a matter of interest, I wonder if Legal  
Adviser could tell me, approximately how many estates are  
handled by this Department in an average year? (Vote No. 16)

Legal Adviser: Mr. Chairman, I've put together here a memorandum which shows the type of figures we deal with. For the

period April 1 to October 31 this year - 7 months - during this period the funds in trust were \$45,600. Remittances handled in that period were \$53,500. Requisitions for the above period was \$6,575. Costs for maintenance, etc., to the Territorial Government was \$10,054. Other requisitions in the course of administration was \$60,194. So, our cheque requisitions were in the order of \$76,800. At the close of this 7-month period, funds in trust were down to \$22,300. Securities held at October 31 - Canada Savings Bond, \$21,250. It has two shares in a company with multiple value. Shares in companies having no present share value is \$16,918 pieces of wallpaper. We can't even get any price on most of it. Certificates of Title of various property - we've 8 duplicate certificates. We've some jewellery, we've some personal effects for 13 estates and personal papers from 41 estates. People disappear and we don't want to burn the envelopes for some day someone might turn up and say, "what happened to my uncle?". In addition, we have a few Court's Claims for sale. We find these very difficult to get rid of. Number of estates open: deceased estates 23, insane 4, missing persons 2 and that comes to 29. Number of estates closed: deceased 33, insane 8. That makes 41 closed estates for the 7-month period and 29 open. Number of estate files current: deceased 46, insane 10, missing 2. We generally have around the 60 mark files going through. Now, I draw your attention to the fact that we have got a supplementary in here. When we made our initial estimates we didn't have any background of experience and we found that we always had to pick up a certain amount of backlog work. In the past we have done this in effect, by temporary hiring: this gives an unsatisfactory result. However, it's all like Parkinson's Law. There is a backflow of paper. The accounting is done, and I'm very grateful for this, through Treasury but Treasury requires estimates about once a month in which a couple of days is lost because we have to find out what expenditures we are going to make and so on. This is quite right but it does lose a little time. The complexity of the work tends to increase with the newer estates because they would probably spend two or three months writing down income tax. With the oldtimers, administration was a lot simpler. They died and probably they didn't have any income tax worries. Today, you have all sorts of correspondence. Anybody in charge of personnel would be familiar with the sort of letters we write. We write to all the Banks; all Mining Headquarters and advertise notices of deaths, creditors and so on. We prepare the accounting which is sent to all the beneficiaries, we prorate where the estate is insufficient. This is the type of work that goes on. Gradually, I am sorry to say, we have been forced into the position where we have got to have a permanent backer on the staff. When one girl is off sick, it takes up to three months to dig our way out of the pile paper. That is if she is away for say, two weeks. I don't see how, with the takeover of paper work from the other departments, see how we can avoid asking for a second in the permanent situation. This is particularly multiplied to me because I have the most frugal use of how many staff you can get by with. But this one is drawing a little bigger than I can manage, because I can't devote adequate time to it. I discuss things in principle, make decisions, and chase the work around but I can't get into detail any more. It is just too much. The other jobs that I have involve me too much. About 60 estates is a fairly standard figure. I think in Mr. Wylie's day, there were something like 80 when we took over but we have been working them down, and eliminated a lot of storage. If you remember, I asked for some filing cabinets last year. By going back through our files and eliminating a lot of the stuff, we have cut down on our filing cabinet space. This is a little progress.

Chairman: Anything further, gentlemen?



All: Clear and agreed.

Chairman: As we have no further use for Legal Adviser at this time, gentlemen, could he now be excused?

Mr. Shaw: Just one remark I would like to pass. I think that it is quite understandable. It has been explained to us exactly what the score is.

At this time, Legal Adviser was excused.

Mr. Taylor: Mr. Chairman, I understand we have Yukon Regional Bill Library and Travel and Publicity to discuss. Possibly we should go on to Regional Library.

No. 2  
(Vote  
No. 14)

Chairman: Are we agreed on this, gentlemen?

All: Agreed.

Mr. Taylor: I wonder, Mr. Chairman, where oh where has our Treasurer gone?

Mr. Boyd: Well, Mr. Chairman, I don't see any necessity to have Mr. MacKenzie back.

Mr. Taylor: I was also wondering about debt redemption, loans and investments and so forth?

Bill  
No. 2  
(Vote  
No. 19)

Chairman: Did you want to take up this Library item now, gentlemen?

All: Agreed.

Chairman: Mr. MacKenzie was supposed to have been at the table by 4 p.m. Do you think that it is worthwhile getting him now?

Mr. Taylor: It seems that we do have 15 minutes in which we can devote to this.

Mr. Boyd: Well, Mr. Chairman, if we call him down it will be 10 minutes before he gets here and I doubt if it's worth it.

Chairman: What is your pleasure, gentlemen?

Mr. Shaw: Mr. Chairman, we just have one change, loan interest \$2,502.74. It seems hardly worth while bringing a man down for \$2,502.74. I would be prepared to accept that.

Mr. Taylor: Mr. Chairman, I wouldn't and I think that just in the event there may be some questions to be asked in relation to these investments, loans and whatever we should have Mr. MacKenzie with us.

Mr. Shaw: Well, I don't want Mr. MacKenzie for this. I'm quite satisfied to accept this. But, if the member for Watson Lake has some questions to ask ...

Chairman: Could we get Mr. MacKenzie, Mr. Clerk?

Mr. Taylor: Just a minute, Mr. Chairman. I didn't say I had questions to ask. But I say that perhaps some members may wish to ask questions.

Discuss- Mr. Shaw: This has all been discussed already. All these  
ion figures but one.  
re  
Bill Mr. Boyd: Let's get this thing straight. I can pass this  
No. 2 \$2,500 without asking anybody any questions and I'm not  
(Vote interested in what went on last summer. Can we get this off  
No. 19) our chests, right now.

Chairman: Well, gentlemen, are you all clear on this Vote  
No. 19 - Debt Redemption, Loans and Investments for Loan  
Interest at \$2,502.74?

All: Clear.

Re Mr. Thompson: Could I ask, Mr. Chairman, what happened to  
(Vote Vote No. 14? Did anybody clear that one or did we just ....?  
No. 14

Chairman: What was that?

Mr. Thompson: Library books for Elsa.

Chairman: Yes, it was cleared.

Mr. Thompson: Well, I didn't hear anybody saying "clear"  
or .....

Mr. Boyd: I would move that Mr. Speaker do now resume the  
Chair and hear Report from Chairman of Committee.

Seconded Mr. Thompson.

Mr. Speaker: Well, gentlemen, you have heard the report from  
Chairman of Committee are you all agreed on this?

All: Agreed.

Mr. Taylor: Mr. Speaker, I would suggest that we continue  
with Bills, Sessional Papers, Motions and memoranda.

Mr. Speaker: When would you suggest?

Mr. Taylor: I would suggest possibly Monday morning.

Mr. Speaker: Our schedule calls for attendance each day of  
the Council and I would feel that if it was not the Council's  
pleasure to meet tomorrow, then a Motion be proposed and we  
can go from there.

Mr. Taylor: Mr. Speaker, I would move that Council sit again  
at 10 o'clock Monday morning.

Mr. Thompson seconded the Motion.

All: Agreed.

Motion Carried.

Mr. Speaker: This Council now stands adjourned until 10 o'clock  
a.m. on Monday, November 29, 1965.

Page 439.  
Monday, November 29, 1965.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call the Council to order and we will proceed with the first item on the Agenda which is correspondence. Mr. Clerk.

Mr. Clerk: Yes, Mr. Speaker, I have one Sessional Paper No. 40, dated November 26. It is a reply to Question No. 5 "What, if anything, has been done re the Elsa school situation?". The next one is Sessional Paper No. 41 dated November 26 on Question No. 12, Closing of Streets. And, a memorandum dated November 26 on Question No. 13, White Pass land in Whitehorse Area which reads "During the period November 1, 1963 to October 31, 1965 there were nine transfers of land, being sales by the British Yukon Navigation and The British Yukon Railway Companies in the Whitehorse area, registered in the Land Titles Office. During the same period there was one lease registered. There may, of course, be leases or Agreements for Sale not registered in the Land Titles Office. White Pass would be the only source of this information". That's all I have this morning, Mr. Speaker.

Sessional Paper #40  
Sessional Paper #41  
Reply to Question No. 13

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees? We have no Bills to introduce. Have we any Notices of Motion and Resolutions?

Mr. MacKinnon: I beg leave to give Notice of Motion re Pelly River School. I beg leave to give Notice of Motion re Additional Street Lighting at Carmacks.

Notices of Motion #25 and #26

Mr. Speaker: Have we any further Notices of Motion? If we have no further Notices of Motion, we will proceed to the next item, Notices of Motion for the Production of Papers. We have no Motions for the Production of Papers, in fact we have no Motions other than in Committee. The next item is Questions. Have we any Questions?

Mr. Boyd: Yes, Mr. Speaker, Question No. 2 on the list here...you will notice that it has been quite some time since this Question was asked and it is my Question. I gave notice to Administration approximately two weeks prior to the commencement of this Sitting hoping that I would have an answer to the Question before we go home. I wonder if we can find out when we can expect an answer.

Re Question No. 2

Mr. Speaker: Mr. Clerk, could you answer Mr. Boyd. It has been a month now, I believe, since the Question was raised and he is wondering when an answer would be forthcoming.

Mr. Clerk: I will endeavour to find out Mr. Speaker.

Mr. Speaker: Thank you Mr. Clerk. We are still on Questions. Mr. MacKinnon.

Mr. MacKinnon: Mr. Speaker, I have a Question re Election Costs... "What is the cost of a Territorial Election in the Yukon to the Federal Government?" I have another Question, re House Wiring... "Does the Indian Department plan to continue their House Wiring Programme of Indian homes. If so, is Haines Junction Village going to be wired next spring?"

Questions No. 19  
No. 20

Mr. Speaker: Thank you Mr. MacKinnon. Have we any further Questions.

Mr. Taylor: I have one question, Mr. Speaker. I believe we have a Cabinet Minister, our good friend the Minister of Citizenship and Immigration, in the area at the present time, and I am wondering if we will be given the courtesy of a visit from this Gentleman so that we may discuss first hand and here at home some of the problems relating to the Yukon Territory and Indian Affairs in particular.

Mr. Clerk: I have information this morning that the Gentleman left yesterday morning. He came in on Saturday and had to leave...he was rushed out...on Sunday morning, and I heard via the grapevine this morning that he had to go to sign an Agreement somewhere in Manilla or somewhere like that on behalf of the Government.

Mr. Speaker: Thank you Mr. Clerk. Does that answer your question, Mr. Taylor?

Mr. Taylor: It certainly does. The same old nonsense we have been getting from Ottawa for a long time.

Mr. Speaker: Are there any further Questions? If that concludes the Questions, gentlemen, what is your pleasure now? We have all the Bills processed.

Moved by Councillor Taylor and seconded by Councillor Boyd that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to study Motions, Bills, Sessional Papers and Memoranda and most particularly Bills.

MOTION  
CARRIED

MOTION CARRIED

The motion is carried and Mr. Southam will now take the Chair.

Mr. Southam: I will now declare a five minute recess while we get organized.

Mr. Southam: I will now call the Committee to Order. We have the Legal Advisor, Mr. Hughes, with us. What is your pleasure?

Mr. Taylor: I would suggest that we proceed with Bill No. 4, Mr. Chairman.

Re Bill  
No. 4

Mr. Southam: Bill No. 4, gentlemen, "An Ordinance to Amend the Evidence Ordinance". (Reads Bill No. 4 and the explanatory notes). Any discussion, gentlemen?

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Legal Advisor. Am I to understand that a Notary Public in the Yukon cannot witness and take Oaths with respect to Land Mortgages and this type of thing? What is the restriction, if any?

Mr. Hughes: Well, Mr. Chairman, the reason I put that into the Explanatory Note is because Notaries in some parts of the country do engage in actual conveyancing work. This is one of the functions. In Ontario, in the outlying places, where they didn't have lawyers in the old days, the Notary used to do a lot of legal work and the idea is now, in the Yukon, that he witnesses the very formal documents. As a



Mr. Hughes continues:

rule, these documents are for use in other Jurisdictions. Re Bill  
There is no question that he can't witness or take the No. 4  
Affidavit of a realty transaction.

Mr. Shaw: Then this means that this would extend the field actually to what it is at the present moment...the Appointment of Notary Publics. At the present moment, he has to be a Canadian Citizen but now he could be a British Subject and doesn't have to be necessarily a Canadian Citizen. Is that correct?

Mr. Hughes: That is correct. Before one could become a Notary Public, one had to be a Canadian Citizen which always involved a minimum of four or five years before you could qualify and we tried to widen that because we do have many people come to the Yukon who have come from other parts of the world and it might be useful up in the mining areas to appoint them Notary. They might be quite well qualified apart from the fact they haven't been here long enough. We don't make many Notarial Appointments a year, of course, but it would be nice to have that bit of flexibility.

Mr. Boyd: Mr. Chairman, we are quite prepared to let the man take a high field when it comes to signing his name on documents but we're afraid to let him become a Canadian citizen for four or five years. Why not change this aspect of it? Is it wrong to have him wait four or five years? Must we make changes along these lines simply because we won't let him become a Canadian citizen? I don't know so much about this.

Mr. Hughes: Mr. Chairman, the conferring of Citizenship is something that, at this level, we can't control. It is a Federal matter. There is some reason to think that the Immigration Authorities wouldn't concede any authority to the Territory on this point. It is something we can't very well alter at this level. So, I will make a note of the comment, but we can't do very much about it.

Mr. Boyd: There is one more question. I would like to know where this Bill originated from, whose brainwave it is and where else does this condition exist in Canada that it is intended for us to deal with here?

Mr. Hughes: The brainwave, I must confess now in embarrassment, is mine because I could see an inequity here. We allow people, for instance, to come here and become lawyers and they can become Commissioners, but until they are Canadian citizens, they can't become Notaries. This surely is an inconsistency that we allow them to be more responsible for the person but they depart from being appointed as a Notary. It was this, an actual case, that set me thinking about it. There is nothing that we can do to reduce the four or five year waiting period so one could only reduce the disqualification that prevails. We did have one lawyer who was qualified in Britain, qualified in B.C., and he's only been over here a couple of years. He will have to wait, under the present Law, another two or three years before he can be made a Notary. In the meantime, he's practicing. This is rather absurd. It was as a result of this that I began to think about the problem. He can take your Affidavit as a Commissioner but he can't act as a Notary and it struck me there were many cases where this actually happened, where we wanted Notaries in the up-country. We can appoint almost anybody as a Commissioner for the purpose of recording mine claims on an emergency basis or appeal such, but when

Re Bill  
No. 4

Mr. Hughes continues:

it comes to a Notarial Appointment, we can't do it. Now this is pretty inconsistent. What the position is elsewhere, I don't know. I am only concerned with sorting out the problems of the Yukon and I am sure that if they do have this problem in Ontario, I will try and find out what they have done if that's your wish. But, we do have this actual instance in the Yukon and I am a part...there are many people who are not Canadian citizens. there's the gentleman who found Mount Freegold, I think, Mr. Fritz Gruder, as an illustration of how long people will go in Canada without becoming citizens....they become accustomed to not being citizens. He had been in this country something like twenty-five or thirty years, decided to go for a trip to the United States and he was met at the border with the usual inquiry "Where were you born?"...."Somewhere in Germany or Czechoslovakia". They said "are you a citizen?"...he said "citizen, no". They said "Sorry, you must be an alien or something" and sent him back.....a man who actually lived here twenty-five or thirty years. These are the instances of the difficulties...people who have been here for a long time just don't get around to taking out their Papers.

Mr. Thompson: Well, Mr. Chairman, I think probably the Legal Advisor digressed slightly there as far as...instead of taking out Citizenship Papers...I don't think this has any bearing on this. But you did make reference to the fact that this Amendment to the Evidence Ordinance was based on an actual case and I am wondering if this actual case that you referred to is where it was a lawyer or was it somebody else?

Mr. Hughes: Not based on an actual case. It was the actual case that started me thinking about the problem. The actual case, of course....the first thing was this lawyer when I actually wanted him to notarize something, he said, "I can't notarize it", and I said "Heavens, why not?".... "I'm only a Commissioner" and pointed out to me what I had completely overlooked....until he became a citizen, he couldn't be appointed as a Notary. Consequently, that's why I started thinking about it.

Mr. Boyd: It says here unless he is a Government employee. I understand that the Government doesn't hire anybody unless he is a Canadian citizen....thinking mainly of the Army and such places. I know of one incident where an Englishman came over here and had to wait quite some time but this condition exists all over the rest of Canada and I think there are lots of people who can sign who are Canadian citizens. I know of some that are not so-called Canadian citizens...I don't think I would be in any hurry to give them too much power. I think they could afford to wait until they do become Canadian citizens. Maybe, if there's something wrong with our setup, the thing is to get arrangements made whereby they will become Canadian citizens sooner than the four or five year period. You say you can't do anything about that. Well, maybe you can't, but I don't think that we should be turning corners just to oblige a five-year wait for a British subject.

Mr. Hughes: Mr. Chairman, on the question of whether the Government will employ, shall I say, short-term arrivals... this is the policy that they won't but they do make exceptions, if a person is, shall I say, an expert or the only person available in a particular field. There are, as usual, ways around the normal policy line; but the only difference between somebody coming from Britian and somebody coming from Hungary or some other place, is that the British person doesn't have to appear in Court and make an appearance before a Territorial Judge...he completes his acclimatization in four years instead

Mr. Hughes continues:  
of five. That's the only difference there. Now, with regard to this Amendment, as I say, it is brought before you because I did encounter one difficulty. I am not pressing the matter. It is something I thought could be conveniently looked at and dealt with and if the Council feels that we shouldn't disturb the present Laws, well, let it lie. I have only got the one instance of the actual case although I am aware that we are a little, well not actually, but there are potential cases handled in the scope of our Appointments for Notaries in other parts of the country. I can't give you the Chapter or the verse as an example sort of thing. With regard to the fact that a person is an employee of the Government of Canada, Council may like to look at that and decide why should a person who is not a resident of the Yukon but is employed in Ottawa be appointed a Notary under our Ordinance. It is customary for a Notary to reside in the area and to practice in the area under which he has Notarial authority. I am a Notary, for what it is worth, in Ontario but it is as much as my profession is worth to exercise that Notarial power in a very clear mandatè unless I was in Ontario.

Mr. Taylor: Mr. Chairman, I have a question...when you consider, for the purposes of this Ordinance, does a employee of the Government of Canada include an employee of the Territorial Administration Government.

Mr. Hughes: For the purpose of this, I would be of the opinion, no, it doesn't, but presumably, he would be residing in the Yukon.

Mr. Shaw: Mr. Chairman, I would like to, before I go further, I would just like to have a question answered if possible and directed to the Legal Advisor...the Justices of the Peace in the Yukon, do they necessarily have to be Canadian Citizens or can they also be Canadian citizens or other British subjects...or is that too involved?

Mr. Hughes: Mr. Chairman, I have no answer at all on that. I could only hazard a guess and why trouble you with a guess at this atage.

Mr. Shaw: Mr. Chairman, it appears that we have a complexity here. For example, persons whose livelihood is made by.. lawyers, for example, it is part and parcel of their livelihood to be a Notary Public. Now, I am very much of the opinion, generally speaking, that a Canadian Citizen..that's something that's worth having...that citizenship...if you are not born in the country and that just because a person happens to be going through and he is a British subject, he wouldn't have exactly the same status in Civil matters such as this and I feel myself, personally, that the Canadian citizen part of it is a good thing to retain as it was. However, we do have another matter such as a person who comes in to practice law...this is part of his job. The Laws of the Territory permit him to be able to practice in that particular profession, and to exclude him from being a Notary Public, does appear to be not very sensible, let's put it that way...or reasonable. I would like to ask the Legal Advisor, if it would be possible to amend this Ordinance in perhaps another manner. In other words, leave Section 68 exactly the same as it is and then possibly get another Section in there that when a man is residing in the Territory, practicing Law, and is a British subject, Canadian or British subject, then he may be able to get this particular Appointment. That would clarify it. It would keep it within the scope of what it is apparently intended for, and I think it would solve the question rather than just having any other British subject.



Re Bill  
No. 4

Mr. Hughes: Yes, that is perfectly possible. The reason I didn't put it before you in that way...I didn't want to be accused of providing an umbrella for lawyers and not offering the same opportunity to people who weren't lawyers. I felt that it should be as broad as possible, but certainly one could cure the position along the lines as suggested by the Council. The question just asked of me as to whether a person has to be a Canadian citizen, I think I can answer that...to be appointed a Justice of the Peace...Section 40 of The Yukon Act says the Government in Council may from time to time appoint any person to be a Justice of the Peace in and for the Territory to hold office during pleasure. So, subject to any policy discretion, any advice that is given to him, he could appoint a Hottentot as far as I can see.

Mr. Shaw: Mr. Chairman, it's just as usual....now I wonder how that would apply. Now we have an Appointment of a Justice of the Peace...now, that's quite an important... that's a man who's supposed to have quite an amount of integrity, ability, impartiality and various and sundry other qualities...I would say many more qualities than would be necessary in a Notary Public, yet he can, the Legal Advisor has said he could be a Hottentot or a Zulu or something else, and yet with a Notary Public we do have these restrictions. It appears that it's just a rather peculiar situation on who has the, where the law is applied, whether they are Territorial Laws or whether they are Federal Laws... they just seem to conflict continually. If that is the case, I can't see any damage to just leaving "or other British subject" in this particular Ordinance. It practically relates to the same thing but to a lesser office than a Justice of the Peace.

Mr. Boyd: These Laws, as you go, they seem to get me bewildered. You recall a paragraph there, Mr. Legal Advisor.. I dare say that if you go down further, which seems to be the case in...every time I turn around at least...you will find another one that contradicts it or it makes another opening and so on. I don't know, I wouldn't feel very happy if I was on charge and I had a Zulu or some such type of person telling me I'm guilty and he doesn't even belong to the Country. I don't think....I don't swallow this either. I am not for this Bill period.

Mr. Taylor: Mr. Chairman, it seems to me that the suggestion as put forth by the Honorable Member from Dawson could possibly receive a little consideration and possibly the Bill could be amended in this manner.

Mr. Thompson: Mr. Chairman, the other question that I had to ask Mr. Legal Advisor was is it because of our great distance from Ottawa that the last line is in this Bill "is an employee of the Government of Canada". Is this so that when documents go back to the Capitol that the people sitting in the Ivory Tower have the authority to notarize these documents?

Mr. Hughes: I can only theorize about the history...why it was put in there, but Council will remember that the Administration land, the granting of Letters Patent, the Control of Resources, in all these areas of work where you are likely to need a notarized document as distinct from one which is sworn in front of a Commissioner, that Ottawa has still retained a measure of control and, therefore, at the Ottawa end, there will be functions where they would want to prepare notarized documents on occasion. Perhaps those occasions are not as frequent as they used to be, perhaps

Mr. Hughes continues: Re Bill  
the need for that inclusion of the Government employee is No. 4  
not related entirely to the Ottawa end, but because they do  
transfer Federal Civil Servants in here who take on differ-  
ent offices...for instance, Mr. Mr. McCall was moved here  
and took over a Land Office function and he would require  
Notarial powers but then he moves away...what is to become  
of his Power? Will they travel with him or is he to sluff  
them off? It might be convenient for a while at least that  
he retains these powers. I am only guessing. I must say  
that I am not very impressed with the attempt to rationalize  
why they retain this power. You may very well think that  
they have had this power too long. This is your decision.  
I would like though, before you move to take that power  
out, to ask Ottawa to justify why they have it in. I must  
impress upon that point. I can't readily see why they should  
have it but the fact is that it is there, presumably at one  
time, there was good reason for it. If you want to chop it,  
you can do so, but before you do that, perhaps I could at  
least make a telephone call and ask them why they have it in.

Mr. Boyd: Now we are finding out that even though this is  
the Legal Advisor's brainwave, Ottawa seems to have consider-  
able say in what went in the Bill. So, it is not only Mr.  
Legal Advisor's brainwave. I'm through discussing this Bill,  
I am going to vote against it - period.

Mr. Hughes: Well, Mr. Chairman, the wording of the end part  
is exactly the way it was before. The only thing, my poor  
little brainchild, was only on this question of British,  
being British subjects, that's all. The wording before was  
"is an Officer, Servant or Employee of the Government of  
Canada". So, we dropped off "Officer and Servant" and made  
it just straight "Employee". But, that's just a bit of  
tidying up of words. It doesn't change the principle of  
are you going to allow the special Notarial privilege for  
a person who is an employee of the Government of Canada? Is  
that to be the criteria? Or, will you say he has to be a  
resident of the Yukon, or he's got to be a British subject or  
a Canadian Citizen?

Mr. Shaw: Mr. Chairman, in practical application to this,  
I think that "is an employee of the Government of Canada"  
applies to outlying areas where there is a Mining Recorder  
or a Mining Recording Office. Ever since I have been in the  
Yukon, they have been in the Yukon, they have always assured  
that one of the persons employed in the Office was a Notary  
Public for the simple reason that quite frequently there are  
transfers of different documents, and when a document is some-  
thing that pertains or emanates from outside of the Territory,  
it requires a Notary Public for signature and, therefore,  
the Mine Recorders, generally speaking, the men trained in  
this particular matter...of documents...made them out and,  
therefore it was a very sensible arrangement for to have  
these people with these powers. I don't think there is any-  
thing wrong with it and I don't think it is abused. But, to  
go back to the other matter, I do feel that if we give a  
Licence, or whatever you might call it, to a person to prac-  
tice law in the Territory and who resides in the Territory,  
that a Notary Public could almost automatically go with the  
same thing. Perhaps, if there were a change made in relation  
to the Act whereby he acquires the powers of a Barrister or  
Solicitor, or whatever they call it, that that in itself  
could qualify him to be a Notary Public. It's actually not  
a great deal different to a Commissioner for Oaths, except  
that the power extends.

Mr. Southam: At this time, gentlemen, I will call a five  
minute recess.

29th November 1965  
Monday, 11.00 o'clock am

Mr. Chairman: We were discussing Bill #4 and we will take Discussion  
up where we left off. Bill #4

Mr. Shaw: Before we kick this out or take any drastic measures would it be possible for the Legal Adviser to present something like I suggested in a form palatable to all members?

Mr. Boyd: We are told that it is never wise to be hasty. I am rather inclined to get it in for this session - let them take their time. It's been going on for a hundred years. Next session we'll have it without it being sent back half a dozen times for amendments.

Mr. Thompson: I will have to concur with Mr. Boyd. My only suggestion is that it should read 'no person shall be so appointed unless he is a Canadian citizen and resides in the Yukon territory.' I think this clarifies it quite ably. If they're an employee of the Government of Canada and they live in the territory - that's fine - they're covered under these contingencies. But I cannot see, and I quote Mr. Legal Adviser who says that by being a Notary Public in Ontario does not qualify you to be a Notary Public in the Yukon. Therefore I can see no reason why a former land agent in the Yukon should continue to be a Notary Public while he is residing in Ottawa, and not only that but in an entirely different function in the Government in the east. So this is my suggestion.

Mr. Shaw: These Notary Public certificates in the Yukon territory are always at the pleasure of the Commissioner. It would appear to me that it would not be fulfilling the functions that it was meant for and that it would be more or less the duty of the Commissioner or the duties of somebody to advise the Commissioner, and that that would be taken away rather than have it continue in some other area or in an area in the territory where it was not required or where it was not part of his functions to conduct himself in that manner.

Mr. Legal Adviser: May I put on my Legal Adviser's hat and say that I can see no objection to the suggestion made by Councillor Thompson and then put on my Administrative hat and say I can't see any reason why I should advise the Commissioner not to accept it on a policy, so I am giving a double-barrelled assurance that the suggestion made by Mr. Thompson appears quite acceptable, feasible and legal. I have noticed that the matter be brought up at the next session but it has already taken up quite a lot of the Committee's time and I think I now have the sense of the Committee's views and I will do my best to meet those in further legislation.

Mr. Thompson: Then further to the Legal Adviser's comments I would just like to make a motion to that effect: that the ordinance to amend the Evidence Ordinance be amended as follows ' that Section 68 of the Evidence Ordinance is repealed and the following substituted therefore : 68. The Commissioner may by one or more commissions appoint Notaries Public for the territory but no person shall be so

appointed unless he is a Canadian citizen and resides in the Yukon Territory.'

Mr. Boyd: I second that motion.

Mr. Shaw: This is going to create a little confusion by the fact that where we have these, it's fine in Whitehorse - no problem-you get all kinds of notaries, but when you get into the outside areas such as Mayo, Watson Lake or Haines Junction where they have mining recorders' offices and the recorders themselves haven't the power to do these things themselves, it is going to make it extremely awkward. I would ask you to consider this without taking drastic action and get possibly the reasons first why an employee of the Government of Canada - now maybe it's quite possible that the reasons are justified in which case Committee can act accordingly but they may be very very good reasons, and until we hear of these reasons I certainly must vote against it until I could get all the facts of the matter and that is one thing I would like to hear.

Mr. Boyd: The motion does not restrict a Government employee from what he says in (b) 'only a Canadian citizen and must reside in the territory.' He could work anywhere in the country but he must be a Canadian citizen and I think likely you will find that your mining recorders are all Canadian citizens and will always be Canadian citizens on the policy that is now being exercised unless they divert for special reasons.

Mr. Taylor: In conclusion my remarks in respect of this bill would be that I am satisfied now that the change is a good one and I would certainly support the motion. I think that this can be amended at this time in this manner without it being left over until the Spring session. As you know we are having a very difficult time getting bills through Ottawa and I think this is one we can deal with right now at this session.

Mr. Boyd: I am wondering whether this motion doesn't leave the situation right back where it was before we got this bill here. Maybe the motion is meaningless.

Mr. Legal Adviser: I understand that you now have before you an amendment to the bill proposed and seconded and I assume that Councillor Taylor was talking about the motion on the amendment. You may very well wish to proceed to vote on that amendment now; it is the one that Councillor Boyd has seconded. The change is simple, clear-cut and as a practical matter I do not see very much difficulty in the case of the mining recorders, land agents, because they are resident and unless there is a big change on Immigration policy they will be Canadian citizens, so they qualify under both headings and you are indicating to those people concerned that the mere fact that they are employees of the Government of Canada doesn't confer a universal passport on them to assume rights which are not available to other people. You may think this is in line with the Yukon's policy of self-assertion.

Mr. Boyd: It seems to me that the Commissioner may appoint now already any Canadian citizen to this position as long as he resides in the territory. Isn't that already the rule?

Mr. Legal Adviser: The Commissioner has that power but at present he can also appoint an employee of the Government of Canada even if they don't reside in the territory. The motion would take away that power.

Mr. Chairman: I have a motion before me moved by Mr. Thompson and seconded by Mr. Boyd that Section 68 of the Evidence Ordinance is repealed and the following substituted therefore. "68. The Commissioner may by one or more commissions appoint Notaries Public for the territory but no person shall be appointed unless he is a Canadian citizen and resides in the Yukon Territory". Is there any more discussion on the motion?

Mr. Shaw: The fact that a person residing in the territory can practise as a barrister and cannot use the Notary Public facilities seems a little inconsistent with the situation. Can the Legal Adviser present something in the other particular act that will make that more consistent with the man's profession?

Mr. Legal Adviser: I would certainly introduce it into the Professions Ordinance if that is Council's wish, however as I pointed out I was trying not to confer a special benefit on lawyers and I would point out of course that as a lawyer who cannot notarize documents he is a little limited in the services he can offer. It may be perfectly fair to the lawyer but you may feel it is unfair to the client. If I could have an indication that I may bring back in the Spring a change in the Professional Ordinance we can do it then but again I didn't want to make it a nice thing for lawyers and exclude people who wanted to set up in business as insurance agents or real estate agents and limit them.

Mr. Boyd: Can a lawyer who is not a Canadian citizen be admitted to the Bar?

Mr. Legal Adviser: Yes. For instance if you become a naturalized Canadian citizen you really have to be a foreigner. It's a highly technical question as to whether I myself could be a naturalized Canadian citizen having been born a British subject. You had to be a non-British subject before but the practice has grown up and accepted this. There is a sixty-year precedent for this.

Mr. Taylor: I think then that if we were to carry on with the motion, possibly Mr. Legal Adviser could look further into this question of lawyers and Notary appointments and may submit something for study at the Spring session.

Mr. Thompson: Here again I would be a little hesitant to give this Notary Public power only to lawyers. I feel that there are other people in business just as the Legal Adviser has mentioned - insurance brokers or real estate men - who in all probability have just as much opportunity to notarize documents without going to a lawyer and, in most instances, your law firms consist of two or three and sometimes four persons and it seems very inconceivable that the new one who hasn't got the authority can't even push a button on his desk and have the girl pick it up and take into one of his partners' offices and have it notarized and brought back in a matter of thirty seconds. I can't see what our problem is. If you are going to

open it up for lawyers so I would also suggest that you also say that it would be quite in order for real estate agents, insurance agents and anybody else who might be coming into the country and like these benefits bestowed upon them.

Mr. MacKinnon: Well, I have been sort of baffled listening to all of this. My own personal opinion is if a man is worthy of an appointment or a job and if it becomes necessary for him to become a Notary Public, there should be nothing to stop him from becoming just that.

Mr. Chairman: Are you ready for the question?

Committee: Question

Motion  
Carried

Mr. Chairman: All in favour

Committee: Agreed

Speedometer  
Testing  
Demonstra-  
tion

Mr. Taylor: I believe we were to get some further information on a section of the Motor Vehicle Ordinance which was Bill #5 with respect to the appointment of a tester.

Mr. Legal Adviser: I saw the Inspector of the RCMP and he said that at your convenience he could arrange for a demonstration of these machines so that you could see how they worked and then see the problems related to the testing. This could be laid on if you give me 24 hours' notice.

Mr. Chairman: Are you agreed for the demonstration?

Committee: Agreed

Mr. Legal Adviser: Could you fix a time?

Mr. Taylor: I would suggest tomorrow afternoon at 2.00 o'clock.

Mr. Chairman: Are you all agreed?

Committee: Agreed

Mr. Chairman: What is your pleasure now, gentlemen?

Discussion  
Preferential  
Licence  
Plates

Mr. Thompson: Last session I proposed the motion asking that the Director of Motor Vehicles set up ways and means whereby people could obtain preferential licence plates or numbers and this motion was passed but it didn't get very far because the Director of Motor Vehicles deemed it inappropriate and inadvisable at the time because of the lack of time between the presentation of the motion and the time the licence actually came on the market. Now I see we have an additional provision in the budget for \$1200. for additional help during the licencing period and I am wondering if he has considered the matter at all or if this is a dead issue at this time.

Mr. Clerk: I can only say that we did give it very full consideration and discussed it thoroughly with the Commissioner and the Treasurer and considered various ways of making numbers available to the public. I know that in some jurisdictions they do make various numbers available to the public at an additional charge but it was felt, and I concurred with this feeling, that we wouldn't derive enough additional revenue compared to the extra burden of administration in my office to warrant it so the matter was

left.

Mr. Chairman: Does that answer your question, Mr. Thompson?

Mr. Thompson: Yes. I don't argue with the findings. This is another instance where the Administration is telling the people of the territory where to go and how to get there. I would like to point out to the Director of Motor Vehicles that approximately the same situation occurs in Dawson now when anybody who wants to write to Dawson to get a preferred licence number starts about this time of the year and they go on a list just like anybody else and when the licences come out I imagine it is a matter of first come, first served except the more preferential ones who receive the same number over and over again. My thought was that 150 or 200 licence plates for people who so desired them and I would think that this would cut down on the number of actual visitors that the licence department have to their offices, that people who do could obtain the same number each year, would write in beforehand and have all this taken care of so that there wouldn't be this last minute rush and foul up in the offices of the licencing bureau and for this reason I think it would probably enhance the overall operation of the department if something like this could be instigated.

Mr. Taylor: At this point I think I should say that I recall the motion of the Spring session and of course I was contrary - I believe I was the only one that was - but I still cannot agree that the Council should try and request licence plates, especially for themselves on a preferential basis. If these appointments are to be given and these low number plates are to be given to Councillors, I think it is up to the Administration to say they would like to bestow this little honour upon you, but certainly I don't feel this is the duty of Council to request this and as far as I am concerned my ego isn't sufficiently inflated yet to insist that I have licence plate number six or whatever it should be and I think that things are going along pretty smoothly to date and are being handled quite capably by motor vehicle department and the territorial agents and I would suggest that we leave it at that.

Mr. Clerk: I believe Mr. Thompson was discussing the other facet of his motion whereby numbers were made available to the general public on a preferential basis, I don't think he was referring to the section of the motion that Mr. Taylor mentioned. However, I believe his motion was worded a little differently than his last statement. His last statement seemed to indicate that he felt a certain block of numbers should be made available. However, the motion when it was passed left it wide open and indicated that he thought that anybody in the territory should be able to request the number he wanted right through the whole sequence. If it was felt that a special block of numbers should be made available it would be a much simpler thing than the other system.

Mr. Thompson: It wasn't intended that anybody could have any number they wanted and I realize the implications of this, but I was of the opinion that a block of numbers could be made available, be it 100 or 200 or 1000 if you have this many requests but I would think that off-hand 1500 or 200 would be quite sufficient. You would be surprised even with the 4000 series of licence numbers the



comments that you get from outside when you drive out with a Yukon plate. If there are people contemplating a trip outside with their Yukon plates and they have a reasonably small number in the hundreds, shall we say, this is a tremendous talking point, tourist attraction and selling point and you will be surprised at the number of people that will come up and talk to you. So I think something like this would go over very well, but this is something I wanted to make mention of this time because it got nowhere last time.

Mr. Shaw: I would like to make one thing clear in respect to the people from Dawson who have their numbers. I will tell you how I do it. It is a much smaller office and of course they do not have the rush that they have here but I keep track of when they start selling these numbers. These go along in sequence and when mine comes along I have one of my family go along to be on hand when mine comes up. And that's how the people get their numbers in that area. That is how it's done in the smaller areas; they're not saved for any particular person. I have never requested for a number to be saved. I think I did the first time but I was told that it wasn't possible. But where you have the situation that it is customary to put certain blocks of numbers in certain areas. Whatever numbers are designated to certain blocks in certain areas would be a very sensible situation if upon a fee of one or two dollars a person could apply to get a number that was designated in that particular area and there was nothing wrong with that. I don't think the Administration would be that hard and in view of that it appears reasonable. As far as the low plates for the Council are concerned I would just as soon have the plates from my own area but other members may have a different view. But where the blocks are given out, charge a fee of a dollar or two dollars if they're prepared to pick one out instead of waiting until it comes up. I would ask the Clerk if there would be tremendous administrative detail attached to something like that.

Mr. Clerk: If there was a certain block of numbers set aside which could be purchased at additional cost, there would be no problem but if we let the public request any number they wanted through the whole sequence I think it would result in too much chaos in the office. A special block wouldn't be too much trouble.

Mr. Shaw: If it was a special block Watson Lake might have to send up to Haines Junction and a fellow in Dawson might have to send down to Watson Lake. Where would you keep these things.

Mr. Clerk: It would be kept in my office.

Mr. Shaw: If you just had the licence plates that went to certain areas they could just ask for one in that particular area.

Mr. Taylor: Right now the distribution method for licence plates is such that a certain block goes to Dawson, another block goes to Watson Lake - it is kind of nice when you see a vehicle with a certain number plate to know what area of the Yukon they come from. This of course would disturb this.

Mr. Clerk: Right now you can't because there are too many people writing out to get a certain number from the outlying areas so you don't know whether they've bought them there.

Mr. Thompson: This is just exactly my point; there are a lot of people writing from various sections for their licence plates and I think if we had a block set aside right here - I don't care whether it's a thousand or two thousand - but somewhere you can write in and say - fine, these are going to be reserved and you can conceivably get the same one year after year. If you get one the first year it should be your prerogative to renew it and until such time as you fail to renew it I feel that this is something you can do each and every year. Further, I don't think it's necessary to have an additional fee. I feel that the individual is going to be writing in, he's going to have his postage on top of everything else. It's just for the girl, or whoever makes the thing up, to fill it out in the normal way and I don't see why there should be an additional charge levied.

Mr. Chairman: Any further discussion, gentlemen?

Mr. Boyd: Would it be in order then to suggest that the Administration reconsider the motion made last Fall or Spring or whenever it was with a view to implementing further to our discussion.

Mr. Chairman: Are you all agreed with this gentlemen?

Mr. Clerk: I could give it some thought and suggest the proposal to Council for discussion if you wish.

Mr. Chairman: Are you all agreed?

Committee: Agreed

Mr. Chairman: We will now discuss Bill #8 : An Ordinance to Amend the Intestate Succession Ordinance.

Discussion  
Bill #8  
Intestate  
Succession  
Ordinance

The Chairman then read the Bill together with the Explanatory Notes.

Mr. Taylor: I know that Mr. Legal Adviser will be giving us some discussion on this and some explanation but I might say that I am very gratified to see a piece of legislation presented which would in effect offer some relief to widows with families in the territory. In my seventeen and a half years in the territory I have seen a lot of very bad problems as a result of people dying intestate and leaving widows and families and I am really happy to see a piece of legislation up here that would provide for them and I think that this is very good legislation.

Mr. Boyd: I notice in this ordinance that nothing is taken out of what already exists; nothing is cancelled and there is only paragraph part 3 showing special relief. We are going to have difficulties here. Could somebody challenge what is now already in effect and say this is not legal, or not operable?

Mr. Legal Adviser: Councillor Boyd has a point. Perhaps it should start off by saying 'notwithstanding the provisions of section 3'. I would like to consider that, however it is a rule of interpretation that more emphasis is placed on a later section in the ordinance so if you are going to

give it effect and meaning, even if it contradicts in part some earlier section, there is a presumption that the earlier part has been modified. However, it would be better to have some direct reference to Section 3. Here again you have before you one of my brain children in that in my work as Public Administrator I have come across many of these cases. This is I am sure what Councillor Taylor had in mind when he made his initial remarks and it is just a complete farce to say - well, here's your one third of \$200. Now you've got five children so we'll have to set up a trust - so quite frankly what I do is pay it to the widow and I take an indemnity from her for what it's worth. I'm sticking my neck out but I'm doing this in order to give the woman as much money as possible so that she can take effective steps. It's a little out of line but it is the only way you have to make these things work.

Mr. Boyd: I am wholeheartedly in support of what is intended here but I would still hate to find myself a widow and have to go to some lawyer to prove that this was intended to undo something that was written before and I think it would be wise to put it there so that there would be no one law for one and one law for another.

Mr. Legal Adviser: To incorporate that I will bring back to you if I may Section 3 amended to 'Subject to the provisions of Section 18.

Mr. Chairman declared the meeting adjourned until 2.00 o'clock in the afternoon.

Monday, November 29, 1965  
2 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would continue with discussions on Bill No. 8. Before this could begin, informal discussion on the work presently being done by the school, ensued.

Mr. Boyd: Mr. Chairman, I think what we have just learned is very important and I would like to know a little more.

Mr. Taylor: Mr. Chairman, the proper form would be tomorrow morning raise the question under Orders of the Day, or possibly after we have completed the Bill here.

Mr. Shaw: I agree, Mr. Chairman.

Chairman: I understand that Mr. Baker will be away as of tomorrow for the rest of the week.

Mr. Taylor: Possibly this afternoon when we have finished with this Bill we could have Mr. Baker here to discuss this. We have Legal Adviser with us at present. We should proceed with some of these Bills. May be we could find some time this afternoon to have Mr. Baker with us.

Mr. McKinnon: Yes, Mr. Chairman, I think that it is very important that we find out just what is going on here.

Chairman: Would you agree to having Mr. Baker here right after tea break?

All: Agreed.

Mr. Shaw: Might I just add one thing, Mr. Chairman. Generally if the gentleman knows what is to be discussed, then he will know what papers to bring up, should there be papers to bring up.

Mr. Thompson: Mr. Chairman, I would suggest that Mr. Clerk contact Mr. Baker to see if he is available this afternoon and as soon as we have completed the present Bill, we could have him amongst us.

All: Agreed.

Chairman: Mr. Clerk, could you find out whether Mr. Baker could be with us after tea break:

Mr. Clerk: He can and he will.

Chairman: Mr. Baker will be with us after tea break, gentlemen and I hope that you will have your questions and assumptions right. We will now carry on with Bill No. 8 - An Ordinance to Amend the Inter-state Succession Ordinance. Do you have any further comments to make on this, gentlemen? Mr. Boyd, did you wish to add anything further?

Bill  
No. 8

Mr. Boyd: No. We passed a Motion here amending this, and until we have the amendment right before us, I have nothing further to say. Or did we pass a Motion on this?

Chairman: No, I think it was the other Bill.

Mr. Boyd: It was agreed that Legal Adviser had a point and that we had decided to implement it.

Re  
Bill  
No. 8

Chairman: Did you have anything further, Legal Adviser, on this Inter-state Ordinance?

Legal Adviser: No. I was going to prepare an amendment to pick up the point made by Mr. Boyd and put the matter beyond dispute.

Chairman: Are you all agreed with this point, gentlemen and could we move on?

All: Agreed.

Chairman: What is your pleasure now, gentlemen?

Mr. Taylor: We will need Mr. Spray as I understand the next Bill deals with Local Improvement Districts. I would suggest that in view of the length of the Bill, we could possibly deal with it a section at a time.

Chairman: Could we have Mr. Spray, Mr. Clerk?

Mr. Thompson: Which Bill is this, Mr. Chairman?

Chairman: Bill No. 7.

The Chairman called a recess in order that Mr. Spray could join the Committee.

Mr. Spray joined the Committee for discussions on Bill No. 7 - An Ordinance respecting Local Improvement Districts.

Chairman started to read the relevant Bill.

heredit-  
aments Mr. Shaw: Question, Mr. Chairman. I'm sorry to show my ignorance, but I don't know what "hereditaments" means. Could Legal Adviser tell us or is this a misprint?

Legal Adviser: It is not a misprint. "Possessions" is the quickest reference I can give. "Possessions of a realty nature". It is a very old word. I will give you a more formal dictionary definition of that, later.

Mr. Shaw: Thank you, Mr. Chairman.

Chairman started to read the Bill from 2. (f), to 3. (3) - Appeal.

Chairman: Do you have any discussion on these sections, gentlemen?

Re  
Petitions Mr. Taylor: A group of citizens may petition for a Local Improvement District. Would this be required? I wonder if Legal Adviser could elaborate.

Legal Adviser: They could express their desire by petition and of course the Commissioner would pay attention to this. This is almost what it is saying:

"Whenever the Commissioner is satisfied that conditions in any area ....."

If he got a petition, this would certainly alert him to the fact that at least in that area the people had thoughts in respect to becoming an Improvement District. It was

decided that we wouldn't have any informal petitions in otherwise this would involve getting say 80% of the taxpayers and so on. We've tried to keep it fairly easy on that point.

Chairman: Anything further, gentlemen? May I proceed?

All: Proceed.

Chairman proceeded to read the Bill.

Mr. Taylor: Question, Mr. Chairman. If the Commissioner wished to establish a Local Improvement District and the people within that area disagreed, would they have any recourse or do they have to go according to the dictates of the Commissioner?

Legal Adviser: Yes, I think that he would have the power but I don't think that he would have the nerve! It would be unworkable. The co-operation of the people there is necessary for they are going to be the trustees and will be running the show. The difficulty of a petition is, before the place is organised you don't really know with too much certainty, who is going to be there. [In section 18 there is a Rights to Petition for Dissolution. Again, the Commissioner is not bound to act on it. What are you going to do? Are you going to have the right to appeal to the Territorial Court. Wouldn't you rather have the people appeal to their Councillor that they were against this and the Commissioner would then have to make his justification to you. This would be much better and effective than having a lot of litigation. You would be entitled to ask the Commissioner, why, when there is a sizeable body against the proposal, he has gone ahead and done it? He may have good reasons but they will obviously have to be very good if the majority of the people in the area are against it. Would suggest that it is through you that the people in the area have the most effective voice.

Mr. Taylor: Mr. Chairman, yes, this is fine. I wasn't aware of this in another part of the Ordinance. I was wondering why section 3, sub-section 3 was even bothered with. As I see, we do have an out in Section 18.

Legal Adviser: Well, Mr. Chairman, the important part of section 3 is the time cut out. The idea is to make people realise that they have to do something within a reasonable time; 3 weeks in fact.

All: Clear.

Chairman: May I proceed, gentlemen?

Chairman proceeded to read the Bill further.

Mr. Taylor: Mr. Chairman, I wonder if we can deal with that before we move on? I had some questions. I understand that sub-sections 5 and 6 of section 6 to mean that only a taxpayer in respect to real property can be a trustee? I think I have this correct. Sub-section 8, it says the procedures to be followed in the election of trustees shall be established from time to time by by-law. Am I to take this to mean that a by-law is to be provided by the trustees themselves or is the Commissioner empowered to make by-laws further on in this Ordinance?

Legal Adviser: Dealing with the first questions, I think the analysis by Mr. Taylor is correct. You will recognise that the wording there is similar to the wording as amended in section 238 of the Municipal Ordinance. It's a fairly standard wording. Taking the general lines in the relevant Municipal Ordinance, we have put it in:

"is eligible to hold office as a trustee".

We have a assessment value there of \$500. This is already working quite well in the Territory which is why we have it out as a general guidance. With regard to the by-law question: no, the by-law would be passed by the trustees. The Commissioner will not have the functions of creating by-laws here: Foreseeable, of course, especially at the early stage that the Commissioner might send me down to help them with meetings, discussions, etc., or send some member of the administration.

Mr. Shaw: Just one question, Mr. Chairman: not for the purpose of being critical but just for the purpose of asking a question. Section 6, sub-section (6), sub-sub-section (i) reads:

"has resided within the municipality for not less than six months immediately prior to the date of the election".

Would this be a district, a municipality or both?

Legal Adviser: It is a drafting error, Mr. Shaw, and I will make a note to correct it, or have it checked.

Mr. Taylor: I note also, Mr. Chairman, in section 6 sub-section (3) which reads:

"Except for the first appointees, each trustee shall be elected to hold office for a term of three years".

Is there any possibility that this could be misconstrued?  
I am wondering if the wording of this could cause any problem?

Legal Adviser: No. Since one of the first appointees has a year in office then there is a vacancy. A new trustee must be appointed and he should be appointed for three years. No difficulty should arise as the wording has a familiar ring and is already working, I think, in the North-West Territories. No difficulties have arisen but I would have to look at the North-West Territories legislation on that point.

Mr. Taylor: I understand the situation but I'm saying that except for the first appointee, one of the appointees will, in effect, be a three-year appointee. I'm just wondering if the way this is worded will cause any difficulty?

Legal Adviser: I'd like to consider that.

Mr. Boyd: Mr. Chairman, I understood Mr. Taylor to ask if nobody other than a taxpayer could be a trustee? Anyone can qualify as a voter, be it a taxpayer or a man who rents. We might have enough voters there to vote something whereby the taxpayer would not have anything to say in the situation at all. Could the owner of the property vote and also could a party living in a home on this property also vote?



Mr. Taylor: Mr. Chairman, this also raises another problem too. Government personnel renting from the Government within one of these districts, would they still have a vote? Because if they do they shouldn't have, i.e., if renting from the Government.

Mr. Thompson: Probably why they put that section in here where they have to pay \$180 a year. This would be the usual Government rental, i.e., \$15 per month.

Legal Adviser: Mr. Chairman, with regard to Mr. Boyd's question, whether the owner of the property or the occupant could, if they have the necessary qualifications. Two votes justified by the same property but in different capacities. This seems to be the position now in Municipal elections. We relied on what we assumed was acceptable practice in the Municipal Ordinance for inclusion here. We tried not to cut too much new ground out.

Mr. Taylor: What, Mr. Chairman, of the other situation where by you have Government personnel, e.g., Transport Department, D.P.W., or be it any department, if they were permitted to exercise the right of a voter, this would be disastrous, I think, in this country because they could come swooping in and out-vote the people living in the Territory who have to live with sewer and water programmes, etc., etc. This, I think, is the very thing we are endeavouring to avoid. We want the ratepayers themselves to have to be the ones to make decisions here.

Legal Adviser: Well, Mr. Chairman, we are now moving into the area of policy. I am not competent nor in a position to discuss policy on that issue. I would suggest, as this is a policy issue, that it be deferred for discussion with the Commissioner. I am here to deal with the legal question. Policy matters which arise that make me quite unfit to discuss them as these are not legal in form.

Mr. Shaw: There are quite a few problems inherent in something like this. It would appear to me that the voting would be quite in order as it is. However, when it comes to the matter of money vote, perhaps an Ordinance can be made whereby only those people who were taxpayers could vote in the particular money deal. No particular group would be excluded except those who were renting. If there was a section some place which stated that in the event of a money vote, only taxpayers could vote on that certain thing. This should solve Mr. Taylor's problem in this respect.

Mr. Taylor: Yes, I'm more concerned, Mr. Chairman, on the voting with respect to money by-laws, like sewer, water and things like this, and where the expenditure of funds is concerned. Many of these people do come in for various reasons and don't really take an interest. I am saying some. A great majority do not take any interest in civic things which go on around them. Consequently, I feel that they should not be permitted to cast a vote. By the same token, in electing as a trustee, someone with the Government, I don't think that this would be a good idea either.

Mr. Shaw: Mr. Chairman, with respect to Mr. Taylor's last remarks, I feel that after all these people are voted in and it is up to the people in the community to decide. Very much in favour of an appointment for three years for I know the problems involved in a situation like this and certainly

one needs guidance and experience to get the thing on the right track at the start. I wonder if Committee would agree to this suggestion that a section be included to the effect that only the persons who were taxpayers could vote on any money Bill. Perhaps Legal Adviser could draft something along these lines which could fit in if it is agreed?

Mr. McKinnon: Mr. Chairman, what would happen if all your trustees were not taxpayers? Who would vote on the money bills at that time?

Mr. Taylor: They would have to be taxpayers to be trustees and I would certainly go along with Mr. Shaw's proposal.

At this time, Mr. Boyd assumed the Chair.

Mr. Southam: Mr. Chairman, I was wondering what would you do in the City of Whitehorse? Do your renters have a chance to vote on money by-laws? Any place where I've lived, and I've lived in a few, I have been allowed to vote. I've always been allowed to hold office, as a renter, office of Mayor or Councillor if I chose to run and make it. Seems to me that you are tying it down kind of close. After all, as you say, you have a transient population but it appears to me that he should be allowed to vote. After all, he is paying rent therefore he is paying the taxes, in my estimation. You charge rent according to the tax you are paying. At least that's the way I used to. I can't see why there should be a difference. I can't see at all.

Mr. Taylor: I thought, Mr. Chairman, that only ratepayers had a voice in money affairs through their Council.

Legal Adviser: It is the right to vote at an election and the right to stand for an election is what you have at the moment. The question on money by-laws is dealt with in another part of the Municipal Ordinance. There, there are certain procedural steps laid out for raising money on the benches, approvals, publication of notices and so on. The trouble with the area now under discussion is that we are unable to offer you reasons or arguments. I am not here to argue pro and con. I am aware that there may be things which should be put to you, but I think that the Commissioner would probably be best suited to do this. You may remember in the School Ordinance of 1962, the question of the powers of the Boards' of Trustees to spend money was under discussion and in fact on your instruction I prepared an amendment which said in effect that no financial decisions were to be taken by the trustees unless there was a quorum consisting of people who were not parents on whose behalf the Government of Canada made contribution. That was the way it was rounded at that time. That has never been tested as a workable proposition because we still do not have school boards. The position I made with your leave: I put one item before you. The position of somebody like myself. I'm on the Home & School in the Yukon; I'm on the Association for Retarded Children, I've offered my services to the Sourdough Rendezvous; I'm interested in the Legion and a number of other worthwhile causes. There are many like myself. We do try to identify ourselves with the community. If you are going to deprive us of an effective voice on matters which we hope one day will affect us, would be unfortunate. Many of us were asked to come here to do something to be part of the community. Our difficulty is that we are never sure that the Government will allow us to remain here. So these consideration do not come properly

from my lips. I think the Commissioner would perhaps give you the other side of the picture. I'll say no more about it but I can draft what I drafted before for the School Ordinance if you so wish.

Mr. Taylor: Mr. Chairman, before we complete this Bill I would prefer that we take this up with the Commissioner. One thing that I've always had when thinking about this Local Improvements District that where we are considering such things as sewer, water, it should only be the rate-payers, the actual ratepayers in the areas involved, who should vote on these things and the vote should be on a two-third basis. If you allow any of these other people who do not pay any part of the bill to commit you to paying a bill, this in principle is very wrong. This is the point I am driving at. Possibly we can raise it again when the Commissioner is here with us, as I think that it is one of the most important sections of this legislation.

Mr. Shaw: In the Municipal By-law, section 65, you have a similar provision for this very thing. This is why I thought that something similar could be inserted in here and it would not be depriving anyone of rights. They still have the right to vote people to office and all this sort of thing but just for the money part of it.

Chairman: At this time, gentlemen, I would call a recess for afternoon tea.

Monday 29th November,  
3.0.p.m.

The Meeting was reconvened and Mr. Baker and Mr. Spray were present.

Bill # 8

Mr. MacKinnon: I would like to ask Mr. Baker if the Territorial Government is responsible for the removal of the concrete north of the School and if the work was stopped to-day and for what reason?

Mr. Baker: First of all I would like to say this, D.P.W. have offered to give us certain material located just north of the Whitehorse Elementary School and I have in fact arranged for the removal of this material because it is free and we need it on the road. This morning I did stop work on the removal of this.

Mr. Boyd: Why would you stop the work Mr. Baker?

Mr. Baker: Its rather embarrassing Mr. Chairman, but it was brought to my attention that we should have called for tenders for the truck rentals which we were using. We now are in the process of asking for quotations.

Mr. Boyd: How did this <sup>become</sup> the responsibility of a Government or any part of a Government being that it is on private property.

Mr. Baker: As you know the D.P.W. before that the DN.P. were occupying this land when we spaced this and before the lease can be terminated the property has to be cleaned up and the part of cleaning up is all the concrete slaps that you see there.

Mr. Boyd: Was it not in the arrangement when the buildings were sold, to be dismantled and this ground would be cleared up by the purchaser of those buildings?

Mr. Baker: I couldn't answer this, this would be a C.A.V.C. matter and unfortunately I am not familiar with it at all.

Mr. Taylor: As a point of interest Mr. Chairman, I wonder in the matters of calling tender on things like this we have a Territorial Department which does these things. We do spend money for trucks, what is the policy is it not within our province as a Territory if we are taking something from one Government and using it and to do this without calling tender if the job is small enough, or is it a big project.

Mr. Baker: Its not a big project by any stretch of the imagination. The moving of this material would be something in the order of \$1,000.00

Mr. Taylor: Who is doing all the squawking?

Mr. Baker: I understand representations have been made by some local interested person, whether he is a contractor or a trucker I couldn't say.

Mr. Boyd: Do you have to call tender, I thought there was a maximum or minimum set up whereby you were required to call tenders. Do you have to call tenders for every time you turn around.

Mr. Baker: No Mr. Chairman, we haven't been operating this way in the past. Actually if a project is worth

roughly \$5,000.00 we do this by contract automatically and anything under \$5,000.00 we get done the best way we can. We don't necessarily call for tenders for trucks and equipment.

Mr. MacKinnon: I might ask why did you consider stopping the work.

Mr. Baker: I stopped the work because I thought that something was wrong and I wanted to make sure of my ground before I proceeded.

Mr. Taylor: This is a question that may be embarrassing but I think it is important in a matter such as this and I think the Territorial Engineering Department have acted quite properly and I wonder if there is any political pressure.

Mr. Baker: No there isn't Mr. Chairman.

Mr. Shaw: As far as I can see Mr. Chairman, there is nothing we can do about this at all. A job like \$1,000.00 between Government equipment from one Government Department to the rest for this particular project. I can't see anything wrong with this.

Mr. MacKinnon: I would like to ask Mr. Baker, does he plan to continue with the work in the same manner as it has been started.

Mr. Baker: Well as it is being discussed here in Committee perhaps we can take a second look at it and do it by some other method, if this is the wish of this Committee.

Mr. Taylor: I would say that in view of the expenditure involved and in view of the fact that the Territorial Engineering have maintained this policy which has worked very well with respects to items of this sort and the fact that certain discretion has to be given in these matters, I think the work should proceed in the way it was started out.

Mr. MacKinnon: Mr. Chairman, as you are well aware, rumours soon get spread around town and I just wanted to clarify the position.

Mr. Baker: I would like to make one point Mr. Chairman, that I am certainly not favouring anybody in this particular thing at all. There is no indication of dishonesty or favouritism being given.

Mr. Thompson: I was wondering if I could ask Mr. Baker how many trucks are on the job or were on the job and is there any other equipment involved

Mr. Baker: Mr. Chairman, we did have four 10 to 12 yard trucks, 2 3/4 yard rubber tire loader and as far as I am concerned this is the size equipment required to do this particular job.

Mr. Shaw: Personally Mr. Chairman, I would say just carry on with what you started.

Mr. Taylor: Another point I might add is that if we allow this type of thing to go on, then we are going to have to call tenders for every two bit item that comes along and we wonder then why we would have to have a

Department. I would say the same thing, get straight on with the job.

Council Agreed.

Mr. Chairman: At this time could we dispense with Mr. Baker.

Council Agreed.

Mr. Legal Advisor: Could I just make a point on the comments made by the Councilors on by-laws. I can't see any special drafting about picking up some provisions similar to section 65 under the Municipal Ordinance, of course you will realize that the Trustees will be able to establish old by-laws. If you look at page 5 item 12 (c) they have control there and in (d) and in (e), but in any event when one is dealing with a \$5,000.00 cost, that is the limit at the moment, and because that limit is comparatively small that I didn't provide some sort of control so that the ratepayers would have the last word. I see no difficulty about introducing it and as the Commissioner wasn't here, I had a few words with Mr. Judd to see if he could see any sort of a policy objection that I might bring your attention to. I think we will be able to cover the point to your satisfaction.

Mr. Chairman: We will proceed Gentlemen,  
#7 of Bill 8 was read to Council

#7  
Bill 8

Mr. Taylor: Is there a section in here Mr. Chairman, to provide for the setting up of elections and how they are operated and so forth or is this done by by-law.

Mr. Legal Advisor: That is in section 8.

The Council were clear on this.

Mr. Chairman: Read to Council Section 8 on this Bill

Section 8  
Bill # 8

Mr. Taylor asked if Section 8 sub-section (5) could be explained by the Legal Advisor.

Mr. Legal Advisor: It has a vote in the first instance there are only three of them and a quorum can be two, so if there was only two of them present and the Chairman voted one way and the other Member voted the other way then that motion would have been lost. It has got to be an effective majority, if you didn't give the Chairman a vote then you said the quorum shall be two, well the Chairman would be one and have a vote and the other man would sit there an vote which ever way it pleased him for the rest of the evening, in effect have a majority of one. That is why we give the Chairman a vote.

Council were clear on this.

The remainder of Section 8 was then read to Council.

Section 10 was read to Council

Mr. Taylor: In looking back to the interpretation of this section on transfer of local improvements that it means supply of water, electricity or gas and the provision of sewage and garbage collections. Would not property Fire Departments also come under this.

Mr. Legal Advisor: That is why we tried to sort of provide for the handing of things as they come along. I would ask Mr. Spray to refresh my memory on this as I remember there was a discussion regarding Fire Departments but I can't remember the general lines at the moment. We had in mind at one stage something to do with the local Fire Departments and perhaps Mr. Spray can recollect more clearly on this. We did realize that the local improvements definition was a bit small and that should be no reason to be the end of the train.

Mr. Spray: I cannot go into too much detail, I do remember that when I suggested that Fire Departments be included in local improvements we were shot down and told at a later date perhaps.

Mr. Legal Advisor: I don't know who or why or what or when but there is no reason that I can see; I don't know the reasoning that went into this discussion and where it stopped. As far as I can see there is no reason why you should amend the definition of local improvements. It wasn't meant to be a limiting definition: it was meant to be a starting.

Mr. Taylor: Mr. Chairman, I would still like to know who shot this down, who says we can't.

Mr. Spray: Mr. Chairman, when I say this was shot down, at that time we were bogged down in details of fine local improvements and we were more concerned with waterworks and sewerage disposals systems. We were going to discuss it again before this Bill came to Council but we never got around to it.

Mr. Legal Advisor: To cover those points suggest local improvements mean a supply of water, electricity or gas and provision of sewage and garbage collection services and the other normal features of communal lines.

Mr. Taylor: I still haven't got an answer to my question, who is the person who says we can and says we can't.

Mr. Spray: Mr. Chairman, I think in all our discussions the Administration had on this Ordinance to see if we could find local improvement districts. The improvements that were thought of at the time were in service and it was the general opinion that if we did need anything else we were assured that someone would bring it to our attention and suggest that it be possibly included and a general provision be included in the Ordinance.

Mr. Taylor: I still haven't got my answer, but this seems to be normal administration, I ask a direct question and I hope to get a direct answer. The reason I want to know is so that we can find the reason why not and I would like to see the provision made whereby we can take over some of these things like Fire Departments. However if I am not entitled to have that answer I will of course drop the subject, but possibly as Mr. Legal Advisor has pointed out we can amend this accordingly.

Mr. Chairman proceeded with Section 11, 12, 13, 14 and 15.

Mr. Thompson: I was just thinking in terms of this item 15 "The Board of Trustees may incur debts in the course of operating and maintaining local improvements that shall not exceed five thousand dollars unless otherwise authorized by the Commissioner". In section (c) of 12 it says that subject to the approval of the Commissioner the Board of Trustees have power to make by-laws providing for the construction or requisition of any buildings or works necessary for the operation and maintenance of the local improvements in their district. Now if we can only go to \$5,000.00 how do they have the power to ask for by-law passing for something which is over and above \$5,000.00

Mr. Spray: You can go higher than \$5,000.00 if authorized by the Commissioner.

Mr. Taylor: In the matter of financing in these local improvement districts how is this to be done, is this to be done by outright grants to these improvement districts. In other words I am wondering how heavy a penalty you are going to levy upon the people who take advantage of this legislation. Is there any safeguards here, the requirements of a district would not place a great burden on the taxpayer in that area.

Mr. Legal Advisor: I understand to obtain a grant, the Commissioner may transfer a document like this in objection to that district. I had no idea there was't be price tag at all, if there is water facilities in the district or in some places water lines are being put in, they will be put in at a reasonable cost and then my understanding is that they will be transferred to the Trustees of the district. The \$5,000.00 is not in connection with the capital expenditures but to enable the Trustees to go to the Bank and borrow to pay salaries for the employees and out-of-pocket expenses. Don't forget their revenues will trend to peak and then we will have a long fall-off until the next election come round. It may be that they will have to get some assistance at the local Bank, this is what I understood the \$5,000.00 was for. The administration thought it would be advisable to have some break on the capital costs and then be turned over to capital construction and no doubt the Territory would provide the sewage, water and light facilities. I think you will have to ask somebody who is closer to the policy than I am to have it verified.

Mr. Thompson: I wonder if I could have Mr. Spray's comment on that.

Mr. Spray: What the Legal Advisor has just said is true the invention to construct the local improvements and then hand them over to the local improvement district for operation. They may be constructed some time before the district is formed and operated by the Territorial Administration and then turned over to the local districts.

Mr. Taylor: Before we proceed are roads considered to be local improvements.

Mr. Legal Advisor: Under the standard definition they were not, but other services normally found in organized communities and roads could be. Anything that you expect to find in a developed area, however that is the standard definition.



Mr. Taylor: I would suggest then that a preparation of rephrasing what the local improvements are should be considered.

Mr. Legal Advisor: We do run into a slight technical difficulty as you are probably aware in the City of Whitehorse the Streets are vested in the Crown they are not vested in the City. The Crown acquired them from the White Pass Group a number of years ago and the estate represented by the roads generally remains in the Crown. The roads that you drive along in Mayo or Watson Lake are vested by Canada so it is the service of the roads and I suggest that other services normally found in North West Canada be covered by that act.

Mr. Taylor: I would say that Section 45 of the Yukon Act says all roads, streets, lanes and trails on public lands are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territory and is subject to the Control of the Commissioner in Council, which is us. Any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territories. Actually the Territory do have rule.

Mr. Legal Advisor: We are both saying the same thing, I am saying the title is the Queen's, and I agree with what the Councillor has read out but the Queen can say I want the land back to build a house on.

The Chairman proceeded with Section 16, 17 and 18.

Mr. Taylor: I have another question here and I think it is most important to the function and operation of any of these little improvement districts. I realize of course they are going to have a Budget and now that any of the communities that do provide themselves with incorporation under local improvement districts I think I have every right to know what revenues and expenditures are being incurred in the area. In respect of taxation, how much land tax is collected from the areas within that improvement district and how much fuel tax and other things, so they then might know the year by year position of their improvement district. I am wondering if the Administration will agree to this, I would like to direct that to Mr. Spray.

Mr. Spray: I think I am right in saying that it is the Commissioner's intent to follow Section 14 of this Ordinance where it says "The Board of Trustees shall act as an Advisory Council". Although they may not be operating all the local improvements such as street lighting or road maintenance etc. the Budget will be prepared in consultation with the Board of Trustees.

Mr. Legal Advisor: To put the matter in a stronger light, if the Committees wrote to the Commissioner and asked for the information and he asked me whether we had to give them this information, I would be bound to advise him that the answer was yes. If information is reasonably needed this must and will be given and there will be no question about this at all.

Mr. Taylor: The reason I asked this was that the last breakdown of revenue in the Yukon Territory was made for the year 1958/59 and this is what I was getting at. I have been informed since that it is too great an undertaking and would take too much time and effort to produce. I think we should make it a requirement of the Ordinance to provide this.

Mr. Legal Advisor: If you want the breakdown of information there is no legal reason why you shouldn't have it. It may take a little time to prepare in the exact details that you want but this is what we are here for.

Mr. Thompson: I am of the same opinion as Mr. Taylor I can't see any unincorporated area even considering going along with this local improvement district if they don't have this information and I feel strongly that should be made available to any and all local improvement districts before anything is finalized.

Mr. Legal Advisor: I couldn't recommend that this goes into the Ordinance, I would have to sit down and create another new section which would be rather difficult to do. I would like to assure the Committee that if you want this information and the prospective district wants this information so they can make a decision as to whether its now big enough to stand on its own feet, then this information must be given.

Mr. Thompson: This is very good news, but unfortunately this information does not come from your Department and I see nothing but problems if we have been asking for this information since 1958 and it hasn't been forthcoming up to now, I can't see where the immediate change is to be effected.

Mr. Legal Advisor: Let me say this, I will advise my colleagues that if the Council want the information broken down like this the Councillors can have it.

Mr. Taylor: It is not my intention to ask for information which is going to be of little benefit to the Council but I do think the improvement districts should have a breakdown such as this. I think it would be a good thing to have an annual one for the Territory for any one given year. I think you will also recall that we can't get this from the Federal Government, the Territorial can give it yet at this table we ask for an income tax revenue we can't get that information. Its not available to us niether are resource revenues or that type of thing so this is what we are trying to prevent in relation to these areas. If we can't get it from Ottawa at least we can provide it for our improvement districts.

Mr. Boyd: Is this the factor as far as this Bill is concerned in as much as you are not going to set yourselves up in line of range without knowing what you are shooting at and the only way you can know is to have the figures. Otherwise you are not going to become a district as you call it, you must have the figures or you will remain where you

are, but I can't say it should be put in here.

Mr. Taylor: I am not saying the figures should be put in here, but I am saying a clause should be put in insisting that these figures be made known to the improvement districts once a year, possibly at their annual meeting or certainly at some period during the year. If I come in here tomorrow morning and ask for a breakdown of revenue in the districts I would be very surprised (a) if we have got it and (b) if it looks like we might get it. I am sure we would get a little talking to as why we should maybe withdraw our suggestion.

Mr. Thompson: I would be inclined to go along with with Legal Advisor's comments that this information will be forthcoming to the districts who are contemplating this step and if its not forthcoming by Spring or shortly after then I think we could possibly make the necessary amendments at the next Session that would be in line to our present thinking. I am very happy to see this Ordinance, I think it is nothing but a step in the right direction and I know for a fact there are two districts in the area that I represent that will be most happy to have this legislation and as I say before any final analysis is arrived at we will have to have the amount of revenue that these districts produce to the Territory. Even though there are grants in lieu of certain things we have to have some idea of what we are talking about before you can go into self government.

Mr. Shaw: I agree in that respect, there is just one part of course that I think we have to ask for and that is in relation to the matter of rate payers. Apart from that I am very well satisfied with it and no doubt as time goes on you will have to add and subtract some of the things as we are starting out with something new and it will have to be changed from time to time just like any other Ordinance.

Mr. Legal Advisor: I appreciate what the Councillors have said and I am trying to work on something which will express the point raised by Councillor Taylor and I would like to give myself a few hours to rull this over. I can see no legal objection to put it in that the Board of Trustees shall be supplied with all necessary accounting information including revenue and expenditure statements..

Mr. Taylor: I think this would be most wonderful because lets face it this is a two edge sword and I think that this requirement spelt out in the Ordinance would be a good thing.

The Council agreed they were clear on this.

Mr. Shaw: I would move that if there is no further discussion that this Bill be recorded and the necessary amendments be made by the Legal Advisor.

Council agreed to this.

Mr. MacKinnon seconded the motion

Mr. Chairman: The motion was moved by Council Shaw

and seconded by Councillor MacKinnon that progress be reported and the Legal Advisor be advised to prepare the necessary changes.

Mr. Thompson: If we are to take a vote on this, I was just wondering if Mr. Spray had any further comments to offer regarding this. You have been with it and probably a lot closer than others and I am wondering if you can foresee possible pitfalls or problems that we in our haste have overlooked.

Mr. Spray: I don't think anyone can foresee all the pitfalls but it is my hope that they will take in all the local improvements and anything to do with the operation of the district. I have never considered that information on finance and revenues be not made available.

Mr. Chairman: Are you ready for the question on the motion.

Council Agreed.

Mr. Chairman: Are you agreed.

Council agreed.

Motion  
carried.

Mr. Thompson: I would suggest that Mr. Spray be excused at this time Mr. Chairman.

Council agreed.

Mr. Taylor: I have a question on Bill # 3 that I would like to direct to the Legal Advisor on the Liquor Ordinance if I might be permitted to do so.

Bill  
# 3

Council agreed.

Mr. Taylor: I would like to ask Mr. Legal Advisor whether or not restaurants in the Yukon Territory are not permitted to serve wine on Sundays or in effect any time they are open. For instance on a Saturday night when the restaurant is open on a 24 hour basis are they permitted to continue serving beer or wine or must they close down.

Mr. Legal Advisor: I must confess I have to do a little research on this beer and wine and restaurant thing, I wonder if I could have time to study this and I will try and give you the answer.

Mr. Taylor: One of the reasons for asking this question is fairly important and that is that many of the operators feel that they are not allowed to do this and they have to stay within some sort of limit. If this is the case I also suggest that we take up the question that was raised the other day of Sunday drinking. What is permissive in respect of the Lord's Day Act, what areas in respect of this we are to legislate within and just how far we can go with this thing. Possibly you could come up with something along that line.

Mr. Boyd: Mr. Chairman, we seem to have come to a standstill here and the speaker will now resume the chair and hear the report of Committee. I will move so.

Mr. Thompson seconded the motion.

Mr. Chairman: It has been moved by Mr. Boyd and seconded by Mr. Thompson that Mr. Speaker does now

resume the Chair and hear the report of Committee.

Council agreed.

Motion  
was  
carried

Mr. Speaker: We will now call Council to order and hear the report of Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.30.a.m. to discuss Bills, Sessional Papers and Motions etc. Bill # 4 was discussed and was moved by Councillor Thompson and seconded by Councillor Boyd that Section 8 of the Evidence Ordinance is repealed and the following substituted therefore:

"68. The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be appointed unless he is a Canadian citizen and resides in the Yukon Territory".

The Motion was carried.

The Committee reconvened at 2:00 p.m. and Bill # 8 was discussed and I can report progress on Bill # 8 and Bill # 7 was also discussed and a report progress on that. It was moved by Councillor Shaw and seconded by Councillor MacKinnon that progress be reported and the Legal Advisor prepare necessary changes to this Bill. This motion was carried. Mr. Baker also attended to answer questions re the removing of concrete and also Mr. Spray was in attendance.

Mr. Speaker; Thankyou Mr. Chairman, are you agreed with the Committee Chairman's report.

Council agreed.

Mr. Shaw: There is one matter I would like to bring to your attention at this time and that is the communication from the Commissioner's office signed by Mr. Judd. It states Mr. MacKenzie will be available to discuss the proposed five year agreement with Council for the rest of this week. He must leave here on the morning of the 13th of December to go to Ottawa and it would be useful if by that time he could take with him the Council's recommendations. I leave this to your advice Gentlemen.

Mr. Taylor: If not we could possibly mail them to him.

Mr. Shaw: We have the matter of the Agenda for tomorrow.

Mr. Chairman: I think under the circumstances we have this five year agreement to go through I would suggest that it might be a good time to get started.

Mr. Taylor: If we start on the five year agreement it is imperative that we have Mr. Commissioner here and Mr. MacKenzie. I understand Mr. Commissioner will not be back until the 3rd December. I have been through this agreement in rough and there is a great deal to be considered in this agreement and in this respect I feel Mr. Commissioner should be with us and also Mr. MacKenzie. One item we do have for further consideration is the labour code I think we can proceed

with as soon as we have tidied up some of these Bills. We have some Bills, we have some new Sessional Papers and I believe we have some motions yet to be dealt with so I think we have enough to occupy ourselves with for tomorrow. I am sorry, plus Legal Aid.

Mr. Shaw: Then for tomorrow's agenda we have motions, bills and sessional papers if this is agreed by Committee.

Council agreed.

Mr. Thompson: I was just wondering about the copy of the letter that was addressed to the Deputy Minister regarding power at Dawson City. Does this come under any of those headings or is it possible that we could discuss this tomorrow at some time?

Mr. Shaw: I would state that this is a letter to Council as individual members but tabled before the house. Any member can introduce it and discuss it of course but that is a private letter to each member. Let's put it that way until it is proceeded with further. Does that answer your question?

Mr. Thompson: Well Mr. Chairman, I feel that this is of sufficient interest to not only the residents of Dawson but the Territory as a whole and I don't presume to be presumptuous but if you were not considering tabling it for discussion I would be so inclined.

Mr. Shaw: This letter concerns the City of Dawson and I am forwarding a copy to the Dawson City Council so that they can consider the matter before it is discussed in this chamber.

Mr. Taylor: I was wondering if we could possibly, on the matter of Legal Aid, if we could have this submission tabled so we could discuss it tomorrow. Will this have to be done now or can we do it in the morning.

Mr. Shaw: If the Council so agrees we will table this for discussion tomorrow.

Mr. Clerk: Not that I am one to be contrary, but I don't see how you can table this document, it hasn't come into the hands of the Clerk or Council or any official channels, I don't even know what it is myself. Anything like this should come over the Commissioner's signature if it is going to be officially tabled by the Administration.

Mr. Legal Advisor: I am here as your Legal Advisor.

Mr. Shaw: Have you not a copy of this Mr. Clerk? Mr. Legal Advisor could you see Mr. Clerk has a copy of this.

Mr. Legal Advisor: This will be supplied but there were only a few copies of this.

Mr. Thompson: Maybe I was in error, but I understood that was going to be some overtures made to the Superintendent of the R.C.M.P to watching a demonstration on how to measure speed of automobiles. Is this on for tomorrow?

Mr. Shaw: Yes thank you for reminding me.

Mr. Legal Advisor: Demonstrations will be held on the straight stretch <sup>of</sup> read by the F.H. Collins School tomorrow afternoon. A corporal in charge will be there

to explain how these work and then no doubt you can make appropriate enquiries about how these things can be tested. Two cars will be here to take the Members to the test strip.

Mr. Shaw: Is that agreeable to the Members.

Council agreed.

Mr. Shaw: Then we will be ready at 2. o'clock.

This Council stands adjourned until 10. o'clock tomorrow morning.

Tuesday, November 30, 1965.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 a.m. The six remaining Councillor were present.

Mr. Speaker: The first item on the Agenda will be the correspondence.

Mr. Clerk: Yes, Mr. Speaker, I have a memorandum dated November 29 regarding Question No. 11 - Liquor Regulations:

" I am not aware of any changes contemplated in the Liquor Regulation under Section 88, Sub-section 2 of the Liquor Ordinance.

Attached are Commissioner's Orders made under Section 88 of the Liquor Ordinance from April 1st, 1965 to date."

Incidentally, I mentioned in Council on the 13th of November, second or third day of Council, all the Regulations that had been made since the last Session were tabled that day and have been on my desk ever since, including these four that you now have copies of and that is pursuant to section 37 of The Interpretation Ordinance which covers all Regulations and really supercedes this section.

There's another memorandum dated November 29, Question No. 14 - South Access Road:

" We understand that the City of Whitehorse has corresponded with White Pass and Yukon Route regarding an easement on the property leased by Taylor and Drury Ltd. An answer has been received by the City from Whitepass and Yukon Route but as it has not been tabled by the City Council the information is not available at this time.

The City Clerk has informed the Territorial Government that when arrangements have been made for an easement on White Pass and Yukon Route land the City will consult with the Territorial Government regarding the two squatters located at the south end of South Whiskey Flats."

And, another communication. It will be set out as Sessional Paper No. 42, dated November 26, on Question No. 2, Overtime.

Another memorandum, dated November 26, on Motion No. 12 - Trapping:

" I understand that this matter has been discussed in Council with the Director of Game and that an agreement has been reached on the subject of the Motion.

When the animal population in the sanctuary warrants culling arrangements will be made through the Territorial Game Department for trapping to take place."

And that all I have this morning, Mr. Clerk.

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees? Have we any Notices of Motion and Resolutions?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re a Fire Hall at Haines Junction.

Mr. Taylor: Mr. Speaker, I believe that would be out of order as there are already three Motions on the Order Paper.



Mr. Speaker: I might say that at this time we have one of these Motions in Committee so it is actually not..I think we can stand one more Motion, the Motion that Councillor MacKinnon has just read and that will make the three Motions. Have we any further Notices of Motion and Resolutions? Have we any Notices of Motion for the Production of Paper? Have we any Motions for the Production of Paper. If not, we will proceed to Motions, and the first one on the Agenda is Motion No. 25, Mr. MacKinnon, Pelly River School.

Motion  
No. 25

Mr. MacKinnon: Moved by Mr. MacKinnon and seconded by Mr. Taylor re Pelly River School: "In the opinion of Council it is respectfully requested that the Administration discuss with the Indian Department the possibility of establishing a school at Pelly River." May I continue?

Mr. Speaker: Proceed, Mr. MacKinnon.

Discussion  
Motion No.  
25

Mr. MacKinnon: Well, gentlemen, as some of you are aware, we have quite a population at Pelly River. It is a very important little settlement, and we have nothing, nothing at all, in the line of schools, and I find now that there is well over forty children from that district. They are Native, but I think it's about time we started to respect the Native and try to do something for him. That's the reason I have this Motion before you at the present time. It's just high time that we took notice of our Native people. The only time we look toward them is at the time of voting and I say now that this is the time that we should look toward them. We should do something for them. That's the purpose of this Motion.

Mr. Taylor: Mr. Speaker, I think the Motion has merit. It asks that Indian Affairs be consulted and, of course, this is their particular cookie at this time; and if this will assist in instigating discussions between the Territorial Administration and the Indian Affairs, I feel that it should be given the wholehearted support of Council.

Mr. Speaker: Any further discussions on Motion No. 25?

Mr. Southam: Mr. Speaker, I am quite in agreement that these children should have a school but, at the same time, it appears to me that in the past that whenever you set up a school for these people that they go for a short while and then they all land down at Carcross or Whitehorse here. I believe that the only way that we are going to ever get anywheres with them is to integrate but we have, up in the Elsa school at the present time...I think there's about five children, Native children, going to school. I couldn't tell you how many go to Carcross or down here at Whitehorse, in the hostel here.. at the present time, I couldn't tell you, but it appears to me we should go kind of careful that we don't duplicate...I agree with Councillor MacKinnon that the children should be kept home if possible but, at the same time, if we are going to duplicate, have a school in Carcross which, by the way, seems to be the parents...the parents seem to enjoy more sending the children to the Carcross school than to any others. Why? Don't ask me. I don't know. I think the whole thing is that the parents do not want to accept the responsibility of looking after his own children. That's the way it looks to me because they go to Carcross school, they are clothed, they are fed, they are looked after and this eliminates the parents' responsibility, and I think myself, personally, this is just what is the trouble but, as I say, if it is possible to get these children to go to these schools, then I say that this probably would be the best thing.

Mr. MacKinnon: Mr. Chairman, I would like to point out to Discussion  
Mr. Southam that the children don't all go to the Carcross Motion #25  
school...that is the Protestant school, the Catholic child-  
ren go to Watson Lake.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: We now have Motion No. 26, Mr. MacKinnon,  
Additional Street Lighting at Carmacks.

Mr. MacKinnon: Mr. Chairman, moved by MacKinnon, seconded. Motion  
by Mr. Thompson, re Additional Street Lighting at Carmacks. No. 26  
"It is respectfully requested that additional street lights  
be considered at Carmacks, to extend further towards the  
Freegold road and to the end of the business section on the  
north side of Carmacks bridge." May I proceed Mr. Chairman?

Mr. Speaker: Proceed Mr. MacKinnon.

Mr. MacKinnon: I don't know if any of you gentlemen have Discussion  
been in Carmacks lately, but we did have a little work done Motion #26  
there in the past summer in regards to street lights, but  
it is still inadequate. These lights have been cut very  
short on both ends of the town. In fact, in the center of  
the town, I will point out, Mr. Israel has two street lights  
that he pays for himself and there has been another one in-  
stalled, you might say, within his yard that he is quite  
considerate in saying that they can very well take that one  
away. He doesn't need it. He has two in his yard and that's  
plenty. I am just simply asking for a little consideration  
here. We have a business section on the north end of the  
bridge, we have the Catholic Church and there's not one  
street light. But, adjacent to that, the Indian Village is  
all lit up, but we haven't got one street light in the  
vicinity of the Catholic Church or Roxy's Trading Post, or  
to extend toward the Coal Mine. Now, on the other end of  
town, we come down to the Freegold road. You just get down  
by Taylor and Drury's store and that's the end of the light-  
ing there. Now the people of Carmacks have requested very  
strongly that these lights be extended further, and I hope  
that Council sees fit to go along with this Motion.

Mr. Taylor: Mr. Speaker, unfortunately, by the rules of the  
House that we are now adopting, it is unfortunate that we  
cannot debate some of these motions to a little bit of  
length...being able to only rise on one occasion. However,  
I might say that I really can't understand what the reasons  
are for the Administration to refuse to put in the street  
lighting and I assume this to be so because I assume that  
this is the reason that this Motion is before us....because  
we can't get any action, or the Member can't get any action,  
out of the Administration. As I say, I would like to know  
what that reason is. They must have a valid reason for not  
wanting to put these in at this time, however, it would seem  
that if there is street lighting required anywhere in the  
Territory that the Administration have always provided it.  
I know that they have in my District...merely upon a request  
from either the Community or the Member involved. It is  
too bad that these things have to be raised...I mean, if  
you have to have a Motion of Council to put a door lock on  
a tourist booth or something of this nature, and this is  
just about what it amounts to, everytime you need something,  
well, I don't think it is a very good thing. I certainly

Mr. Taylor continues:

Discussion Motion #26 feel that the people of Carmacks should have their street lighting and everything they want, but I think that these are things that the Administration should look after and I think they have certainly done a good job in my area for looking after these things. I really wonder if the Member, when he gives his final remarks, if he could tell me what the reasoning was for not providing these street lights or not wishing to.

Mr. Boyd: Mr. Chairman, far be it from me to criticize Administration. I think they are doing a good job, and I know that it is all very well for anybody to ask for this and for that, especially if they don't have to dig out and pay for it. Now, from what I can understand and know about Carmacks, I don't think they are suffering very badly at all. In fact, I think they are very well off. I think probably Administration is using some discretion concerning the Taxpayer's money. You don't just toss it around like a balloon in the sky and there's got to be somebody that is going to say "No" once in a while or at least use some discretion. I am not prepared to stand here and going to vote "Yes" just because a Member gets up and says we need this and we need that. I want to know more. I think it's about time that this Council starts to think along these lines. It's Taxpayers money you are spending and I know the Taxpayers are not paying for the lights...those that utilize them. Somebody else is paying for them. So, the sooner we get on a basis of good sound thinking, the better it will be for this Council as well as Administration.

Mr. MacKinnon: Mr. Chairman, I am not at all surprised at the remarks of Mr. Boyd. It is a very expected thing. He wonders who pays for them. I say the Taxpayer from Carmacks pays for them, and the Taxpayer is asking for them. You people of Whitehorse expect your snow removed. The people of Carmacks do not get their snow removed. They just want one simple thing and that's a little street lighting, and I sure hope they get it. Now, in relation to the Motion. This is asking Administration to consider, not to give. If they feel that it is valueless, then we will have to accept this. I am just trying to carry through the wishes of the people at Carmacks. I feel that it is my responsibility to bring forth what the people of Carmacks asked me to...not just to throw it into the bread basket and say, "Do we get it or don't we?" This is an official request in case Mr. Boyd isn't aware.

Mr. Thompson: Mr. Chairman, I seconded this Motion and I concur with the mover that this is merely a request. I feel that the Area Development Department are ably handling these various requests from various parts of the Territory, and I feel that Carmacks will be given every consideration, and, as the mover has said, this is his way of making their requests known and it is up to the Administration to make the decisions.

Mr. Speaker: I would like to remind you at this time, gentlemen, according to the Rules...this is a good thing to realize...the mover of a motion, they do have, what might be termed in the nature of a rebuttal in the discussion, but when they get up a second time to talk on the Motion, they officially close it...the debate on that particular Motion so that the Member does have the right, you might say, he raises the Motion to close up discussion.

MOTION  
NO. 26  
CARRIED

MOTION CARRIED

Mr. Taylor: Mr. Speaker, I have one point, I think, I would like to, if I may, bring to the attention of Mr. Speaker at this time in relation to the discussion of Motions in the House and that, in the past, we have generally exercised a little bit of latitude in discussing these Motions in Council and I think that you and other Members agree we are following the procedures contained in the House of Commons, Beauchesne's. However, in the House of Commons, you have four political parties expressing four individual views. In the Yukon Legislative Council, we have seven individual Members expressing seven different views. It seems to me that in the House of Commons, where your Rule is rigidly applied, that these Honorable Gentlemen, about sixty in number, have an opportunity to debate back and forth on behalf of their views and here, of course, we have only an individual, and I would think that in some respects, some of these Motions are controversial enough and important enough as to deserve further discussion for debate. I would suggest that possibly some consideration should be given to reverting to the old practice, even though it be limited to allow a little more debate in Council on some of these Motions.

Mr. Speaker: Thank you Mr. Taylor. I think all Members would agree that in the past, up until very recently, there was quite some latitude allowed in debate, particularly in this area of introduction and discussion of Motions. However, I think the Honorable Members will also recollect that former Councillor Watt a number of days ago, a week or so ago, objected to the latitude which was prevalent at the time in respect to this matter and it was necessary then, of course, that I bring the matter of the Rules to the Members and it was my duty to see that the Rules were adhered to. Now, I am the servant of this Council and I go and try to keep the Rules in accordance with the wishes of the Councillors as they set them forth. This perhaps is...I can quite see.. isn't too restrictive but I would suggest that possibly the Council could get together at some other time and perhaps change that Rule if they so wish. That is their prerogative and right and their pleasure, and perhaps the matter could be taken up at a later time and we could attend to this as the Council so wishes.

Mr. MacKinnon: Mr. Chairman, I would just like to say a few words in regard to that. I feel that the way Councillor Watt had pointed out is very satisfactory. The maker of a Motion has the right to speak on his own Motion last and each other Member has the right to speak on a Motion. Now, I feel that this is sufficient...instead of getting into a lot of unnecessary yapping over nothing.

Mr. Boyd: Mr. Chairman, I think there is a point but, for instance, possibly these motions should go into Committee. There are many things we would like to know before we are forced to vote. For instance, as a shining example of one thing...I would like to know, before this Motion was brought to this table, was it discussed with Administration, did they have anything to say, did they refuse the Councillor, did he get an answer from them? All these kind of things would save us endless talk and it either should go into Committee or else the Council Member presenting the Motion should be able to give us something more to go on than merely reading the Motion and saying the people have asked for it. Maybe he should have gone to someplace else.... these are a lot of things we would like to know before I vote on a Motion...sensibly...intelligently.

Mr. Thompson: Mr. Speaker, I was wondering..is it any Member's prerogative to ask that the Motion be deferred to Committee or is this, again, the prerogative of the mover? I would feel that if, as Mr. Boyd has said, that there is more information required regarding any Motion that any one of us could have the opportunity of suggesting that it be referred to Committee for discussion. Is this proper?

Mr. Speaker: That is quite proper Councillor Thompson. Any Member can move that one of these Motions be placed in Committee...it has to have a seconder and then it is my duty to call for a vote on this matter. Perhaps that would be the way we could more fully discuss the merits of a Motion. I might state that once it is in Committee, the Committee will then either accept or reject the Motion.

Mr. MacKinnon: Yes, Mr. Speaker, I feel that's sufficient. If the Members are not in approval with the Motion, have it deferred to Committee, and then they can discuss it all they like. I think that this has been a short-cut in the way it is being handled, and I think it is a very good one.

Mr. Taylor: Mr. Speaker, I would draw the attention of all Members back to Beauchesne's, 83, where it states once again, in the interpretation of the Rules of Standing Orders...the House is generally guided not so much by the literal construction of the Orders themselves as by the consideration of what has been the practice of the House with respect to them. Our practice has generally been exercising just a shade more latitude than we are now - as in the recent debate on the last Motion where the Honorable Member from Carmacks-Kluane... where we were unable to ask questions and receive answers, and if you have taken your turn in debate and some aspect of the Motion which was not clearly understood before by you arises...when the next Member speaks, you have no opportunity to debate it whereas if we had a second go at some of these, we could probably keep them out of Committee and more clearly understand the Motion.

Mr. MacKinnon: Mr. Chairman, what is Mr. Taylor saying? I don't think that this Motion is so difficult to understand. I am sure Mr. Taylor must understand it, and if he so wished to vote against it, why didn't he?

Mr. Speaker: I think we will close debate on this particular matter. I think all Members understand what the situation is and, of course, these can be referred to Committee to get full details of the particular Motions, or if the Members so wish, the Rule could be changed accordingly. The next item on the Agenda is Questions. Have we any Questions? There are quite a number here to be answered yet.

Question No. 21 Mr. Taylor: Mr. Speaker, I have one question this morning. What was the population of each of the ten Canadian Provinces on the occasion of joining Confederation?

Mr. Speaker: Thank you. Are there any further Questions? That pretty well completes the daily routine and the Orders of the Day. What is your pleasure gentlemen?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into the Committee of the Whole to study, Bills, Memoranda, Sessional Papers and other matters, and I would also advise you that we have an appointment at two o'clock on this speed testing device.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Southam will now take the Chair in Committee of the Whole.

Mr. Southam: I will now declare a three minute recess while we get organized.

Zealand, anywhere where there was a compatible body of law they could study. They have now decided to recommend something along the lines of the British system, the contributory system. A man goes to the lawyer of his choice, he is not compelled to go to one lawyer such as the public defender who is in fact employed by the Government and probably sits cheek by jowl with the prosecutor, which is unsatisfactory. So they have decided that lawyers in Ontario who have taken part in a legal aid scheme should take 75 per cent of their normal fee and the client may contribute according to his means which will be assessed by the Welfare Department in Ontario. In Britain it is a committee which assesses the capacity of the person to contribute and the lawyer takes 90 per cent of his normal fee. Now in this memorandum I have touched upon this question of a reduced fee and you will see that I criticise what I think is woolly thinking by both the law society in Britain and the law committee in Ontario. Nobody says to a carpenter - you're building an old folks' home here, would you work for \$1.50 instead of \$3.95 because it's a good cause. A lawyer can only sell his time once like anybody else. You can't leave your time on the shelf and sell it tomorrow, so if you are working you should be getting the going rate. It is presumably being taxed by the Registrar and the Clerk of the Court has settled the fairness as a fair bill. Why then take 75 or 90 per cent. So the client would go to the lawyer of his choice, tell him his problem and the lawyer would ask him what money he had - say he only earned \$75 or \$90 and had a wife and six kids and can't pay very much - the lawyer would make an affidavit on his means and then I would make a summary of the facts and the reason why I think they should be represented. This will cut down the frivolous cases. You then send it over to me and I refer the financial aspect to the Welfare Department and because we do not have the manpower and the local Bar to form a committee I think I would have to take the responsibility of assessing whether this was a case worthy of defence or worthy of support. Somebody has to make the decision and if I was to form a committee of local lawyers, there would be no local lawyers left for the client to go to. We're just that low in manpower. Now this is the way legal aid could work in the Yukon. It would have to be a little empiric in its first years until all the knots had been taken out of the problem, but there is a need to assist the ordinary person in the ordinary case. The person who goes before the court on, say, an impaired driving charge may, out of sheer desperation put in a plea of guilty because he hasn't got any money to pay the fine and counsel. He has to make a decision and the record shows, and it has been gone into exhaustively, that people do in fact reject legal aid and tend to plead guilty out of despair or ignorance. For instance there are records of cases where an accused has refused assistance, but this is no argument against not having assistance available. Some of the reasons are interesting. He knew he was guilty, he had no confidence in legal aid, that is as it exists in the particular area and it is unsatisfactory in a lot of places. There is apparently a profound lack of confidence in the public defender system which has been taken publicized but it is noteworthy that it has been rejected by Congress as a suitable form of dealing with this problem. It was rejected therefore by the country which probably initiated it and has done most to perfect it. A prisoner sometimes rejects legal aid because he wasn't told enough about it or, and one sympathises with this, he imagines an appearance without the counsel might propitiate the court. This is a suspicion which might in

fact be well founded. Sometimes one does suspect that a man who appears without counsel gets a better time. He was advised to plead guilty in the hope of a lighter sentence. In theory nobody gives him such advice, in practice I have no doubt that it occurs, or he believes he has no need of a lawyer or, worse still, he believes he is not entitled to a lawyer because of a previous conviction. Now, in many areas legal aid is not available to people with previous convictions; in many areas, and this is the case in Ontario, legal aid was not available in divorce and matrimonial cases because they felt divorce was a luxury and yet an unsatisfactory home life is probably at the root of half the trouble the parents get into and probably at the root of ninety per cent of the trouble that the juveniles get into. So they seem to be closing the door on a vital social problem on that point.

Now I don't know what guidance to give you on the matter of money. You know that we spent some \$35,000 a year prosecuting people on the more serious offences. It seems logical to say that one would have to spend the same amount to defend people. At the moment we only spend about \$5,000 a year by comparison on defending people. We have no experience of what it would cost for defence in summary conviction matters which can be very serious, for instance the lorry driver who is up on a charge which can result in the loss of his licence is facing a much more serious situation than I would if I were up and likely to lose my licence. My livelihood would not be taken away from me, so don't think of defence being limited to criminal matters, the field should be widened. If you put a lorry driver out of his job then his family's on Welfare. Which is the better investment - to see that at least he gets the best representation we could provide and he then gets a sense that he has had a fair crack of the whip, or to impoverish him, let him go to a counsel, let him sign away his earnings for months ahead. This society as a whole is going to benefit. You have got ahead of you a corrections program. We spend something like \$85,000 just keeping people in the tank over at the police headquarters. If you simply shorten the detention period, the bail period and the remands by 20 per cent, you've saved 20 per cent of \$85,000 like that. So it's not all money thrown away, it will result in economies. Now recently we have heard about the projection because of the full corrections program in the North West Territories. I can't call the sum to mind too readily but one suspects that even within a few years it will be costing about a million a year. Now then, a lot of that money can be saved by insuring that people who shouldn't be convicted and don't go to prison, aren't punished and so often it is not the man who is punished but the family and we build up a welfare bill. What I am suggesting is that some money be requested. I have on this paper taken a thousand dollars. It is a good round number and you don't have to spend every nickel. But it would be very mortifying at the end of six months to have to shut down the legal aid program because you have run out of money. This would be fairly disastrous. If you are going to take this step it must be a bold step and if you don't you are very soon going to be the only place in Canada that doesn't. North West Territories won't come to this realization as fast as we are and we will be ahead of many of the provinces where legal aid doesn't seem to have caught the Government's eye. You know enough about the circumstances from your individual constituencies to know how many of them have impoverished themselves defending themselves. How many of them have gone with their rights

unprotected because they were not prepared or could not afford to engage a counsel. Now when you have this sort of social frustration you are going eventually to have disrespect for the courts, disrespect for organised societies because they feel they're not getting a fair shake. In other parts where there is money available, more charitable societies, more lawyers able and willing to work for nothing, places where they don't have our geographical problems they are already moving to solve this. This study by the Ontario Committee is without doubt a brilliant piece of work. They have gone into every aspect that they can and I have in these notes here just tried to take some of the highlights out. I can't expect you all to read a hundred and twenty odd pages of small print but it is a most rewarding study; they have specific recommendations here which I can have sent up for you, although I urge you to mentally adapt them to the Yukon. I mean what has been blue-printed in Ottawa or the east has to be given a little reshaping to make it work here. They have hundreds of lawyers there and we have only six practicing here. And what happens in Dawson or Watson Lake. Well, we will have to be generous with our travelling policy and allowances for interviewing witnesses. They keep a tight rein on that sort of thing. So these are the general outlines. Now if there are any specific questions that I can deal with I will do my best. You will notice on Page 5 the record of the matrimonial causes; in England 75 per cent of the cases assisted were matrimonial and 20 per cent of the causes were mainly negligence. So if you have no reason to think that the Yukon experience and the ratio of matrimonial domestic matters terribly different from the experience elsewhere you couldn't consider excluding matrimonial cases and Ontario now agrees this was a mistake.

Mr. Shaw: I would satisfy myself on this particular matter. Generally speaking, a lawyer chosen by the defendant and also if this for instance were yourself in the capacity of the senior legal counsel, I would presume by the discussion that the person would have to have a reasonable case in a matter such as this. In other words if it was fairly conclusive that he had committed an offence then of course there would be no point in caring for it but where this was people where there was reasonable doubt that they were innocent of the charge, these are the kind of cases that would be handled. Is that right?

Mr. Legal Adviser: No. Even if it appeared that a man was guilty there is so much that can be said on his behalf that he cannot say and the magistrate or the justice cannot extract from him. If a man is confronted with the possibility of imprisonment there may be very good reasons for a suspended sentence and this is why you cannot preclude representation even though it is a straightforward guilty plea. There are ways of pleading guilty; there are things that can be said. Mind you the fee paid to counsel in such a situation would be much smaller than if he were running a full scale defence. This is true and probably our percentage of the amount he contributed would be slightly different. I can't be sure of that. I think you must be prepared to represent the guilty. It is a matter of social importance that no man is given a sentence which is too severe.

Mr. Shaw: In other words we are taking on a very expensive rehabilitation program and that this particular arrangement would more or less fit in with this arrangement and it could have a considerable tendency to be the first stage in a certain amount of rehabilitation.



Mr. Legal Advoser: I think a corrections and rehabilitation program without this has a built in safeguard. It's something like a man with a suit of clothes but without the pants - he's only half dressed. What's the point of rehabilitating a man who's gone to prison with a sense of grievance because he shouldn't have been there.

Mr. Taylor: I really think that there is a tremendous amount of merit to the proposal. How it would work in actual fact I am not too clear but I think it is generally agreed that through a broad interpretation of the North America act and as the Canadian Civil Rights would define and I think in the broad interpretation too it would be generally agreed that one of those rights is justice. There are many people, particularly here in the territory who are denied this right by lack of finance or lack of confidence or by sheer out and out fear. I think this is best exemplified by the plight of our native people in the territory and I have risen at this table when I first came to this Council and raised this question but here we have and I think anyone who reads the local newspapers certainly down in my area would be surprised to read the names of those people who are paraded before the police courts. And these people aren't really criminal problems; they make themselves criminal problems by pleading guilty. Many of them do not understand the charges; their understanding of the English language is very slim, they feel that just because they have been apprehended by a constable they must obviously be guilty, or else they wouldn't be up in the courts. And they plead guilty and I have seen a great amount of this. They stand before the Justice of the Peace who is untrained and has no legal background and who attempt to the best of their ability to try and meet out justice but without this background it is very difficult to establish whether justice is being done and these people actually have a great fear of the law, but no respect. They fear it because most of them are hauled into the courts every other day and they are costing us a great deal of money and when they plead guilty they cart them off to jail where they become a ward of the state and really these people are not criminal problems at all - they are social problems and a social problem is deserving of a social care. This comes back to my old argument - civil education at the community level to resolve some of this. Now, if we have this legal aid system we must of course apply it to everybody; we have people who feel that they have been wrongly charged. In the outlying districts if a man feels he is innocent and has been wrongly charged or wrongly jailed, the only thing he can do is call Whitehorse and try and get a lawyer. This immediately means a remand, he may be held in custody if the local JP thinks he should, and this is being done every day, then the man must scare up \$150 from his jail cell, or whatever it is to have the lawyer come down and I really agree that some assistance should be given. I think it puts the JPs on their toes; I think it offers the citizen an equal chance before the law because we pay good money every year to run a public prosecutor's position. We are paying him to prosecute these people, that is his job; get out there and win all his cases but we have nobody on the other side of the fence to offer the people of the territory a little protection - we hire one guy on one side of the sticks to prosecute everyone in sight and we should have something on the other side of the sticks to help the citizen. So I agree that we should look at the question of legal aid and try and provide such. It leads to another consideration and this is the financial aspect of the proposal. I feel that the Federal Government through the Indian Affairs Department or through the Department of Citizenship and Immigration should provide funds

out of their very healthy and generous budget not necessarily for building houses and throwing out destitute rations but for two things. One is social education on the community level and the other is legal aid for every native when they come before the courts. Their budget is I feel sufficient to do this. I feel that the Federal Government also being in the Justice business, we pay them to look after justice, should then contribute a reasonable amount of money to provide for legal aid be it \$100,000 \$200,000 \$50,000 a year whatever the figure is. I think you must agree that until we have some of these large revenues directly accruing to the territory we just don't have the money to do this. But certainly it must be done, and I feel this is very important.

Mr. Boyd: This has merit all right; there's no doubt about it because as it is today we have a law for the rich and a law for the man who has no money. A man without the money is the one who gets the dirty end of the stick especially when he comes to appear before magistrates and police. After all, these people were here before we were, most of them that we are talking about and it is us that put them in the position they're in now. We have made laws but we forgot to take them into consideration. It's not their fault that they're where they are. They also do believe that when they do find representation or defence they are sometimes worse off than before they got the defence because in the first place defence - people lose their pick-ups. There are garnishees, there's a dozen and one things that happen after they have got through with their case. The case might have cost them a week in jail but to stay out has cost them a year in purgatory because of the want of money that somebody else has taken from them. So when it's all said and done there are people entitled to those considerations and I am all for giving it to them.

Mr. MacKinnon: I would like to say a word. I would like to compliment Mr. Legal Adviser on the broad views he has taken and I think he has a proper attitude toward the defence of the people of the Yukon and I would wholeheartedly back up this particular suggestion for legal aid.

Mr. Shaw: In respect of this particular matter in relation to the areas of responsibility I think that we are of a single mind, that where we turn around and spend thousands and thousands of dollars to put people in jail we call it justice and we must therefore spend a certain amount to see that these people get a fair trial. They do not have a fair trial when the government is prosecuting and they have no means whatsoever to defend themselves because of their possibly poor knowledge of the law. Council members realize how much at a disadvantage one could be in a position like that. I had noted remarks in relation to the people of Indian Affairs. Now I always thought that years ago the Indian Affairs Department took a very paternal attitude in respect to their charges. I was under the impression that the people of Canada had signed an agreement with these people and they were under the protection of the Crown. I am sorry to say that I cannot feel as if the attitude or the policies of that Department have changed ever since I have been in Canada which is a matter of nearly forty years. The attitude now is the same as it was when I came here; it hasn't changed at all

The attitude is a matter of handing out a little relief in some form or another, forgetting about it and sweeping it under the rug. The attitude has changed a little in the last number of years because there has been a certain amount of political pressure for providing certain amenities. A lot of the fault is with the rehabilitation program which should have had the first consideration. These people are under the protection presumably of the Canadian people. I have never in my experience in the Yukon seen where the Indian Affairs Department have taken this attitude of protection of their charges in relation to matters such as protection in the courts. Members of Council are very much in agreement with this scheme and I think it would be very useful perhaps if the general trend of these discussions were sent along to the Minister who has just visited this particular area for the space of a few hours. For the attention and intention of this Council that he be informed of these things so that he could possibly look into it and say - there's a very good point there, what can we do - because there's an area of responsibility there without question and I think it is about time these people pulled up their socks and realized it. I think that if these discussions were sent to the head of the department he would have something to digest for a month or so and possibly come up with something where they could realize this and assist us.

Mr. Thompson: I would have to concur with the remarks advocating the implementation of this particular facet of our life. Again it is a step in the right direction. When I first read this last paragraph of this submission that says 'since we are in the era of astronomical figures I would suggest \$100,000 per annum', I was a little apprehensive and as Mr. Taylor has pointed out Justice are now asking for half a million and are not even bothering to tell us where it's going; maybe if we see the figure of \$600,000 next estimate we will have an idea possibly where some of it goes. My only other comment on this is that we have set up, or it is costing us \$85,000 to keep these people in cells, together with some very high amount to prosecute so if the Government is going to go into the defence of persons as well as prosecution I feel that to arrive at some equitable solution this should be likened to a product - you buy a product and it either produces or you return it and ask for your money back. I feel that if the government are going to make funds available for both the defence and the prosecution one way that we are going to get our money's worth we say - fine, if you defend and win you shall be paid. If you prosecute and win the defence won't be paid but you will be paid. And I think in this way you will probably see that things won't get out of hand; you will probably keep your overall cost down and it will be to the advantage of whoever is the prosecutor or defender to put their best foot forward and make sure they are the ones who are paid for their troubles.

Mr. Taylor: I think that this is one of the most important things that has come before the Council for quite some time. I have a copy of the Canadian Bill of Rights here and it states that without discrimination etcetera every citizen of Canada is entitled to certain fundamental freedoms, namely, the right of the individual to life, property, security of the person and enjoyment of the property and the right not to be deprived thereof except

by the due process of the law. Then it goes on to say under (b) the right of the individual to equality before the law and the protection of the law. I think that is a matter we have got to consider here. We have in the Criminal Code of Canada over 600 to 700 sections under which people can be prosecuted. We have across the rest of Canada innumerable law books which not only define the rules by which we are supposed to live but also the penalties which we pay for not living up to these rules. I would say that it's basically true that few, including the lawyers, understand all the laws in Canada contained even in these two books. If this be the case - that the legal profession without considerable research cannot be expected to know all these laws, how the devil are the public supposed to know these laws. You can take that one further by saying that the average citizen in the street is not conversant with all these laws, so how the devil can a native person who has yet to understand our society, our religions and our practices. I cite for an instance a case that came up two or three years ago in which a native woman was picked up in Watson on a charge of being drunk and it appeared at the time that the liquor was provided possibly by renegade whites and it was drunk in the company of many other natives who all got as drunk as they could as quick as they could, mainly because at that time I believe they didn't have the right to drink liquor like you or I, the woman in question was picked up, hauled before the Justice of the Peace, told of her misdoings and fined a nominal fine and turned loose again. The following day, bango, she's back again, drunk, taken before the JP who says, "Lady you are interdicted; I have this day issued a writ of interdiction. Do you understand that?" 'Yes'. She left and went directly from the police barracks where the court was held and went down to the beer parlour for a beer, (she was hung over from the night before) and tried to fathom out what 'interdicted' meant. Well, it wasn't very long before she was drunk again, so the police diligently picked her up again and hauled her back again for the third time and she was sentenced to three months in prison. She was brought to the Watson Lake airport; it was the first time in her life she had ever been on a plane and she kicked up about it but she was forcibly taken on board it, and hauled into Whitehorse here and jailed. Now the law was so understanding that they forgot to note that her husband was killed with a good friend of all of ours in the Yukon, George Miller, in 1958. A woman virtually out of the stone age was given no consideration for this and she was lodged in the cells at Whitehorse pending shipment out to what would be a terrifying world to this woman and still no legal counsel was provided, no attempt to understand. It was at this time that I was made aware of the situation and I believe I sought some advice through our legal counsel here in the territory, firstly Justice Parker of the Territorial court and I asked him just what could be done in a case such as this. He said that if anyone was willing to launch an appeal to the effect that the sentence that was levied was rather strong, it can be done by taking certain courses of action and therefore I attempted to set up an area of appeal to have the woman held in cells here, before shipping to try to get the sentence repealed or reduced and I then went to Indian Affairs who were all with it for a while, but pretty soon they came back and said no - if we did that we'd establish a very dangerous precedent, because if we defended this woman or appealed her sentence, why we'd have to appeal everybody else's sentence. So that's where the whole thing was left. Now I just cite this as one example but these things

are happening every day. If you arrive here early in the morning you will find the night's gathering paraded into court and I think you will remember when they used to parade them down the street until this Council stopped it. If you take a look at the content of that parade you won't find substantial citizens, you will find those who are impoverished, what we might call the have-nots. These are the people that we should be helping, who do need the help. Another fact of it is, as I think we've agreed in discussion correction programs, that the intent of law in modern day concepts is to place emphasis on psychological rehabilitation of people who get themselves into trouble. I think it's also agreed that in this day and age when you incarcerate a person you don't lock them in a dungeon and chain them to the wall you attempt to rehabilitate these people rather than to have revenge on them and make them once again good citizens. In other words through psychological approaches get at the root of the trouble and find out why they committed the crime of which they were accused and try and bring them out of incarceration with a decent respect for the citizens around them and for the society in which they exist. I think that the only way that we can ensure that this can be done is approach this legal aid program vigorously and attempt to influence the Federal Department of Justice and the Federal Department of Indian Affairs, which is Citizenship and Immigration, and ask for their assistance in rendering this most important aid. One final item: if this thing being discussed today at this table and if we intend to collectively do something about it, which I assume we will, I think every emphasis should be placed on the fact that we want this for next year or now but not for twenty years from now as it seems most of our recommendations take three or four years to implement and so therefore if anyone is proposing to draft a resolution or a motion in respect of this, I feel that this should be pointed out, that we can't wait for the next five year agreement for this kind of thing. We have waited too long already.

Mr. Thompson: I would just like to say that I don't question Mr. Taylor's remarks or his very touching story for a moment but I doubt that there's any person in the Yukon, be it white or Indian, that doesn't know what interdicted means.

Mr. Taylor: I can answer that by stating that I know people in the Ross River area and the Upper Liard area - I know one woman who lives there today, who has raised four very fine children and who was found tied to a tree staked out as a witch by the medicine man. In my lifetime, and I am only 32 years of age. And someone else whose ears were cut off as a child because the witchdoctor said so. These people are alive, they're down in Liard. Sure, the young fellows do, but the old fellows don't. I believe we even had a woman at 1016 here not too long ago over 80 some odd years heaved in the bucket and they fined her. Fortunately she managed to pay the fine out of her pension cheque. This type of thing is going on. Certainly there are many people in the Yukon, they're learning to understand English but they don't understand our laws and they don't understand our terminology. I could certainly show you many people who do not know what interdict is.

Mr. MacKinnon: Mr. Chairman, I would suggest at this time that we've heard enough fairy tales and that we call it twelve o'clock.

Mr. Southam: If you insist. Gentlemen, at this time I'll call recess and we will reconvene at two oclock at which tine you can go for a ride to see how fast you can go with the tester

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The Chairman called the Committee to order and informed the members that they would proceed with discussions on Legal Aid.

Mr. Taylor: Mr. Chairman, it is noted that in the brief on Legal Aid, British Columbia provides themselves with \$50,000 to finance their programme. I believe that it was stated this morning, members of the Law profession take a 25% reduction in fees. I was wondering as to what figure would be required in the Yukon to implement this programme for say, one year?

Legal Adviser: The B.C. example isn't going to be too helpful for here again they are guessing. I think that they are going to find that they are guessing far too low but they are excluding divorce matters and that will make a significant difference in their cost estimates. My recommendation is that the lawyer be paid his fee otherwise the system ultimately is not going to work properly. In Ontario, it was already beginning to show signs of strain and indeed collapse in some places because it was only the willing few who were doing the work. Unfortunately you can't expect a lawyer to take a case for 75% of the money when he could be getting 100% from another client. This is why I have taken a very large figure. There is no basis, really, for the \$100,000, but I don't want to see any scheme fall apart through the lack of funds on this point. I'm sorry to say but I think that the B.C. example is not going to be very good. They will have to revise their cost estimates very shortly. If you look at the increase in cost from 1952/63 you will see that the figures go up ten-fold in almost any category. This is what you can expect. This is what B.C. can look forward to if they implement their programme.

Chairman: Do you have any further comments, gentlemen?

Mr. Taylor: I believe, Mr. Chairman, that one of the members is presently drafting a resolution in respect to this. I was wondering how a person would approach the Administration for Legal Aid especially in the outlying districts? For example, a person is picked up and he has no money. Possibly he is held in a cell or something of this nature. Who would he see? Would he make application to the J.P.? How could this work? Another point I wanted to ask about. What could be done to negotiate some arrangement with Indian Affairs to look after their own or would we look after Indian Affairs?

Legal Adviser: Indian status residents are treated on the same footing as white status residents. In other words, if they come up on a serious charge and need Legal Aid, they get it through the normal assignment of Council. Apart from that there is nothing on the lower level to help them. They draw out of the same resources as the white man. There is no special benevolence under the Indian Act. With regard to the outlying people, this is a problem. This is why we have got to have what I call an experimental flexibility. I see, say in Watson Lake, you can ask the resident welfare officer to come and see you and tell the story to him and he will then telephone it to me. I will have to make an assessment over the phone. This is why a Committee won't work at this early stage of the game. If there were two lawyers in Watson Lake, then he could call for the lawyer he wanted and the interview could be made direct. But taking the facts as they are, suppose he sees the welfare worker and says I

want a lawyer. The welfare worker then phones me telling me the name of the lawyer the man wants. The choice isn't very wide at the moment. I would then speak to the lawyer and say: "When will you be going to Watson Lake?" He could then say: "I could be down there in two weeks' time". I would then ask the welfare worker to arrange bail and tell the Council. There is no reason why this cannot be worked out. It involves the welfare people more than they would want to be involved but there is no one <sup>else</sup> in Watson Lake. There is no one else in Dawson or these other places and they have got to take the person who is on the spot. If we get the money, we can make it work. We may not follow the precise pattern of more organised Provinces but we will make it work.

Mr. Taylor: I have a question, Mr. Chairman, on Indian Affairs. Would we charge Indian Affairs for monies expended on their behalf?

Legal Adviser: No, that is not done at present between the Justice Department and the Department of Indian Affairs. This is just treated as a normal defence cost. They are citizens of the Yukon and they make their contribution. Quite frankly, I wouldn't like to be saddled with the book-keeping if I had to enter into correspondence. The only way this could be worked out would be to have a series of clear-cut decisions based on the virtue of each case. When the bill is to be paid, that bill is submitted to the Court that taxes it, paid and filed if the matter is closed. I am quite sure that occasionally, one may pay too much or too little or guess wrong as to what a person should contribute. These are chances we will have to take, but I'm sure that they won't be serious errors. As it is, I would be the person in the hot seat until the Committee is more experienced.

Chairman: Any further discussion, gentlemen?

Mr. Shaw: Mr. Chairman, in order to get something going and possibly this isn't written very well but I think that it will get the message across, I wish to propose a Motion in relation to this Legal Aid, i.e.:-

"It is requested that the Department of Justice make provisions each year for the amount of \$35,000 to provide Legal Aid to persons on a solicitor of their choice basis. This amount to be used for persons who cannot pay all or part of the legal fees necessary to obtain justice. That the Minister of Citizenship and Immigration be advised at the earliest possible time of this Resolution and the Council's discussions relative to this matter. That his Department fulfill their obligations and contribute financially as well as any other assistance to implement this plan in respect of this Department's responsibility to the people under their care as outlined in the Indian Act".

Motion  
Re.  
Legal  
Aid

Mr. MacKinnon seconded the Motion.

Mr. Taylor: Mr. Chairman, does this Motion specify criminal cases only or civil cases as well?

Mr. Shaw: Mr. Chairman, this Motion extends itself to providing justice for the people it doesn't specify any particular thing. It has been put in a general sense.

Legal Adviser: Mr. Chairman, I would like to amplify one



point. The recommendations I have been making to you in the brief that you have here before you have been made with the intention to include not only criminal and civil offences but also representational appearances before an Administrative Tribunal, which today forms a more and more important part of our life. They are not strictly courts, but there are many times when an appearance before a licencing tribunal, requires presentation of Council, e.g., Workmen's Compensation, Labour Relations and so on. You must look at that area too and realise that there will be occasions when they need Legal Aid.

Mr. Taylor: Mr. Chairman, I don't think that \$35,000 is enough to ask for. I imagine that we will be dealing, principally with native people at the outset for they seem to be on many occasions aggrieved. I would suggest that the figure in the proposed Motion be amended to read \$75,000.

Mr. Shaw: Mr. Chairman, if this is implemented then we will be embarking on an entirely new programme. I am more concerned with the principle involved rather than the dollars. I will put it this way. If we spend \$35,000 to attempt to get people into jail and spend \$35 in an attempt to keep them out of jail, this balances the scales of justice, somewhat. I feel that in introducing something entirely different to what has been practiced in the past in the Yukon Territory, the persons concerned who have to deal with this matter would possibly find many more excuses not to put this into being if it were for \$100,000. I don't think that they could justify any less for defending than for prosecuting. If Council accepts this Motion and it does go through I think that it would be a wonderful start and if it is insufficient then I would suggest that further funds be allocated to it. The important thing is to get a start on this. In the past I have found that one of the biggest drawbacks to any proposals by Council has been "cost too much". This is equitable.

Amend-  
ment  
to  
Motion  
No.

Mr. Thompson: Mr. Chairman, I remember during discussions this morning we were talking about \$100,000 and \$35,000 is a long way from \$100,000 and I think one of the comments that the Senior Advisory Council had to make at that time was that it was ashamed to implement a programme of this nature and then find half-way through we did not have enough funds to implement it: to its fullest. I am well aware of Mr. Shaw's concern regarding money as it has a habit of rearing its ugly head, but I would be inclined to make an amendment to the Motion to substitute, as Mr. Taylor has suggested, the sum of \$75,000. This would give us a very good opportunity to see whether it would work, or whether it was justified or whether we would have to take another look at it. Therefore, Mr. Chairman, I would amend the original Motion to read \$75,000.

Mr. Taylor seconded the Motion

Mr. Taylor: Mr. Chairman, I would like to say one thing in reply to the Honourable Member from Dawson. I realise his position and thoughts here, but you are equating this with the cost as laid down by the Crown Prosecutors. I don't think that the Crown Prosecutors do 50% of the prosecutions in the Territory. I think that the bulk of the prosecutions, at another additional figure, are done by the R.C.M.P. This is a cost that we haven't even considered here. I think that the prosecutions carried out by the R.C.M.P. in the outlying districts, this is where you are going to have your

biggest demand on this programme. Also we haven't considered these administrative tribunals, or anything else. This is why I very very strongly feel that this should be increased to \$75,000. Even if the money isn't spent it reverts back to general revenue, but at least it is there. If we are to embark on this programme we may as well ensure that we have sufficient funds to carry it along.

Mr. MacKinnon: Mr. Chairman, before I make any decision on this, I would like to hear any comments that Legal Adviser may have with regard to this matter.

Legal Adviser: Mr. Chairman, the only basis we have got for calculation is to match up what the Crown Prosecutor gets at the moment. He gets a maximum daily fee. However, anybody is allocated to the defence and the defence lawyer doesn't get nearly as much as the Crown Prosecutor. Let's assume that whatever it costs in future to prosecute should be matched by a \$1 spent in defence. This is a rough way of looking at it. Then let's assume that there are twice as many or three times as many cases which are handled by the Police which will, in future, call for some representation. So, you've got to have something allocated there. On the civil side - this is not a busy Civil Court except the Magistrate's Court. In Ontario, it was not the practice at one time to give representation in the Division Courts, but it has been found that so many debt collectors and persons specialising in debt work that what had been the poor man's Court became the poor man's trap. They are now giving representation right down to the \$100 claims. In reply to the Councillor from Dawson's suggestion of \$35,000, I think that I would have to be so hard-nosed in the administration of this sum that it might bring the whole scheme into dispute. On the other hand, I have no intention of being very open-handed either. Local lawyers who think that this is going to be the dawn of a wonderful financial millennium will find that they will have to work for every buck they earn. I would say that \$75,000 is a much more encouraging figure than the \$35,000.

Mr. Boyd: Just a short question, Mr. Chairman, on the Motion concerning money. I am wondering if we are in order the way the Motion is worded?

Legal Adviser: Mr. Chairman, I have considered that but it is a request for the provision it is not initiating anything and you may request a provision and trust that due provision is made. I thought about that and I think that it is in order.

Mr Shaw: Mr. Chairman, I just wanted to point out why I suggested the figure of \$35,000 in my proposed Motion. I always try to put in the most minimum figure possible but I can see where it requires more and I am certainly agreeable to the amendment and I just wish it luck, through its passage along the various categories it will be going.

Chairman: Gentlemen, we have an amendment to the Motion to read "\$75,000" instead of "\$35,000". Are you agreed to the amendment?  
Amend-  
ment  
to Motion  
Carried All: Agreed.

The amendment to the Motion was Carried.

At this time, the Chairman called a recess of the Committee

Tuesday 30th November

4.0.p.m.

Page 493

Mr. Chairman: We will discuss the Labour Code which is Sessional Paper 20.

Sessional  
Paper  
20

Mr. Taylor: I believe we had reached the point of Section 9 and we had just recommended the deletion of sub-sections (2) and (3) of the Canada Labour Code.

Mr. Chairman: I believe Mr. Legal Advisor was taking us through this Act generally and I wonder if he could continue.

Mr. Legal Advisor: Councillor Taylor's recollection is right we had reach 9 and 10 and we are discussing variations. Instead of having the fixed 40 hour week under Section 5 (1) if you remember was an 8-hour day 40 hour week. In the later sections there is machinery for extending the number of hours that we work and at that time taking exception to the presence of the word in 9 (2) the word "exceptional", because what may be exceptional in some parts of the world may be routine in the Yukon for men out in the field. I felt that one or two drafting changes would have to be made there to make this ready for the Yukon. The next Section was the question of the filing of Notices where the maximum hours have been exceeded.

Mr. Taylor: In sub-section (2) of 10 we noted that the Employer shall report in writing to the Minister or Commissioner as the case might be and we included the words there, "that when so ordered by".

Mr. Legal Advisor: Would it be your wish Mr. Chairman to go on with Part 2 the minimum wages. I will read Section 11.....You have an arbitrary standard and you have power to set up a standard. How the Commissioner would calculate a standard basis or work I don't know. I suppose he would consult the Labour Relations Officer and available employers and employees. The equivalent machinery in the Labour Code is found in Section 11 of the Canada Act and there again you have \$1.25 and you have got the power for the Minister to fix the standard basis. Would you like to discuss at this time the suitability of \$1.25 or shall I proceed reading.

Mr. Taylor: Mr. Chairman, this is an area which has received the interest of Council for some time and that is the basic minimum wage being established in the Territory. It was suggested at that time there should be two basic minimums, one for male and one for female, I feel that the same basic minimum wage should apply to both and I feel that \$1.25 per hour is a good basic minimum wage. I feel there would have to be some relief for people employed in domestic dwellings etc. and somewhere I have a list of those. With those basic normal exemptions I would say \$1.25 would be desirable. Another aspect of these minimums is that we require of the Territorial Government and the Federal Government Contracts, for the Contractor as a part of his agreement to except a standard of basic minimums as laid down by the National Labour Department as being the basic minimums for given areas. Somehow we have to consider this and I think the sooner we can implement this basic wage of \$1.25. the better off its going to be for everyone in the Territory.

Mr. Boyd: This minimum wage is the most important thing at the moment. Baby-sitters are getting \$1.25. an hour for sitting at night while they do their homework but we have others who are doing 8 hours work per day and getting paid much less. Times of 50¢ an hour and 60¢ an hour are just out of the question when it comes to living and it doesn't matter who the person is they still have to live and be able to pay \$1.00 or more for a lb. of coffee. Its up to us to see that this area is protected.

Mr. Shaw: This has been dsicussed at great length before and I think \$1.25 an hour is the least you could pay to anyone for a job of work. I go along with this one.

Mr. Chairman: Are you agreed on this Gentlemen. .

Council Agreed.

Legal Advisor: Sektion 12 in this one there is provision for the employment of persons under the age of 17 years. There is an exception to this in Section 13. Do you wish to discuss these two Sections.

Mr. Shaw: I noticed in sub-section (a) and (b) of section 12, would that not be somewhat ponderous to have to specify all the occupations that a person may be employed under 17 years of age. I don't know the purpose of it, perhaps if it were explained to me I might see it in a different light. I don't see how we could cover everything where a person had to swear to age and different things. I don't see the point of having this particular legislation in, perhaps the Legal Advisor could explain the reasons.

Mr. Legal Advisor: Mr. Chairman, it is in the Canada Labour Code and it has been adopted by the North West Territories. It probably will be difficult to think of everybody under the age of 17, but in practice what I think will really happen is the employer would ask how old the person was and if he was 16 he would hire the person and get clearance from the Federal Building so then he will phone or write and say this person wants to work for me and I will pay him \$1.25 an hour and then a regulation will be published giving clearance for that category of under 17 years old.

Mr. Clerk: I think the intent is that they will have a different minimum wage of \$1.25. an hour. It says this in the yellow book here that the regulations will specify a different minimum wage for people under 17. That's what the purpose of the whole Section is.

Mr. Legal Advisor: I am sorry Mr. Chairman, but I don't take Section 12 (b) in quite the same light, it may be intended that way but you are opening up an avenue which is going to defeat the minimum wage.

Mr. Taylor: Mr. Chairman, I wonder if we could keep the debate at this table. I might ask or might point out that if this is really necessary, could not the Act that we propose even though it follows in line with the Canada Labour Code. Can we not rework this so that this would apply to all types of employees whether under 17 or over because it seems to me that many young people do a mans work and should be entitled to the same pay for the amount of work that they do.

I am just waiting for the other debate to be concluded here and we could resume with the one we are discussing. It seems to me that these young people who get out on their own at 13 and 14 to make a living for themselves should be entitled if they do a day's work to get the same wage.

Mr. MacKinnon: I would like to say that I feel Mr. Taylor is way of base, this is ridiculous thinking. If a fellow at 14 years old wants to take care of gas pumps you can't pay him \$1.25 an hour and the kid doesn't expect it. What are you trying to do force people to charge excessive prices for room and board.

Mr. Taylor: Mr. Chairman, I might say that I was waiting to see how long it would take for this particular subject to come up. Every time we have discussed basic minimums or anything else the one and only squawk comes that it is tough on the people on the Highway. Maybe it is but the Union has got a little tough with the people driving trucks and the truck operators, but they should all have the protection of a basic minimum wage. They should also as the Bill of Rights states to have the freedom of a good life and all this sort of thing. I don't think the operators of the Highway are going to be too hard done by paying a basic minimum wage like this or more.

Mr. MacKinnon: In reply to Mr. Taylor's remarks, the people on the Alaska Highway will not be dumb enough to be caught in a trap like this. They will work on a Contract basis if it becomes necessary, this is only a bunch of foolishness.

Mr. Chairman: Would you take the chair Mr. Boyd:

Mr. Southam: I believe this is put in here to where people cannot fulfill their requirements and then again of requirements that are laid down for certain labour. As you know that in a mine or around a mine nobody is hired unless he is 18 and if he looks under 18 I ask him to produce his birth certificate or affidavit to that effect. This I think has probably something to do with it, but I quite agree that if the fellow can do the work he should be paid. I don't think in lots of cases that a young fellow of 16, 14 can do the work that is required. I think this is here because as I said that in and around a mine you are not allowed to hire anybody under 18 so this may be a protection in that light.

Mr. Shaw: I can see now why that is in there and my question is answered. The youth of 13 and 14 its very seldom that they can do a man's job and I am quite satisfied to see this stay the way it is.

Mr. Legal Advisor: I was in error when I suggested they would be getting the minimum rate and Mr. Clerk was quite right. What I haven't been able to find is where the Commissioner had the authority to fix minimum wages but that is in 14 (f) which we will come to. However the difficulty will arise what standards is the Commissioner to set, suppose for instance the gas attendant what he should get. In one hand you are spelling out \$1.25 and there are no guide lines for the Commissioner when he prepares his regulations for the guy under 17. There is a weakness in the

structure of the Ordinance and the Canada Act on this point.

Mr. Shaw: So we don't/<sup>get</sup> too involved we should forget about that business of under 17 I wonder if we would be doing any particular harm. We are providing for over 17 and under 17 and I can hardly foresee the miners in Calumet under 17 years of age or any industry in order to get away from the minimum wage. If we have that particular section in it may create more confusion than the good it might do.

Mr. Taylor: You would still have to correct Section 11 which said that you have to pay each employee at the age of 17 and over, you will have to correct it in there. It will have to be to pay to each employee and take the age out of it, unless it refers throughout the Ordinance.

Mr. Shaw: Might I ask Mr. Legal Advisor that if we cut that particular section out Section 12, would it make any difference to Section 2 of Section 11. It just means that if they are 17 and over they get the minimum wage of \$1.25 and the under 17 it just leaves blank.

Mr. Legal Advisor: If you take out "shall pay to each employee" and take out the reference to age this would mean every man, jack and boy would have to be paid on the minimum rate of \$1.25 an hour. This is one approach but on the other hand you want flexibility and you would have to consider that. All I was pointing out was that there will be administrative difficulties with Section 12 and you must be prepared to help us weather the storms that will arise there. My recommendation was although there will be some creaking, if we leave it in and let's see how it works before we take it out.

Mr. Shaw: Mr. Chairman, I don't think I got my question answered here. My question was that if we took out 12 in its entirety does that make any change or make anything necessary to change the present Section 11.

Mr. Legal Advisor: No I don't think Section 11 would be effected.

Mr. Taylor: Well I think it would, otherwise you could be turning our 15 or 16 year old full qualified tradesmen out of the Vocational School and its possible they wouldn't have to be paid minimum basic wage as skilled tradesmen.

Mr. MacKinnon: Getting back to this minimum wage, is this in respect of baby-sitters for instance we hire a baby sitter at \$1.25 an hour, that is \$12.00 a day, \$300.00 a month just for a common ordinary girl that can do nothing but sit in the chair and watch 2 or 3 kids. Does this make good sense to set something up in that manner. I am in the process of hiring a baby sitter right now and am I going to have to pay her \$300.00 a month or do I have to turn around and charge her \$150.00 for board.

Mr. Boyd: I wonder if Mr. MacKinnon values anybody else's time other than his own. Surely people are entitled to earn and go home with a bit of a pay

cheque with which to buy the food with and I think we have to get over this selfish aspect of this thing and act as we would like to be treated. I should hate to offer you \$2.50 an hour to turn gasoline pumps because you would think you were worth a lot more.

Mr. MacKinnon: Well in respect of Mr. Boyd's comments I think he is away off base. This is not sensible he is talking about a fully skilled employee and one that is not qualified in any field other than merely a baby sitter where sometimes there is no work involved. Already I have had 6 or 8 applications for a job just to do that and pass the time to make a few bucks, not for \$1.25 an hour.

Mr. Taylor: I don't think the member probably heard me when we started this discussion that I said possibly we should consider a few departures from this in the relief of people employed in domestic dwellings.

Mr. MacKinnon: Yes Mr. Chairman, I did note Mr. Taylor did implicate that, I also noted that Mr. Boyd did not note the implication.

Mr. Shaw: I am not against Section 12 but I think if we make it too much paper work its going to make it difficult to administer.

Mr. Taylor: I believe that if I am not mistaken for the edification of Mr. Legal Advisor, it is in the back of the Federal Superannuation Plan this type of category that I spoke of and there are not too many in relation to this Ordinance.

Mr. Chairman: Are you agreed with this Section.

Mr. MacKinnon: I would like to hear something from the Legal Advisor in respect to this Baby Sitting deal.

Mr. Boyd: May I ask if Mr. MacKinnon could explain what he means by baby sitting. Does he mean baby sitting at night while you are out, or does he mean for a girl to come in and babysit all day. All kinds of circumstances enter into it.

Mr. MacKinnon: The terms on this would be 8 hours a day, 6 days a week.

Mr. Legal Advisor: The Ordinance would apply to that but if it was what I call baby sitting where a neighbour wants to go out for the evening and someone sits in I don't think one would try and find an Ordinance for that.

Mr. Taylor: I think in view of the time I would suggest that we carry on with the orders of the day for tomorrow and suggest that Mr. Legal Advisor be excused and I would move that Mr. Speaker do resume the chair for the report of the Chairman of Committee.

Council Agreed.

Mr. Legal Advisor: The last time you were discussing the Labour Provisions I remember that the Manager of the U.I.C. was in the gallery and in fact with Committee. I wonder whether you want him to be present again.

Mr. Chairman: It has been moved by Councillor Taylor and seconded by Councillor Boyd the speaker do now resume the chair and hear the report of Committee.

Council agreed.

Mr. Speaker: I will now call this Council to order and hear the report of the Chairman of Committee.

Mr. Chairman: Mr. Speaker the Meeting convened at 10.30.a.m. and discussed Motions, Sessional Papers and anything that was put before us. Mr. Legal Advisor was in Committee and we discussed Legal Aid I would mention that there was considerable progress on this and there was a motion moved by Mr. Shaw and seconded by Mr. MacKinnon. It was requested that the Department of Justice make provisions each year for an amount of \$35,000.00 to provide Legal Aid to persons on a Solicitor of their choice basis. This amount to be used for persons who cannot (a) pay all or part of the legal fees necessary to obtain justice and that the Minister of Citizenship and Immigration be advised at the earliest possible time of this resolution and the Council's discussions relative to this matter and that his Department do fairly fulfill their obligations and contribute financially as well as any other assistance to implement this plan. Respect of this Department's responsibility of the people under their care as outlying in the Indian Act. This Motion was amended by a Motion of Councillor Thompson and seconded by Councillor Boyd to read \$75,000.00 The vote on the amendment was carried and also the vote on the Motion was carried. We next took up Labour Legislation and I can report some progress on that Mr. Speaker.

Mr. Speaker: Are you agreed with the Committee Chairman's Report.

Council Agreed.

Mr. Speaker: We now have the matter of the Agenda for tomorrow.

Mr. Taylor: We still have Sessional Papers, Bills and Motions and more particularly I believe the matter of Labour Legislation. Possibly Council may wish to continue with that tomorrow.

Mr. Speaker: Is that agreed to the proposal of Councillor Taylor.

Mr. Boyd: Yes Mr. Speaker, I would like to see us continue on this Labour deal while it is fresh in our minds.

Mr. Speaker: Do you wish to have Mr. Daniels here.

Mr. Boyd: I am not concerned one way or the other personally.

Mr. Thompson: I don't see that this would cause any hardship and it is just possible that we may want to refer to him for some manner of information. I feel that this is quite in order, just because some of my neighbours aren't very sociable this should carry on with the rest of us.



Mr. Boyd: Its not a case of being sociable, it was the case of not feeling that I had any questions to ask. I am more concerned with what is written there and I know Mr. Daniels will be into this thing and we will be into it again and its a long way of being off the ground yet.

Mr. Thompson: It never hurts to hear the other man's opinion and/would suggest that we invite Mr. Daniels to be with us tomorrow. If a Motion is necessary I so move.

Mr. Speaker: It was moved by Councillor Thompson and seconded by Councillor Southam that we have Mr. Daniels here tomorrow morning in relation to Labour Legislation. Are you agreed with the Motion.

Council Agreed.

Mr. Boyd: I would move that we call it 5. o'clock  
Mr. Speaker.

Mr. Speaker: It has been moved by Councillor Boyd that we call it 5. oclock. Are you agreed to the Motion.

Council agreed.

Mr. Speaker: The motion is carried and we will now adjourn until tomorrow morning at 10. o'clock.

Page 500.

Wednesday, December 1, 1965.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call the Council to order. Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker. The first memorandum we have is dated the 29th of November on Question No. 15 - Purchase of Estimates:

" With the idea of satisfying public demand an abridged version of the Main Territorial Estimates for the current fiscal year was printed. Councillors will have a copy of the abridgement. Reply to Question No. 15

" It is intended to have printed a similar book containing the Supplementary Estimates and to continue this procedure in future years.

" It is intended to make an appropriate charge for these publications."

Another memorandum dated November 29 on Question No. 16 - Amusement Tax:

" The Estimates for the next Federal-Territorial Financial Relations Agreement do not provide for any revenue to be received from Amusement Tax. It is intended to repeal the Amusement Tax Ordinance effective the 31st of March, 1967." Reply to Question No. 16

Another memorandum dated November 30 on Motion No. 20 - C.B.C.

" The C.B.C. has informed me that Mr. Lloyd Moore will be in Whitehorse next week and will be available to appear before Council should they wish to call him. Mr. Moore is Supervisor of Technical Operations for the C.B.C. Northern Service and will be able to answer any questions within his competence." Re Motion No. 20

I have another memorandum dated November 30 on Question No. 18. It will be set out as Sessional Paper No. 43. I have another one dated November 29 on New Schools which will be set out as Sessional Paper No. 44. That's all the correspondence this morning, Mr. Speaker. Session Paper #44

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committees? Have we any Notices of Motions and Resolutions? Have we any Notices of Motion for the Production of Papers?

Mr. Taylor: Yes, Mr. Speaker, under Motions for the Production of Papers, I still have not received the information requested and that's also been taken off the Order Paper.

Mr. Speaker: What would that be, Mr. Taylor?

Mr. Taylor: That's Corporation and Income Tax Revenue, Mr. Speaker.

Mr. Speaker: Oh, I see. Would you make a note of that, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker. I believe that I mentioned before that it was taken off because there was a reply received.

Mr. Taylor: The reply received, Mr. Speaker, was only a memorandum and did not provide me with the information I requested and, therefore, it should remain on the Paper until that information can be provided.

Mr. Speaker: Let us say that an answer was brought forth. Perhaps the answer wasn't satisfactory. Maybe it could be presented in another manner and be put in again. Have we any Notices of Motion for the Production of Papers? Any Motions for the Production of Papers? We next proceed to Motions. We have one Motion on the Agenda - No. 27, Mr. MacKinnon, Fire Hall Haines Junction. Mr. MacKinnon.

MOTION  
NO. 27

Mr. MacKinnon: Moved by Mr. MacKinnon, seconded by Mr. Southam, re Fire Hall Haines Junction "It is respectfully requested that the Administration give close consideration to a badly needed new fire hall at Haines Junction in the near future". May I continue, Mr. Speaker?

Mr. Speaker: Proceed, Mr. MacKinnon.

DISCUSSION  
MOTION NO.  
27

Mr. MacKinnon: I think that you are all aware there's supposed to be a new fire truck coming for Haines Junction but, at the same time, it is understood that the fire truck will not fit in the hall. The original fire hall at Haines Junction is situated on very low ground and it is not considered a very satisfactory place. The building is very dilapidated. There's no place for drying hose and it is not even wide enough that you can take a flat tire off the truck. Therefore, I think instead of doing work, we'll say next summer, to get this new fire truck in, it would be very senseless. It would be a waste of money. Therefore, I think Administration should consider going ahead with the new hall instead of waiting for the next Five Year Fiscal Agreement which would possibly run us to about '68 and they would be spending half the price to remodel this old building.

Mr. Taylor: Mr. Speaker, I wonder if we could place this Motion into Committee. I would like to hear from the Engineering Department in this respect.

Mr. MacKinnon: Mr. Speaker, I think we have already heard from Mr. Spray and his comments were that the hall is badly needed.

Mr. Taylor: I was referring to the Engineering Department, Mr. Speaker.

Mr. Speaker: Well, gentlemen, is there any further discussion on Motion No. 27?

Mr. Thompson: Mr. Speaker, does Mr. Taylor's suggestion or Motion need a seconder to get it into Committee or is his proposition.....

Mr. Speaker: It was merely a suggestion, Mr. Thompson, so we cannot proceed on his suggestion.

Mr. Taylor: Mr. Speaker, I would move an Amendment to the Motion that it be referred to Committee for further consideration.

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

Moved by Councillor Taylor and seconded by Councillor Boyd that Motion No. 27 be referred to Committee.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: That completes the Motions. We now go to the Question period. Have we any Questions this morning?

Mr. Boyd: I have a question, Mr. Speaker. What is the enrollment of the St. Mary's Separate School at Dawson, how many of the pupils are of Roman Catholic Faith, and what Faith is the teacher or teachers? Question No.

Mr. Taylor: Mr. Speaker, I have a question, an oral question, for Mr. Clerk. I wonder if he could tell me when copies of the Public Accounts for last year will be available to Council.

Mr. Clerk: I'm not too sure, Mr. Speaker, but if they are not available at the present, they should be in the not too distant future. They should be printed by now. I'll check that and if they are available, I will bring copies into Council or an answer.

Mr. Speaker: Thank you Mr. Clerk. Does that answer your question, Mr. Taylor?

Mr. Taylor: Yes that will be fine.

Mr. Speaker: Are there any further questions? Well, then gentlemen, this completes the Orders of the Day. What is your pleasure at this time?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to study Bills, Memoranda, Motions and Sessional Papers.

MOTION CARRIED

MOTION  
CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will declare a five minute recess.

Mr. Southam: I will now call the Committee to order and we will resume where we left off yesterday evening and go back to Section 12 of the Canada Labour Code. I believe Mr. Daniels, the Manager of National Employment Services, has some information for us.

Re Labour  
Code

Mr. Daniels: This information comes from the Provincial Labour Standards, December 1964, Department of Labour. In other Provinces there is a compulsory school attendance law but exceptions are permitted in the case of illness, lack of accommodation, etc. Now it goes right through from Newfoundland to British Columbia. In Newfoundland, the school leaving age is 15; P.E.I., 16; Nova Scotia, 16 in Cities and Towns, 14 elsewhere; but 15 or 16 may be fixed locally; New Brunswick, 16, unless he has passed Grade Eleven, 14 by resolution in rural districts; Quebec, 15; Ontario, 16; Manitoba, 15; Saskatchewan, 16, unless he has passed Grade Eight; Alberta, 15, unless he has passed Grade Nine; British Columbia, 15, unless he has courses completing public school and transport to High School is not provided, which in effect are the minimum Labour Laws for full-time employment because they obviously can't work full-time unless they leave school.

Mr. Hughes: Could I, Mr. Chairman, draw your attention to the Regulations made under the Canada Labour Standards Code which were published Friday, the 25th of June, 1965, in Part 2 of the Gazette, Statutory Orders and Regulations No. 256, in particular to Regulations 9 and 10 "Special Employees". An Employer may employ a person under the age of 17 years in any office, plant, service, transportation, communication, construction, maintenance, repair or other

Re Labour  
Code

Mr. Hughes continues:

occupations or undertaking of business if he is not required to attend school, if the work is not underground... mines, and of course not to enter a place which is under Explosive Regulations nor involved in atomic work, not working in a prohibited category under the Shipping Act and it is not likely to endanger his health or his safety. An Employer may not cause or permit an Employee under the age of 17 to work between 11.00 P.M. on one day and 6 o'clock A.M. on the following and then there is a provision for the payment of wages, and in Regulation 10, there is a provision for apprentices who are being trained on the job. I don't think you would want me to restate them in detail. Of course these are related to the Federal books and while there is a prohibition against working between 11 o'clock at night and six o'clock in the morning, since the Federal Government doesn't employ babysitters, I don't think that this would prevent you engaging a babysitter to stay over midnight on New Year's Eve or something like that. I thought I should draw your attention to the Federal Regulations as a guide

Mr. Daniels: I was wondering if you want the ages for any specific occupations because I have the ages for employment, minimum ages....they set them up in four categories - Mines, Factories, Shops and Hotels and Restaurants, by Province, and, for instance, in Newfoundland, they have a minimum age of 18 below ground; P.E.I. has no minimum age; and in Nova Scotia, 18 for working in coal mines below ground...metal mining is 16 working above and 18 below which appears to be pretty standard across the country. New Brunswick is the same:

Mr. Thompson: Well, Mr. Chairman, Mr. Daniels has been mentioning 14, 15 and 16 for minimum wage standards for most of the Provinces and everything like this and yet the Federal is 17. It would seem that the Provinces are just going their own way and making their own rules and regulations regardless of what the Federal Government says.

Mr. Daniels: I think the Federal Standards would apply only to employment by the Federal Government.

Mr. Hughes: Federal undertaking, Federal work, but that is the Federal guide line that causes that...but the Provinces, since this is an area of legislation that the Provinces can legislate, the Yukon can legislate, you may set your own standards except on Federal undertakings. So, you may enter into a dual standard position. A boy 15 can't work on a Federal undertaking but may on a Territorial undertaking. There may ultimately be some confusion but this is one of the hazards of this type of legislation under The BNA Act. Both parties can legislate so you get two Standards.

Mr. Shaw: This Section 12 we started to uphold and I can see it in a better light. In other words, I can see where it would provide a very useful purpose if it didn't go too much to the extreme. In other words, the Commissioner under Section 12 could say that no person under 17 years of age shall work in an underground mine and outline a few dangerous occupations, and if it were left at that, I think it would be quite in order that if they are employing in this industry, the Employer would need to get certain permission under certain conditions in order to have these people. I thought that they would categorize all the industries and then couldn't work on this and couldn't work on that and it would really, or everybody would have to write and find out. Now if it were laid down to what you might call dangerous occupations, then I think that possibly it would be a good section to have in our Ordinance.

Mr. Boyd: I have a question, Mr. Speaker. What is the enrollment of the St. Mary's Separate School at Dawson, how many of the pupils are of Roman Catholic Faith, and what Faith is the teacher or teachers? Question No.

Mr. Taylor: Mr. Speaker, I have a question, an oral question, for Mr. Clerk. I wonder if he could tell me when copies of the Public Accounts for last year will be available to Council.

Mr. Clerk: I'm not too sure, Mr. Speaker, but if they are not available at the present, they should be in the not too distant future. They should be printed by now. I'll check that and if they are available, I will bring copies into Council or an answer.

Mr. Speaker: Thank you Mr. Clerk. Does that answer your question, Mr. Taylor?

Mr. Taylor: Yes that will be fine.

Mr. Speaker: Are there any further questions? Well, then gentlemen, this completes the Orders of the Day. What is your pleasure at this time?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to study Bills, Memoranda, Motions and Sessional Papers.

MOTION CARRIED

MOTION  
CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will declare a five minute recess.

Mr. Southam: I will now call the Committee to order and we will resume where we left off yesterday evening and go back to Section 12 of the Canada Labour Code. I believe Mr. Daniels, the Manager of National Employment Services, has some information for us.

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Mr. Daniels: This information comes from the Provincial Labour Standards, December 1964, Department of Labour. In other Provinces there is a compulsory school attendance law but exceptions are permitted in the case of illness, lack of accommodation, etc. Now it goes right through from Newfoundland to British Columbia. In Newfoundland, the school leaving age is 15; P.E.I., 16; Nova Scotia, 16 in Cities and Towns, 14 elsewhere; but 15 or 16 may be fixed locally; New Brunswick, 16, unless he has passed Grade Eleven, 14 by resolution in rural districts; Quebec, 15; Ontario, 16; Manitoba, 15; Saskatchewan, 16, unless he has passed Grade Eight; Alberta, 15, unless he has passed Grade Nine; British Columbia, 15, unless he has courses completing public school and transport to High School is not provided, which in effect are the minimum Labour Laws for full-time employment because they obviously can't work full-time unless they leave school.

Mr. Hughes: Could I, Mr. Chairman, draw your attention to the Regulations made under the Canada Labour Standards Code which were published Friday, the 25th of June, 1965, in Part 2 of the Gazette, Statutory Orders and Regulations No. 256, in particular to Regulations 9 and 10 "Special Employees". An Employer may employ a person under the age of 17 years in any office, plant, service, transportation, communication, construction, maintenance, repair or other

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Mr. Hughes continues:

occupations or undertaking of business if he is not required to attend school, if the work is not underground... mines, and of course not to enter a place which is under Explosive Regulations nor involved in atomic work, not working in a prohibited category under the Shipping Act and it is not likely to endanger his health or his safety. An Employer may not cause or permit an Employee under the age of 17 to work between 11.00 P.M. on one day and 6 o'clock A.M. on the following and then there is a provision for the payment of wages, and in Regulation 10, there is a provision for apprentices who are being trained on the job. I don't think you would want me to restate them in detail. Of course these are related to the Federal books and while there is a prohibition against working between 11 o'clock at night and six o'clock in the morning, since the Federal Government doesn't employ babysitters, I don't think that this would prevent you engaging a babysitter to stay over midnight on New Year's Eve or something like that. I thought I should draw your attention to the Federal Regulations as a guide

Mr. Daniels: I was wondering if you want the ages for any specific occupations because I have the ages for employment, minimum ages...they set them up in four categories - Mines, Factories, Shops and Hotels and Restaurants, by Province, and, for instance, in Newfoundland, they have a minimum age of 18 below ground; P.E.I. has no minimum age; and in Nova Scotia, 18 for working in coal mines below ground...metal mining is 16 working above and 18 below which appears to be pretty standard across the country. New Brunswick is the same:

Mr. Thompson: Well, Mr. Chairman, Mr. Daniels has been mentioning 14, 15 and 16 for minimum wage standards for most of the Provinces and everything like this and yet the Federal is 17. It would seem that the Provinces are just going their own way and making their own rules and regulations regardless of what the Federal Government says.

Mr. Daniels: I think the Federal Standards would apply only to employment by the Federal Government.

Mr. Hughes: Federal undertaking, Federal work, but that is the Federal guide line that causes that...but the Provinces, since this is an area of legislation that the Provinces can legislate, the Yukon can legislate, you may set your own standards except on Federal undertakings. So, you may enter into a dual standard position. A boy 15 can't work on a Federal undertaking but may on a Territorial undertaking. There may ultimately be some confusion but this is one of the hazards of this type of legislation under The BNA Act. Both parties can legislate so you get two Standards.

Mr. Shaw: This Section 12 we started to uphold and I can see it in a better light. In other words, I can see where it would provide a very useful purpose if it didn't go too much to the extreme. In other words, the Commissioner under Section 12 could say that no person under 17 years of age shall work in an underground mine and outline a few dangerous occupations, and if it were left at that, I think it would be quite in order that if they are employing in this industry, the Employer would need to get certain permission under certain conditions in order to have these people. I thought that they would categorize all the industries and then couldn't work on this and couldn't work on that and it would really, or everybody would have to write and find out. Now if it were laid down to what you might call dangerous occupations, then I think that possibly it would be a good section to have in our Ordinance.

Mr. Taylor: Yes, Mr. Chairman, I am also clear on this now. That was a very enlightening bit of information. Re Labour Code

Mr. Shaw: For example, I have seen kids of 14 or 15 operating tractors. They can possibly operate them very good but, at the same time, they have not had the experience and it could, it would seem to me that this would be a prohibited type of employment...though they could be physically capable of doing it.

Mr. Hughes: I think that the Federal Standards, the Standards laid out by Mr. Daniels, indicate there is no minimum age for agriculture, however, safety would be the paramount factor in the Regulations.

Mr. Daniels: I see the minimum age for any trade in both B.C. and Alberta is 15.

Mr. Southam: Could I ask a question from the Chair. As I understand it, Mr. Daniels, that a boy, say full-time employment, must have left school. Am I right in this?

Mr. Daniels: Well, it seems to depend on the Provincial Standards. Each Province has got a different age. For instance, Saskatchewan is 16 unless he's passed Grade 8; B.C. is 15 unless he has completed courses at the nearest public school; Alberta is 15 unless he has passed Grade 9 or the equivalent. Quebec is a straight 15; New Brunswick is 16 unless he has passed Grade 11; P.E.I. is 16 unless he has completed courses in public school. I would suggest that Grade 9 is probably....

Mr. Southam: Are you all agreed on this Section, gentlemen?

All: Agreed.

Mr. Southam: Can we move on then? I think we were on 14.

Mr. Hughes: Well there, Mr. Chairman, you have the powers for the Commissioner to make regulations and it corresponds, I think in almost exact terms, to Section 14 of the Canada Labour Code. I will try and summarize them. The Regulations may require the employer to pay employees who report for work for a minimum number of hours, the usual minimum on-call provision; fixing the maximum price to be charged for board and any deductions that may be made in respect to board; fixing the maximum price for living quarters and other deductions of that nature; fixing the charges that the employer may make in respect to uniforms which he supplies; and also fixing the charges that may be made for furnishing tools or equipment, and, in particular, specify the circumstances and occupation in which persons under the age of 17 years may be employed in an industrial establishment, fixing the conditions of such employment and prescribe the minimum wages for such employment. I remember earlier that the definition of "industrial establishment" was discussed and it was a pretty wide definition, that's found in Section 2 (f), means any work undertaking or business, includes a branch or section or some division of work undertaking or business as is designated as an industrial establishment. So don't think of it as just a machine shop or a factory. It can be a farm, a trapline, if necessary, and Regulations may be made by the Commissioner, excepting upon such terms and conditions for such period as are considered advisable...any employer on application of Section 11 in respect of any employee trained on the job where training facilities are provided and used by the employer to provide a training program that will increase the skill and proficiency of an employee. Now, those are the regulatory powers of the Commissioner, and in the Canada Labour Code, those Regulations are given to the Governor in Council. The ones you have in front of you are given to the



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Mr. Hughes continues:

Commissioner, or will be presumably give to the Commissioner of the Northwest Territories. If there is any area that you would like to examine at this stage, I will discontinue reading.

Mr. Taylor: Mr. Chairman, I note that we are dealing with a Federal Act and it brings to mind the type of thing that we have as a Public Service Ordinance and it seems to me we are going to have an Act about this big and we are going to wind up with a bunch of Regulations about that big and I am wondering if some of the Regulations which are exhibited in the Canada Labour Code...I wonder if some of these could be embodied into legislation, firm legislation, thereby reducing the regulatory powers of the Commissioner.

Mr. Hughes: Well, Mr. Chairman, the choice then would be a big Act and no guarantee that your Regulations wouldn't swell and in its initial stages you would be hindering the flexibility. We are obviously going to have a lot of trial and error in this sort of thing and I would recommend that you leave this undisturbed. If we are fortunate, NWT can fly this kite for us before we pass it, but we don't want any delay. If we are going to be putting together a Labour Code, we should get started. We may have to take a little of the rough with the smooth on this thing. In these areas of regulatory powers, you may feel that the Commissioner can't do much except enable the Ordinance to work. One of the consistent problems that we meet when we take a piece of Federal Legislation and just change the word from Canada to Yukon, so often it doesn't quite fit the Yukon way of life and the Yukon conditions, and I don't see how we could make any ready adaptation unless we revamp these regulatory powers at this stage. Perhaps in a couple of years time we will have amassed enough experience to start looking into legislation.

Mr. Taylor: Mr. Chairman, one further question I have to direct to Mr. Legal Advisor would be that in Section 14, which we are dealing with, of the Canada Labour Code, and in transposing it into Northwest Territories Legislation, the first line indicates that the Governor in Council may make regulations carrying out the purposes and provisions of this part. Would this mean by the Commissioner in Council or have the Northwest Territories decreed that the Commissioner alone shall make these powers. In other words, is the Council part and parcel of this.

Mr. Hughes: Well, this leads us back to the old difficulty. The Commissioner in Council is the Commissioner with the Legislative Council. You are not in Session...you are not available at all times. You can provide that the Regulations made by the Commissioner shall be tabled and you can provide that they shall be of no effect until that are tabled or approved by Council, but he doesn't sit with you as a Privy Council. This is the difficulty. The expression "in Council" is misleading...the Commissioner makes the Regulations. If you wanted to approve them, by all means we can suspend their effectiveness until you come and approve them. On the other hand, you are then virtually reducing those Regulations to inflexible legislation because a question may come up...an employer or employee may write in or phone and say "Can I employ so and so?", and the answer is "No, not until the Regulations are changed"..."Well, can you change the Regulations? This is urgent." The Commissioner would then have to say "I could change them but they wouldn't be approved until Council comes back". So, if you would be content to have these tabled and then consider the Regulations and advise the Commissioner as to your views on the policy behind those Regulations, he would act accordingly, and in the meantime, the situation could be dealt with for better or for

worse but otherwise it is simply going to be not regulations but legislation and we are going to be back here presenting regulations and you are going to debate them and they will be reported back. You lose then the essential advantage of a regulation which is flexibility and it deals with problems on an ad hoc basis.

Mr. Taylor: Mr. Chairman, I agree that to embark on this program, we are going to have to have a great deal of flexibility but I just raised this question to have all Members bear in mind, and the Administration as well, that legislation by regulation does amount in part to an abdication of legislative responsibility but I will leave it at that.

Mr. Southam: Could we call a five minute recess to change stenographers.

Wednesday, December 1st 1965 - 11.00 a.m.

Mr. Chairman called the meeting to order and asked if Mr. Legal Adviser would carry on the discussion on the Labour Code.

Continued Discussion re Labour Code

Mr. Legal Adviser: Annual Vacations under section 15 now provide separate definitions: 'vacation pay, the 4 per cent of the wages of an employee during the year of employment in respect of which he is entitled to a vacation. Perhaps we should refer to the Federal Act which is exactly the same percentage and the same wording and to Regulation 12 of the same regulations I mentioned. It also deals with annual vacations. Regulation 12 says 'Each employer shall give an employee entitled to an annual vacation at least two weeks' notice of his annual vacation unless otherwise agreed between the employer and the employee.'

Section 15

Now we go on with Year of Employment, Section 15 of the North West Territories draft bill. This means 'continuous employment of an employee by one employer for a period of twelve consecutive months beginning with the date the employment began for any subsequent anniversary date thereafter or for a calendar year or other year approved by the Commissioner under the Regulations in relation to the industrial establishment.' If you look at the paragraph B of Section 15 of the Canada Labour Code you will find that the only difference is the use of the word Minister.

In Section 16: 'except as otherwise provided under this part, every employee is entitled to and should be granted a vacation with vacation pay of at least two weeks after every completed year of employment. For the purpose of this part a year of employment includes a year of employment begun before the coming into force of this part completed at the last date.' There again Section 16 of the North West Territories draft apes very faithfully Section 16 of the Canada Labour Code. I don't know whether Mr. Daniels has any information for us on practice in the provinces. Would you like to hear if there is anything on this?

Section 16

Mr. Daniels: In the provincial standards, length of annual vacation which I take it is the minimum length is Nova Scotia and west to Ontario, including Ontario - one week and in the West it's two weeks. In Saskatchewan it's three weeks after five years' service and BC has four per cent of annual earnings, Alberta has regular pay Saskatchewan is still working under 1/26; Ontario's 2 per cent of regular earnings; Quebec is regular pay if paid by the week; New Brunswick is 2 per cent and Nova Scotia is 2 per cent. I think this 4 per cent now is coming to be general in the West anyway.

Mr. Shaw: On this annual vacation ordinance here, we also have an ordinance in respect of that. It is quite detailed and takes up almost five pages and as far as I can see it covers the same conditions and so forth as this one does here in the Canada Labour Code and unless there is any substantial difference which I don't see we could just retain our present annual vacation ordinance. Perhaps it could be incorporated as a part of the Labour Code but this is already made out with all the details and it seems to be working very well. From the legal point of view I

am not aware of any changes that we need to make the thing into a code. Perhaps the Legal Adviser could give some details on that but it would almost appear that we could take our annual vacation ordinance and just plonk it in the centre of the Labour Code and it wouldn't require much change or only perhaps slight modifications.

Mr. Legal Adviser: Well, when the instructions are going to the draftsman his attention will be drawn to the existence of our ordinance and I think the course that he will follow on reflection would be to repeal our vacation ordinance and bring it into the proposed legislation because then it makes a better code. This is what we are trying to do - bring together a series of ordinances which between them cover all aspects of employment and labour relations, hours of work, pay, annual vacations and then the person who wants to know what the score is on these labour problems can go to this little code of ordinances. Perhaps it will take a long time to get all the details fitted together but it may be that for a while we will have the annual vacations ordinance running side by side with this, with a provision for the repeal and incorporation at a later stage. This is for the draftsman to consider and I would not at this time try and guess which would be the best course. I think he would be inclined to repeal annual vacations and leave it in. I do not know why this is not clearly stated in the North West Territories and just what is going to happen there to labour legislation on vacations I don't know and it may be that this is something a draftsman hadn't considered at that time, or he's picked up the Canada Labour Code and just changed the names. There may be a weakness there.

Mr. Shaw: That is what I am getting at. I would like to see this Labour Code in front of us next Spring. We know how long it takes to get something like this before us. This is something we have wanted for years and I personally do not want anything to delay the passage of an act next Spring. That is why in this discussion of this annual vacation ordinance of ours is working well, it is as far as I can see the same thing practically to what we have here. If we take this whole ordinance that we are using and put it right plonk in here then it will save a lot of drafting when we come to the main code and as it is working very well now unless there are some parts that conflict, it's going to save a great deal of time and delay and it will not require the consideration and time on it as many of the other sections that are new. We know this will work and that can be changed round in time. If they just take this one and put it in there and let it go at that till next year then we will get more progress.

Mr. Chairman: Are you clear on this section Gentlemen?  
Proceed Mr. Legal Adviser.

Mr. Legal Adviser: Section 17 of the North West Territories draft 'the employer of the employee who, under this part becomes entitled to a vacation pay, shall grant to the employee who under this part has become entitled, which shall begin not later than ten months immediately following completion of his year of employment for which the employee became entitled to a vacation as shall at least one day before the beginning of the vacation or at such earlier time as the regulations prescribe pay to the employee the vacation pay to which he is entitled in respect of that vacation.' Well, that is the handing over of

vacation pay. I think Mr. Daniels has something to say.

Mr. Daniels: I was just going to say isn't that the same as the Yukon ordinance right now?. It is as far as the ten month provision is concerned.

Mr. Legal Adviser: Yes, let's have a look. Not quite. Section 5 of our annual vacation ordinance is saying pretty well the same thing: 'Where an employee is entitled to an annual vacation under section 4, the employer (a) may permit the employee to take such annual vacation in one period of two weeks or in two periods of one week, and (b) shall permit the employee to take the entire annual vacation to which he is entitled within ten months after the date on which he becomes entitled to it.' What we are talking about here in 17 is the payment of vacation pay, and it goes on in section 6 of our ordinance in rather similar terms of providing payment. I would have to study it word for word to tell you if our section 6 was the same as the proposed 17 in the NWT draft. They are attempting to cover the same ground. May I proceed, Sir?

Mr. Taylor: I have one question. To slip back to section 16, subsection (3) for a moment, providing that the draftsman feels he may adopt this in lieu of our present ordinance, would this subsection (3) remain with the change from the Annual Vacations Act which would be to the Annual Vacations Ordinance of the Territory. Would this be provided for or would this be deleted?

Mr. Legal Adviser: At the moment I am a little bit puzzled because Councillor has referred to subsection (3) of 16 in the NWT draft bill. I think I am off course.

Mr. Taylor: What it is in the Canada Labour Code - they have a subsection (3) there but I see there is none in the NWT draft. This provides for an employee completing a year of employment before the coming into force of the act. I wonder why it was deleted from the NWT draft.

Mr. Legal Adviser: I suspect - I'll have to check on this - what annual vacation legislation they have in the Northwest Territories; I am not sure off hand if they have it.

Mr. Daniels: My indication is that they don't.

Mr. Legal Adviser: That would explain it. But in our case the Councillor's quite right, we should, since we have an Annual Vacations Act, provide for a reference to it and we should put in a subsection (3).

Mr. Shaw: One question, Mr. Chairman. We have four or five pages of the Annual Vacations Ordinance but in this sheet here we only have slightly better than two pages. Would this mean that there is less in this act or that we have too much detail in our act?

Mr. Legal Adviser: I am not sure which sheet, Mr. Shaw held up then.

Mr. Shaw: I am discussing the Canada Labour Code. In Annual Vacations we start in the middle of Page 8, take up Page 9 and we go just a little past the centre of Page 10; in other words we have practically two pages; we have much more in our own which takes five pages of smaller print, so either we have too many words or too much content, or this one hasn't sufficient.

Mr. Legal Adviser: You are dealing with part three of the Canadian Labour Code. I understand and that is true that it only occupies some eight sections. Now one of those sections of course is the repeal of the Canada Annual Vacations Act. Now our Annual Vacations Ordinance owes some of its bulk to the fact that they have to provide a complete set of definitions which this one doesn't. This has borrowed all the definitions in the first part of the act so you would have to add those on to the act and that would give you two more pages of material to be added to the Federal Act. If you are going to treat that Part 3 of the Federal Act as an act by itself you've got to explain it. It can't stand alone without a lot of definitions and other material added to it. Our Annual Vacations Ordinance stands alone and has all the definitions in, and it spells out the application, it has provisions for the Commissioner to make regulations, people to inspect records and so on. It may be that the Canada Labour Code on the vacations aspect may be too brief. They may have to amplify it by regulations. There again regulations have always got to be parcelled up with legislation so that you get a full idea of how many words have been written. I would not suggest on the basis of what I can see that our ordinance is too prolix and really I wouldn't feel entitled to say that the Canada Act on vacations was as efficient because they both are set up differently.

Mr. Clerk: I think you will notice also that our act contains part of Part 4 and some of Part 5 of the Federal Act. So it's not all in one section.

Mr. Shaw: There is one part where an improvement could be made to our act where we go to some length to say 1/26 and the Canada Labour Act says 4 per cent. Four per cent is much better understood, it is much better to work out and it is certainly an improvement. Four per cent and 1/26 are almost the same and I think that 4 per cent is much easier to follow.

Mr. Legal Adviser: If as I suspect our Annual Vacations Ordinance would be swept out of existence, after all the Federals have repealed their Annual Vacations Act and picked it up in the Code, then presumably we will probably pick up the wording of 4 per cent instead of 1/26, but this is for the draftsman. We could watch for it when it comes back.

Mr. Chairman: Shall we proceed, gentlemen?

Section 18 Mr. Legal Adviser: 18 of the NWT draft bill. 'Vacation pay shall for all purposes be deemed to be wages.' That might be important when there is an action for recovery of wages and the employer said, well vacation pay isn't wages. This disposes of small questions like that.

Number 19: 'Where a general holiday occurs during the vacation granted to the employee pursuant to this Part, the vacation to which the employee is entitled under this Part may be extended by one day, but the employer shall pay to the employee in addition to the vacation pay the wages to which the employee is entitled for that general holiday.' 19 of the NWT draft follows the Canada Act. Is there any discussion on that, Sir? Certainly in our Annual Vacation Ordinance 'Where any holiday occurs during the period of an annual vacation that an employee has been permitted by his employer to take under this Ordinance, the period of the annual vacation shall be increased by one working day and the employee shall be paid by his employer,

in addition to the vacation wage which he is entitled to be paid on account of that annual vacation, the wages that he is entitled to be paid for the holiday.' So he really has double pay if he's away on holiday provided a statutory holiday comes up and I am just trying to find the direct equivalent section for 18 in our ordinance; I'm not sure that it exists.

Mr. Clerk : It's section 13.

Mr. Legal Adviser: No, that's the money deemed to be wages. I am looking for where a man works on a holiday. However, I will have to consider that and see if there shouldn't be some provision.

Number 20: 'Where the employment of an employee by an employer is terminated before the completion of the employee's year of employment, the employer shall forthwith pay to the employee (a) any vacation pay then owing by him to the employee under this Part in respect of any prior completed year of employment, and (b) four per cent of the wages of the employee during the completed portion of his year of employment. Notwithstanding paragraph (b) of subsection (1), an employer is not required to pay an employee any amount under that paragraph unless the employee has been continuously employed by him for a period of thirty days or more. Section 20

Committee : Clear.

Mr. Legal Adviser: May I proceed, Sir? Number 21 of the North West Territories draft bill : 'Where any particular work, undertaking or business in which an employee is employed is, by sale, lease, merger or otherwise, transferred from one employer to another employer, the employment of the employee by the two employers before and after the transfer of the work, undertaking or business shall, for the purposes of this Part, be deemed to be continuous with one employer, notwithstanding the transfer.' Well that's obviously to protect the accumulated rights of the employee. This follows as closely as possible to Section 21 of the Canada Labour Code.

Mr. Taylor: Yes, I think the only difference is just the removal of the word "Federal"

Mr. Legal Adviser. May I proceed, Sir? Number 22: 'The Commissioner may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations

- (a) defining the circumstances and conditions under which the rights of an employee under this Part may be waived or the enjoyment thereof postponed;
- (b) prescribing the notices to be given to employees of the times when vacations may be taken;
- (c) prescribing the time when vacation pay shall be paid;
- (d) defining the absences from employment that shall be deemed not to have interrupted continuity of employment;
- (e) respecting the approval by the Commissioner of a year of employment in relation to any industrial establishment;

(f) for the calculation and determination of vacation and vacation pay in the case of ~~seasonal or temporary~~ employees or in other suitable cases;

(g) providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment; and

(h) providing for the application of this Part where, owing to illness or other unavoidable absence, an employee has been absent from his employment.'

In each Part you will find these regulatory powers. They do seem largely unavoidable; they exist as section 22 in the Canada Labour Code. I think that the powers given to the Governor in Council are the ones given to the Commissioner here. I don't know whether there is any discussion? Perhaps Mr. Daniels can tell you how far the provinces go in this direction.

Mr. Daniels: It appears that the provinces do have regulations. The employer may determine the time that each of his employees may take the annual vacation provided for them within certain limits laid down by law. Vacations in New Brunswick may be given not later than four months after June 30th, Saskatchewan within ten months and in BC, Manitoba, Nova Scotia and Ontario not later than ten months after the date of which the employee became entitled to the vacation. In Quebec within twelve months after May 1st and in Alberta not later than twelve months after the date of entitlement. This apparently is laid out in their provincial acts.

Mr. Thompson: I think this would be a reasonable provision to put in - to stipulate a period of time. There are unscrupulous employers who put it off indefinitely if they have the opportunity and if it is spelled out there is no getting around it.

Mr. Boyd: I would concur with this wholeheartedly. It is necessary in my opinion that it should be written in.

Mr. Clerk: It is in ours.

Mr. Legal Adviser: In view of Mr. Clerk's remarks I should point out that in the Annual Vacation Ordinance they don't have the power for the Commissioner to make regulations on these points, but they do seem unavoidable at this time.

Mr. Shaw: It appears to me that I was always of the understanding that under our ordinance after twelve months a man was entitled to two weeks' holiday and if he wanted to take it he could take it. Or he could have the choice of accepting money in lieu of the vacation, whichever he wished. Isn't that in the existing ordinance?

Mr. Clerk: I think you are referring to our section 5 in the ordinance.

Mr. Legal Adviser: Employees under our ordinance may have that right but I was talking about section 22 providing the Commissioner with power to make regulations and I thought I heard Mr. Clerk saying we have a similar provision in our Annual Vacation Ordinance. I feel bound to point out to you that we don't have that, so that you wouldn't



be misled. However, I did add that the present circumstances necessitated these powers.

Mr. Shaw: If we continue to have this as we do in the section 5 under our ordinance, is it necessary to have it any other way? Wouldn't this be satisfactory?

Mr. Legal Adviser: Well, one could be arbitrary and pick up Section 4 and 5 but here you want to do a little more; you see, part 3 of this draft bill covers slightly different ground. For instance, we have no provision to prescribe a notice to be given where employees can find when vacations may be taken. Now it might not be necessary to make any regulation on that point but it might be necessary to arm the magistrate with the power to make a regulation. We have no experience in the labour relations field. To this extent we are going to be flying blind for a while. We don't want to go running back to Council to say please legislate when we should be getting on with the job and making the ordinance work. All right, in a couple of years' time this thing may be a mass of amendments and we can tidy it up and tailor it to suit the Yukon. I would recommend that at the outset in order to make this thing work we amend the equivalent of section 22. You could say - all right, everybody shall have two weeks' vacation every year or four or whatever it is and leave it to the employee and the employer to work it out by themselves, but since we haven't adequate machinery for discussion between employer and employee in the territory, how can they work it out. Unions can hammer it out with the big employers but it is the small employer who has need of some guidance and regulations.

Mr. Shaw: What I was concerned with was that I realize that you have to have regulations in these things. There must be a certain amount of flexibility. I am concerned about the fact that in this Labour Code book, which will be a book somewhat similar to this, which the employers and employees will be able to get at no cost for their information. Now what I am thinking about is this, that when at the present moment you want information on annual vacations, you go down to wherever it is available and you get a copy of the Annual Vacations Act of the Yukon Territory in which it probably lays out just what you can and cannot do. It is quite specific and it goes into detail. When a person gets an act that is somewhat briefed up it is very handy because it is generally what the law says, but if there are quite a number of regulations I can foresee quite some difficulty unless the regulations are also included with this booklet that is available. The employer and employee will look at it from a general viewpoint but they really won't know the substance of these sections in the act unless they have the regulations that are with them. Now, if it is the intention to include the regulations with the booklet and possibly reprinting it every year or so, otherwise I can see a certain amount of confusion, which is why I made this particular remark on Section 5. It was to bring to the attention of the Council that as far as I can see there will be some difficulty in interpretation.

Mr. Legal Adviser: I think that the Territorial Secretary has asked for legislative material; he also sends out regulations so perhaps you could direct the question to him?

Mr. Clerk: Yes, we do, but in this particular ordinance we are referring to there is no power for the Commissioner to make regulations; it is all contained in the Act. Further to what you have said, I have the Act printed on a card pursuant to section 10 of our Ordinance every employer of the Yukon Territory was mailed one of these cards which must be posted in a conspicuous place where the employees are engaged in their duties so that everybody sees it, knows it and can read it and an employer can be prosecuted for not posting it.

Mr. Legal Adviser: On the remark regarding requests for legislation on other things, motor vehicles and so on, I believe the practice is to send out the latest set of regulations.

Mr. Clerk: Yes, we don't send one out without the other.

Mr. Chairman: Are we clear gentlemen? Proceed.  
Mr. Legal Adviser.

Part IV

Mr. Legal Adviser: Part IV: General Holidays. They start by providing their own definition for this part.

Mr. Legal Adviser then read the definition.

Mr. Taylor: I have two questions here: one in respect of Section 23 - this would be retained would it not? It's not included in the North West Territories draft. And in 24, did you include Subsection C on telephone, radio, etc.

Mr. Legal Adviser: No that is in the Federal because it is essentially a Federal function and this is not an area in which the territory could legislate. But with your other point - Section 23 - I have made a note regarding the repeal of the Annual Vacations, which is the Canada Labour Code provision but doesn't exist in the North West Territories because I suspect they don't have an Annual Vacation Ordinance there.

Mr. Taylor: I would submit that television - private enterprise television - we have a communications organisation right here in Whitehorse which is private enterprise so possibly this section should be retained, possibly modified and retained. We may have private enterprise radio facilities one of these days.

Mr. Legal Adviser: I have given to you my speculative answer as to why it wasn't included in the North West Territories. I am making a note to discuss with the draftsman whether it should still not be included in our ordinance.

Mr. Clerk: Along these lines, in this yellow book under the Section marked 'Coverage' on page 6 it clearly shows you what private enterprises are also covered by the Federal Act and you will note that television and radio are all covered by the Federal Act whether they are private or whether they're not.

Mr. Taylor: I would imagine then that communications would follow suite I would suppose as what is not expressed is not implied.

Mr. Legal Adviser: I think it was the intention to reserve for the Federal Code the areas of activity that the Federal Government does have power to legislate for, including as one notices on Page 6 - the heavy print items and the double 'i' in Fishermen in the last of those items. It's always nice to find even the printers slipping a little.

Mr. Chairman: I wonder if at this time we should call a recess for lunch and reconvene at 2 p.m.

Committee were agreed.

Wednesday, 1 December, 1965  
2 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would proceed with paragraph 25 of the Canada Labour Code.

Legal Adviser: I shall not be dealing with paragraph 25 of the Canada Labour Code first but instead will read the North-West Territories draft first.

"25. (1) Except as otherwise provided by this Part and subject to sub-section (2), when a general holiday falls on a day that is a non-working day for an employee, the employee is entitled to and shall be granted a holiday with pay at some other time, which may be by way of addition to his annual vacation or granted as a holiday with pay at a time convenient to him and his employer.

(2) Except as otherwise provided by this Part, when New Year's Day, Dominion Day or Christmas Day falls on a Sunday or Saturday that is a non-working day, the employee is entitled to and shall be granted a holiday with pay on the working day immediately preceding or following the general holiday".

Mr. Taylor: Mr. Chairman, I was about to ask the reason for reading paragraph 25 of the North-West Territories instead of the Canada Labour Code?

Legal Adviser: It's in paragraph 24 of the North-West Territories draft and paragraph 25 of the Canada Labour Code.

Mr. Taylor: Yes, we had slipped by that and I thought that may be there was an excuse for it.

Legal Adviser: Well, I'm sorry, but Mr. Chairman asked me to start at paragraph 25. He meant paragraph 25 Canada Labour Code and I took it for paragraph 25 of the North-West Territories draft.

Mr. Shaw: Does this mean, Mr. Chairman, say tomorrow was a holiday and the whole plant is closed down. Would that mean that the employer would have to pay all the employees for that day when they were having a holiday?

Legal Adviser: "Every employee is entitled to and shall be granted a holiday with pay on each of the general holidays falling within any period of his employment". For instance, if he is employed for a week and there is a general holiday, you are going to have to pay him for that day off. If an employer is starting a man on the job and a holiday is going to fall in that week, the thing for the employer to do is not to hire the man otherwise he will have to give him eight days pay, or at least a day off.

Mr. Shaw: To illustrate a point, Mr. Chairman: you have a plant of ten employees and everything is working and has been working for years. Tomorrow is a holiday and you are going to close the plant, because it is a bank holiday, or whatever you want to call it. So, you shut down the plant and everybody has a holiday. Does that mean that you must pay them all for not working that day?

Legal Adviser: You must pay them even though they have not worked.

Mr. Clerk: It's a statutory holiday.

Mr. Shaw: I've never heard of that, Mr. Chairman. People being paid for getting a holiday.

Mr. Clerk: Mr. Chairman, this Act says that in future when we get out this Act we will have to pay them but under our present Legislation the employers do not have to pay their employees for statutory holidays unless they worked and then they have to pay them time and a half.

Mr. Thompson: Or time off, in lieu of.

Mr. Daniels: I think that you will find, Mr. Shaw, that it is the regular practice these days to pay them for these days.

Mr. Shaw: You have this practice, but where is the justification? You are getting paid for something you don't do.

Legal Adviser: It occurs now in our own Territorial and Public Service. It occurs in the Federal Civil Service. In fact, it is becoming more and more widespread. Perhaps it isn't a statutory obligation at this time but it is very widely recognised. I don't know what the practice in the mines is.

Mr. Thompson: Mr. Chairman, this is a fact as far as salaried personnel are concerned. You have a holiday and the salary goes on regardless but by the same token, other than the Territorial Government, if you are on a salary and you work over-time, well that's it! That's part of your duties, but not for a person who is on wages. This is the first time I have come across this. If a person is on a hourly wage and there is a statutory holiday, you give him the day off and pay him?

Mr. Clerk: Not at present.

Mr. Thompson: But this is what you are saying.

Mr. Clerk: This is what this is saying.

At this time, Mr. Thompson assumed the Chair.

Mr. Southam: Mr. Chairman, with respect to the mining industry. We have eight statutory holidays that the men are paid for. If they work on a statutory holiday they are paid two times and a half the wages. If they are called out on a Sunday, they are paid one and a half times. That is the way it goes.

Mr. Shaw: Mr. Chairman, may I ask, if there is a holiday and they get the holiday, how much pay do they get?

Mr. Southam: I have to do some figuring here. Say a mechanic for working on July 1, his wages would run in the neighbourhood of about \$67 for eight hours. I can't quote the exact figure.

Mr. Shaw: Mr. Chairman, if that mechanic were given a holiday on that day, how much would he get?

Mr. Southam: He would get his basic rate which would be about \$2.65 a hour.

Mr. Shaw: For doing nothing?

Mr. Southam: Yes. Mr. Chairman, all the mine gets that. The whole labour force.

Mr. Shaw: For not working on a holiday?

Mr. Daniels: It's written in almost all of your Agreements.

Mr. Thompson: But this is in a Union Agreement.

Chairman: Order, gentlemen, if you please. Mr. Daniels, did you wish to say something?

Mr. Daniels: I just wanted to say that this forms a part of the Standard Union principles.

Mr. Clerk: Mr. Chairman, I am wondering if Mr. Daniels can tell us whether or not it is in any other Provincial Legislation? If not, I could find out with very little difficulty as I have all the information in my office, what the other Provinces do as far as statutory holidays are concerned.

Mr. Daniels: I don't know whether this covers it or not, Mr. Chairman: In Alberta, an amendment to the Alberta Labour Act in 1964 gave the Board of Industrial Relations authority, subject to the approval of the Lieutenant Governor of Council, to lay down requirements with regard to pay for employees who do not work on public holidays and for those who do work on such days. Alternatively, the Board may provide that an employer may pay an employee in lieu of pay in respect of each holiday, a specified percentage of his wages until the termination of his employment or at the time he commences his annual vacation, whichever is the earlier. The Board has not yet exercised this. In Saskatchewan: a minimum wage order requires employees who do not work on any of the eight public holidays, to be paid their regular pay. That would be it!

Mr. Boyd: Mr. Chairman, I would ask Mr. Clerk if he knows of any mechanic in town who works in any one of the garages, other than Keno Hill, is paid his hourly rate of wage provided he doesn't work? On a statutory holiday that is.

Mr. Clerk: As far as I am aware, now, I think that one or two of the garages pay a minimum number of hours but others do not. It is more or less split and it is not compulsory in our Legislation. We can do nothing about it as to whether they pay them or whether they do not.

Mr. Thompson: Mr. Chairman, it's my understanding that if there is a statutory holiday, the man has a holiday. But you don't pay him for taking it. He has the day off. This is the difference between a salaried person and a wage-earner. Now, if he works, we make provision for this by paying him one and a half, two and a half, three and a half or whatever the Union dictates. But this is if he works on a statutory holiday. Not if he takes the day off. This is, what I think, was in the original agreement and I would certainly hate to see it changed. If it is, then I'm all for going out to get an hourly job and asking for ten statutory holidays a year and capitalising.

Mr. Shaw: Mr. Chairman, I agree. If you work a man on a holiday, you give him double time or whatever is laid down. As a matter of principle, you pay for what you receive in all fairness. As a matter of principle, I don't feel like forcing

someone to pay for something which they don't receive. I cannot see, say at Christmas time, giving a man a holiday and then paying him extra wages. If that man has to work on Christmas day, then he is giving up something, therefore he is entitled to more than what he usually receives normally. Double time, two and a half or whatever it is. This thing about going home to have Christmas and being paid for it.... we may say the Government does that. Well, the Government has a cinch on these things because they can make any arrangement they want for all they do is dig down in the taxpayers pocket a little bit more and rebalance the sheet. In a competitive enterprise, you have an entirely different situation. They have to make that profit in order to pay it.

Mr. MacKinnon: Yes, Mr. Chairman, I think that it would be ridiculous for an individual to have to pay his help for taking a holiday. I don't go along with that at all. I do see Mr. Shaw's point that the Government can do anything because the taxpayer is paying it anyway.

Mr. Thompson: Well, Mr. Chairman, the Government makes the rules: they don't have to follow them. I would move that section 25 of the Canada Labour Code be withheld from our proposed draft: providing that it's there.

Chairman: If I may make a comment from the Chair? I don't think that it will make any difference if you withhold it or not. You will find in the next few years that this is what it is going to be. Also, regardless, there are still eight statutory holidays that the mine is paid for at the present time. You can put it in your Legislation if you wish because I wouldn't vote against it. I am also of the opinion that a man should work for what he gets. But this seems to be the case pretty well all over the country at present. In fact, British Columbia is the worst. I can't tell you the exact days, but I can remember Christmas Day, New Year's Day, Good Friday, July 1 and August 17. There are three others but I can't remember them, off hand.

Mr. Daniels: The two that I have here are Victoria Day and Remembrance Day.

Mr. Boyd: Did you make a Motion, Mr. Thompson?

Mr. Thompson: Yes, I did.

Mr. Shaw: I'll second the Motion, Mr. Chairman. In my estimation, a statutory <sup>holiday</sup> is a holiday and that is fine as I very much agree with statutory holidays. I agree, also, that if a man works on a statutory holiday he should be paid more than he gets normally. But when he is given a holiday to get away from work I just can't see paying him.

Mr. Thompson: Mr. Chairman, I'm wondering that while I am preparing this, if we could have Legal Adviser's comments on this?

Chairman: Do you have any comments, Legal Adviser, on this?

Legal Adviser: Not from a legal point of view, Mr. Chairman. I would be glad to have a clear direction so that I will know when the draft is brought back to you if I should or should not make provision for this. Mr. Thompson's Motion, should it be carried, would give me the type of direction I need. Perhaps since we are a little limited in experience on this.

you might like to defer consideration of the Motion until you have spoken to local employers of labour or given Mr. Clerk the opportunity of finding out the practice in other Provinces. I feel that we haven't answered them too much here but from the point of instructions for the draftsman, the Motion by Mr. Thompson does give me the sort of information I want.

Chairman: I have a Motion before me here, gentlemen. It has been moved by Mr. Thompson and seconded by Mr. Shaw that section 25 of the Canada Labour Code be removed from the Yukon draft of the Labour Legislation. Any more discussion on this, gentlemen?

Motion  
Carried

Mr. Taylor: Mr. Chairman, my feelings are that I would like to know how British Columbia, Alberta, and the other Provinces in Canada treat this particular problem, apart from Labour Union. I think that we are being asked to vote this out and may be this is the proper thing to do and yet on the other hand it may be necessary to leave it in and until I am given more information I am not prepared to vote on it, at this time but should information be brought to the table explaining this thing then I would be quite prepared to make up my mind on it. Should this be put to the vote now, I shall have to abstain on the grounds that I have received insufficient information on it to make up my mind.

Mr. Boyd: Mr. Chairman, I am going to vote in favour of the Motion and if we find that we are wrong, we can vote it back in some time. With respect to the Mining Company, they will have to make a deal with the Union and this is fine. They are not catering for the public. They are not selling peas or ball bearings. When I go to a store to buy a can of peas, I am going to pay that man for taking a holiday and if he works on a holiday, I am also going to pay him for working time and a half. Now, he shouldn't have it both ways for there has to be fair play on both sides.

Chairman: Are you ready for the question on the Motion, gentlemen?

All: Question.

Chairman: Are you agreed, gentlemen?

All: Agreed.

Mr. Taylor abstained.

Motion Carried.

Legal Adviser: I think we completed reading paragraph 25 and 24 Mr. Chairman, shall I resume with paragraph 26?

Mr. Taylor: Mr. Chairman, I had a question with regard to paragraph 25 and 26 of the Canada Labour Code with respect to sub-section (2), I feel that we should add Discovery Day as one of these holidays and possibly Good Friday.

Legal Adviser: Mr. Chairman, this of course, now makes a clean breach of the resolution just put before you. You see, if you are going to take out paragraph 25 of the Canada Code then paragraph 26 must also go the same way, so.....

Mr. Taylor: Yes, I misinterpreted this. I'm sorry.



Mr. Shaw: Mr. Chairman, I believe that we have many more statutory holidays than this haven't we? Could I be advised?

Mr. Clerk: We have six.

Legal Adviser: "Holiday", Mr. Chairman, is defined in section 20, paragraph J of our Interpretation Ordinance. I don't have the Canada interpretation in front of me but I think there was an amendment to the Ordinance as you have it in the green book in the Labour Provisions Ordinance amendment, third session of 1961.

Mr. Clerk: Yes, in the Labour Provisions Ordinance, there are six.

Mr. Taylor: Mr. Chairman, if section 26 of the Canada Labour Code is chucked out, will provision be made in the preparation of the new Ordinance to provide for statutory holidays or is this provided for further on in the Act?

Legal Adviser: Mr. Chairman, well, no there won't be any provision because it will either be negotiated on a sort of Union/employer basis or it could be a personal generosity of an individual employer unless his employees organize and make it a condition of employment or they are protected by the Public Service Ordinance or the Civil Services' Commissioner. But it will not happen unless you write it in. I don't think that there's later provision for the designation of our statutory holidays. Suppose you designate them: what are you going to do with them? What rights are you giving to the employee? It would be meaningless to say that such and such a day is a holiday without saying what it does for the employee.

Mr.

Mr. Shaw: Chairman, my thinking may be different to some, but I feel that we need a section in there outlining the holidays we have in the Yukon as outlined in our Labour Relations where we have it. I think we have six. I cannot see any reason why it cannot be put that that shall be a statutory holiday and if people work on that day then they should be paid so much above the normal rate of pay. In the first instance, we establish the fact that we do have the holidays, and we can call them statutory holidays, and we also establish the fact that if a man works on these days that he is entitled to additional remuneration.

Mr. Taylor: Mr. Chairman, also we might be able to provide it in the Interpretation Ordinance under section 20.

Legal Adviser: Mr. Chairman, I indicated that there was an amendment in 1961 at the third session and it says:

"Subject to sub-section (3), no employer shall require an employee to work on any of the following days:-

New Year's Day	Dominion Day
Discovery Day	Good Friday
Labour Day	Christmas Day.

When any of the days mentioned falls on a Sunday, no employer shall require a man to work on the Monday following. An employer may request or permit an employee to work on any of the days mentioned in sub-section (1) if he pays that employee remuneration at a rate of not less than one and one half times the regular rate of wages in which the employee is

Mr. Shaw: There is just one thing I would like to comment on. These persons who are employed by the month, I think we have a different situation by one paid by the month and one paid by the hour. Paid by the month as a general rule we have a different category, it has been the practice that a person paid by the month that has a holiday has been deducted for that. I would feel that Section 29 sub-section (1) is quite appropriate to have in there. This person working by the month as a rule doesn't make time and a half overtime and does not work overtime he is usually on a fixed salary. Looking at the general practice I would feel that that section sub-section (1) of section 29 is a good one to have in. It's a different situation where you have a person who has opportunities to make double time and this person does not have the same opportunities. Perhaps we could get some discussion on that.

Mr. Taylor: We are leaving that in I believe.

Mr. Shaw: Might I ask a question of the Legal Advisor. I was assuming in the discussion that the Legal Advisor felt that Council indicated they wanted this section taken out, am I correct on that?

Mr. Legal Advisor: As I see it the effect of your earlier resolution was to carry this out. If you look at the amendments in 1961 an employer may request or permit an employee to work on the holidays mentioned. If he pays an employee remuneration rate of not less than 1½ times the regular rate of pay of which he is employed. He is getting his regular pay and ½ times, whereas under our 1961 provision he is only getting 1½ times his regular pay. Really if he was on say \$10.00 a day and this goes through he will be paid \$25.00 for that day and under our amendments he would get \$15.00. I am assuming that who is required to work on a day, but once he is working and the job has to be done he will get really 2½ times.

Mr. Shaw: If the man works on this particular holiday he gets an increase in pay. If he doesn't work he gets a normal salary and one of the reasons for this I think is that that person working by the month as a general rule when there is a holiday he just has to work that much harder to catch up the next day, on the holiday he has had. I don't think the month salary should be chopped.

Mr. Legal Advisor: If a man makes a monthly salary he is being paid for the month and is available during that month. It isn't as far as I know the practice because he is working on a monthly salary to loose a day's pay because of a holiday, this is an individual contract. It may in fact happen in some cases but it is unusual.

Mr. MacKinnon: I don't believe it has ever happened that when anybody is on a monthly salary, this is the salary that they get. I for one would not want to deduct for the day that they didn't work if they work on a monthly basis that would be very wrong.

Mr. Shaw: That is precisely why I thought to have this in here was good it indicates that you don't cut it.

Mr. Legal Advisor: I have a little difficulty in reconciling the Councillor's proposition with the resolution that has just been made. You say if he doesn't work he is not going to be paid if he is daily rate man. Now the Council is anxious to ride into the Bill the proposition for a monthly employed man there shall be no reduction. There seems to be a conflict here.

Mr. Boyd: The motion was applying to hourly men only because when he does work he gets time and a half. A monthly man if he got his monthly salary and a holiday was a holiday so be it and he didn't get anything extra.

Mr. Taylor: If you go back into the Code you will note that we passed the section that says the man who is working on a monthly salary has a salary at a basic minimum to determine whether he is getting the right salary or not, so consequently he should receive the same consideration as a man on hourly rate.

Mr. Clerk: I think Mr. Boyd's statement was a little bit erroneous and I would like the Legal Advisor to make sure I am right but under our present legislation it states that if an employer requires a person to work on a statutory holiday he shall be paid a time and a half the regular rate of wages and that would include a man that is paid by the month. However, on the other hand as Mr. Legal Advisor pointed out a monthly paid employee doesn't have his salary deducted if he doesn't work on a holiday but that is purely an individual agreement the law does not protect him. An employer may deduct him but an hourly paid man doesn't get paid, period. If other words Mr. Shaw wanted this sub-section (1) of section 29 to go in which protected the weekly and the monthly paid man from having his wages reduced if he didn't work on a statutory holiday. Right now he has none under our legislation.

Mr. Legal Advisor: I think some of the confusion arises because Mr. Taylor and Councillor Shaw are looking at section 29 in the Labour Code and I am dealing with Section 29 in the draft Bill. I am reading to you the draft Bill first because this is the one that has been adapted or prepared in the North and we have simply taken their draft Bill because we have not got one ourselves and we are looking at it to see what changes will have to be made to fit into the Yukon.

Mr. Boyd: It would seem that the resolution which was passed is convicted and possibly should be reconsidered in so much as a monthly man does get paid for not working and I understand Mr. Taylor correctly he gets paid time and a half for working on a holiday.

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Mr. Boyd: Alright then I can't see why we should discriminate against the man that is on the hourly rate.

Mr. Shaw: If I have it correct this section we are stuck on 25, there is one Province in Canada that has that mainly Saskatchewan and no other Province has that as a piece of legislation. Am I correct in this as this is what I understand from Mr. Daniels. Can any Labour Provisions Officer give me any definite information just exactly how all these Provinces legislate in relation to this.

Mr. Clerk: We are making a survey right now and it is taking a little longer than I thought. I would like to leave that section until tomorrow until we can get you that information.

Mr. Chairman: Are you agreed Gentlemen.

Council agreed.

Mr. Taylor: It is nice to know that Members of Committee have finally decided to find this out.

Mr. Shaw: I am sorry I didn't suggest this before and Councillor Taylor didn't suggest it.

Mr. MacKinnon: I would like to ask the Clerk a question. We are talking about monthly employees and time and a half, I would like to know if any Territorial Employees that are on a monthly salary get time and a half if they work extra hours.

Mr. Clerk: I can answer that by saying some of them do and some of them don't. The lower echelon shall I say receive overtime pay which would include working on a statutory holiday but the Department Heads and some of the Senior staff members do not draw overtime no matter what day or hours they work. They are available all days of the week. For instance when I sit with you on Saturday mornings I get a little bit of appreciation.

Mr. MacKinnon: That is the point, I don't believe there is actually anybody that is hired on a monthly basis that get time and a half on a holiday.

Mr. Taylor: I may have misunderstood Councillor MacKinnon but there are many people, I would say the majority of employers in the Territory do pay their employees for a holiday and if they work time and a half and in some cases two and a half time.

Mr. MacKinnon: Mr. Taylor I think you are talking about an hourly basis and I am talking about a monthly basis. When you hire a person by the month you take all these things into consideration when you first hire them and you are well aware that you give these people holidays. Usually they are a better class of employee and that is the main reason you have them on a monthly basis to work for your company. Whether he gets it or whether he doesn't is another question.

Mr. Clerk: Mr. Chairman, the question is not whether or not a monthly employee gets paid overtime for working on a statutory holiday the point is that our legislation does not say that he should or that he shouldn't. Our legislation merely governs an employee a monthly paid man. So strictly speaking if a monthly paid employee works on a statutory holiday he could demand time and a half under this Section of the Ordinance.

Mr. MacKinnon: Usually a monthly paid man is more of an official of your organization and would not be classed as an employee.

Mr. Boyd: Now we are getting somewhere, Mr. Clerk states that he can claim for it and is perfectly within his right to do so, which would mean to me that it should be paid but then he adds whether he

would get it or not is another thing. Now where are we, is it factual that if an monthly man works on a holiday he shall be paid for that time over and above his monthly salary.

Mr. Clerk: What I stated was that our legislation doesn't mention whether the employee is paid by the hour or by the month, it states that an employee shall be paid at time and a half. As Mr. Legal Advisor pointed out a monthly paid employee is working on an individual agreement which covers himself only, this legislation does not make any differentiation.

Mr. Boyd: In fact you say so much a month eliminates you from any of the niceties that an hourly man enjoys.

Mr. Clerk: Technically no, I would say not.

Mr. Boyd: I can't get you nailed down.

Mr. Chairman: Mr. Thompson would you take the chair please.

Mr. Southam: I will speak as a monthly paid employee. I worked in different capacities, mine captain, safety engineer and now personnel officer and I am on call 24 hours of a day and on call 365 days of the year. There is no extra money and I have never got any extra money, I worked an average of 18 hours a day in October 1960, day in and day out. Had I been an hourly man I would have made a little fortune, now this to me in one sense is unfortunate because I do think than an hourly rated man should get these things, then again we get a few other things that we consider are benefits. I do know that in our racket and it is a racket I don't care which way you look at it that you can work around the clock and that is what you are expected to do.

Mr. Clerk: Could I enlarge a little on our present legislation. Under Section 3 of our present Labour Provisions Ordinance it states that the only person exempt from the provisions of this Ordinance are a person whose principle duties are solely of a supervisory or managing character and that doesn't include all monthly paid employees. I just had a case not too long along of a monthly employee who had worked more than the allotted 8 hours a day and his employer in their defence stated that this man was a Manager. We proved in the Court that this man wasn't a Manager because his duties were not solely of a supervisory nature so therefore he was governed by our Act which limited them to working him 8 hours day and forced them to pay him overtime. We collected overtime for this man under our Labour Provisions Ordinance for some \$400.00 to \$500.00 and he was a monthly paid man. As I say our legislation makes no differentiation all you do is take the normal number of working hours in a day or in a week or a month and if he is paid by the month you compute his hourly rate and that is what he has to be paid for an 8 hour day and no longer even if he is paid by the month unless he is a Manager or a Supervisor. Does that clear the point up a little bit.

Mr. Chairman: In that case I just did what I was supposed to do. Supervisory by the way can cover a lot of things, what about a lead hand he is a Supervisor in other words what you are saying he couldn't pass and get overtime wages but he does.

However that is just a technical point.

Mr. Boyd: Well we are going to leave this until tomorrow aren't we?

Mr. Chairman: Yes we are, so we will move on.

Mr. Legal Advisor: May I suggest that you reserve consideration of the rest of the part until tomorrow because one thing will lead to another. I will go on to Section 34 of the N.W.T. Draft which is almost a re-statement of Section 35 of the Canada Labour Code "The Commissioner may, for any of the purposes of this Act....." The Labour Code Provision says "....." That is why sub-section (2) in 34 spells it out in a little more detail. Inspections Section 35 of the N.W.T. draft "The Commissioner may designate .....:" You have before you the Canada Labour Code Section 36 and I think you will be satisfied that the Ordinance to that Ordinance is again a re-statement generally speaking of Section 36 of the Canada Labour Code. We have virtually the powers of a similar nature in our Labour Provisions Ordinance, the power given to insist on production of records. Section 9 of our Labour Provisions Ordinance we say "on demand of the Commissioner or person authorized by him an employer can produce for inspection the record mentioned in sub-section (1) which is the hours worked each day by the wages paid". Now these other powers are a little more sweepy but don't seem to be different in principle. Section 36 of the N.W.T. draft reads as follows "An inspector may administer all oaths and take and receive all affidavits and statutory declarations required under subsection (2) of section 36 and certify to the administration or taking thereof" and you will find that this is a re-statement of Section 37 of the Labour Code. Section 37 in the N.W.T. "Where an inspector finds....." That is a new approach to a difficult question and a reflection of Section 38 in the Canada Labour Code. I don't know whether you would like to ask the Labour Provisions Officer a question on how he deals with this type of problem in practice to-day there is a certain amount of negotiation that goes on without resort to prosecution. Section 37 gives the Inspector the formal authority of what does take in practice.

Mr. Chairman: Have you any comments to make on this Mr. Clerk.

Mr. Clerk: I can only say this is what happens to-day under our Act, we negotiate and come to an agreement with the employer as to the underpayment and if the employer pays we don't prosecute.

Mr. Shaw: I can see that in the first instance what is the real purpose of something like this. It becomes a practice if some person who tried and put it on the basis that he doesn't get caught its so much a head as this becomes more than one, is there any action taken in respect of that.

Mr. Clerk: I can't recall that happening as yet, generally when we act for an employee the employer pays the rest of his employees the proper amount.



Mr. Chairman: Proceed Mr. Legal Advisor.

Mr. Legal Advisor: Information and Returns.  
Section 38 "Every employer shall furnish such information.."  
This found and set out in Section 39 of the Canada  
Labour Code and seems to be word for word. The  
retention of records is not expressly provided for  
in our Ordinance for such a long period, I am not  
too sure what the practice is on that, but the  
legislation there would seem to be an improvement.  
There is a limitation here against the right to  
recover and I am not too sure why records have to  
be retained for two years.

Mr. Clerk: Under our legislation there would be  
no point in it being retained for two years because  
the fact that they can only claim for 6 months back.  
Our Ordinance does not specify how long they have  
to keep the records, it says they must keep these  
records but doesn't say for how long.

Mr. Legal Advisor: I do think they keep their  
books for income tax purposes for much longer.

Mr. Chairman: If I might speak from the chair,  
I know that in the mines they keep records as  
far back as the mine has continued and you can go  
back in the records and find a man's earnings  
in 1952.

Mr. Shaw: Mr. Chairman, I think this is a sensible  
one to leave in, it doesn't do any harm and could  
do a lot of good.

Council agreed.

Legal Advisor: Section 39 "Where the Commissioner  
is authorized to require a person to furnish....."  
I have only one recommendation for your consideration  
is that instead of having all this done by the  
Commissioner that the Labour Provisions Officer  
should somewhere in here provide for the Labour  
Provisions Officer to do this sort of thing,  
otherwise the Commissioner's day will be taken up  
by signing certificates and notices.

Mr. Taylor: Mr. Chairman, why don't you provide  
generally for an Inspector, who could be either  
the Labour Provisions Officer or generalize it as  
an Inspector.

Mr. Legal Advisor: Yes that is a better approach  
to it, I just took the word Labour Provisions  
Officer because of our pre-occupation on the Labour  
Provisions Ordinance. Is there any objection in the  
principle of taking out the reference to the Commissioner.

Mr. Chairman: Are you agreed with this Gentlemen.

Council Agreed.

Mr. Legal Advisor: Section 40 sub-section (1)  
"An employer shall at the time of making any payment...."  
I could draw your attention to what I think may be  
a potential weakness "an employer shall at the time  
of making any payment" well suppose he isn't making

the payment at the time, possibly the payment is in dispute and doesn't make the payment promptly he may feel that he should be compelled at the request of an employee to furnish this material. An employee might walk off the job in annoyance and the employer doesn't send him the money for a month maybe, well in the meantime he should have at least the record so that he can examine and contest the employer's record if he feels that it is inaccurate.

Mr. Taylor: Possibly a new sub-section (2) could replace the present sub-section (2) providing that the employer shall within some reasonable time make and furnish the employee a statement setting out these things and leave sub-section (1) as it is. This sets out that the employer shall at the time of making the payment provide this, how would this work and take sub-section (2) of this and make it sub-section (3).

Mr. Legal Advisor: Yes this is something for the Draftsman to work out and I want to know whether I have your approval to raise this matter with the Draftsman, I think there is a potential weakness there.

Mr. Shaw: That would cover what is normally considered as a wage slip wouldn't it and all we require is some provisions for it.

Council agreed they were clear on this

Mr. Legal Advisor: Section 41 "A person who ....." Your present penalty provisions are I think governed by an amendment that was passed in 1962 5th Session chapter 9, if I may refer to that and that is the Penalty Provisions of the Labour Provisions Ordinance "The first offence there ....." Our penalty now is a little modest only \$100.00 whereas the N.W.T. and the Canada Labour Code both speak of \$1,000.00

Mr. Shaw: I would say Mr. Chairman, that this is the maximum and I think the Magistrates would always have to give it a little consideration its not necessarily \$1,000.00 for a minor infraction. I just would like to ask one question of the Legal Advisor, is this pretty well compatible with similar fines levied for similar infractions or is it much more severe or much less?

Mr. Legal Advisor: Generally speaking I think it would be cheaper to beat your wife. I would have to do quite a long study to come up with a useful answer on that. I don't know whether the Clerk can help you on his experience of other Labour Codes I really would have to spend a lot of time of this.

Mr. MacKinnon: I think this is a little bit out of line. Discharges, you mean that if you want to fire somebody that you should be fined \$1,000.00 for getting rid of somebody that you feel is no good to you. On what basis is this going to be on, who is going to determine this, is this man's word going to have priority over the employer.

Legal Advisor: I can only say that each case would depend on its facts. If it was apparent to the Court that a man who had made a legitimate promise or made a complaint for his being discharged because of the fact that he made a complaint then this provision would be involved. Some employer might retaliate and seek to get rid of a man who had embarrassed them. The Union contracts almost invariably negotiate upon discrimination clauses and provide for a man to take part in union activity and so on. Essentially these people that come to the Labour Provisions Officer or Inspector is really resorting to machinery which is available to a union card holder because he goes to his union secretary and says the boss is trying to chissle me and they sort it out. The man who is a non-union worker has this escape route for his problem and it would be wrong if the Employer could get rid of him by firing him and hiring someone else who could be taken for a sucker.

Council agreed they were clear on this.

Mr. Legal Advisor: Section 42 "A complaint or information under this Act may relate to one or more offences by one employer in respect of one or more of his employees". Section 43 "Proceedings in respect of an offence under this Act may be instituted at any time within two years after the time when the subject matter of the proceedings arose." This is a great leap forward in terms of enforcement. Our Labour Provisions Ordinance is really only effective for 6 months and that is about the essence of the thing. Now this two year limitation is the one which is in the Canada Act, I think the Labour Provisions Officer can tell you of cases where <sup>what</sup> would have been claims have failed because of the passage of time,

Mr. Clerk: This section is the one that explains why the previous section, <sup>tells the employer</sup> to retain their records for 2 years. Under our present Act you must take action within 12 months after the cause of action first arose and then you can only go back for 6 months so this give you 2 years compared to 6 months.

Mr. MacKinnon: Why would it be necessary if a fellow didn't get a proper deal, 6 months is plenty of time to take it up and not two years later.

Mr. Legal Advisor: I was leaving that to the Clerk to give practical instances. I am aware of certain instances where an employee has left the Territory and its only months later that they realize they may have been exploited and they write and it has happened that they are too late.

Mr. Taylor: I think this is wonderful to be able to extend this over a period of 2 years and I think it will be a benefit to the working man.

Mr. Legal Advisor: There is one other item in support of the two year period that if you are going to have it in the Canada Code and you are going to

have it in the N.W.T. it is so much better to have a consistent legislation. Then a man that goes to work in the N.W.T. isn't lead astray by a shorter period in legislation over there and if he comes over here he thinks he has got two years and suddenly finds it is only 6 months.

Mr. Taylor: One other item that occurs to me at this moment is that could it not be brought about that a very simple outline of the Labour Laws in the Yukon be prepared for distribution by employers to the employees showing their basic rights such as holiday pay and basic minimum wages.

Mr. MacKinnon: I can see that Mr. Taylor is not quite sure what he is talking about, this has been out for some time and we do get a card every year.

Mr. Taylor: The only card that I am aware of is vacations with pay, what are these others I have heard about.

Mr. Chairman: What card are you referring to Mr. MacKinnon.

Mr. MacKinnon: Outlining the benefits to employees.

Mr. Clerk: Mr. MacKinnon is probably referring to the benefits to the employees under the Workmens Compensation Ordinance.

Mr. Legal Advisor: Could I deal with the suggestion made by Councillor Taylor of the preparation of explanatory leaflets. It would be a natural thing to the passing of legislation as we would have an important new ordinance. The Canada Act has been followed by this interpretive document and I think work up our own release along the same general lines. It is certainly a thing that could be brought in the defence of the Administration.

Mr. Taylor: If we are going to bring out a new concept on Labour Legislation I think we should let them know about it. I certainly concur something like this in a smaller form that a workman can put in his pocket and read.

Mr. Boyd: I see one such Councillor carries one such subject in his pocket and refers to it every time we come to a topic. I think a person working for an employer had one of them it would stop a lot of misunderstanding and hard feelings.

Council agreed they were clear.

Mr. MacKinnon: I would like to ask the Clerk a question, is there a charge for the Labour Act at the present time.

Mr. Clerk: Yes there is a nominal charge for all our Ordinances, but an informational booklet such as this I would suggest should be put out on a no charge basis.

Mr. Chairman: If I may say something from the Chair, a booklet something on the form that is put out by the Workmens Compensation Board.

Mr. Boyd: I would draw your attention to the time.

Mr. Chairman: At this time could the Legal Advisor be excused.

Council Agreed.

Mr. Boyd: I move that the Speaker resume the Chair and hear the report of Chairman of Committee.

Mr. MacKinnon: I second that Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Boyd and seconded by Mr. MacKinnon that Mr. Speaker do now resume the chair and hear the report of Committee.

Mr. Speaker: I now call this Council to order and hear the report of the Chairman of Committee.

Mr. Chairman: The Committee convened at 10. 15. a.m. to discuss Bills, Sessional Papers and Motions. Mr. Daniels and Mr. Legal were in attendance and we discussed Labour Legislation, until 12 noon. We reconved at 2.0.p.m. and contined on the Labour Legislation, there was one motion moved by Councillor Thompsom and seconded by Councillor Shaw that Section 25 of the Canada Labour Code be removed from the Yukon draft of the Labour Legislation. I can report some progress on this Bill Mr. Speaker.

Mr. Speaker: You have heard the report of Chairman of Committees are you agreed to the report.

Council agreed.

Mr. Boyd: Mr. Chairman, what is your choice of business for tomorrow.

Mr. Taylor: I think we have the balance of the Canada Labour Code and we have some Bills and Sessional Papers.

Mr. Speaker: is that agreed Gentlemen.

Council agreed.

Mr. Boyd: I would move that we call it 5. o'clock Mr. Speaker.

Mr. Speaker: It has been moved that we call it 5. o'clock at this time, are you agreed to the Motion.

Council agreed.

Mr. Speaker: The motion is carried and we will stand adjourned until tomorrow morning at 10.0.a.m.

Thursday, December 2, 1965.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call the Council to order and we will commence first with the correspondence. Have we any correspondence, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker, I have. First is a memorandum dated December 1, 1965, entitled Kindergartens in the Yukon:

There is an item in the draft of the next Five Year Agreement suggesting that the Territorial Government pay for kindergartens in Territorial schools.

Re Kindergartens in the Yukon.

"I wish to bring to Council's attention that we have received a petition with approximately 310 names on it asking that kindergartens become a part of our school system. This petition was sponsored by the Yukon Federation of Home and School Associations and was circulated throughout Whitehorse and some of the other settlements in the Territory."

Second, a memorandum dated December 1, 1965, entitled Annual Grant to Yukon Chamber of Mines:

"A letter has been received from the President of the Yukon Chamber of Mines requesting that the annual grant from the Territorial Government of \$500.00 be increased to \$1500.00.

Re Annual Grant to Yukon Chamber of Mines

"It is understood that a similar request has been forwarded to the Department of Northern Affairs in Ottawa. The Yukon Chamber of Mines now receives an annual grant of \$2500.00 from the Federal government and I understand the request is to double this amount to \$5000.00.

"Council may wish to discuss this matter and pass on its views to the administration."

A third memorandum, dated December 1, Motion No. 19 - Musk Ox:

"We are requesting that the feasibility study be carried out. When the results of this study are known they will be forwarded to Council."

Re Motion No. 19

The next one will be set out as Sessional Paper No. 45, dated November 30, entitled Production of Papers No. 3 - Whitehorse General Hospital. The next one will be set out as Sessional Paper No. 46, dated December 1, on Workmen's Compensation. That is all for this morning, Mr. Speaker.

Sessional Paper #45

Sessional Paper #46

Mr. Speaker: Thank you, Mr. Clerk.

Mr. Taylor: Mr. Speaker, were either one of those last two Sessional Papers or were they both memorandums?

Mr. Speaker: The last two were Sessional Papers, Nos. 45 and 46. It is marked, I believe, on the top of the Paper, Sessional Paper 44, and it will guide you.

Mr. Clerk: It is only on yours, Mr. Speaker.

Mr. Speaker: Mr. Clerk, I think it would be a very good idea if the same thing were done for all Members of the Council when they receive this. Would you please endeavour to put the numbers on the Sessional Papers. Have we any Notices of Motions and Resolutions?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re a power line Durwach Indian Village.

Notice of Motion #28

Mr. Speaker: Have we any further Notices of Motion?

Notice of Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion #29 Motion re Votes and Proceedings.

Mr. Speaker: Have we any further Notices of Motion? Have we any Notices of Motion for the Production of Papers? Mr. Taylor, would you please take the Chair?

Mr. Taylor takes Speaker's Chair.

Notice of Motion for Mr. Shaw: Mr. Speaker, I have Notice of Motion for the Production of Papers in relation to Fire Loss Data.  
of Papers  
No. 4

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Have we any further Notices of Motion for the Production of Papers? All the Motions, gentlemen, are in Committee. The next item will be Questions. Have we any Questions? That completes the routine and Orders of the Day. What is your pleasure now, gentlemen?

Moved by Councillor Taylor and seconded by Councillor Boyd that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Motions, Memoranda, Sessional Papers, and, in particular, Labour Legislation.

MOTION  
CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will now declare a five minute recess.

Re Labour Code  
Mr. Southam: I will now call the Committee to order and we have Mr. Hughes, Legal Advisor, with us. We will start off where we left off yesterday evening on Labour Legislation. Mr. Legal Advisor, will you proceed.

Mr. Hughes: I am just trying to find the exact cut-off point, Mr. Chairman.

Mr. Taylor: I believe it was Section 42 of the Canada Labour Code, Mr. Chairman.

Mr. Hughes: No, we discussed the two-year limit on 43 and the preparation of a booklet outlining changes being made. Yes, we're 44, I think, Mr. Chairman.

Mr. MacKinnon: Mr. Chairman, I have written in my book here where we turned to section 31 on December 2.

Mr. Hughes: That is the discussion on the holidays which had been deferred. Do you wish me to proceed with what I frankly regard is an easier area at this time. I believe Mr. Daniels isn't available right now. He has a City Council meeting. So, if we could go on with an area that's not likely to call for reference to him, it might be easier.

All: Agreed.

Mr. Hughes: Section 44, where an employer, I am reading from the Northwest Territories Draft, where an employer has been convicted of an offence under this Ordinance.... (reads equivalent of Section 45 of the Canada Labour Code). There are probably areas that the Committee would like to discuss in that Section, Mr. Chairman. There are certain

Mr. Hughes continues:  
points that I should perhaps draw to their attention. It will be seen that the authority for the Court to order payment of, shall we say, unpaid wages, is rather similar to the provisions that we have now, but as this would go back for two years, it is a good deal stronger. In fact, the Reinstatement Clause "to pay compensation for the loss of employment equivalent to the wages that would have accrued to the employee up to the date of conviction"...now that is at the discretion of the Court but this could be a very onerous provision. For instance, an employer may have the right to discharge a man on a month's notice, or six months' notice, and if he fires a man on a day's notice, that man is perfectly entitled to a month's pay in lieu of notice or six months' pay in lieu of notice, or whatever the custom of the particular work is and the conditions surrounding his employment. It may appear we are giving to the Court the right to give an employee more than he would have had had he been discharged in the normal way. You see the point... if elected not to sue for wages, a month's pay in lieu of notice, but a prosecution was launched under this eighteen months later, the Court might very well order payment of the compensation measured out for eighteen months. Now whether the Courts will do this, I don't know. It might impose a hardship on an employer. He might be ordered to pay more than he needs to do. I don't know if you wish to discuss this or make recommendations as to how this might be controlled. You might feel that provided always that the sum awarded should not exceed the sum which would normally be payable in defaulted notice.

Mr. Shaw: I have a question. This would only apply to a person that had been convicted at sometime previous, would it...an employer...not to one that had not been convicted before?

Mr. Hughes: Not for a previous conviction, Sir. It is when a complaint is laid, say that the employer has done something wrong under this Ordinance, under this Act, and prosecution comes on say a year or year and a half later. It speaks here, "is equivalent to the wages that will accrue to the employee up to the date of conviction". This is a pretty loose provision.

Mr. MacKinnon: Yes, Mr. Chairman, I get the point quite well. I think where we erred was yesterday in carrying this thing over to a two-year term. It's a ridiculous situation and I think that we should reconsider that point that we mostly agreed on yesterday. It should go back to the six month and not be extended to two years. Like I stated yesterday, if a man isn't aware within six months after he's dismissed, then I don't consider he was too worthy of considering at as late a date as two years, and I wish the rest of you would give some consideration to this point.

Mr. Taylor: Mr. Chairman, I can't agree with that. I think that was pretty well hashed out yesterday and I think anyone who has been agrieved or a wrong has been done him, should have an opportunity of being compensated or having that wrong doing corrected even if it does take two years, and maybe we should extend it farther than two years... maybe we should extend it to five.

Mr. MacKinnon: I would suggest that Mr. Taylor would make a good Union representative other than a Councillor.

Mr. Taylor: Mr. Chairman, I think if we provide this good legislation, we won't have to worry about Unions.



Re Labour  
Code

Mr. Shaw: I can visualize something like this happening... for example, a person has a sawmill and has hired two or three men. He keeps his records as best he can and I quite agree with the fact that records should be kept for a period of two years. I see nothing wrong with that. But, one has always got to take a hypothetical case in order to arrive at what could happen and what would be reasonably just to all people. This person could, as I state, have this small outfit, small sawmill, not a man that is used to having bookkeepers and accountants and so on and he would keep, to a degree, a certain amount of records pertaining to the man's employment. The situation could then be that eighteen months after, the person files a complaint, an employee...I would image that that would be quite simple...it would be quite inexpensive. The employer, namely this fellow that has this small business, he would provide records, possibly not as complete as they should be, nonetheless he is immediately forced into a very expensive procedure of engaging legal counsel. He would have to have witnesses and various and sundry other things on the occasion it happened eighteen months previous to that...that this could easily create a situation where he will be bankrupt, and he could be, through what he did, might have been quite justified, but the legal costs in themselves could easily bankrupt this particular person if he were having to pay all the legal fees and then possibly eighteen months of wages. It seems to me...I certainly feel there should be protection but there is protection and there is protection and it must balance within reason on both sides. Now a person that is blatantly accusing labour of abusing the laws of the country in respect to it, is doing it on purpose...I feel that that person should be punished accordingly. But, there are many occasions that I think this could apply to lack of knowledge rather than any deliberate attempt and the results would be such that there would not be, or could hardly be termed justice in relation to what it was. I don't know... I feel that definitely there should be penalties in here and there should be provisions that these things don't occur, but this is a rather...from what I can see...I know we don't have the whole picture, but from what I can see, it's extremely one-sided.

Mr. MacKinnon: Yes, Mr. Chairman. I am very pleased to hear Mr. Shaw's comments. I think he is a very honest thinker and he can see both sides of the situation. Now, as you are quite well aware, the area that I represent, there is many small businesses. We depend mainly on Private Enterprise so naturally I am a little bit conscious towards the operation of Private Enterprise. Now, for instance, this past season, we were very short of help in the Territory. It became necessary to hire from Vancouver. I know some lodges that have brought up to five members of their staff from Vancouver. Now, if you are unlucky and you get three in a group that does not want to co-operate, they can make things pretty tough. There is lots of this type of people and as time goes on in the Yukon, we are going to end up getting stuck with that type of people. So, if we make all provisions for the employee and nothing for the employer, it's going to be a sad state of affairs.

Mr. Boyd: Well, Mr. Chairman, first of all some Councillors seem to reflect the idea that the employee is the bad nut. He overlooks and disregards the fact that there could be some...the employer...he overlooks the fact that there are no bad nuts...at least he doesn't want to admit there could be some equally, three in a row, too. This co-operation has got to be on both sides. Furthermore, we are all assuming that the Law Courts are going to take the business man for a ride. That's why they've got to go through the Law Court in the first place so that the business man won't get taken

Mr. Boyd continues  
 for a ride but they have also got to go through there to see that the employee doesn't get taken for a ride, too. I think we are concerning ourselves too much on what amounts to really nothing because nobody is going to get hurt as long as they are playing the game. The Law Courts are there just for this particular purpose.

Re Labour  
 Code

Mr. MacKinnon: Well, Mr. Chairman, Mr. Boyd's comments get off on the same tangent as usual and the "nuts" that he refers to...is he referring to the business people of the North Highway? Would he like to clarify his statement? The "nuts"...the "bad nuts"...I don't believe that any of us are "bad nuts" but I don't think we should leave a place here to penalize the employer who is the backbone and the Taxpayer of the Territory.

Mr. Taylor: Well, Mr. Chairman, what we are speaking of here is a person who has been found guilty, who has actually perpetrated an offence against the Ordinance. We're not talking about somebody who may or may not get themselves into trouble some day. We are talking about somebody who is guilty and found guilty in the Court, and it seems to me that the Court in its wisdom are going to have to exercise a certain amount of latitude and discretion and this is provided for here; but it also seems to me that this is quite acceptable across Canada as the Canada Labour Code and certainly if you are going to have an Ordinance, you are going to have to have teeth in it. If you are going to have teeth in it, you are going to have to enforce it. I would just, for the edification of Committee, I would like to ask Mr. Clerk in his capacity as Labour Provisions Officer, a question with respect, Mr. Chairman, in his experience, have the employers in the Territory been at fault in most of the cases he has undertaken to resolve or has the employee been at fault in the majority of the cases?

Mr. Clerk: Yes, Mr. Chairman. In a great majority of the cases that come to my attention, the employer has been the offending party. The employee comes to me with a grievance and in almost 90% of the cases, the employer has been at fault and we haven't had to take them all to Court...we've had considerable success without taking them to Court, but it has been the employer in a great majority of the cases.

Mr. Shaw: I don't think that is a very good yardstick. The only yardstick you could find something like that out would be to take all the employees in the Territory, the amount that complain, the amount that don't complain and so forth. I would say that people are people whether they are employees or whether they are employers. In fact, there are very few people in this world who haven't a certain amount of larceny in their mind. But I do feel that this particular subject is worthy of a certain amount of discussion however we deal with it. There is a law that when a person, for some reason or another, makes a complaint...you could make a complaint about something and you are not allowed to fire that man after on account of making a complaint. It's quite just. I can see the point in that. It's a very good section to have in there. But let us go to people again...in other words employees or employer...the employee knows that he can't be fired so he decides to drag along and not to work until the employer becomes so exasperated after a month that he fires that man. Well, if that is an offence, then that man could immediately take that to Court and complain to the Court, I would feel that justice would be served accordingly because you would have all the facts fairly new, you would have people there for witnesses that were on hand. That, I think, is good. Well, we will project that same occurrence

Re Labour Code Mr. Shaw continues:

to eighteen months or even twenty months after it happened. Where are you going to get the true picture? The employee says, "I was wrongly dealt with and fired", the employer says, "that man was laying down on the job". Now, I would hesitate, I would hate, in a case like that to have to be the judge and try to administer justice on something if I couldn't get witnesses. They would be scattered all over the Dominion of Canada...to really ascertain just what was happening. So that, though records should be kept a matter of two years after is a very, very difficult matter to adjudicate when it comes up after that period of time. I know, with myself, if somebody asked me for something that happened eighteen months ago, I would have an awful lot of research and figuring out to try to give any details on it.

Mr. MacKinnon: Mr. Chairman, I would like to point out...I spent some time on the West Coast in the logging camps. I found, at that time, that we ended up in different camps with groups of three men that would hire out and come to a camp with no intention to doing an honest day's work but they were professional arbitrators. They knew the Law better than the Management of the Company. It took them months and cost them thousands of dollars before they could get those three men out of camp. This has happened in more than one case because they were professionals in not working and collecting pay.

Mr. Boyd: Mr. Chairman, might I ask if those people in those camps were unionized that he was talking about, the employees?

Mr. MacKinnon: Yes, Mr. Chairman, strongly unionized.

Mr. Shaw: I would like to ask a question of the Legal Advisor. On subsection 4 "when inaccurate records are kept". There is one matter that I would like to...some merits of this. Would that indicate where possibly a person has tried to make wrong records or, in other words, deliberately made wrong records or possibly not sufficient detail in a record? In other words, something that is deliberately done to evade the Law?

Mr. Hughes: No, it needn't necessarily be something done deliberately. If the records were to enable the Court to decide that this man was working four hours today and six hours tomorrow and five the day after and so on, there wasn't a detailed record substantiating, with signatures or certification, the Court may very well say these records are not accurate and therefore the presumption will go against you and the Order we will make will be based on a full eight-hour day and so this is supposed to deter or at least coerce the management into keeping very careful records, looking after them, making sure they are accurate. And, if on a particular day a man was able to say "I worked more than five hours and here is Harry Brown and Joe Smith to back me up on this and they can tell you!" "Yes, those records that show you worked only five hours are inaccurate and we, therefore, presume you worked eight hours and we will pay the extra three". You see, that's how it would work. It may have been part of a deliberate plan by an unscrupulous employer to keep records to his own advantage or it might arise from careless bookkeeping or oversight, or something of the sort. I wouldn't like to say that the Court wouldn't find the presumption against the employer because due to carelessness, a clerical error, it could. The employer wouldn't be able to rebut it. It's conclusive.

Mr. Taylor: Mr. Chairman. I think that we have overlooked one thing...that any employer is bound to keep records as accurately as possible for the purpose of The Income Tax Act. He's bound to keep records if he employs men...Unemployment Insurance, for Workmen's Compensation, under many pieces of Legislation, he's bound to keep these records. The only way other than through some sort of a slight error in accounting, the only other way for things to get fouled up is by people or employers, with intent, go out and change their records for some wrong purpose. If this happens, then we have a means of nailing them on it so to speak. It seems to me if there's a clerical error that this would be picked up by the Court and considered as such. I can't see anything wrong with this really. I think you are going to have to have something here. If we had someone here from the Federal Department of Labour, he could probably straighten this out in two minutes flat, but I'm still not convinced that this should be taken out. Re Labour Code

Mr. Hughes: Mr. Chairman, I wasn't saying that this should be taken out. I was trying to explain it by drawing your attention to the fact that it's a conclusive presumption; it's not a rebuttable presumption; it's not prima facie. In other words, if there is a mistake...even if the employee worked one hour a day, he is deemed to have been employed for the full eight so the extent of an inaccuracy, whether it is a ten minute mistake in the record, could cost the employer seven hours. That's what I am trying to indicate to you that the words here....It may be that Committee wants to see a little more discretion placed in the hands of the Court to decide "Well, yes, there was an inaccuracy here, but it wasn't serious". At the moment, you can't say that it was due to inaccuracy...it is a full eight hour day.

Mr. MacKinnon: Mr. Chairman, I think that this is a very plain explanation and as Mr. Taylor has just pointed out from a one-sided slant, I would like to point out that..we'll use myself as an example..that I've got three employees and this time, as Mr. Boyd says, we'll call them the bad nuts. So, they contradict my eight hours a day, eighteen months after they were employed by me, and say that they had worked eleven and twelve. That's three against one. I believe that that would stand in just about any Court.

Mr. Shaw: Mr. Chairman, talking about the records. This happens in the Yukon in many, many, many instances. I have seen it. The way that they keep the time, many of these people, is that when they have one or two, they have a calendar and if there's Joe and Bill, they put Joe on top, so many hours, Bill on the bottom, so many hours each day. Then, at the end of each month, they just add up the total amount of wages and they make up a wage slip showing so many hours in a month for each one. In other words, there's a record of the monthly amount of wages paid but not a record of the amount of hours per day. Whether the Court would consider that inaccurate or otherwise, I don't know; but I do know that that is the method with many, many small businesses. I would feel that the Court itself should be able to exercise its right in, after hearing all the evidence, rather than be tied down to a definite Court of action. If they felt, if the Court felt, in their wisdom, that this was an extenuating circumstance for various and sundry reasons, that they, as a Court, would be able to dispense justice according to their findings rather than by a set rule on some small thing that they could say "Well, it says this. We will have to go to the extreme and do that". We have seen that happen in many cases. This is relatively new. It is something that is put out on a trial basis and this could quite easily be amended at any time in view of what happens in the following

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Mr. Shaw continues:

of it. I would like to ask the Legal Advisor if there is some way in which this could be changed to give full protection to the employee and at the same time does not tie down the hands of the Court in administering justice?

Mr. Hughes: Mr. Chairman, I can't offer any guarantee that my solution would be better than the Federal draftsmans, but I think if we carried out Councillor Shaw's wishes...that if it were drawn up along these lines "the employee affected shall prima facie be deemed to be employed for a maximum number of hours a week and is to be entitled to the full weekly wage therefor", then it is up to the Court to decide how inaccurate the record was and they can make an appropriate order then whereby that in fact the error was say of three hours a day, they will award him the wages for three hours a day, but the employer is already going to be fined so if he's also penalized by the addition of having to pay wages for hours the man never worked...the man was shown as working three hours and in fact he had worked four, and he showed it to the Court he worked four, the employer would have to pay him eight hours unless you allow a little flexibility. That's the worst of a conclusive presumption. Earlier they have been giving discretion to the Court regarding the payment of compensation. So, I am only bringing it to your attention for your direction as to whether you wish a little more flexibility there. We could send a draft of our comments to Ottawa. Perhaps we have the advantage of second guessing on this.

Mr. Southam: I will now call a short recess.

Thursday, 2nd December 1965: 11.00 a.m.

Mr. Chairman: I will now call the Committee to order and we will continue with the discussion.

Mr. Taylor: I think that the answer to the whole problem lies in whether or not the employer has the benefit of a rebuttal factor and I think we could change Subsection (4) of Section 45. I would move that the word 'conclusively' be deleted from Subsection (4) of Section 45 and the words 'prima facie' be substituted therefor. I think this will then solve the problem.

Mr. Boyd : I will second that motion.

Mr. MacKinnon: Before I could agree with something like this I would like to hear the comments from the Legal Adviser. I think that it would be much more in order if he stressed the point of changes in legal terms rather than have it interpreted by somebody who is not of a legal nature.

Mr. Legal Adviser: Even if I follow the usual procedure of instructing the draftsman, going through each section, noting Council's comments and so on, the draftsman will still sit down and right out the words that he feels expresses what Council wants. Now with this resolution I think it is fairly clear to the draftsman what Council wants; it wants flexibility, it doesn't want an automatic eight hours. After all, it would operate in some cases in overtime work against the employee so that you are saying in a sense - untie the hands of the court, let them look at the facts as they are and make awards accordingly. So this is the way the draftsman will interpret your remarks.

Mr. Chairman: I have a motion before the Committee, moved by Mr. Taylor and seconded by Mr. Boyd, that the word 'conclusively' be deleted from subsection (4) of Section 45 and the words 'prima facie' be substituted therefor. Are you ready for the question on the motion gentlemen?

Mr. MacKinnon: I am again in doubt as to whether this is the proper way of doing this. Is a motion required? We have been all through this book and this is the second motion when we have passed up such things as this and left the interpretation to the Legal Adviser and I would like to see it left to him at this time. I believe that is the sole purpose of us having a legal adviser.

Mr. Chairman: Question on the motion gentlemen. Are you agreed?

Committee : Agreed

The motion was carried with Mr. MacKinnon contrary

Motion Carried

Mr. Legal Adviser: Shall I proceed with Section 45 of the Northwest Territories draft, which is 46 of the Canada Labour Code.

Discussion Section 45 NWT Draft

Mr. Legal Adviser then read this section and there was no discussion.

Section 46 Mr. Legal Adviser: Number 46, which is the equivalent of 47 in the Canada Labour Code. (Quoted).

Mr. Chairman: Any discussion, gentlemen.

Mr. Boyd: I would like to ask what is the purpose of having this in here?

Mr. Legal Adviser: One instance of the way in which it might work: suppose the conviction was recorded against the employer but the court didn't make any order in favour of the employee for back wages. The employee might then still elect to sue in a civil court; he would not be debarred simply because there had been no findings in his favour for arrears of wages in the magistrates court. That is one way in which it would operate. It may very well be that actions for wrongful dismissal, under payment of wages, the usual civil claims, will in fact tend to disappear but they obviously wanted to keep the right open. I think it preserves a right; it certainly doesn't create a new one. I don't know whether that is helpful.

Mr. Boyd: Yes, I am quite clear now Mr. Legal Adviser.

Section 47 Mr. Legal Adviser: Commissioner's Orders Section 47 of the Northwest Territories draft, found as 48 in the Canada Labour Code (Quoted)

Mr. Taylor: Why have they added 'any area' in there?

Mr. Legal Adviser: I have no ready explanation as to why. They are just trying to put the matter beyond doubt I would imagine. I will raise that question in my instructions to the draftsman.

Mr. Taylor: This would suggest to me that what they are doing in the Northwest Territories is considering an eastern area and a western area, possibly for setting up basic minimum wages or something of this nature. I am not so sure that that should apply here. I think the Yukon is compact enough. I don't feel that this code should split up an area.

Mr. Legal Adviser: I think perhaps Councillor is right and of course we do have the MacKenzie area which is an administrative area by itself. This may be what they are aiming at but I will ask in view of the remarks - and I am inclined to agree - it doesn't seem applicable to the Yukon, unless of course we suddenly divide up into administrative areas.

Mr. Chairman: If I may say a few words from the chair. I wonder if it has to do with the different mines and things, although that comes under collective bargaining, but golds are a different rate to the base metals. Pine Point is a different rate to Yellow Knife and so on, and I was wondering if this might be something to do with this.

Mr. Taylor: This would all be under collective bargaining and should have no bearing on it.

Mr. Boyd: I think area could mean to say a waitress, or people working upstairs in the hotel rooms, or a mechanic - any area.

Mr. MacKinnon: I think this is quite an important point. We do have many different areas in the Yukon. For instance I will use Carcross where we have a hotel; you might have a chambermaid who has six beds to make up; we might have a chambermaid in the Taku in Whitehorse that has twentyfive beds to make up. This possibly is the purpose of this Section 48. Also in restaurant work - we have a restaurant - in Carcross - but we know very well that a girl from that community employed in that restaurant doesn't expect, nor should she get, the same wages as a girl employed in the Taku where she is on her feet continually and if there is an agreement between local residents of the community and the employers in that area I don't think it should be interfered with.

Mr. Taylor: I think that was already covered in Sections 14 and 22

Mr. Chairman: Are you clear on this gentlemen?

Committee : Clear

Mr. Legal Adviser: Section 48 regarding regulations. Section 48  
Would you like me to pause at the end of each paragraph here so that there can be individual discussion, or shall I go straight through?

Mr. Taylor: One question: I note that we have taken out the annual report to be laid before parliament and I wonder, Mr. Legal Adviser, if you could possibly suppose why this is left out of our ordinance, which is Section 49 in the Labour Code.

Mr. MacKinnon: I would have liked to hear Mr. Hughes' comments to the last remarks that I have made and I would like to know in his interpretation if this has been covered before or not.

Mr. Legal Adviser: I cannot give a usefully thought out answer to that. What I was thinking of doing was raising the question with the draftsman and draw his attention to the wishes of the Council to see that the problem was properly dealt with in the draft that would be brought back to you, and if I bring back to you a draft which includes the word 'area' I will have an explanation as to why the word 'area' is in, and if it is not in there I should have available to you an explanation as to why it is not necessary. This is what I propose doing. I trust that will be satisfactory. May I now deal with 49? I have no idea why the Canada Section 49 does not appear at this time. It seems to be not only a useful but indeed a worthwhile record because the Commissioner will be undoubtedly anxious to hear from the Councillors on problems of enforcement and application under this ordinance and it would be as a result of the tabling of such a report that discussion will be stimulated. I see no reason from a legal point of view why similar provision should not appear in your draft bill.

Mr. Taylor: I can certainly agree that in the Northwest Territories the Federal and Territorial administration there don't recognise any autonomy as such in NWT, but certainly if we are to accept that we have a situation here in the Yukon which offers us partial autonomy I feel section 49 should be retained. We have accepted sections



9 and 10, although I believe we have taken out two subsections from 9, but we have left 9 and 10 in the ordinance and section 49 requests that three months after the termination of each fiscal year the commissioner prepare an annual report on the administration of the act, including a statement showing the additional hours worked by employees under permits issued under those two sections and it sets out how this shall be laid before parliament and what to do if parliament is not sitting at the time. I would like to suggest that this be retained in our new Labour Provisions Ordinance and that this information would then be provided to the Council of the Yukon Territory.

Mr. Legal Adviser: I think that it is probably omitted from the Northwest draft because they would not have the machinery. They do not yet have a mature territorial public service there. I do not know what they have in the way of a labour provisions officer or whether they have anybody responsible for this type of work or possibly that gentleman is in Ottawa, which would become a little unhandy. Yukon economy is not dominated by one or two large mines and it seems to be perfectly workable. Perhaps you could direct the question to your clerk to see whether from a practical point of view he can suggest some reason why we should not make it work, but from a legal point of view it is entirely workable.

Mr. Boyd : I would then direct that question to the Clerk.

Mr. Clerk: I was hoping that we would not have this system of permits in the Yukon because I think we will be getting permits from everybody wanting to work extra hours. But I cannot see why a report should not be made up from cases handled by my department.

Mr. Taylor: I agree with Mr. Clerk about the permit system; I think it will create a lot of useless administration work and we should be able to set up an act whereby we don't require these permits and additional paperwork.

Mr. Legal Adviser: Would it be your wish to direct me on whether you want me to read straight through this section or pause for questions after each paragraph.

Mr. Chairman: Are you agreed to have this read by section?

Committee: Agreed

The Legal Adviser then read subsection (a) of section 48.

Committee : Clear

Mr. Legal Adviser: I assume that somebody is checking the Canada Labour Code for similar provisions while I read the draft.

The Legal Adviser then read subsections (b) and (c) on which there were no discussions. He then read (d)

Mr. Taylor: Question. Doesn't this bring us back to the old gripe we have against the Public Service Ordinance of the territory whereby the Commissioner has the right to set up the hours which the Territorial Government employees will work by regulation? This is something I have always strongly opposed. I have always felt that the

government employees should have the same protection of the Labour Provisions Ordinance as all other citizens of the territory. In other words I feel all the territorial employees should come under the terms of the Labour Provisions Ordinance and the Territorial Government live up to that. Now we are going to start prescribing by regulation the maximum number of hours and I am not so sure that this is a good thing. This of course refers to legislation by regulation; I can see where you want to exercise a little latitude but I think you can embody a lot of these regulative sections into actual legislation firmly. We do sit here twice a year and if there are any changes required I am sure they could be made, and offer to the employees some stability.

Mr. Legal Adviser: There are a number of questions implicit in the remarks made by the member for Watson Lake. It is true that once regulations have hardened into a formalized pattern you could probably import them into legislation. Council has before it when they come into session, or is sent it between sessions, copies of regulations which are made. If Council feels after studying those regulations that they should be crystalized into legislation I shall be pleased if they would instruct me and I will set to work on it. There is no objection in principle, bearing in mind that they are a little more flexible and we are able to change them to meet urgent needs, but if a study could be made there is no objection. It's just that it always has been easier to make a regulation and leave it as a regulation. That is one aspect. Now with regard to the public service in the territory, well this is such a well-known nettle I hesitate to pick it up actually but, at the risk of getting stung again, there is a little difficulty I cannot see my way round, and this is section 12 of the Interpretation Ordinance. This is the one that states: 'No provision in an enactment is binding on Her Majesty or affects Her Majesty, or Her Majesty's rights and prerogatives in any matter whatsoever unless it is expressly stated therein that Her Majesty is bound thereby.' Now the reason that acts are binding at a Federal level is that at that parliament the Queen is directly represented through the Governor General whereas, so the argument runs and I don't feel qualified to argue the point, the Queen is not represented by the Commissioner here. He is not the counterpart of the Governor in Council or the Governor General. I have in the past asked how we can make some of our legislations binding on the Queen and always met the answer - well, it won't be binding unless she agrees to it. I do not know exactly what I am supposed to do. This question of the public service is a ticklish one but the legislation is provided controlling the working conditions and hours, rates of pay and so on for employees in the territory, but unless the Queen will agree to be bound we couldn't give you the formal assurance that the legislation would bind the public service. However, I think the Administration is aware of your views and tends more and more to adhere to the general pattern. There are some aspects of public service employment which are manifestly to the advantage of the territorial public service and perhaps it should be left for further discussion. It is difficult to justify a position; I am not trying to justify a position where we make rules for everybody else except ourselves, I am just explaining a constitutional difficulty that faces me as your adviser.

Mr. Taylor: When you review sections 14, 22 and 15 with respect to the power that we give to the Commissioner in our proposed ordinance, to make regulations you virtually take away all control over the act and you take it from this Council table when you place it in the hands of the Administration and it does present problems. I cite for example the comparison between two mining acts which are Federal. One is a firm, solid act which we have in this territory known as the Yukon Ports Mining Act. Now over in the Northwest Territories they don't have the autonomy that we have and the territorial government have taken their mining act which is dependent on regulations and they change these from time to time and the changes that are made are not often known to the person in the bush who find that all the work he has done has come to naught because they have changed the regulations again. There is no stability. Here we are dealing with labour legislation and it seems to me that we have a Labour Provisions Ordinance and we should attempt to write as much as possible of this ordinance into actual firm legislation, leaving only the most necessary items requiring flexibility to regulations. I do know that when I became a Councillor four years ago I kept up with the regulations for about eight months which means filing and refiling because they come in every few days, and I lost track over three years ago. I just don't have the time - I have to earn a living to subsidize my being at this table, so if we add this much more to it, who can keep up with it. If I can't as a legislator, how the devil is the employee supposed to keep up with it? All that we have done in accepting the code is accept the very basic framework, but we are giving the Commissioner or the Administration the power to alter that in any way and this is what I am getting at. I think that more of this should be spelled out in legislation than by regulation.

Mr. Legal Adviser: Well, if the last one was a nettle I think this one's a thistle, but I'll pick it up again. I would suggest that in this ordinance, if you wish, it is quite easy for me to instruct the draftsman that no regulations made hereunder shall take effect until they have been tabled before Council and for fifteen days thereafter, so you have an opportunity of bringing them up and discussing them. We can work out something like this. There is no attempt to make rapid changes which confuse people. We would be most happy to have the Council (and I am speaking now with my administrative hat on) in on this to make sure we are not being too ivory towered in our thinking.

Mr. Chairman: At this time gentlemen I will call a recess for luncheon and we will reconvene at 2.00 p.m.

Thursday, December 2, 1965  
2 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would carry on where they had left off, i.e., section 50 of the Canada Labour Code and section 48 of the North-West Territories draft.

Legal Adviser: Mr. Chairman, the point at which we had left off was where I was noting that you wished to have Regulations presented and it should be stipulated that they would have no effect until they had been tabled before Council for at least fifteen days or some other control. Now, whether the Committee had decided that this was what they wanted, bearing in mind this does limit some of the flexibility of Regulations if they had to wait until they were almost Legislation and not Regulation, could I have the opinion of the Committee as a whole so that I have a firm direction on this point?

Mr. Boyd: Yes, Mr. Chairman, Mr. Taylor is talking along the lines of being very leery of Regulations. I do feel that Regulations are necessary and that they do serve a very valuable purpose. It could be that with Regulations, something could come along whereby action was needed now in order to make whatever was going to be attempted practicable. By the time it gets to Council, the idea could have melted away and disappeared. I don't feel that Regulations are being abused. It could happen, as has happened, because of rigidity people were functioning here right in the Yukon illegally for six months, may be eight months, I don't know. Strictly illegal! But it wasn't sensible to cut them off. This is what the Council is leery of as the employee could really take advantage and I think that Regulations is something not to be looked at lightly. It has its place and I feel that it is doing a good job.

Mr. Taylor: I agree to this point but as I stated this morning we are producing a basic framework and we are running this thing on the basis of Legislation by Regulation, which eventually side-tracks the Council. I say that there are three things to look at when dealing with these Regulations. Certainly those Regulations which are required to give flexibility to the Act should remain Regulations. Also, I agree that there are sections where the Commissioner is empowered to make Regulations, e.g., in the Canada Labour Code section 50, sub-section (g). This could be spelt out in the Ordinance quite clearly and the same Law should apply to everybody. As far as tabling these, may be some should be before they become Law. May be some should be flexible and some should be converted to straight Legislation. But I don't think that one rule should apply to them all.

Mr. Shaw: Mr. Chairman, we are endeavouring to get this Labour Code into Legislation by next spring. I can see where we must have the flexibility of Regulations in something like this particularly at the start. My feelings in this matter is that we should try to get this into Law as soon as possible with the Regulations and then work can immediately be started in the form of drafting so that we can get all the Regulations possible imported into the Ordinance. The first consideration is to get this thing on the books. Due to the fact that, from time-to-time matters do crop up that require Regulations, to restrict it to only Council Sessions in the spring and the fall would be too restrictive. Therefore, I feel that we should have these Regulations, particularly at the start, and then

endeavour to get it imported right into an Ordinance as time goes along.

Legal Adviser: Mr. Chairman, I don't think that I have any need to refer to section 37 of the Interpretation Ordinance which was added in 1959. One attempt in some places to get around this Regulation was to have them effective immediately until countermanded by another body such as Council. This has not worked very well, because it leads to confusion. I have here the Regulations which have been made so far under the Canada Labour Code. For instance, dealing with paragraph (g), I don't think there would be much difficulty in embodying Regulations like this into your draft Bill. It is Regulation 19 of the Regulations under the Labour Code Act where power was given to the Minister to make Regulations there. I can quite easily request the draftsman to incorporate those into your draft Bill, and so on with the other Regulations where I find that they are appropriate to the Yukon. Perhaps you can look at it as a whole in the spring to see what progress is being made. I will request the draftsman to get as much as possible in the Ordinance and leave as little as possible in the Regulations. Would that meet with the Committee's approval?

All: Agreed.

Mr. Taylor: One point, Mr. Chairman. We've heard of only one aspect of the Regulations appending this Bill. We must recognize that Ottawa follows what we call Parkinson's Law. They can take and get these things so administratively complicated that it would leave you in bewilderment. We should, therefore, make every attempt and the draftsman in his wisdom make every attempt, to come up with a very clear and concise Ordinance. Something which could be easily administered and not tied up with a bunch of accounts to the Minister, permits for this and that and this type of thing.

Legal Adviser: Mr. Chairman, we were dealing in sequence with the subjects, which could be made the object of the Regulation and the last one I had read was section 50, sub-section (e) of the Canada Labour Code. I am not sure, Mr. Chairman, whether there was any discussion or comment on that point.

Chairman: Any further discussion on this point, gentlemen?

Mr. Taylor: This is what originated the discussion we have just concluded, as I felt that this should be covered by Legislation rather than Regulation.

Legal Adviser: No further discussion?

Legal Adviser proceeded to read sub-section (f) of the Canada Labour Code.

All: Clear.

Legal Adviser continues with sub-section (f) of the North-West Territories draft.

Chairman: Any discussion on this one, gentlemen?

Mr. Shaw: Well I would say that if they are going to fix hours for rest and so forth in relation to this, it would have to have the flexibility of a Regulation because there are so many industries which have different ways that they take

their meal periods. Usually it is agreed to by the employees and the employer but of course there are many variations, and if anything was to be established it would have to be by a Regulation as an Order would hardly cover it.

Mr. Taylor: Mr. Chairman, this is what I was saying earlier. Under this section it doesn't matter. All you have to do is spell it out in a Legislation that an employer shall post for the edification of the employees the terms upon which he is employed, e.g., the rates of wages paid in various categories, the times that they shall take their meals, etc. I can't see the need for a Regulation.

Legal Adviser: Well, there are always some difficulties. I thought, perhaps, I should read to you Regulation 21 made by the Minister on Notices to be Posted.

Legal Adviser proceeded to read the relevant Regulation.

Legal Adviser: Now, I'm sure you followed me quite easily through that but the significant fact of this, Mr. Chairman, is that not only is the Commissioner/Minister given power to make Regulations under the Act but he then proceeds to arm himself with further powers that he may wish to order. Reference has been made to Parkinson's Law. There are two such Laws: one a book by an eminent columnist and the other a Medical work. Soon, we will all be trembling because quite frankly, I can't interpret this one readily. What is going to be done for the employer or employees, I don't know. If we are going to read that into the Bill, we may be creating more confusion that way than by getting a Regulation. I thought that I should give you a living example of a Regulation which is going to cause a lot of head scratching.

Mr. Shaw: That Regulation states that you have to post a Notice. I don't quite see what they are trying to get at on that particular subject. If they posted it and it is agreed to then that should be all that is necessary. We are going to get into all kinds of problems figuring out every industrial shift change, meal change, coffee break and all the rest of it.

Legal Adviser: Mr. Chairman, the point I was making was that here they are providing for the Posting of Notices and then suddenly they do a double-take and say in case Notices won't work, the Minister may order some other means of notifying. So, you are then left in the dark about a situation. "Have Notices been posted?" You say, "No", therefore you assume there is no Regulation. But for all you know some other way for informing the employees has been effected. So, Mr. Taylor is quite right that there should be a clear-cut procedure for notifying.

Mr. Taylor: Mr. Chairman, as I said, the way they have got the Regulations sighted here makes the whole Act ambiguous. Because we say, all right to the people of the Yukon, we are going to give you, or the people of Canada as the Labour Code denotes, so many hours work under Part I. Spell them out, nobody can change them for this is an Act. Then you go right in the back under section 50 that the Commissioner, in our case, may create Regulations prescribing the maximum number of hours that may elapse between the commencement and termination of the working day of any employee. On one section of the Act you say okay we set it down, you can't work any more than this. It seems to be, to me, ambiguous throughout if you

accept all this Regulation.

Legal Adviser: Well, the only suggestion I can make to get us out of this hump, Mr. Chairman, is to try to come back with a draft Regulation the same time the draft Bill comes back, and look at both. A certain amount will have to be taken on faith though.

Mr. Daniels: It just occurred to me that possibly the intention here is that in the Act you could spell out the hours of work of non-employment, but you could be faced here with a situation where you have an entirely new industry and to set the hours of work, you do this by Regulation, rather than wait until the Council reconvenes.

Mr. Taylor: Well, Mr. Chairman, I might say though that the Council of the Yukon meet at least twice a year and I presume that it will continue to do so. If any additional Legislation is going to be required to meet the needs of a new industry, then I see no reason why the Legislation could not be changed.

Mr. Boyd: Mr. Chairman, I would suggest that we move on and leave Legal Adviser with his headaches. He has said that he will try and come up with something satisfactory, which is all we can expect at this time.

Legal Adviser started to read from the North-West Territories draft, sub-section (g).

Chairman: Any discussion, gentlemen?

Legal Adviser: Perhaps, Mr. Chairman, in that there is a gem of a solution for our difficulties. If the Committees included two nominated members of the Council, then we might be able to draw on Council's experience in the preparation of Regulations.

Mr. Taylor: Mr. Chairman, I don't know but these Committees are very good dark clouds to hide things. It seems that when anything gets really embarrassing outside in the Provincial or Federal Government they form a Royal Commission or a Committee to study it and that's the last anybody hears about it! I feel, as Mr. Shaw does, that every effort should be made to have a Legislation prepared for acceptance in the spring. I wouldn't want to see any delay in the hashing of this. But I do think that when we produce that Legislation it should be as good as we can possibly make it under the circumstances. I do agree that if there/any changes to be effected in Ordinances, that at least two members of the Council be seated on the Committee.

At this time, Mr. Boyd assumed the Chair.

Mr. Southam: Mr. Chairman, I don't see anything in the section here to worry about. We have been going along with this thing for years. In the mines, you can call it an industry if you wish but I don't think it is, their meal hours are posted as to when you can and can't eat, when you go on shift and come off shift and so on.. I imagine the same thing applies in stores. I can't see what there is in it to worry about. In the case of a small employer, I would think that a man who hires two or three men doesn't let them eat just when they feel like it. He either tells them or posts a notice up.

At this time, Mr. Southam assumed the Chair from Mr. Boyd.

Mr. Shaw: Mr. Chairman, I think that the meaning of that part is just so as a man will not go ten hours straight without eating. I think that we are on this Establishment, Consulting and Advisory Committee. I don't think that it does any harm to leave it in there even if we don't use it. In the past, any Committee established to come up with answers to certain problems, sometime they have come up with the answers and sometimes they haven't, in which case the Committee has been a very good buffer, because the Committee gets the blame and that's the end of it. So it does serve a useful purpose in one form or another.

Legal Adviser: "For any other matter or purpose that under this Act is required or permitted to be prescribed by Regulation". That, of course, is a catchall.

Mr. Taylor: Why have an Act? Just call it a Regulation!

Legal Adviser: Do you wish to go to Special and Transitional Provisions, which perhaps, is more routine or go back to the question of Holidays for any further information or discussion on that? Which would you prefer?

Chairman: I think the idea was that Mr. Daniels would be here so that we would go back to the question of Holidays, and perhaps he could enlighten us.

All: Agreed.

Mr. Clerk: It is section 31 in the Federal Act.

Chairman: Do you have any further discussion on this, gentlemen?

Mr. Boyd: Mr. Chairman, I think we were going to find out whether a man on salary would be paid on a general holiday and in the same discussion included the holiday man.

Legal Adviser: I don't know whether this will be helpful but Mr. Shaw had been speaking of the position of the man who was on a monthly arrangement and I think he was putting forward a proposition that such a man should not have a day's pay deducted if it is a general holiday during that month. This seemed to be forcing a re-examination of the position of the hourly rate of the weekly worker, because he was not to be paid for a general holiday. There was an area of conflict between these two approaches. I think that's where the Committee left the matter so that Mr. Clerk, Labour Provisions Officer, was having some material put together with regard to the practice elsewhere. It was thought that possibly Mr. Daniels could give you some Trans-Canadian experience.

Chairman: Could you give us anything on this, Mr. Daniels?

Mr. Daniels: I can't really give you very much, in the way of Trans-Canadian. As I understand it, the monthly salaried employee is generally paid and in fact, as far as I know, he has always been paid, for a statutory holiday. Conversely, the monthly salaried employee is expected to perform more than eight hours a day without additional remuneration, particularly if he is supervising personnel. Now, as far as the hourly rated employee is concerned, this was a matter of some contention yesterday afternoon. I only had time to do a very fast survey of seven businesses here in town and six did



pay their employees on a statutory holiday.

Mr. Thompson: Mr. Chairman, could I ask Mr. Daniels one question? Was this on an hourly basis or salaried basis?

Mr. Daniels: These were hourly rated basis as this was the basis I asked the survey to be made.

Mr. Thompson: Could I further ask Mr. Daniels to submit the names of the companies that were? I haven't seen anything of this nature.

Mr. Daniels: I gave it to Mr. Clerk.

Mr. Thompson: That doesn't necessarily say that the Council will get it.

Mr. Daniels: I'm sorry. I tried to table it with your Chairman but was told otherwise.

Mr. Thompson: Did you give it to Mr. Clerk with the idea of tabling it?

Mr. Clerk: Of course he did not otherwise it would have been tabled, Mr. Thompson.

Mr. Thompson: I merely asked, Mr. Chairman.

Mr. Clerk: You shouldn't need to ask that question.

Mr. Thompson: Well, I'd like to know where it is?

Mr. Daniels: Well, I'm afraid I don't have it with me. I can make arrangements to get another one, Mr. Thompson.

At this time, a discussion ensued regarding the relevant paper.

Mr. Taylor: Well, Mr. Chairman, to continue. I saw the document referred to and it was mostly the leading businesses in town. I'm sure that some of the other members did see it. As I pointed out yesterday, we were wrong in removing this paid holiday from the new Ordinance prior to gaining more information from other Provinces. I wonder, Mr. Clerk, if you have the information at this time?

Mr. Clerk: I have that and also the information Mr. Daniels gave yesterday because it was quite simple. Of all the business houses he contacted, there was only one that didn't pay their hourly rated employees for statutory holidays on which they didn't work. I don't think it would be proper to give out the name of the particular company concerned. Regarding the other point, I took off the information in rough this morning and Alberta, Saskatchewan and Manitoba were the only Provinces that we could say, actually from their Legislation, did compel the employer to pay all their employees for statutory holidays on which they didn't work. British Columbia was somewhat ambiguous being exactly the same as our own Legislation. Our Legislation states that no employer may request or permit an employee to work on these six statutory holidays unless he is paid time and a half for that day. However, they don't say that they have to be given these days off with pay. Then again, we do say that if one of these days falls during a person's annual vacation, we

have to give him another day in lieu of that day, which falls in his annual vacation period. We found B.C. to be exactly the same and I don't know which way to interpret it. All the other Provinces, Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island plus New Foundland, all did not specify that they had to be given these statutory holidays with pay. The only definite answer we could get from Ontario was that this was left principally as a matter of negotiation between the employer and the employee. The very topic we were discussing came in the mail this morning, from C.C.H. Navy. One of the items was a study of the General Holidays across Canada. Roughly, what I have said is the case.

Mr. Taylor: Then I think you could also say that the Federal Labour Code also provides for this and I feel that we may have erred in throwing this out and I would strongly recommend that those who tossed it out would put it back where it belongs, namely in our new proposed Ordinance.

Mr. Daniels: I might further add, Mr. Chairman, that the Federal Regulations have been further relaxed in that casual employees, who have previously not been entitled to pay for public holidays, are now eligible for pay if they have worked thirty days in the position.

Mr. Shaw: Since yesterday I admit that I have had to make a reassessment of it. I look at the position in this way: if an employee had a five-day week and he was called upon to work on a Saturday and worked for nothing, it would be somewhat unfair to the employee. Conversely, the same happens in this other instance. One of the things I was concerned about was say, e.g., a person worked and a holiday came around. The employee would say, "Oh, no, I'm not going to work". The employer would say, "You'd get time and a half". The employee would say, "Well, I'm not going to work because I can get full time, do nothing and have a holiday". I see now, which I didn't notice before was this section whereby there is a certain amount of justice which would enter into that. If the employer decided to work on that day and the employee refused to work, he would not be entitled to the pay for nothing, which opens up a different avenue to what I first considered. I think that it should be given some consideration too as it is not quite as bad as I thought it was.

Mr. Mackinnon: Mr. Chairman, I should like to ask Legal Adviser if Mr. Shaw has interpreted this properly?

Legal Adviser: If I could have a reference?

Mr. Shaw: Section 33, Mr. Chairman.

Legal Adviser: I would point out that it is not time and a half under the Labour Code. It is your standard wage for the day plus time and a half which is two and a half times if you worked. No, I can't agree that Mr. Shaw has armed himself with the right interpretation of section 33. The Council, will I am sure, take one thing into mind this is more administrative. Essentially, the Yukon has to bid for its labour. If your hourly man finds that in B.C. or Alberta he can be paid for eight general holidays and up here he is not, you may have difficulty in hanging on to him. Mr. Daniels can tell you what the manpower availability problem is. I'm sure the Committee is well aware of the labour position in the Yukon is, today. You may, even though you deplore this paid general holiday, be forced upon you by economic pressure

outside. Otherwise the men won't come here.

Mr. Shaw: Mr. Chairman, may be my interpretation is wrong so I'll just read it.

"and, no employee who is employed in the continuous operation is entitled to be paid for a general holiday on which he did not report for work after having been called to work on that day".

That, to me, is most emphatic! Most specific! If he doesn't show up he doesn't receive pay.

Legal Adviser: I'm sorry. Here again I was assuming that Mr. Shaw was looking at Section 33 of the Federal. As it is, he is looking at section 34 in the Federal and section 33 of the North-West Territories draft.

Mr. Daniels: Mr. Chairman, I don't like to quote statistics too much because they can be used for or against you.

Mr. Daniels proceeded to read, from a statistical report on Working Conditions in Canadian Industries for 1964.

Mr. Daniels: Now, this is what you are up against when you are competing for labour up here. These are the conditions that are generally prevalent outside. I would point out that it is no secret that we have a labour shortage, and it's not going to get any better. We can't compete in the matter of fringe benefits, if you want to call them that. I can only see it getting worst.

Mr. Boyd: I notice in the names Mr. Daniels referred to are all people who are virtually in the isolated areas. They are not in cities or towns. They are mining camps and this and that where the man is there in the first place and ready to go to work. It isn't as though he was a mechanic here in Whitehorse or Vancourver who would hate to go to work on that particular day. He would rather go fishing! If he was a prospector sitting one hundred miles from no where, he would prefer to be at work. Now, there is quite a difference in these categories. I think that one is over-riding the other or creating a hardship on the other. As far as the employer is concerned in Whitehorse with his mechanics, he is paying considerable wages. Mechanic-wise, we all know what our bill is when we go to get it. Now we are paying that mechanic for having a holiday when he wouldn't really go to work if you asked him to. In a sense, he doesn't want to. But the man out in mining does, nine times out of ten, or the man on road construction.

Mr. Mackinnon: I'd like to point that in most of the areas Mr. Boyd has mentioned, they are usually under Union agreement and this is well covered. I'd like to direct a question to Mr. Daniels. Those employers you contacted yesterday, have they any persons employed on an hourly basis or do some of them operate on a percentage employment basis or monthly employment basis?

Mr. Daniels: I am at a slight disadvantage because I didn't personally conduct the survey. I directed one of my staff to contact, specifically, employers with hourly rated employees to determine whether or not they were paid on a statutory holiday. Quite honestly the only one that I can

recall for certain that answered "Yes" was a drycleaning establishment which I know pays their employees an hourly rate. I presume by percentage, you mean piecework?

Mr. MacKinnon: Mr. Chairman, I understand that there are quite a few clerks in stores who work on a percentage basis in this city. Not a monthly payment. Not an hourly payment. I would say, that this was a direct way around any Act.

Mr. Thompson: Mr. Chairman, I am inclined to agree with Mr. MacKinnon. I don't feel the results of your survey, Mr. Daniels, would hold much water. As you said, you can take statistics and use them either way: for you or against you. In the case of local merchants, I would say that 90% of your staff are either salaried or on a commission basis and salaried. There would be very few, I would hazard a guess, on an actual hourly basis. I am inclined to be of the opinion that hourly rated personnel in the Act are covered in the eventuality that they work but there is one small difference. As you say, the salaried personnel, although they may be paid for a statutory holiday you can be sure that they will make this up in some way or other. But on an hourly rated person, if he is going to work, pay him and you have every provision in the Act to cover this, but if he is not going to work, I can't see where you have to pay him.

Mr. Taylor: Well, Mr. Chairman, I think that we must face facts. The statistics quoted here from certain industries indicate that 80 to 90% of those industries are paid. Certainly all Union operations are doing it, or most of them. The North-West Territories is going to do it if their Legislation goes into effect. The Federal Government is doing the same thing. The Provinces of Alberta, Saskatchewan and Manitoba all agree on this. I'm just wondering what position we then place ourselves here in the Yukon Territory. As pointed out, if we are not prepared to compete in the labour field to get men up here to go to work and give them conditions similar to those they'll find anywhere else in Canada, we won't get them and if we do get them we won't keep them. We have a tremendous labour shortage and trying to develop industry in a Territory without labour is a very difficult thing. If everybody else does it, it appears that we will have to do so too whether we like it or not.

Mr. MacKinnon: Mr. Taylor, it is quite evident that you don't hire many employees. Now, I have <sup>hired</sup> in the past quite a few and will do so in the future if things go right. When I say "right" I mean not to be giving the employee all the benefits and the employer none. It's fine to say that we won't be getting help. However, I think the people presently operating their business are the people concerned and should be considered.

Mr. Shaw: I recollect, Mr. Chairman, that a year or so ago, I brought up the matter of people working for Exploratory Mining Companies who were getting wages of \$1.10 an hour. I thought that was terrible and they should be paid overtime. I recollect that certain members wanted to exempt these Exploratory Companies from having to pay. I could see no justification for it and still don't. As far as I am concerned, they are not going to get away with it this time if I have anything to do with it. We have a little different situation in the Yukon to what prevails outside. Most of these apply to huge industrial complexes and their scale of rates is in line with this. Everything must be based on fairness as much as

possible in relation to the conditions that exist. We have a Bill here and I am sure that all members are doing their utmost to work out something that is going to be equitable and fair and have a certain standard. The point is, just what is that standard and what can the Territory absorb at this particular time? There is no doubt that what was effective and in operation ten years ago is not acceptable at this time. Likewise, some of the things we have here will be unacceptable in a few years hence. From my viewpoint, I want to see these improvements made just as rapidly as possible. I don't want to upset the apple cart too much in one splurge but this can be added to and changed from time-to-time to have it assimilated.

Mr. Thompson: Mr. Chairman, I think that we are digressing slightly. Here again we are saying one thing and practicing another. You are contemplating Ordinances or Codes or whatever you want to call them for one segment of the population as opposed to the other; hourly rated as opposed to salaried personnel. We have in front of each and everyone of us, the answer to the question of: How much has been paid to salaried personnel in the form of overtime in the Territory? We've got it here and it comes to something like \$4,500 to \$5,000, and yet the Territory can turn around and have their outside employees work eight, nine, eleven, twelve hours a day and they don't pay them any overtime. This is just part of the benefits that you accrue for working for the Territory. They don't have a Union to back them up. If the Union wants to put this in, if the individual company wants to put this in, this is their responsibility it isn't our responsibility to legislate for them. This is my belief and understanding and if I am wrong then I am way out in left field. I don't think that we have to be dictated to by Union Representatives, Labour, Management or anything. I feel that this is adequate and that we are covering every exigency, we are paying the man for working on a holiday and I don't see that we should do any more.

Mr. Taylor: Mr. Chairman, I don't infer and I don't see that we are being dictated to by Unions. Of course, if we don't provide this then there is a very good chance that we might because Labour Unions thrive where we as Legislators fail to provide things for the common people. If we don't provide them then they will go get a Union who will and then Boy! if you think we're in trouble now, wait until you see the trouble we are going to have when we get this area full of Unions! Even the Civil Service wants a Strikeable Union. If this is what you want, fine, you fellows provide this but please don't count me in and I disassociate myself from any move in that general direction. I do feel that we should provide an adequate Labour Legislation which I for one, and several other members at this table, have fought for, for four years. Finally we are getting close to getting that Legislation. If we are expected to compete with the rest of Canada, we have got to provide the same amenities to be found in the rest of Canada or else, gentlemen, I say to you we are going to remain in the Dark Ages, and that is exactly where the Yukon Territory is in relation to the rest of Canada today. The Dark Ages!

Mr. Boyd: Mr. Chairman, I would just like to remark that unless we pay this money we will not have any employees around. The reason why we don't have them now is because our level of salary is below that paid outside. This is your prime trouble. Mr. Taylor is including the whole of

Canada in his talking. There is no reason to get excited about this. Leave the situation as it is. We can correct it later on if there is going to be any hardship on anyone.

Mr. Taylor: Mr. Chairman, we are dealing with people coming from B.C., Saskatchewan, Alberta, the North<sup>2</sup>West Territories and those places around us. As far as I am concerned, it boils down to one thing. If we are going to be Victorian in our thinking, then gentlemen, this is the type of thing we are going to have. Throw it out! We don't like it. If it wasn't good in grandfather's day then it's no good for me. It's either that or we must take the youthful approach and say, well all right, we have got to be a little bit more contemporary in our thinking and as I have said before you are living in the Dark Ages as I am in this Territory and we have got to be a little bit more contemporary, in that thinking.

Mr. Boyd: Mr. Chairman, I would just like to ask one question. If you were operating a trucking business and somebody asked you to deliver a load of produce on one of these general holidays, would you charge them your time and time and a half for your equipment and everything that goes with it or would you say, "Yes" because he was a good customer?

Mr. Taylor: Mr. Chairman, I would do what the Law provides and if the Law didn't do so, I would do it anyway. I'd give my driver a paid holiday, as I do for all my other crews or anything else I have.

At this time, the Chairman called a recess for afternoon tea.

Thursday December 2nd  
3.30.p.m.

Mr. Chairman: This Committee will now come to order and we will proceed where we left off, we were discussing the Statutory holidays.

Mr. Boyd: I think we have discussed it quite considerably and we should be able to move on.

Mr. Taylor: I would not like to see us move on until we have what I feel we must do and this is place back into our draft that which we moved yesterday, Section 29 sub-section (3). I would like to see this returned to the Ordinance.

Mr. MacKinnon: I believe what we have left out yesterday we should continue to leave out and go on to something else.

Mr. Taylor: I would like to hear the opinions of other Members in this respect.

Mr. Thompson: Is this section Mr. Taylor is referring to in the Canada Labour Code "An employee whose wages are calculated on any basis other than a basis....."

Mr. MacKinnon: I believe we deleted Section 29 was sub-sections (2) and (3) and not (1).

Mr. Taylor: As I state there is a philosophy here, are we doing what the rest of Canada is doing and virtually everyone else and pay employees on statutory holidays even though they don't work or are we going to deny them this privilege in the Yukon. This is the basic thing, yesterday there was a hasty motion drafted in respect of this and it was approved that it would be deleted. I questioned at that time the wisdom of doing so and I still do now, I think it is important that this be resolved and be placed back in.

Mr. Chairman: Is there any further discussion.

Mr. Boyd: I understand it that if he does work this hourly man is going to get his wages plus time and a half. He is being treated pretty fair here, surely he is giving up a holiday but he is being well paid to give it up to work. As Mr. Thompson points out an hourly portion when they go back to their desk they have an accumulation of things which they must catch up either by shortening their noon hour or working a little longer. I think this hourly man is being treated fairly enough.

Mr. Taylor: I say again the majority of Canadian employees are receiving holiday pay even though they don't work on a statutory holiday and receive their normal day's pay for it and this is what we are considering here. If we stick to what we have already set down he won't receive it even though other Canadians do and I think we owe it to the working man in the Territory to see that he also by virtue of this Ordinance can also enjoy it.

Mr. Boyd: This is the last time I am going to rise on this subject. Mr. Taylor is saying a substantial majority do have this, I disagree with him only four provinces out of 10 and the one with the larger population in the East and they are not doing it, so how can you come up with a substantial majority. We are doing as this motion is written and passed exactly what the majority of people are doing in Canada.

Mr. Taylor: Four Provinces and the entire Civil Service of Canada which is more than the substantial majority.

Mr. MacKinnon: Yes the entire Civil service of Canada, this elastic comes out of the tax payers pocket and there is no end to the things that can go on within Government and that doesn't mean to say that we can build the Yukon on the standards that are practiced by the Government.

Mr. Taylor: Remember all Labour Unions virtually provide this to their employees as well and I think this is another consideration. I don't know if it has been the practice here in the Territory to do this but certainly I feel it is too important to delete.

Mr. MacKinnon: Once again I would like to point out that we do not represent the Labour Union. We are here to represent the people as a whole and not in the form of Union Administrators and therefore I say we must consider everyone and not just the part of the people, we have got to encourage private enterprise not drive it out before it gets here.

Mr. Taylor: I am glad the Member has finally agreed with me Mr. Chairman.

Mr. MacKinnon: I would just like to comment on that last statement of Mr. Taylor's. If Mr. Taylor is insinuating that I agree with him its a very odd sense of humour that he has.

Mr. Taylor: In this respect, I believe the honourable Member said we were not legislating for Labour Unions we are legislating for all the people and I agree this is what we have to do.

Mr. Boyd: We have got to end this, let's get the opinion of each Member and get on with this business.

Mr. Shaw: I feel that sub-section (1) should be left in but not (2) and (3).

Mr. Legal Advisor: While the discussion is now around sub-section (1) of this particular section, the key to the thing is 25 of the Federal or 24 in the N.W.T. which was the first one and Councillor's Thompson's proposition, at that time remove Section 24 and 25. "Except as otherwise provided by this Part, every employee is entitled to and shall be granted a holiday with pay on each of the general holidays falling within any period of his employment."



This is the key one, take that out and break many other sections in the General Holidays on 4 loose their meaning. The controlling one is 24 or 25.

Mr. Chairman: I think we have already taken out 25 and are you agreed to delete Section 29, is that the one you want to delete sub-section (3).

Mr. Shaw: I never agreed to sub-section (1) of Section 29.

Mr. Chairman: I said sub-section (3) of 29.

Mr. Shaw: Well you put the other out so that automatically goes out but I still didn't agree to taking out sub-section (1) of Section 29.

Mr. MacKinnon: I don't think anyone agreed to taking out sub-section (1) of 29, but we did agree with taking out sub-section (2) and (3).

Mr. Taylor: Possibly I varied here by picking the wrong section, the main section states "Except as otherwise provided ....." the other sections relate then to it and I think this should be put back in and also Section 29 (1) (2) and (3) should be retained.

Mr. MacKinnon: What is Mr. Taylor getting at, we have discussed all this yesterday, does he want to adapt the Canada Labour Code is this what he is trying to say.

Mr. Taylor: That is correct, we should accept this it is accepted everywhere else and we can accept it here.

Mr. MacKinnon: Once again I will say it is not accepted everywhere else by no means, it is accepted by the Federal Government employees.

Mr. Taylor: I say you are wrong, it is accepted by Industry and accepted by four Provinces in Canada as well as the Civil Service. When each of us go back to our Constituencies and they say why wouldn't you permit us holiday pay like everybody else in Canada, I would like each Member to point out that the Member from Watson Lake was opposed to the taking out of this.

Mr. Shaw: Would you like to create a law that forced a man to work a day without pay.

Mr. Taylor: We are talking about creating a law to force a man to work without pay, although many men have done this.

Mr. Shaw: Would he also expect the man should not work and he should get paid for working, that is the opposite.

Mr. Taylor: This is correct, this is what is accepted throughout the rest of Canada and why shouldn't it be accepted here unless of course you wish to remain in the dark ages.

Mr. Shaw: What justification except that somebody has done something in all fairness would that be based on.

Mr. Taylor: That is based on contemporary rather than Victorian thinking Mr. Chairman.

Mr. MacKinnon: Once again I would like to point out the facts, we have a lot of outfitters in my area as you well know and sometimes in the fall one employer will have up to 15 employees, if we come along to one of these statutory holidays and he has a hunter in the fields, the hunter is not going to agree to take a holiday on that particular day. Do you want that outfitter to pay those 15 men double time and a half is this what you call representing your area and your people. To me it is by no means representing your people it is just representing a part.

Mr. Chairman: Gentlemen I feel we have had quite a discussion on that and what I can gather from your discussions that you wish to leave this motion that we put through yesterday as you arrived at your conclusions yesterday. Are you all agreed to that.

Council agreed.

Mr. Chairman: It is agreed that Section 25 in the Canada Code is to be deleted.

Mr. Thompson: I would like the Legal Advisor's comments on the other parts of this Canada Labour Code that by the deletion of Section 24 in the draft legislation what other sections will this effect. We know that <sup>it</sup> is going to effect evidently sub-section (2) and (3) of section 29, are there any other sections.

Mr. Legal Advisor: I would be very surprised if there aren't other sections but without very close study I can't be sure of which sections will be. This is something that the draftsman will be catering for in the calm of his office in Ottawa but he will have his attention drawn to the deletion of Section 24 or 25 and he will have to engineer the rest of these provisions so that they are in keeping with the spirit of Council's views.

Mr. Taylor: The whole meat of part 4 under General Holidays is 25 it just follows the interpretation section 25 that we are dealing with. If you delete that you virtually delete the whole section from the Canada Labour Code.

Mr. Thompson: Could I have the Legal Advisor's comments on Section 24 of the draft legislation. What difference would occur it says "Except as otherwise.." if we leave out those two words "with pay" what do we do now. This is reasonable but there is no pay involved, if he works he is automatically covered, if he doesn't work this is fine he has a holiday.

Mr. Legal Advisor: You will remember that we were discussing Section 26 of the draft Bill, we had a direction that we should import the Labour Provisions Ordinance into this general part. Stripping out 24 and replacing it by the general holiday provisions this will be attended to, the difference is that you will not be paid for that holiday and there will be the requirement that in addition to a normal day's

pay if he works he shall receive time and a half again. He will be governed by our provisions which are a straight time and a half if he works and nothing if he doesn't.

Mr. Chairman: Are there any more discussions on this or can we proceed.

Mr. Boyd: I am wondering if we leave a note with the Legal Advisor to the effect that if we are really off base on this thing that the majority of us seem to believe in, that someone in the legal business or in Ottawa could draw it to your attention before things got too far away.

Mr. Thompson: I think if we had been sufficiently off base yesterday when we agreed to this, this should have been the time when the Legal Advisor should have said something and I don't recollect any comment at that time that we were causing any caotic conditions over this. Maybe I am wrong but should the Legal Advisor have said something to this effect yesterday that we were going to cause this concern.

Mr. Legal Advisor: I am criticized from time to time I think very fairly for speaking my mind and I couldn't interfere with Councillors thinking on what is right and wrong here. If you want me to arrange for the preparation of <sup>two</sup> part fours so that in the Spring you will have the advantage of one without a general holiday provisions and the other with. I can ask for that to be done but I couldn't presume to re-think for Council so fairly laid down.

Mr. Thompson: Thank you Mr. Chairman, that answers my question and I will leave my motion standing.

Mr. Taylor: If Mr. Boyd's suggestion is a motion I would be sure honoured to second it.

Mr. Boyd: If Council feels that I should make a motion all I was doing was making a suggestion that if we later on be considerably off in our thinking that we should be advised of it and reconsider it before it is too late.

Mr. Taylor: I just want to leave this impression with the draftsman on the record.

Mr. Chairman: Are you agreed with this suggestion of Councillor Boyds.

Council agreed.

Mr. Boyd: I might say I don't feel we are off base but then I admit I could be and I would like to be told about it.

Mr. Taylor: You have been, because I think all members are off base in this score.

Mr. MacKinnon: Let's get this clear, is Mr. Taylor insinuating that Mr. Boyd is off base on his recommendations.

Mr. Boyd: Well Mr. MacKinnon I think it's all clear now and we should move on.

Mr. Legal Advisor: Since the decision on Section 24 has been reaffirmed there is really nothing else to discuss in part 4 because Sections 32 dealing with the entitlement to be paid for a general holiday, Section 33 also deals with the same.

Mr. Legal Advisor: Would you therefore wish to go to Section 49 in the N.W.T. and section 51 in the Canada Code. "Where upon the submission...."

Mr. Boyd: I noticed that in the Federal one it applied to Federal work and they left that out. I wonder why they left off in the last paragraph that was read "18 months from the date of the coming into force of Part 1, or the date of the order, whichever is the later date."

Mr. Legal Advisor: I can't answer the last question immediately but if you turn to these booklets that you have as drafted the code was applying to sections of the undertakings, railways, highway transport, pipelines, canals, ferries tunnels and bridges, telephone, telegraph and cable systems. A lot of these industries will have to have the introduction of the new standards brought in slowly. For instance the airlines, I believe that some of the local airline officers made application for deferment and I believe <sup>know</sup> that had to be in by June of this year, so I don't <sup>know</sup> why they fixed that last part in the Canada Labour Code but there are probably good reasons for staggering in production of some of these standards as it would be too abrupt. The cost factors of some of these industries have been projected on a base of 1½ times for overtime and now they will be confronted with 2½ times for overtime on a general holiday.

Mr. Taylor: Mr. Chairman, I notice here that in your draft you include, in the Canada Labour Code we include only part 1, but in your draft you include part 2 which is your minimum wages etc. Here again is another case under Special and Transitional Provisions where the Commissioner has powers that over-ride the legislation. What we are adopting here is a whole lot of regulations.

Mr. Legal Advisor: Well you couldn't defer it for more than 18 months, that is the only consolation I can offer you.

Mr. Legal Advisor: Section 49 (2) in the draft Bill "An order made under subsection (1) may ....."

Mr. Boyd: In section 51 sub-section (2) (a) and (b) did the Legal Advisor pass by that, it seems he has gone beyond this particular paragraph without taking it into consideration am I right there.

Mr. Legal Advisor: This <sup>is</sup> my purpose all along to bring before you the N.W.T. draft but at the same time in giving you that draft supply you with copies of the Canada Ordinance. I am aware that some of the Members are watching for the changes made in the Canada Labour Code and here is an instance. I am

passing anything, if you want to discuss 51 (2) of the Labour Code then I will read that but I am concentrating on the N.W.T. draft.

Mr. Boyd: I take it then that the particular paragraph I brought to your attention is not in the N.W.T. draft.

Mr. Legal Advisor: That is so it is not in. As I see Section 51 (2) of the Canada Labour Code this appears to relate to Federal Work where it is made to hear from a report of enquiry Section 35 "That in the case ..... "so we are speaking there of Federal work and you can't legislate for Federal work and neither can the N.W.T. so there is no point in having it in.

Council agreed they were clear on this.

Mr. Legal Advisor: Section 49 (3) in the N.W.T. draft "An order in relation to part 2 ..... " sub-section (3) "An order made under....."

Mr. Taylor: the closest act that we have to relate to this one is so far as power is concerned is the Public Service Ordinance because we specify the basic minimum wage. Now it can be changed or suspended depending on what goes on. I would like to ask one question will the Public Service Ordinance be included or repealed.

Mr. Legal Advisor: I would say no, as a matter of fact the N.W.T. is taking the opportunity of introducing a Public Service Ordinance,

Council were clear on this.

Mr. Legal Advisor: Section 50 Commencement "This order comes into force....." In the Federal they did set a starting date for (1) (2) (3) and (4) part (5) was the administration in general

Mr. Shaw: This act that we have before us in the Labour Code, I would like to ask the Legal Advisor a question, as it is, does this only apply to works done on Federal contracts and Federal employees. In other words, does this refer to any industry that is not connected with the Federal Government.

Mr. Legal Advisor: You are holding up the Canada Labour Code, it applies to those industries which are noted on page 6 of the explanatory booklet and then it goes on to deal with special industries "The Code also cover employment in those works, undertakings, or businesses which, although wholly within a province, have been declared by Parliament to be "for general advantage of Canada or for the advantage of two or more of the provinces" Undertakings covered in this way include: then you have a long list and below that you have Federal Government Employees. There I think is a full answer to your question.

Mr. Shaw: For example grain elevators, flour and feed mills, in a Province say they have their laws with relation to that whatever they may be,

would that mean to say they would be ultra-virious and this would come into effect?

Mr. Legal Advisor: The Federal Act will govern it.

Mr. Thompson: Does this cover Federal employees in the Territory.

Mr. Legal Advisor: Other Federal public employees are not covered if you look at the second part of the Federal Government Employees "the government has announced that the minimum standards of the Code will be met in the public service"

Mr. Daniels: I might add that the minimum wage rate for all casuals is government service has now been raised to \$1.25

Mr. Thompson: Is the government paying holiday pay for statutory holidays?

Mr. Daniels: Yes, even to casual employees.

Mr. MacKinnon: Is the Federal Government paying double time and a half to monthly paid employees?

Mr. Daniels: No not to salary employees, they have the time off.

Mr. Thompson: Are our laws covering the Territorial employees in all branches with our proposed amendments, or are they exempt like the Federal people are.

Mr. Legal Advisor: I don't know what the answer is on that, perhaps if you could hear from Mr. Judd or Mr. Baker as the hourly rate is mainly in Mr. Baker's department....

Mr. Chairman: Is there anything further on this Labour Code Gentlemen, can we excuse Mr. Daniels.

Council agreed.

Mr. MacKinnon: I would like to say that I am not exactly clear on this Ordinance that we are setting up. I hope the Legal Advisor on preparations for drafting will consider every person involved not only the employees but the employers.

Mr. Taylor: I did have one question Mr. Chairman and that is back to the age old argument in providing this legislation. Are we going to make provisions for the man in the bush and mining operations which do not require this type of legislation and cannot function under it.

Mr. Legal Advisor: There is provision before setting up advisory committees and there is provision for the designation of industries. This doesn't mean an industrial establishment in the usual meaning of the phrase it means any classification of employment. The production of the act of its application will be designated to industries and possibly by classification to areas or at least classes of employment. Whether these standards are to be applied to these people in

bush could be pending on the advice given to the Commissioner by this Committee and that is why I suggested you might like a Councillor to be on that Committee to give the Commissioner a firm policy on it. This is about the best answer I can give you and you must admit my answer at this stage is like trying to pick up water with a fishing net and a lot of it is going to slip through. When we bring the draft back in the Spring you will see a little more clearly which industries should be designated.

Mr. Shaw: When I went through this Labour Code and I gave my decisions on this with the exception of domestic helpers I felt that all industries would be covered it was going to be the same for everyone. In this Ordinance we have, we have certain industries that get certain exemptions and I never did see that it was right. Had I known that it would apply to this industry or that industry maybe my decisions would have been different in certain categories. I was of the understanding that this applied to everyone, the whole facets of labour and that's what my opinions were based on in this discussion on this particular subject and I don't go for this exemption business unless it can be proved clearly that it has to be.

Mr. Taylor: You can't apply it to people in the bush, because these people live in a different circumstance and this will kill it. It says that a man can only work at such and such a time and would have to keep track of time and these people are not working at an hourly basis. They are all working on a different basis and some of them are getting a percentage of things they find and some may sit for three days weathered in by a blizzard. There is a lot of give and take in the bush and I wouldn't want to see it killed when this comes into force

Mr. Shaw: That's the point Mr. Chairman, my discussions in this matter were taking into consideration these people in the bush and people with small businesses. Everything was taken into consideration because I was under the impression that this applied to everyone not just a big company. I based my thinking on that there would be no exceptions, except possibly domestic help and I wasn't sure about that. If we are going to get a bunch of exemptions my thinking might be different in respect to some of this.

Mr. Taylor: I recall when this thing first arose when there were some fellows working with some oil company north of Dawson. I would like to ask Mr. Legal Advisor a question, would this act then mean that all bush operations would have to go on Contract between employee and employer in order to carry on the way we have been.

Mr. Legal Advisor: I don't think individual Contracts will change the position at all, if that is designated work they are going to be subject to this and they can set up individual contracts but it won't make any difference. It's largely a question of which approach you have, do you include everybody and then exempt them

or do you start with nobody included and then begin including. Either way there is going to be pressure from one plank or the other, this is where the Consultative Committee is going to be a real source of strength or source of weakness. This is where Council may think that it should be strongly represented.

Mr. Taylor: I know what is going to happen, a thing that happens in many of our small outlying mines, you ask a man to go out and work and the employer is forced to hold down the employees day's of work, so he sits on his behind for many hours of the day. He wants to work but the law says he can't and this is what may happen to the bush, if we start imposing this restriction over what presently exists then you are doing to do a great harm to the Territory to a degree of shutting down possibly. There has got to be a way of getting round it, I agree with Councillor Shaw maybe this thing should be for everybody but we have also got to reconcile this other situation. We don't want to chase people away and that's why I thought we may be able to get by it by working the same agreements as we have now.

Mr. Legal Advisor: You will remember when this matter first came up I drew your attention to the word "special" in the phrase special circumstances and at that time I commentated that I thought the word "special" should come out because the word was too limited. There is an area there where the Commissioner or person running this thing weighed the described maximum. There it is for the case of accidents and special circumstances, I would say to give us the freedom we want to meet the conditions mentioned and take out the word special and then give extended hours, special permits for circumstances.

Mr. MacKinnon: I would really like to compliment Mr. Taylor for changing his views, this has been the exact point we have argued on for two days and now he has accepted it very gracefully.

Mr. Taylor: I haven't changed any of my views at any time, I would be very interested to know where I have changed my views.

Mr. Boyd: I wonder if Council would go along with the Legal Advisor's suggestion that we delete the word "special" and leave it to circumstances,

Mr. Chairman: Are you agreed we delete the word "special".

Council agreed.

Mr. Chairman: Would you take the Chair Mr. Boyd as I would like to say something on this.

Mr. Southam: Its alright to say exempt these people most of them work for monthly wages and I don't see why you have to worry exempting them for because they go out in the bush and work on a monthly basis. When the small mines are opening up they don't work 8 hours a day until the Union put a stop to it, so therefore I think you have got to leave some teeth



into this thing, if you don't you are going to have troubles.

Mr. MacKinnon: Here we are back on Unions again, as I have said many times at this table we are not Union representatives we are supposed to be representing the people as a whole and not in the idea of Union function. This point was quite clearly made that we do need exceptions throughout the Territory, Mr. Shaw earlier to-day supported the idea and he did say that it should be set up as of conditions that exist.

Mr. Southam: I would like to point out to Mr. MacKinnon that I am not a Union Representative, but I do represent 2,000 people up in these mining areas who have got their money from mining.

Mr. Boyd: Mr. Chairman I would like to draw your attention to the time, I would move that the Speaker do now resume the chair and hear the report of Committee.

Mr. Thompson: I second the motion.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Thompson that the Speaker do now resume the chair and hear the report of Committee. At this time would we excuse the Legal Advisor.

Council agreed.

Mr. Chairman: The Committee convened at 10.15.a.m. to discuss Labour Legislation with Mr. Daniels in attendance and it was moved by Councillor Taylor and seconded by Councillor Boyd that the word "conclusively" be deleted from sub-section (4) of section 45 and the words "prima facie" be substituted therefor. This motion was carried. It was also agreed that the motion passed yesterday deleting Section 25 would be left as is. I can report there was considerable progress made on the Labour Legislation Code Mr. Speaker.

Mr. Speaker: You have heard the report of the Chairman of Committee, are you agreed.

Council agreed.

Mr. Speaker: We have the matter of the Agenda tomorrow what is your pleasure?

Mr. Taylor: We have several Bills, Memorandums and Sessional Papers that we can deal with and I understand Mr. Commissioner may be arriving back tonight and maybe sometime tomorrow we could start off on this 5 year agreement. We also require the services of Mr. Gibson and Mrs. Colyer in relation to supplementary estimates.

Mr. Speaker: Who would you like tomorrow, usually on Friday morning we have the question period with the Commissioner, but I don't know whether he will be available in the morning or not, maybe we could postpone that under the circumstances.

Mr. Taylor: I would assume that we leave it open and discuss Bills, Sessional Papers and Memorandums tomorrow.

Council agreed.

Mr. Speaker: What is your pleasure now Gentlemen.

Mr. Boyd: I would move that we call it 5. o'clock.

Mr. Speaker: Are you agreed that we call it 5. o'clock at this time.

Council agreed.

Mr. Speaker: The motion is carried and this Committee will stand adjourned until tomorrow morning at 10. o'clock.

Friday, December 3, 1965.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: Council is now called to order. The first item is correspondence. Have we any correspondence?

Mr. Clerk: I have none this morning Mr. Speaker.

Mr. Speaker: Have we any Reports of Committee?

Mr. Boyd: Yes, Mr. Chairman. I beg leave to submit a report of the committee on Education Salaries..for School Teachers. I would like that Council consider discussing it in Committee and set it at a day and in a time certain so that we may have the other two members of the Committee with us. Report on Education Salaries

Mr. Speaker: Thank you Mr. Boyd. Is it agreed to table this Report rather than read it at this time.

All: Agreed.

Mr. Speaker: Thank you Mr. Boyd. We have no Bills to introduce. Have we any Notices of Motion and Resolutions?

Mr. Thompson: Mr. Speaker, I beg leave to give Notice of Motion concerning a Home Owners Grant. Notice of Motion #30

Mr. Boyd: Mr. Speaker, I beg leave to give Notice of Motion concerning Museum. Notice of Motion #31

Mr. Speaker: Are there any further Notices of Motion? Have we any Notice of Motion for the Production of Papers? If not, we will proceed to the next matter...Motions for the Production of Papers. Mr. Taylor, will you please take the chair.

Mr. Taylor takes Speaker's Chair.

Mr. Shaw: Mr. Speaker, I have a Motion for the Production of Papers, moved by myself, seconded by Mr. Thompson, in relation to Fire Losses..."It is respectfully requested that the Fire Marshall provide if possible the actual insured fire losses in the Yukon Territory for each of the last 5 or 10 years. Motion for Production of Papers No. 4

MOTION CARRIED

MOTION CARRIED

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Have we any further Motions for the Production of Papers? If not, we will go on to Motions, and the first one is No. 28, Mr. MacKinnon, Power Line, Burwash.

Mr. MacKinnon: Mr. Speaker, Motion moved by myself, seconded by Mr. Southam, re Power Line, Burwash Indian Village..."It is respectfully requested that the Administration negotiate with Yukon Electric and the Indian Department to extend a power line through the Indian Village at Burwash." May I continue, Mr. Speaker? MOTION #28

Mr. Speaker: Proceed, Mr. MacKinnon.

Discussion Mr. MacKinnon: Well, I don't know if the rest of you are acquainted in that area so I will outline just what is happening at the present time. Now, we are going to have a new airport at Burwash so the power line is being extended Destruction Bay to Burwash. This is just a request for them to extend the power line down to the Indian Village. At the present time, they do have power. It is supplied by Father Huijbers and, of course, he had to run a light plant to supply the Indian Village. The power line is not up to a standard therefore the Natives are only allowed say one light or something to this effect. In order for them to get a full supply of electricity, they would have to have the proper power line extended through the Burwash Indian Village. I think it is very necessary. Like Carmacks, where it did extend through the Village, most all the Natives have power, and in talking to Mr. Israel, it went very well and they have all paid their bills and some of them are getting washing machines, deep freezers, and such things as that.

Mr. Taylor: Mr. Speaker, I have no doubt that this is a worthy, worthy project. What puzzles me is, and I know that when the Member next rises and closes debate, that in his concluding remarks, I wonder if he could enlighten me on two points: What did Indian Affairs think of this proposition and what did Yukon Electric think of this proposition? What were the comments prior to this Motion being made?

Mr. Speaker: Are there any further comments on this Motion No. 28?

Mr. Boyd: Yes, Mr. Chairman, Mr. Speaker, I notice that the Motion reads that Administration negotiate with the Yukon Electric and so on...I think before you negotiate, it would be wise to look into the situation and consider and advise. Maybe there are reasons why it is not practical at the present time and so on. We should be able to know these before we make a firm commitment of instruction.

Mr. Southam: Mr. Chairman, as seconder of the Motion, I think it has merits and all the Mover is asking for is that they would negotiate and see if it was feasible as I understand it. After all, that's a very small part of it. If it is not feasible, then naturally they will turn it down, but I think at least, the least they can do is look into it.

Mr. Speaker: Is there any further discussion on Motion No. 28?

Mr. MacKinnon: Mr. Chairman, well, I will have to say that Mr. Taylor's questions were very ridiculous and he wants to know what did the Administration say...what did the Indian Department say. I feel that through this Motion, we are about to find out what they say. And, this is my way of handling my end of the business and it will remain my way, whether Mr. Taylor likes it or he doesn't.

Mr. Speaker: Does that answer your question, Mr. Taylor?

Mr. Taylor: Yes. I conclude that it has not been discussed with the Administration.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: We now have Motion No. 29, Mr. MacKinnon, Votes and Proceedings.

Mr. MacKinnon: Mr. Speaker, moved by MacKinnon, seconded by Mr. Thompson re Votes and Proceedings..."That in the opinion of Council it is respectfully requested that Community Clubs throughout the Territory where no library exists, be provided with a complete copy of Votes and Proceedings of each session of Council". May I continue, Mr. Speaker?

MOTION  
NO. 29

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Well, I think that all Members are in Agreement that this is a very necessary thing...to let the people know just what we are doing here. I don't think they should be denied that. If we're not doing anything, I think the people should be made aware of it and be prepared to get rid of us at the next election.

DISCUSSION  
MOTION #29

Mr. Speaker: Are there any further comments?

MOTION CARRIED

MOTION  
NO. 29  
CARRIED

Mr. Speaker: Have we any Questions this morning?

Mr. MacKinnon: Yes, when could I expect an answer on the two questions that are in I wonder...Election Costs and House Wiring?

Mr. Speaker: Could you give that information, Mr. Clerk?

Mr. Clerk: I expected the Election Costs reply this morning so I would dare say it will be here on Monday. It was a figure we had already obtained for another purpose. The other one shouldn't be too long...maybe Monday.

Mr. Speaker: Are there any further questions?

Mr. Thompson: Mr. Chairman, I might ask if there is any progress to report on my Question No. 17?

Mr. Speaker: Territorial Welfare? Mr. Clerk, would you answer that?

Mr. Clerk: I am not sure what progress has been made, Mr. Speaker, but I do know that the Director of Welfare has been out of town for the last few days and tried to get in yesterday and couldn't, had to overfly and they are sitting at Watson today so it shouldn't be more than a day or so.

Mr. Speaker: Have we any further Questions? That completes the daily routine and Orders of the Day. What is your pleasure now, gentlemen?

Moved by Councillor Taylor and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Motions and Sessional Papers.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The Motion is carried and Mr. Southam will take the Chair in the Committee of the Whole.

Mr. Southam: I will now call a five minute recess.

Mr. Southam: I will now call Committee to order and we have Motion No. 3, New Financial Advisory Committee for the coming year and this needs amending to change from Mr. MacKinnon to Mr. Thompson.

Moved by Mr. Taylor and seconded by Mr. Shaw that Motion No. 3 be amended to read Mr. Thompson instead of Mr. MacKinnon. MOTION TO AMEND MOTION #3

MOTION CARRIED

MOTION CARRIED

Mr. Taylor: Mr. Chairman, at this time we seemed to have reached an impasse. We have several items to discuss but unfortunately, due to weather conditions and the unavailability of Administration due to this cause, I would suggest that we recess until 2 o'clock.

Mr. Southam: You have heard the suggestion. Are you all agreed?

Mr. Boyd: Not quite yet Mr. Chairman. Have we any idea what we are going to do at 2 o'clock providing the plane is not in?

Mr. Taylor: Mr. Chairman, we could possibly proceed with Bills if Mr. Legal Advisor is available. A lot will depend on what members of the Administration are available for discussion. Apparently none are at the present time to deal with the matters we have before us.

Mr. Shaw: Did I hear Mr. Clerk say that the Legal Advisor would be available at 11 o'clock?

Mr. Clerk: He wasn't sure how long he would be. I just tried to get him but the phone was busy. He could be there right now as far as that goes.

Mr. Southam: At this time I will call a recess until we find out who we can get.

Mr. MacKinnon: Mr. Chairman, what about the Fisheries Department? Is everybody away from there?

Mr. Taylor: I believe, Mr. Speaker, that we just found that the Fisheries Officer is also in Watson Lake.

Mr. Southam: I will now declare the Council in recess and we will reconvene at 2 o'clock.

Friday, December 3, 1965  
2 o'clock p.m.

The Chairman called the Committee to order and invited Mr. Vars to join the members at the table.

Chairman: Well, gentlemen, we will proceed with discussions on Bill No. 3 - An Ordinance to Amend the Liquor Ordinance. No. 3

Mr. Taylor: Mr. Chairman, I think the Bill has been amended to the point where in some sections we will have to re-read some of the amendments. Possibly prior to this, we can take each section one by one again in review and make sure that it is in its proper form. Just in case some other amendments are required.

Mr. Boyd: Mr. Chairman, I think that possibly we have another subject which might create another change and while Mr. Vars is here I would suggest that we discuss this subject.

Chairman: Are you all agreed, gentlemen?

All: Agreed.

Mr. Vars: As Legal Adviser explained to you, the problem we have right now is where at one special location we have a cocktail lounge which is closed down and there is no other cocktail lounge existing. We would like to be able to sell liquor for consumption off the premises by the bottle but it leaves us with the only other alternative which is a tavern. I think that probably it will create a problem later on as some of these other cocktail lounges may close which would leave the community with no provision to obtain liquor by the bottle. Again, if we issue a licence to this motel, is it on a temporary basis? Or, what are we going to do when the cocktail lounge re-opens?

Mr. Taylor: Mr. Chairman, this brings up a question. In deciding the hours for cocktail lounges we also considered the importance of having these facilities available to the traveller or general public. Is it now considered to be the policy that we allow people to operate in summer months and close down in winter months and re-opening again in the summer months? Just what is our policy in this respect?

Mr. Vars: I think there was a memorandum designated for Council's suggestion on this. The way the hours are written now, I don't think that we can control it. It says all through the Ordinance that they may be open during this time. It doesn't say they have to be. I don't see how we can force them to stay open.

Mr. Taylor: One big complaint, Mr. Chairman, from other operators in places where there were two, three or more cocktail lounges, was that they said: "Our licence requires us to stay open twelve months a year". If the fellow across the street can close during the tough winter months and then re-open and in view of the fact that we do control the dispensation of liquor, in the Territory, is it right and proper that we allow people to shut down and re-open again in the spring? Just what is the firm policy up to this point?

Mr. Boyd: Mr. Chairman, we had considered this at one time but then we would run into the situation in the outside areas where it was simply wrong to force them to stay open with no customers, at all. Probably that is how it got changed. I

would like to ask Mr. Vars a question. This motel you were talking about, would you know off-hand if they do wish to handle this commodity in the first place, or.....

Mr. Vars: No, they are prepared to submit an application for the privilege of serving liquor by the bottle. What are we going to do? If we issue it to them it would appear that we would probably have to retract the licence when the cocktail lounge in the area opens up again.

Mr. Taylor: I think that once granted, Mr. Chairman, and if we do permit this particular establishment to dispense off-premise liquor, then I don't think we can take it back. If we grant it, we've got to grant it right across the board and allow them to dispense liquor continuously. At the same time, are we going to grant this right through the whole Territory?

Mr. Shaw: Mr. Chairman, has this motel any licence for beer, wine, or anything in that direction at all?

Mr. Vars: Just a tavern licence.

Mr. Boyd: Well, I think it would be quite in order. If we are going to serve the people then we must be prepared to issue this licence but certainly, as Mr. Taylor says, we can't cancel it out to suit the whim of some other person's closing. These people are entitled to some consideration if they are going to stay there all winter. I don't think that it would be too wrong to allow either a cocktail lounge or tavern outside the Whitehorse area to handle it if they so choose.

Mr. Shaw: I can't see anything wrong with it. But we could foresee a situation such as this. This tavern is granted a licence for this particular matter. If it were a continuous licence in subsequent years possibly some other outlet would provide the necessary rooms and they would be operating on a year-round basis. In fact, one or two outlets could also accumulate in this particular area. Before you know it, you have, possibly in the only place in the Yukon, where a tavern was selling this liquor over the counter and at the same time there would be one or two others which were cocktail lounges and opened permanently. Thus you are faced with the embarrassing situation of whether you should continue to provide this tavern with that particular licence. What would be applicable in one year would be entirely different in another year. Possibly you could have the situation where you grant this licence and let them continue until some other cocktail lounge licence which had operated for twelve months and was going to continue and upon application by that person who was going to continue then you could retract the other licence. This would still give the person handling a year or a year and a half and make the people who closed down think over the situation and that would cover all the exigencies.

Mr. MacKinnon: Mr. Chairman, I would point out that in the original planning of this, we should go a little farther and extend this. If liquor outlets don't want to handle this we should extend it to grocery stores. For instance, in Sessional Paper 38 from last spring, this was Council's intention. Private outlets for sale of liquor. This was discussed and it was felt that it would be tried first in Teslin and possibly thereafter in Carmacks, Destruction Bay, and Elsa. Now the liquor outlets in Teslin and Carmacks have not considered the benefit of handling this liquor at all. Therefore, I



think that we should give it some consideration.

Legal Adviser: Mr. Chairman, I think that resolution was early in the session and later on the off-licence for cocktail lounge and taverns was worked out. I was aware of that and if anybody is responsible for not preparing Legislation on that point, then I must accept that responsibility. But I thought that when Legislation was being prepared for presentation this time that the introduction of the off-licence at cocktail lounges and taverns had over-ridden that particular resolution. If I was wrong, then I will try and prepare an appropriate amendment to the material you have before you.

Mr. Mackinnon: Well, Mr. Chairman, I am just reading what comes under private outlets for the sale of liquor. It does specify Teslin as the first possibly, Carmacks second and then Destruction Bay and Elsa.

Mr. Taylor: Well, Mr. Chairman, on that point. I more or less initiated discussion on that particular subject. If Legal Adviser is correct in stating that we did assume that with off-premise sales licences for cocktail lounges and taverns throughout the Yukon, this problem would be overcome. However, the reason it hasn't worked is because in the two communities mentioned, neither of the tavern owners have wished to have anything to do with the off-premise sale of hard liquor. This, of course, we didn't foresee at the time. Possibly we could discuss this during discussions on the Bill. To get back to this particular section, I can see what's going to happen. I feel the taverns should have off-premise rights but when this other operation opens up again in the spring who have a cocktail lounge, they open up their doors and see across the street a little tavern selling hard liquor too, they are going to complain bitterly. They will be right down to see our Director of Liquor Control and they are going to demand that the little tavern be closed down. So this isn't going to work. If we give this licence to this tavern, we are going to have to not go up to them and say you can have it for a year or a year and a half and then we are going to take it away. This is quite unacceptable to me! I think you will have to give it to them on a continuous basis. We have to provide some answer. Possibly as a suggestion to overcome this we can provide in Legislation something which says that this is permissible, that a tavern may sell off-premise sales under certain conditions. Possibly where there are no more than three liquor licences in the community and some time has gone by, we have been able to upgrade our Ordinance where anybody can sell liquor: grocery stores, taverns, or anybody else. I don't know. This is just food for thought.

Legal Adviser: Mr. Chairman, if you look at the proposed 12 (c) there and change the wording to read:

"grant to the licensee of a tavern or cocktail lounge".

Mr. Vars: Would 3 not take care of it?

Legal Adviser: No. 3 would come out entirely. There would be no point in referring to the rights to be given to the tavern if there is no subsisting cocktail lounge. The tavern is equally entitled to go for off-premises sales. That's one approach and this could be done by amending 12 (c) (ii) and expunging 12 (c) (iii), thus both the cocktail lounge and the tavern could have the off-premise licence. Now, Mr. Boyd mentioned the Whitehorse area. Again this creates a bit of a

difficulty because you see at the top of the page in section 9 they are talking there about the City of Whitehorse. If somebody could suggest where I could get an adequate definition of the Whitehorse area then I could work something out. With regard to the situation in Teslin and Carmacks where the local licensee is not prepared to handle over the counter hard sales, there is probably some alternative which could be suggested by the Committee or perhaps Mr. Vars has some suggestion. You may find, let us suppose, that the licensee is not prepared to do this and the store keepers in the area are so prepared. The thing is how far do you go in trying to provide a service which the normal commercial outlets are not prepared to offer? Are you going to make it across the board for grocery stores or grocery stores only in areas where the existing licensee is prepared to handle the stuff. Then if it is not assimilated we are faced with a problem. If the existing licensee says: "Well, I've changed my mind and have decided to sell liquor over the counter". Then the grocery store says: "I've been handling this business for years now and you are going to take it away from me and give it to the man in the cocktail lounge". I would sit down and try and draft anything that represents your views

Mr. Taylor: Mr. Chairman, one thing I should note, further on in the Ordinance we have taken, in order to protect Whitehorse, an designated under an Entertainment Licence in respect to cocktail lounges: a cocktail lounge located within a distance of 25 miles from the boundary of the City of Whitehorse. Thus giving Whitehorse the protection it requires. Possibly any Legislation we do provide in respect of the topic now under discussion, could be handled in that manner. You've not only got to think about the operator but possibly providing a service to the general public and to that community involved. How we do this, I don't know but it has got to be fair and equitable. I agree that we can't give this and just take it away.

Mr. MacKinnon: Mr. Chairman, I think the only way around this is to open things up just a little bit more. We have got to have a certain amount of confidence in people and I think in the original planning of this there was some concern about things getting out of hand. I don't think it has got out of hand in any one case where liquor has been sold. Now, if an individual doesn't want to handle liquor say in Teslin, Carmacks, Destruction Bay, Canyon Creek or where ever it is, if there is a certain amount of people in that area who so desire, liquor should be available to sell, then I think this is a very important point to consider. I don't think there would be any abuse in these outer areas if it was made permissible to a grocery department. At Teslin, for instance. I am quite sure that the existing hotel would handle liquor under those conditions.

Mr. Taylor: Mr. Chairman, it was never intended that a grocery store would sell liquor. I don't feel that a grocery store is the proper place to dispense any spirits. Beer, wine, fine. I just wanted to dispel any thoughts in that respect. When we started off with this Teslin situation last spring, consideration was being given to strictly beer and wines. What we did say in respect to those two communities was that rather than we build a liquor store, get somebody in these communities to build a liquor store and bond them. Let them have a margin of profit on what they sold and in other words run a private enterprise liquor store

still under the direct control of the Liquor Department. I'd like to ask Mr. Vars if he can see any solution to the problem we are discussing?

Mr. Vars: I think that in outlying areas it is only fair to offer the provision to sell liquor by the bottle to the taverns in the area. The cocktail lounges are forfeiting somewhat when they close down. If a tavern is prepared to operate all winter, they should be encouraged to handle liquor by the bottle. Certainly there would be more control by having it supplied by taverns and cocktail lounges and grocery stores in the outlying areas. These people have all had experience in handling liquor.

Mr. MacKinnon: Mr. Chairman, with regard to Mr. Taylor's comments regarding beer and wine. He approves of beer and wine being sold through a grocery store but not liquor. Mr. Vars refers to things getting out of hand. Now, this is sold as a product. The man selling it has invested his money. He has paid cash - retail liquor store price. He has provided space and I am sure any one of these men are capable of keeping it under control because this is his investment.

Mr. Vars: Mr. MacKinnon, do you assume that the man who is responsible for the liquor is going to be the only one who will dispense it throughout the time the store is open?

Mr. MacKinnon: Mr. Vars, I am certain that he would have to be a responsible person otherwise he would not be employed by the store keeper.

Mr. Taylor: Mr. Chairman, I know of one establishment which would go absolutely wild in Watson Lake, if they were allowed to sell liquor.

Mr. MacKinnon: Mr. Chairman, I would like to ask Mr. Taylor, which one he was referring to?

Mr. Taylor: Mr. Chairman, I am not going to name it because most people know of it. It is not my duty to name any premise at this table.

Mr. Boyd: Mr. Chairman, I still think that you are not going to run into any difficulties if you allow anybody to handle it outside the metropolitan area: be/cocktail lounge or tavern. Sure there are two places which do have a cocktail lounge and beer parlour operating the year round. So what if they both handle it! No harm is really done as they are serving the people. As to the argument that the cocktail lounge at 1202 when it does open will holler: well, it's like a wolf, he'll holler anyway by instinct but it doesn't mean that he is going to accomplish anything! If he is not serving the people, then others are justified in doing so, which is what I would go for.

Mr. Shaw: Mr. Chairman, we have another area in the municipality Mr. Boyd has apparently forgotten about. They have three cocktail lounges there and two or three taverns. It's to be remembered that cocktail lounges are licenced to sell this particular commodity. If, in normal circumstances, you are going to allow beer parlours to sell the same thing without paying for the necessary licence, it would be a little discriminatory. For myself, in the instances we have right now, in view of the fact that all this big noise has been derived from providing a service to the public, it is getting to the point now where it is benefitting the people themselves.

The original intent of this was to provide a better service to the public, which should be kept paramount in mind. In this particular case, a large lounge closes and we are obligated to give a service to the public which is the object of this type of business procedure, then I would say by all means give the permission to this tavern to sell this liquor by the bottle. The large organisation which has the cocktail lounge, they do not want or are unable to provide year-round service to the public in which case I would say that they loose a certain amount of rights in so far as being unable to provide the required service is concerned. Thus I think someone else should be given the opportunity of providing the service. They could have the licence with my blessing! I wouldn't advocate this action though in areas where cocktail lounges are kept open year-round. It is their business, they pay a licence for it, they sell it by the bottle which conforms with the merchandise they are selling and it would hardly be fair to give the same commodity to some other type of business not handling the same product. So I would say, go ahead and give this licence.

Mr. Boyd: But, Mr. Shaw, I meant to include the municipality of Dawson in the same category as Whitehorse. You can't just simply say, in lieu of what has been written here, and because of something that has happened, that you are going to give somebody a privilege that nobody else in the Yukon can have. This is where the rough, comes in. I would certainly like to see the exception being made and say that in this area you may serve the public but not for just six months while that other place is closed, but indefinitely. But I don't see how you are going to get around this.

Mr. Shaw: Well, Mr. Chairman, you have another way that this could be done, and it has been done in many cases in the past that when a special thing arose then a special Ordinance was passed. Years ago, they used to pass an Ordinance regularly with regard to exempting the Mayo Light and Power Company from having to pay a licence. This was a special situation and there is no reason why the same thing cannot be done then everything wouldn't be opened wide. If the circumstances justify the action in providing a service to the public, then okay, pass that Ordinance.

Mr. Taylor: Mr. Chairman, I can't agree with that. When a special circumstance comes along, we should just pass an Ordinance. An Ordinance is a pretty important thing. Why should we clutter up our law books with a bunch of stuff like this. I think the day of passing special Ordinances for special circumstances is long past. We have got to adopt a policy in this respect, set it down and adhere to it. I agree with Mr. Boyd but I might point out that any time you grant something, you have got to grant it with the idea of not granting it for a year and taking it away. You can say, fine anybody outside the municipality but what are you going to say and do when villages and Local Improvement Districts come along? They are both here in the form of Legislation. Are you going to say, all right we'll let you sell liquor out of your tavern until you are incorporated as a local improvement district at which time you have to stop? I don't know if this is a good thing, but there must be a way of doing this and if we could find it I'm right with it but it has got to be overall.

Mr. MacKinnon: As I pointed out before, I do agree with

Mr. Taylor this time in that we do need it overall. Let us not just consider one area. I'm all in favour of seeing this tavern get the licence, definitely. Also, I'm in favour of seeing larger areas getting consideration for some type of outlet regardless of the type of outlet it is. This liquor for instance purchased on a retail basis. I feel that it is just selling another product.

Mr. Vars: I would like to ask Legal Adviser a question. If section 3 of 12(c) was re-worded to read:

"where no other off-premises licence is in existence in any locality",

would that get over it?

Legal Adviser: No, because at the moment a licence is granted to a cocktail lounge and it would be in existence and the poor tavern operator would find that his privilege is being chopped again. I do urge that any recommendations you make should steer away from policy grants in the draft otherwise nobody will really know where they are.

Mr. Thompson: Mr. Chairman, when this outlet which is closing down for the winter reapplies next year, do they have to advertise like anybody else, three times, or do you just hand them a licence?

Mr. Vars: It was my understanding that that piece of Legislation was designated for Council's consideration. But what do we do if you don't give us a definite time when one place should be closed or opened? They are holding a licence and it hasn't been cancelled therefore we assume that their licence is still in existence.

Mr. Taylor: Mr. Chairman, on that licence, are not the hours the establishment intends to be open endorsed on it?

Mr. Vars: This is right but it doesn't say that they have to be open every day. It says, that they may be open. They may open up any time during the hours you have designated but it doesn't say that they have to be open every day.

Mr. Taylor: It was my understanding that once they were granted a licence they had to stay open within the hours they specify and they had to stay open every day as prescribed in the Ordinance. Possibly, I am misinformed.

Mr. Vars: Section 31 is the relevant Ordinance for the Sale of Liquor and Licences on Premises, and it says that a tavern may be open once each week day but it doesn't say that it must open. It also says the same for a cocktail lounge or cabaret. It doesn't say that they have to open each day. It says that they may be open each day, any time.

Mr. MacKinnon: Yes, Mr. Chairman, I did have legal advice on this and had an interpretation of the Ordinance by a Law firm. I do hold my licence even though I am not open.

Mr. Vars: You are closed at the present time, Mr. MacKinnon?

Mr. Boyd: One question. I wonder if Mr. MacKinnon found out just how long he does hold this licence without opening up? Could he hold it for five years just as long as he paid the fee?

Mr. MacKinnon: Mr. Chairman, I think that that is outlined later in the Ordinance here but I have to renew the licence by March 31, 1966.

Mr. Boyd: I agree with that but you don't have to open up your store? You just wait for business.

At this time, Mr. Thompson assumed the Chair.

Mr. Southam: Well, Mr. Chairman, to me it looks as though we are doing a lot of talking for nothing! The only question to consider is if you are going to grant this motel the licence are you going to take it away in the spring? I can't see why it should be taken away just because the other outfit is going to come back in the spring to reap the gravy. If you give a licence then it must stay for a year, as far as I am concerned. I can't see why we should be sitting here arguing about whether you are going to open up grocery stores or anything else. This is not the question. What we are interested in is whether or not we are going to give these people a licence and whether or not we are going to take it away in the spring? Or let them keep it? I say, let them keep it!

Mr. Boyd: Mr. Chairman, I'd like to direct a question to Legal Adviser. Could it be supposed that the off-premises situation at 1202 is not functioning in a satisfactory manner, therefore, it must be considered that there was no cocktail lounge there? So, a licence to the tavern would be perfectly correct? Provided the decision is carried no further than 1202.

Legal Adviser: Mr. Chairman, subsisting means that it is in force and the mere fact that the licensee isn't servicing doesn't mean that the licence isn't in force. Take a case where the tavern has been closed down, Mr. MacKinnon's for instance, the licence is still in force. What Mr. MacKinnon's position would have been had he surrendered his licence because he was closing down, then in spring he would have had to advertise and make application for a new licence, a renewal. In the spring, the Alaskan Lodge will make application for renewal because it isn't cancelled out or surrendered. It has simply ceased to open its doors. This doesn't mean that the licence is not subsisting. In the spring, when it comes back, it would present itself as the holder of a cocktail lounge licence and the holder of an off-premises licence. You see, they would both be subsisting licences, because they have never been cancelled out.

Mr. Taylor: Mr. Chairman, could you not face it this way by stating as a sub-section to 12(c) providing first anywhere beyond say 25 miles from any municipality a tavern may be granted a licence to begin with and then in a further sub-section state that notwithstanding anything in this sub-section that this shall be and may be a continuing proposition. Could this be done?

Legal Adviser: Well, Mr. Chairman, if you are deciding on the policy of giving taverns equal status for the acquisition of an off-premises licence, and you want to restrict that to outside a 25 mile radius, you simply change number 2 to read:

"The Commissioner, may, upon application and payment of the fee set out in the schedule, grant to the licensee of a cocktail lounge, an off-premises licence and grant

to the licensee of a tavery outside the 25 mile range, an off-premises licence".

This is just using words in rather a loose form at the moment. Would that meet what the Councillor has in mind?

Mr. Taylor: That would to a point. Would you then qualify that to provide for the situation of the person re-opening across the street sort of thing and complaining. In other words to show in the Ordinance for all to see that this person, who has the off-premise licence, may continue to sell in the coming season.

Legal Adviser: That would be achieved simply by deleting sub-section (3). By doing away with the question. The licence would then continue once the tavern operator had it then he would continue to have it. I don't know the legal term for "tough beans" is but that would be it in the case of the cocktail lounge: If he came back and complained because the tavern operator was availing himself of the opportunity, then it would be too bad!

Mr. Shaw: Mr. Chairman, I will leave the Legal Adviser to do the drafting part of it but to get back down where we started. When we first came up with this matter, it was for the convenience of the public, which is our first consideration, I think. The reason for this request is because this liquor outlet closed. To permit it being sold in a tavern: I am quite amenable to that. However, it must also be considered that these other taverns, such as in Carmacks, Pelly Creek, down the road here and up the road there, these places will also be entitled to sell it if we are figuring on serving the public. This is the point and the only reason why we are taking this into advisement is because this tavern supplies a service to the public, therefore, that must be extended to all the taverns where ever they may be where there is no cocktail lounge licence, such as Carmacks. There is not one in Carmacks, is there?

Mr. Vars: Provision is already in the Ordinance where a tavern may have this privilege if there is no cocktail lounge in the area. Therefore, Carmacks, Teslin, or these other places could conceivably do it if they saw fit to do so. It's up to the owner. We don't force them to.

Mr. Shaw: Well, then, that simplifies the matter in that they could have them. If this other outlet wants it then he can have it if the other person who had the licence was there but was not willing to provide the service. Therefore, I would say, amend the Ordinance so that they can sell it and just let it go at that.

Mr. Vars: We are right back to what Legal Adviser suggested in the first place, i.e., to change 12(c) in the Ordinance to include taverns as well as cocktail lounges. Isn't that right Legal Adviser:

Legal Adviser: Now that, I think, is the point of arrival. Do you want taverns outside the 25 mile radius to have this privilege?

Mr. Taylor: Mr. Chairman, there is only one thing I can say. For instance, in a place like Watson Lake which is a sizeable community, we have many many licensees there. I don't think that this is good at all! In consideration of this one tavern,

we are going to have to extend it to all the tavern operators in Watson Lake, in order to provide for the one little one without being exceptional. I don't agree that this should be. But I'm afraid in order to provide this across the board it is going to have to be! We can't define Watson Lake as a village, an Improvement District or as a Municipality. All we can do then is exclude Whitehorse and Dawson City and it's tough beans, as the saying goes.

Mr. Vars: One answer might be to allow it in a tavern or cocktail bar where there is only one existing licence left. In other words if you had just one licensee in an area, then this licensee would be permitted to sell liquor by the bottle whether it be a cocktail lounge or a tavern.

Mr. Shaw: Mr. Chairman, I don't see it being complicated. If there is a licensee selling liquor and he is open twelve months a year continuously, then none of this should be sold in a beer parlour. If this person opens and closes and closes and opens, then he is not utilising his licence. Therefore it should be drafted in the Ordinance that the other fellow gets the right to sell it. This would solve the problem at Watson Lake or any other place.

Mr. Taylor: Could we then not get around the municipality by not mentioning municipality and stating where not more than three licensees exist, it shall be legal to do this? Would this not solve the problem?

Mr. MacKinnon: It looks to me as though we are quite concerned in solving the problem in just one particular place. We are not solving the problem on an overall basis. I have pointed this out several times already. Mr. Taylor continually says that he has a beer parlour in Watson Lake which wouldn't be suitable to handle this. Is Mr. Vars aware of this beer parlour which is considered to be out of line or whatever he is referring to? I don't know.

Mr. Taylor: I beg to differ, Mr. Chairman, as the gentleman does know. I think that we should get back to the problem at hand. I would like to ask Legal Adviser if he could consider the proposal I suggested and whether it would work? Where we have three or less licences, in a community, whether this could be done?

Mr. Thompson: Mr. Chairman, I would just like to leave one thought with Legal Adviser. I am not too happy with this 25 mile radius with regard to the metropolitan area of Whitehorse. Up until now, it has been the Municipality of Whitehorse and Dawson City. Not 25 miles out of either, but the Municipalities. Another thing that intrigues me, I am wondering if there shouldn't be some connection with regard to the closing of these licenced premises, be it beer parlour or cocktail lounge, in the off-season and the surrendering of the licence? I am just wondering if this should not be given some consideration?

At this time, the Chairman called a recess for afternoon tea.



Friday, 3rd December 1965: 3.30 p.m.

Mr. Chairman: I will now call the meeting to order.  
Mr. Thompson asked a question of Mr. Legal Adviser.

Mr. Legal Adviser: I think before Councillor Thompson asked a question there had been one from Councillor Taylor and neither of them was dealt with. While this is not a direct answer to Councillor Taylor's question, may I put forward the idea that a provision be made for the Commissioner to appoint a 3-man panel in an area in respect of which the request has been made for off-premise licences whether it be for a tavern or a cocktail lounge, and the 3-man panel should be directed to look into the question to ascertain the local need, the facilities and all other pertinent matters and to make recommendations to the Commissioner which the Commissioner should receive. So it would not matter then whether there was an existing licence if there was a demonstrated need and only this way can you cope with the individual situation. If you try to do it by legislation we are going to have so many exceptions to the exceptions that it will require a department to interpret the legislation. So that is not really a direct answer to either of the questions but it might be opportune to consider it now.

Mr. Taylor: I think that the idea has merit. I might point out that the cocktail lounge does have this privilege, it's automatically granted in the ordinance and I don't think that should be held for Committee consideration as we provided this as an incentive in order to upgrade hotels. But possibly in respect to other off-premise sales in other establishments this may be a very wise thing to do and we should pursue this angle further.

Mr. Legal Adviser: The idea I put before you is coming hot off the griddle and I am sure it will improve if it is allowed to simmer a little.

Mr. Boyd: I would suggest that Mr. Legal Adviser is asking for a period over the weekend to collect his thoughts by his use of the word 'simmering' and possibly we should leave this subject until Monday.

Mr. Chairman: Is the Committee agreed to leave this subject until Monday?

Committee : Agreed

Mr. Legal Adviser: I would like to have a restatement of Councillor Thompson's question. I am sorry.

Mr. Thompson: You mean you weren't listening, Mr. Legal Adviser? I first of all said that I didn't feel that when you were drafting any changes that there should be a stipulation specifying 25 miles from the City of Whitehorse, or 25 miles from the City of Dawson, because I think that the municipalities are a little empire unto themselves. I feel that if you are outside these areas you would be able to benefit from any of these provisions that you so wished. The other thought that I had was that there should be some connection or some stipulation regarding off-season closing of these various licences. Evidently the legal department don't know who is open and who isn't unless they read the local papers but it seems to me in order to keep

some control of this thing anybody who is going to close in the off-season should surrender his licence. I was wondering if this had been considered in any of the proposed ordinances.

Mr. Legal Adviser: The effect of surrendering a licence would be that in the Spring when they come to re-open, they would have to make an application for a new licence and would have to advertise. Then at the same time their room requirement would have to meet the law as it exists at the time of the application. Now if this is the wish of Council they can be so written. The 25-mile radius question is a bit of a blem because for certain functions different areas have been delineated. It speaks very firmly of the City of Whitehorse at one point and in another place I think we speak of the area of a settlement, or we did at one time, and then we have this other attempt to define an area. It isn't always possible to come up with a single definition. I would like to discuss this with Mr. Vars to see whether we can improve on our area references. May I have your permission to take that up with him and see if I can report back with some more useful comments and possibly some other suggestion?

Mr. Chairman: Are you agreed with Mr. Legal Adviser's suggestion?

Committee : Agreed.

Mr. Taylor: I have another matter for consideration with respect to the Lord's Day Act and what we may or may not be permitted to do on Sundays. This is occasioned by a problem which has arisen in connection with restaurants. We have throughout the territory in various communities including Whitehorse some fairly good restaurants which are permitted to serve beer, wine and liqueurs during specific hours. What I am concerned about is if we can provide them with the serving of beer, wine and liqueurs on a Sunday, which we do and I think it is good, may they then stay open until, say, midnight during any day including Saturday midnight serving, say the bar customers - a lot people like to go for a steak and have a bottle of wine. Are they now permitted to do this and if not possibly Committee could consider allowing restaurants to do this especially in view of the fact that they can serve on Sundays in any respect. In other words let them go round the clock in their restaurants serving beer, wine and liqueurs with meals.

Mr. MacKinnon: I am not quite clear. Mr. Thompson asked a question on Part 1 and Part 2 and I was of the impression that Mr. Legal Adviser was just answering the question and then it was referred to as agreeing with the suggestions. I was quite sure it was just a reply to a question.

Mr. Taylor: I wonder if we could deal with that matter after the one I'm just discussing rather than confuse the issue. I wonder if Mr. Legal Adviser could give me some comment in relation to this question.

Mr. Legal Adviser: I have been trying to analyse the position under the Lord's Day Act and I do not feel confident about my analysis yet. I see no barrier to the serving of wine and food in a Sunday morning at one minute past midnight

because if we can do it at 10 o'clock on Sunday forenoon or five o'clock on Sunday evening; there is no difference, it is still Sunday. The traditional closing down of these places on Saturday night has I think some legal causation but looking at the Lord's Day Act I am not sure whether that is the cause. There are so many permitted exceptions by local legislation to the effect of the Lord's Day Act that I do want to study it and consider the position and in fact draw upon the opinion of those more competent in the Department of Justice. I think I will have to have somebody second guess me - somebody who is further away from the actual problem. I haven't at the moment the sort of time available to give two or three days to research on the question so I cannot give any competent answer, except that at this stage I can see no legal barrier to selling wine and food in the early hours of a Sunday morning, or indeed continuing the operation of a public house or cocktail lounge except that there is a prohibition against the employment of people, this is one thing. Whether the supply of liquor would be regarded as an emergency service in the same way that food is I am not sure. No doubt there are occasions when one feels it is an emergency, but the person who could stand up and give you a competent answer on this question at the moment would be a very bold man. I must ask for a little time on that one. I am sorry to be asking for time on so many questions but they are quite intricate.

Mr. Taylor: Possibly in the next week we may have an opportunity to research some of this as we will be dealing no doubt with the five-year agreement. One other question I would like clarified is whether or not restaurants may now under the existing legislation serve 24 hours a day exclusive of Sunday. Are they permitted to continue serving wine and beer following midnight or not?

Mr. Vars: I think that the hours were in there but they were taken out. It was agreed at a meeting of some of the members of the Council that the hours would be permitted but were not to exceed two o'clock in the morning or the existing hours of licence at the present time.

Mr. Boyd: Another point is that I think they are required to eat as much in dollars and cents as are consumed in dollars and cents in booze. If they do that they are not going to consume too much liquor.

Mr. Taylor: I would suggest that we certainly agreed on the philosophy of setting up these provisions for the relaxing of the restrictions on liquor and its sale and consumption with the idea of introducing liquor with meals and meals with liquor as being a very desirable thing and I would like to allow liquor in restaurants and allowing food in taverns and bars. What I am suggesting here is that possibly we may agree to an amendment to the ordinance which would allow restaurants which meet the requirements of the ordinance to serve round the clock, so to speak.

Mr. Legal Adviser: There used to be some stipulated hours in the Section 12 (b) and then 12 (b) 1. was enacted at the first session this year which said 'the Commissioner, subject to such conditions as he may impose' and it is this part of the legislation that he relies on. I think the conditions he imposes include the hours but if he were assured that it was the wish of Council that restaurants

shall be open 24 hours a day then obviously this will be a serious consideration in his mind. However, if you are proceeding to such a change in policy, such an advance in thinking, may I suggest that you discuss that with him before making a recommendation. I cannot speak regarding the policy at all. I do not know what arguments might be advanced to suggest that there should not be a 24-hour day and he is the person who would have to impose the conditions.

Mr. Taylor: I am agreeable that this could be taken under advisement and possibly we could have the Commissioner with us when we discuss it.

Mr. MacKinnon: I asked Council a question a few minutes ago and may be I should bring it to your attention again. Mr. Thompson did present Mr. Legal Adviser with two questions. Now in Mr. Hughes' answer to the questions it was asked - does Committee agree with the suggestions? They agreed. I take it these are suggestions that Mr. Hughes has made. Am I right?

Mr. Legal Adviser: Perhaps I could give my understanding of what Committee agreed to. I pointed out that in those cases where a licensee was required to actually surrender his licence when he closed down, he would be confronted with the need to make an application for a new licence in the Spring if he wished to reopen, and attendant upon that reopening would be the need to advertise and if necessary to qualify on an increased number of bedrooms and so on. In all respects it would be on the same footing as a completely new operation. I did ask whether it was Council's wish that the law should be changed on that point, and then unfortunately I went on to deal with the question of radius and I was really asking for a little time to sit down with Mr. Vars and see what we could work out on the question of radius. I did not feel that I had disposed of Councillor Thompson's question and perhaps Committee would like to give me some direction on his first point: should a licensee who wishes to close down for the winter or any other part of the year be put on the same footing as a new applicant, or should he allow his licence to remain dormant. I think that is the summary of the question. Perhaps I could have a direction on that.

Mr. MacKinnon: Thank you Mr. Legal Adviser. Then I would suggest that you answered the question and did not make a suggestion.

Mr. Chairman: Mr. MacKinnon, As I understand it Mr. Legal Adviser asked for a little time to talk this thing over with Mr. Vars and come up with a solution to our satisfaction. Did I misunderstand you?

Mr. Legal Adviser: That is in relation to the question of the 25 mile radius - this rather slipshod use that we have been making of Whitehorse as an area, Whitehorse as a city, and so on. But in dealing with the first part of Councillor Thompson's question I was explaining the effect of closing down as distinguished from the effect of having to surrender the licence. There is a world of difference between those two. At the moment they are not compelled to surrender the licence but if they choose to then they will stand as new applicants this Spring. Now it was not clear to me whether Councillor Thompson is saying this is what should be done in future and that was his question.

Is it in fact what Council wishes to provide. This as I understand it is the question which is left unanswered at the moment. I was not asking for that matter to be deferred, just this unhappy use of the expression 'City of Whitehorse', 'Whitehorse' and so on.

Mr. Shaw: I would feel Mr. Chairman that when a person goes out of business certainly he should notify the Superintendent of Liquor Control. However at the same time it would not be very difficult to put an amendment to the ordinance stating that if a person within a certain period of time does surrender his licence, he can regain that licence within a certain period of time under the same terms and conditions as he originally got the licence. But if it is not known what closes and what does not I would imagine it is difficult for the Liquor Control to know what is going on but if they are aware of the facts - fine and dandy. It is somewhat similar to an automobile, although I do realize you get a new licence when a year expires but when you no longer operate the car you turn in the licence, you don't just neglect it.

Mr. MacKinnon: Maybe I could clear the air a little there: I did for instance notify the heads of administration that I was closing but I did not forfeit my licence.

Mr. Chairman: At this time gentlemen could I declare a minute's recess to change stenographers.

Friday 3rd December,  
4.0'clock.p.m.

Mr. Taylor: Mr. Chairman, in discussing the matter of closing I think we have a Sessional Paper on this which we have deferred for the reference of the Legal Advisor Sessional Paper 18 in which he set out the problem and it occurs to me in this respect that when we did set up the Ordinance we felt that anyone who was open would specify their own hours. Then having specified those hours would operate within those hours and if the Licencee feels he wishes to remain open for a certain period of the year and close for a certain period of the year then this would be specified on the Licence and if he then decides to close up and go his licence would be invalid and he would have to apply again if he wishes to re-open unless specified on the licence itself. Sessional Paper 18

Mr. MacKinnon: I think we went through this problem last year, it was pointed out that you would put a lot of summer operations that are needed, we need more summer operations in the Yukon than we have to provide for the tourists. If we take up Mr. Taylor's suggestion there is going to be a lot of places out of business. I will use myself for instance, that would mean that next spring I would have to build an additional ten rooms to re-open and get my licence to service the public. Has there been anything wrong with the operation in the past, is it too little or do we want it twice as big and want all private enterprise in the Yukon broke and turn the whole thing over to Administration.

Mr. Taylor: Possibly the Member didn't understand what I said, if you specify on your licence that you wish to close down for the winter then fine, whatever the hours that are specified in the licence are they must be open during those periods specified on the licence. If he does not stay within those hours and closes down then it is in effect a forfeiture of the licence.

Mr. MacKinnon: You do not foresee a year ahead you don't know if there is going to be a slump in your area within 6 months or one year, how are you going to foresee this and know that you will be almost forced to close your doors for the winter months. Maybe something comes up in the Fall that is going to be good and you are going to be open all winter and nobody in this Yukon can foresee such a thing as this unless they were in a Municipality.

Mr. Boyd: I take it we are still talking about the situation at 1202 and we are getting nowhere, I thought we had pretty well agreed that we would forget about it until say Monday when we could think about it and maybe come up with something that will work. I think there has been a suggestion but it needs thinking out and I am quite prepared to wait until Monday morning and get on with something else now.

Mr. Taylor: We have a request signed C.R. Cameron, Commissioner, asking us to give him some advice in respect of what we think on this subject, Sessional Paper 18.

Mr. Boyd: I didn't know we were dealing with Sessional Paper 18 I thought we were dealing with this, if we are dealing with Sessional Paper 18 let's not have any more talk about this part of the Bill.

Mr. Taylor: The request was made right here and we are talking liquor and we have with us Mr. Vars the Superintendent of Liquor Controls. It has already been deferred so we can defer it for later in the Session.

Mr. Boyd: I am not worried about deferring Sessional Paper 18, but aren't you talking about Bill # 3 if we are I didn't know it and I would like to have this off the platter one way or another.

Mr. Taylor: We are not finished talking about Bill 3 because both are inter related and if we have to make any amendments it will have to form part of Sessional Paper 18 and Bill # 3.

Mr. Shaw: It is impossible for some of these businesses to operate year round, it is apparent otherwise they wouldn't close. They don't close because they want to it's because they haven't got the business. I see nothing wrong with closing and furthermore if you take some of the outlying areas that have hours that go to 12.0'clock and there is no-one around then I see nothing wrong with closing at say 11.30. I see no necessity for any more restrictions that will create the ordinary dispensing of this booze. The only comment I would have is that the persons do notify the Liquor Superintendent that they are closing from this date until that date so at least the Administration will know what the score is.

Mr. MacKinnon: I am in agreement with Mr. Shaw it is the most sensible thing I have heard for quite a while here.

Mr. Boyd: I would move that we leave the situation the way it is with the exception that the Licencee be required to notify the Administration of the fact that he is closing and when he will close. I will make that a motion.

Mr. Shaw: I second that Motion.

Mr. Taylor: Do we then effect the amendment which is proposed in Sessional Paper 18. I would suggest that the easiest way around this is to ask that an amendment be drafted to provide for this, because it is still going to be discussed at the table to form part of this Bill.

Mr. Shaw: I would say that this motion if carried will effect a policy and leave the Legal Advisor to look after where it went in and where it went out.

Mr. Taylor: Are we presuming to allow the Administration to pass this legislation for us. I agree with the policy as well but something should be drafted at this Session to implement this along the lines suggested in Sessional Paper 18. This is legislation.

Mr. Shaw: I am also presuming this will be in this legislation.

Mr. Vars: I think there is one point that you are overlooking and one of the reasons that you wanted guidance on this was that in the last Ordinance you indicated that you would like some of the places upgraded by having more rooms and better structures. As long as there is a provision that they remain closed for 5 or 6 months at a time how are we ever going to enforce them to upgrade themselves to the standard that you suggested.

Mr. MacKinnon: I think if you are familiar with Votes and Proceedings Mr. Vars, you will find that there was a suggestion of making this enforce say in about 5 years time. Maybe the country then will be in a little better financial position in 4 to 5 years.

Mr. Vars. This is correct maybe Mr. MacKinnon but there is nothing in the Ordinance that permits us to wait 5 years. We have no guidance as to whether this is to be done on the renewal of a licence under the present ordinance or what you are suggesting your requirements are.

Mr. Shaw: Certainly we want better accommodation but at the same time if you take Canyon Creek for example where they have a very limited amount of business that if they built 20 rooms in an area such as that they may have only three or four of them filled up and there must be other situations that exist such as this and a certain amount of latitude has to be accepted. I am not saying a latitude in respect of cleanliness but I am saying a latitude in respect of size.

Mr. MacKinnon: Yes I think that was quite clear in the discussions last Fall and I think it was discussed by every Councillor and if a place is not of a standard in cleanliness then I gather that the Health Inspector has a right to cancel your licence at any time if he so wishes.

Mr. Chairman: I have a motion before the Committee, it was moved by Councillor Boyd and seconded by Councillor Shaw that the present situation regarding licences closing their place of business is acceptable to this Council.

Mr. Taylor: One point before we approve this motion, I agree this is fine but the present situation is not clear, and the wording of the motion is we except the present situation which is hopeless and this is what we are trying to remedy. I would just point this out when you pass this motion that this is the situation and we must amend the motion accordingly and ask the Legal Advisor to draft something which will change that.

Mr. MacKinnon: As usual I don't quite get the drift of Mr. Taylor's comments but he continues to make them.

Mr. Taylor: That's what I am here for Mr. Chairman.



Mr. Thompson: On the bottom of Sessional Paper 18 I have a small note that on November 12th at 3.52. we discussed this Sessional Paper and it says "we will refer until the Legal Advisor gives his opinion" and nobody has even asked the Legal Advisor what he thinks of this. We have been all through this once and nobody has deemed it necessary to ask the Legal Advisor for his opinion.

Mr. Legal Advisor: It is no more than a statement of the problem that has been encountered, it is put before you there so that you will be able to review the problem. I have already indicated the difference between simple closing and the effect of surrendering the licence. The wording in section 31 is "may" do you wish to make it "must" be open or do you want to remain permissive. This is a policy, it appears from Councillor Taylor's remarks that he favours a firmer line than the position taken by Councillor MacKinnon and there you have the exact compass of the problem. There are two points of view and they have both been stated at this table, therefore it is important to the Administration to know what Council thinks. I can't give you an opinion beyond that.

Mr. Thompson: Can you give us an opinion on the results of what this motion will do to the Ordinance.

Mr. Chairman: At the present time perhaps I should put the motion again because it is extended. It has been moved by Councillor Boyd and seconded by Councillor Shaw that the present situation regarding licencees closing their place of business is acceptable to this Council except that each licencee be required to notify Administration in the event of closing his place of business for any period of time.

Mr. Legal Advisor: In the effect of that it would be either to continue to be permissive but as a condition the licencee would have to notify the Administration of his intention to close. Mr. Vars would then be informed and possibly as a condition of allowing the closing an advertisement should be put in the Gazette that they intend to close for such and such a period. It would continue to be permissive if he fulfilled the prerequisite of advising the Administration.

Mr. Shaw: I would like to ask a question of the Legal Advisor. I believe the intention is more or less what we consider work of closure. In reviewing this it would appear that you could close up and then five years later you start up in business again. In which event would it be necessary to include in a motion such as this a period of time in which it could be closed say 6 months or something like that.

Mr. Legal Advisor: We would provide for that in the current licence period. Obviously it would be in no-one's interest if a man simply by paying his fee would keep his premises in aspect so to speak for 5 or 10 years until it suited his convenience to come back and reopen, that would be outside the spirit of providing services for the public.

Mr. Shaw: If this motion was passed would that give you sufficient information to proceed with an amendment.

Mr. Legal Advisor: At this stage I think so, but the final test will be when you look at what I come back with. You may feel I have failed most terribly, but at the moment I think I have got enough on the record to know what to ask.

Mr. Taylor: I just want it be known that I am quite in favour of this closing, but I am stating that when we adopted this particular line of thinking in the Ordinance we wanted to ensure that an operator who wants specified hours would stay open and we thought again to the benefit of the public that he should within those hours quoted on his licence he must stay open. I just want to be sure in my mind that Councils thinking hasn't changed in this respect. We say "may", do we then infer that an operator can open any time of the day and night he wants to or not.

Mr. MacKinnon: This is not the case, you are supposed to be open I believe for 14 hours a day and if you don't open at all that is different, but you don't open and close when you feel like it.

Mr. Taylor: This is not the way the Act reads, the Act does not say "shall" the Act says "may" it is permissive.

Mr. Legal Advisor: You can't reopen if you open and close. The Ordinance says "and may not be reopened within 10 hours period", that "may" is very firm.

Mr. Taylor: It says for instance a Cocktail Lounge may be open once in each week day for the sale of liquor for a continuous period etc. but it doesn't say he can't close down on Wednesdays if he want's to.

Mr. Legal Advisor: He can open when he want's to and can be open for ten minutes and then put his hat on and go and if he doesn't want to open on a certain day he doesn't have to. For instance the Highway Operator who suddenly has an emergency and has to head into town, whilst he is running this errand he can't be running his Licenced Premises. It is difficult to make a legislation that would meet all cases clearly and that is why this permissive element keeps creeping back in. A man in business has to be deemed the best judge and it is difficult to come up with the suitable wording.

Mr. Taylor: I was trying to determine the thinking of Council from time to time and know how best to deal with this and apparently our thinking has changed. We are not too concerned with providing or ensuring that this service is provided to the travelling public.

Mr. Legal Advisor: Speaking from my point of view I think there has been a change in the climate of thought on this point.

Mr. Thompson: I would just like to hear Mr. Vars's comments on this and I agree with the Honourable Member from Watson Lake that as long as it says "may" as opposed to "shall" there is nothing to say that they can't close on a Friday or Saturday and come to town. We don't specify it and I can't see where the Liquor Control Department have any way of enforcing an operator or licensee to conform, because it is not spelled out. Then by the same token we don't legislate for grocery stores like this either, there is nothing to say he can't close down in the middle of the afternoon and go home if he so desires.

Mr. Vars: I think the restriction is more on the hours that they must be closed than they must be open. Mr. Taylor mentioned that the hours designated on the licence should give some indication of the time that they are going to be open and I don't think this is probably correct, only in so far as the hours of the day they are going to be open. It doesn't say they have to be open 10. 0'clock to midnight every day in the year, it just says the hours are stated they want to be open from 10. 0'clock to midnight. It doesn't say for 6 months or 12 months it just says the hours they will operate pertaining to the days, because it says they may be open it doesn't say they have to be open 6 days out of the week.

Mr. Taylor: Then there is no problem Mr. Chairman, as interpreted by Mr. Thompson, Mr. Vars and myself it is quite clear, if a person wants to shut down their licence is perfectly valid for the year and is valid until renewal. It says he may stay open and what is not expressed is not implied and consequently there is no problem here at all. We might suggest that if he does close down for 6 months he notifies the Liquor Superintendent and the matter is done.

Mr. MacKinnon: I am glad to see that everybody understand this thoroughly and I would just like to point out that you will not run into much difficulty of people closing down. Every man that is in business is trying to build it up and not close his doors and walk away, I have never seen any business man operate this way because if he did he wouldn't last long.

Mr. Boyd: It seems to me that we are clear on this subject and if the Chairman would just call for the question now we might get through with this motion.

Mr. Chairman: Moved by Mr. Boyd and seconded by Mr. Shaw the present situation regarding licensees closing their place of business is acceptable to this Council except that each licensee be required to notify administration in the event of closing his place of business for any period of time.

Mr. Thompson: One question Mr. Chairman, does this in any way effect a Hotel or an operation in Whitehorse if they so feel they would like to close down during the winter.

Mr. Shaw: I would say that this would apply to any business.

Mr. Thompson: That's fine so long as there is no discrimination on this.

Mr. MacKinnon: I would just like to point out at this time when one Hotel closes down he is just helping out his neighbour and the other Hotel will do that much better.

Mr. Taylor: I would just like to say one thing I don't assume this would apply to Whitehorse because it was made very clear by the operators in Whitehorse that they didn't want this provision. I am sure you don't want this to apply to the City of Whitehorse because if you do dis-associate me from it as you will have the whole works on you like a pack of hounds as this they do not want. I assumed this to be in the outlying districts beyond this municipality of Whitehorse.

Mr. Shaw: Let us put this the other way, I heard about a reprimand about some Ordinance that applies to somebody and doesn't apply to somebody else. I would submit that we make it the same for everyone. However, if in Whitehorse they don't like it or if in Dawson they don't like it they have a Municipal Council that has the powers to make by-laws stating whether or not a person has to stay open for 12 months or can close up. I feel that if the operators like it in Whitehorse and didn't like it in Dawson it is up to them to go to the City Council and say do not permit it in their by-laws and that would be the start and finish of it.

Mr. Taylor: I just want to say you are getting into a hornets nest if you ever suggest that this should apply in the City of Whitehorse. We make provision in the Ordinance all the way through that City Council do not take preference over this legislation in the Liquor Ordinance. I would not like to see you extending this to the City of Whitehorse without first contacting the operators because they made it quite clear they wished no winter closing provisions in the City. I agree to this motion but I wish to make it clear that I don't agree it should apply to Whitehorse.

Mr. Shaw: The precedents over this is in relation to the liquor licence, there is nothing to stop the City of Whitehorse from refusing any licence to any Hotel Keeper for reasons of infractions of their by-laws or whatever they may have and there is nothing to stop the City Council from exercising their right to licence under the terms and conditions which they have set out providing that is doesn't discriminate against any particular person.

Mr. Thompson: I merely asked a question I didn't mean to disturb anything, but I can't quite agree with Mr. Taylor because we are not asking them to do this, its merely if they want to. I haven't canvassed the local operators so I don't know if anyone is of this opinion. Everyone you talk to claims their rooms fall off in the winter time, so I don't feel there is this problem that Mr. Taylor thinks there is.

Mr. Shaw: Could I direct this question at the Legal Advisor, would it be correct that the Municipality of the City of Whitehorse and Dawson do have the power to control licences within their Municipality.

Mr. Legal Advisor: Liquor Licences no, they can't control their licences. I would point out that Councillor Taylor has said he is opposed to this provision in the City of Whitehorse but it is at present permissive for a man to close if he wants to, even to-day in Whitehorse he can decide he won't open it and can go away for a month or two if he wants to. The resolution as I understand it is that he will have to give notice of his intention to close it and this is more a matter of courtesy.

Mr. Chairman: Are you ready for the question on the motion, are you agreed?

Council Agreed

The Chairman: The motion is carried.

Motion  
carried

Mr. Boyd: I do now move that the Speaker resume the chair and hear the report of Committee,

Council agreed.

Mr. Chairman: At this time Gentlemen could Mr. Vars and Mr. Legal Advisor be excused.

Council agreed.

Mr. Speaker: I will now call this Council to order and hear the report of the Chairman of Committee.

Mr. Chairman: Committee convened at 10.25.a.m. to discuss Sessional Papers, Motions, Bills etc Motion # 3 was amended to read, Mr. Boyd and Mr. Southam and Mr. Thompson be the Financial Committee for the coming year. It was moved by Councillor Taylor and seconded by Councillor Shaw, the motion was carried. Committee reconvened at 2.0.p.m. with Mr. Vars and Mr. Legal Advisor, we discussed Bill # 3 of the Liquor Ordinance and it was moved by Mr. Boyd and seconded by Mr. Shaw that the present situation regarding licencees closing their place of business be acceptable to this Council except that each Licencee be required to notify Administration in the event of closing his place of business for any period of time. Motion carried. There was some progress on the Liquor Ordinance Bill, Mr. Speaker.

Mr. Speaker: Thank you Mr. Chairman, are you agreed with the Chairman's report.

Council agreed.

Mr. Speaker: The next matter will be the question of the Agenda.

Mr. Boyd: I suggest we carry on with Bills, Sessional Papers and Memorandums.

Mr. MacKinnon: I would like permission of the Council to be absent between 10. o'clock and 12. o'clock tomorrow morning.

Mr. Taylor: I was wondering what we can do tomorrow, is there any Members of the Administration that we can meet with. The Administration go home on Saturdays here and I suggest we adjourn until Monday morning.

Mr. Boyd: I agree we will have difficulty in accomplishing anything under the circumstances in as much as several of the people we wish to meet with are not in Town.

Mr. MacKinnon: I move that we adjourn until Monday morning at 10. o'clock.

Mr. Boyd: I second the motion Mr. Speaker.

Mr. Speaker: It was moved by Councillor MacKinnon and seconded by Councillor Boyd that we adjourn until Monday morning at 10. o'clock. Are you ready for the question? Are you agreed to the motion.

Council agreed.

Mr. Speaker: The motion is carried and we now stand adjourned until Monday morning at 10. o'clock.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call this Council to order. We will proceed with the first order of business which is correspondence. Do you have any correspondence this morning, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker. I have three memoranda and two Sessional Papers this morning. The first memo is dated December 3 on Question No. 19, Election Cost:

" We are informed that the cost of the last Territorial election to the Federal Government was \$26,074.90."

Reply  
Question  
No. 19

The next memorandum is dated December 3 on Question No. 20, House Wiring:

" As this question requires a statement of policy on behalf of the Yukon Indian Agency, the Superintendent has been requested to supply the information.

Re  
Question  
No. 20

" Council will be informed of the Yukon Indian Agency's thinking in this regard as soon as a reply has been received from the Superintendent."

The next memorandum, dated December 3, Question No. 22:

" The enrolment of the school is twelve pupils. Of this number four are of the Roman Catholic faith. The teacher is of the Lutheran faith."

Reply  
Question  
No. 22

The two Sessional Papers are Sessional Paper No. 47 and Sessional Paper No. 48. Sessional Paper 47 is on the Mine Rescue Program and No. 48 is on Motion No. 26, Additional Street Lighting at Carmacks.

Sessional  
Papers  
No. 47 &  
No. 48

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee? We have no Bills to introduce. Have we any Notices of Motion and Resolution?

Mr. Taylor: Mr. Speaker, this morning I would like to give Notice of Motion respecting the participation of the Yukon Territory in Confederation.

Notice of  
Motion  
No. 32

Mr. Speaker: Thank you Mr. Taylor. Have we any further Notices of Motion and Resolution? If we have no further Notices of Motion, we will go on to Notices of Motion for the Production of Papers. Have we any Motions for the Production of Papers? We will now proceed to Motions, and we have Motion No. 30, Mr. Thompson, on Home Owners Grant.

Mr. Thompson: Yes, Mr. Speaker, Motion No. 30, moved by myself and seconded by Mr. Boyd re Home Owners Grant: Whereas home owner costs such as taxes, electrical power, heating fuels, materials, and maintenance are considerably higher than those of the provinces and Whereas it is further recognized that these high costs are contributing to the exodus of our population, and Whereas the Federal and Territorial Governments recognize these increased costs by subsidizing their respective employees by supplying various fringe benefits such as housing supplied and at reduced rental rates, transportation and northern allowances, Therefore, it is the opinion of Council that the Administration make immediate provision for a home owners grant to relieve this excessive burden on the Yukon home owners. May I proceed, Mr. Speaker.

Motion  
No. 30

Mr. Speaker: Proceed, Mr. Thompson.

Discussion  
Motion #30

Mr. Thompson: Well, gentlemen, I feel that this is quite self-explanatory. I don't feel that we need to delve into it in any great lengths. It is fairly concisely set out what I feel the Administration should look into. I would want to make one thing clear...there was some comment that this was used in various other parts of the country as a political gimmick and this, I can assure you, was not my intention. I feel it is the individual taxpayers that are carrying the brunt of the load. We have in our midst a considerable number of Federal and Territorial of which the greatest majority are heavily subsidized in these manners I have pointed out and I feel that it is only equitable that some amount - be it \$50.00 or \$100.00 or whatever the Administration can conceivably work out beneficially to all, should be put into effect as soon as possible to try and alleviate some of the inequities that do exist.

Mr. Speaker: Is there further discussion on Motion No. 30?

Mr. Boyd: As seconder of this Motion, I think it is worthy of genuine consideration. After all, what is really in effect insofar as all Government employees living in Government homes are concerned is this very situation. There are a good many of them. There appear to be more coming up every year...more Government homes, people living in them, and they simply are receiving a bonus in lieu of taxes by the very fact that they are not home owners, do not pay for their own fuel, lights and telephones and so on in many instances, but the taxpayer, he has no way of getting around the bend. He gets his tax notice and he pays a penalty if he hasn't got the money johnny-on-the spot by an allotted day. This Motion, if passed, can do no harm and it might do a lot of good.

Mr. Taylor: Mr. Speaker, when this suggestion first arose in Financial Advisory Committee and a Motion was very hastily drafted and proposed, I didn't necessary agree with it or disagree with it but I didn't really understand it and as Councillor Thompson has properly pointed out, the only home owners grant that I knew of, or grant program, was the one that was implemented in the Province of British Columbia and there, of course, I certainly felt it was strictly a political gimmick of taking money out of this pocket...the taxpayer's pocket, and giving them a little bit of it back again, but I have had time to think about it and it seems to me that in fact those high subsidy areas in the Yukon Territory seem to be those described by other Members here...Northern Allowances, Federal housing, Territorial housing, this type of thing. In other words, we are passing along incentives to the people who really don't need it as badly as some of the other citizens in the medium and low income brackets of the Yukon do and these, of course, are the people that we all want to reach. We would like to see them get some of these subsidy benefits be they what they will. So, therefore, I would agree with the Motion. I think that if a system of dispensation of home owners grants can be implemented in the Territory, I can see it can do nothing but good and one other factor too is that it was noted in the preamble of the Resolution that there is an exodus of our population going outside the Territory and this is so true...that people are going out to the Provinces where they can make better wages, where they can enjoy the amenities of life, life in what we have termed an affluent society and to get out of this rut that we seem to be in up here. So, if we are going to encourage these people to stay and participate in the future development of the Yukon and form the part of the citizenry of the Yukon, then we are going to have to give them some incentive to say here. This offers that incentive. Consequently I would then concur with the Motion.



Mr. Boyd: Mr. Speaker, as a matter of interest, there's an ad now announced over the radio looking for a soil technician...the Government. They announce a wage and they further announce a Northern Allowance which amount they don't describe as to how much. This is fine. You would think and assume that this is where the conditions end. This is it is what you would think if you were reading that ad. But I wouldn't be afraid to wager if you are a good gambler, you could make yourself quite some money by beting that that man will wind up living in a Government subsidized house. This is something they don't tell the public anything about but it happens, and these are the things that the public don't really know so we have to do something about it.

Discussion  
Motion No. 30

Mr. Speaker: Is there further discussion on Motion No. 30?

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: We next have Motion No. 31, Councillor Boyd, Museum. Mr. Boyd.

Mr. Boyd: Moved by myself and seconded by Mr. Shaw, that in view of the fact that the new museum has ample basement space, it is the opinion of Council that the Administration consider implementing a show place that will house mounted game and fur bearing animals. May I proceed, Mr. Speaker?

MOTION  
NO. 31

Mr. Speaker: Proceed, Mr. Boyd.

Mr. Boyd: I have discussed this with those responsible for the Museum and its function and they feel that they are going to have practically the entire basement of this building more or less free. If you walk around this town looking for any signs of what game we have and so on, you will find half a dozen or so magnificent specimens in a little cubbyhole in the Game Department's Office, and this is about the extent of it. There are some specimens there that are freaks...that are worth their weight in gold. It is only reasonable with the number of people that visit the Museum that they would certainly be very interested in the game and fur-bearing animals that run across this Yukon. I would appreciate Council's consideration in this respect.

DISCUSSION  
MOTION #31

Mr. Taylor: Mr. Speaker, it seems to me that there is a certain amount of merit here as well because immediately brought to mind is a situation where we have a beautiful, well mounted caribou head in one of our local hotels back in Watson Lake that has been there for many years, and on many occasions I have seen visitors to our Territory wondering through this hotel lobby and they have called that thing everything from a moose to...well even African game animals I have never heard of but very few people, especially among our American neighbors, really know what it is and I have also seen Canadians who were not too clear on what it was too, so I think that from a matter of education as well that this should be considered and I think that with the thought being expressed here in Council by Motion that it may generate some thinking which would be condusive to having this project undertaken so, therefore, I would certainly support the Motion.

Mr. Boyd: I might mention on this Motion, Mr. Speaker, that some Taxidermist Company in, I believe it is Seattle, have already written to the Museum Authorities offering their services free for any animal they would like to have mounted and put in this thing, and they have asked for a moose to be among them.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Have we any Questions this morning?

Mr. Taylor: I wonder, Mr. Speaker, if I could direct a question to Mr. Clerk. I wonder if he would be aware as to whether the answer to Question No. 21 would be available for tomorrow morning?

Mr. Clerk: I am not aware of any reply at the moment. I would have to ask and see.

Mr. Taylor: My supplementary question, Mr. Speaker, I wonder if Mr. Clerk would be amenable to the suggestion to try and see if he can get an answer to this for presentation tomorrow morning if at all possible.

Mr. Speaker: Will you endeavour to get the answer, Mr. Clerk?

Mr. Clerk: I will see what I can do, Mr. Speaker.

Mr. Speaker: Are there any further Questions? If not, gentlemen, this pretty well completes the Daily Routine and Orders of the Day. What is your pleasure at this time?

Moved by Councillor Boyd and seconded by Councillor Taylor that the Speaker do now leave his Chair and Council resolve itself into Committee of the Whole to study Bills, Motions, Memoranda and Sessional Papers.

MOTION  
CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in the Committee of the Whole.

Mr. Southam: I will now declare a short recess until we get organized.

DISCUSSION OF AMEND-  
MENT TO  
BILL No.5

Mr. Southam: I will now call the Committee to order and we have Mr. Hughes, the Legal Advisor, with us. We will go on to the Amendment to Bill No. 5. I think I'd better read this Bill over again so we can follow it. (Reads Sections 1, 2 and 3.

Mr. Thompson: Mr. Chairman, I have a notation opposite mine that there was to be a revision in this. I don't think there has been anything done and I am just wondering why or what was to be revised.

Mr. Hughes: Yes, Mr. Chairman, I think you had debated the period of time. I haven't got a note of the conclusion you reached as to whether you thought ten days was enough time. Maybe somebody with a better recollection of the discussion, or the actual Votes and Proceedings, can assist on that. I think there was discussion there.

Mr. Taylor: Mr. Chairman, I believe this possible Amendment was occasioned by the discussion with respect of the transfer of a registration of a vehicle. I believe it was agreed that Mr. Clerk was going to propose some manner of printing on the registration a form of transfer, and I'm just not too clear myself where we left that now but that's what it had reference to.

Mr. Clerk: Mr. Chairman, I think at the time we decided that I would drum up a new form to have the Application to Transfer on the Registration Slip itself, and when it was realized that these Transfers could be put through at any one of the four outlying agents that I think Council was satisfied then

Mr. Clerk continues:

that ten days was enough...that coupled with putting the Application for Transfer on their slips which they had in their possession all the time.

DISCUSSION  
OF AMENDMENT  
TO BILL No.5

Mr. Hughes: You will remember, Mr. Chairman, that I referred to the British Columbia Motor Vehicles Act and there they employ a form which is signed by the Transferor and the Transferee. In our position, it seems that we have laid the duty on both parties to notify the Registrar of the change in ownership. In B.C., it is done automatically by the Transferor signing the Transfer Slip. Some of the discussion centered around that.

Mr. Taylor: One question, Mr. Chairman, I would like to direct to Mr. Clerk...Under this system now that we speak of whereby a form is printed on the back of Licences, would Mr. Clerk feel, as Registrar of Motor Vehicles, that this would suffice and would it work this way...that someone who is selling a vehicle naturally must surrender the registration form for that, or should, and if he makes out the reverse side of his registration form, this should automatically, it would seem to me, would go on file...he would just re-submit it and if he was away from an Office that he could mail this in, signed by himself and pointing out who he has sold this to, and then the person who is buying the vehicle must then go and re-register the vehicle and, consequently, he, by the very act of re-registration, would cover his end of the stick. Is this the way it would work? Do I have this correct?

Mr. Clerk: Yes, the real onus is on the Purchaser because he has to make sure that the vehicle is registered in his name because he must obtain the proper insurance coverage and as soon as the vehicle is sold, the owner cancels his insurance coverage and we get the Notice of Cancellation. Once we get the Notice of Cancellation of Insurance, then we go after the new owner to get the new insurance. That's the procedure. So, this form would have to be filled in, signed by the seller and then it would be mailed in to us as an Application to Transfer with the new insurance coverage.

Mr. Thompson: That was the only question, Mr. Chairman. There was some comment on the ten days and if this was particularly for the outlying districts and if they are happy, then this is fine.

Mr. Chairman: All clear? May I proceed? (He reads Section 4 of the Amendment to Bill No. 5). All clear?

Mr. Taylor: I wonder if we could have Mr. Legal Advisor explain to us the requirement of this section.

Mr. Hughes: The present Section 25 provides that you need a Chauffeur's or Operator's Licence...that's 25 (1)...then it says "Subsection (1) does not apply to a person who does not reside or carry on business in the Territory for more than ninety consecutive days in each year if he holds a chauffeur's licence or operator's licence"...you are familiar with that, and then Subsection (3) provides for Learners. Subsection (4) "does not apply to a member of a visiting force as defined in the Visiting Forces (North Atlantic Treaty) Act of Canada, if such member is in possession of a driving permit or licence issued to him by proper authority." Well, the question, therefore, was what was the proper authority and the purpose of this amendment in Section 4 of the Bill is to establish who is a proper authority. So we have got now a member of a visiting force has to be in possession of (a) a valid driving permit issued by the Government of his country or a sub-division thereof; or (b) a military driving

DISCUSSION OF AMENDMENT TO BILL No. 5 Mr. Hughes continues: permit issued by the Department of National Defence." So that if one of these vehicles or a civilian vehicle on contract to a visiting force Government is stopped...the policeman says "Where's your Licence?" and he produces one which is signed by someone in the Department of National Defence of Canada or an appropriate person in his country, then he's in the clear, but we didn't have a definition of the proper authority, so now we have supplied that.

Mr. Taylor: One question is that this being a...I'm not clear on this...being an Amendment to the original Bill, would this Amendment have to be carried by...proposed by motion by a Member of Committee even though it is submitted by the Administration?

Mr. Hughes: I think technically Councillor Taylor is right because this matter came in after Council started. It wasn't referred to in the Commissioner's Opening Address, so therefore, it merely comes before you as a Private Member's Bill. So, if one of the Members would adopt this for inclusion, I think this would be technically correct.

MOTION TO AMEND SECTION 4 OF BILL #5 Mr. Taylor: Well, I don't know if it's a good policy really.. I agree with the Section...if it's a good policy for Council to get up and move Amendments that are occasioned by the Administration; however, I will, in respect of this, I will move that Bill No. 5 be amended pursuant to the matters outlined in Section 4 of the draft Bill.

Mr. Boyd: I second the Motion, Mr. Chairman.

Moved by Councillor Taylor and seconded by Councillor Boyd that Bill No. 5 be amended pursuant to Section 4 of the draft Bill.

MOTION CARRIED

MOTION CARRIED

Mr. Hughes: Mr. Chairman, before you read the next one, I should draw attention to the fact that it should have added to it the words "unless otherwise posted" which was the proposition of Councillor Taylor and somehow in the re-typing didn't have itself tacked on the end.

Mr. Clerk: Yes, it is. You haven't got the new one then.

Mr. Hughes: Oh, I'm sorry.

The Chairman reads Section 5 of the Amendment to Bill No. 5.

Mr. Taylor: Mr. Chairman, I believe this Motion, this amendment was carried by Motion formerly in Committee.

All: Clear.

Mr. Chairman reads Section 6 of the Amendment to Bill No. 5.

All: Clear.

The Chairman reads Section 7.

Mr. Taylor: Mr. Chairman, as you know, we deferred this particular section of the Bill until we had an opportunity to see this radar unit in operation, and though I am of the opinion, having looked into this as all Members did, that this unit is a fairly good working unit and does in fact work, I note that speedometers are also involved here where it says "qualified persons as testers of speedometers of other speed measuring devices". This is pretty broad. I also note that

Mr. Taylor continues:

we are speaking of a certificate bearing the date not more than thirty days prior, or in effect, thirty days subsequent to the date of the offence being given here, and it is my personal opinion that a speedometer, as a mechanical unit, can break down at almost any time, and I think the period of time allowed here is too great. I feel that this should be reduced possibly to at least within a week...rather than thirty days, say seven days or six days...because if someone... one of these police cars for instance, had their speedometer tested by a tester on the first day of January and picked someone up on the 15th day of February or even the 15th or the 30th day of January, it seems to me that the month that has gone by has allowed an opportunity for a speedometer to fail and the speedometer may, in fact, be inaccurate, and I don't feel that a Certificate from a month before should be reasonable. I think it has got to be within a few days of the actual offence. I feel that if we have a tester that he should test these within that period.

DISCUSSION  
OF AMENDMENT  
TO BILL NO.5

Mr. Shaw: Mr. Chairman, I can foresee that if it has to be done every week, it is going to be an almost impossible situation. The only difference that I can see here to what it is at the present time is the fact that instead of a person producing himself, he produces a certificate - that's what I understand the difference is. Now, if a person that is charged with speeding pleads not guilty to such an issue, it would appear to me that, in an event such as that, the person would be entitled to ask that this speed measuring device be checked out to assure that it was working accurately. I would like to ask the Legal Advisor, Mr. Chairman, if...we will take an example...if I got caught for speeding or presumed speeding, and I said that I was not speeding and I pleaded not guilty and that I felt this device was inaccurate, would there be any provision that the judge would say "Well, not, in which case, we will have this affair tested" - that would be both my speedometer and the other. Is there any recourse for something like this?

Mr. Hughes: There are two obstacles that would lie in your way. One is that it "shall be received as prima facie evidence"...now, you can rebut but you are not going to have something very positive in way of rebuttal. You could produce people and say that they went over the measured mile with your car and your speedometer error was 3% or so on. The other thing is a practical one...that your case might not come up for three or four weeks. By this time, all sorts of new errors might have happened. There may be an error in the police speedometer or this error might have been corrected, or you might have changed to snow tires or gone back to summer tires. All these factors have to be considered. If I may say so, I can't see any insuperable, practical difficulty to prevent these machines being tested in not more than seven days because they still have fourteen days leeway...seven days prior to or subsequent to...so this gives you fourteen days, and the police force, in which I have some acquaintance in Britain, it is standard that before going on patrol each day, each team of patrol officers ran their vehicle across the measured mile. This may be almost impossible, but when they came to Court on speeding, they immediately commenced their evidence by saying "before going on patrol on such and such a day, I checked the police car speedometer over the measured mile and found that at 13 miles per hour, it read 13.1" or so on. However, that isn't possibly a practical solution but I could see no real difficulty to reducing that thirty days to seven days along the lines suggested by Councillor Taylor.

DISCUSSION OF AMENDMENT TO BILL NO. 5 Mr. Taylor: Mr. Chairman, as I say, I have been troubled over this and I really don't know what the approach should be to this, but I did feel that the period of time allowed was far too great because, once again, we are talking about where someone is being prosecuted. Councillor Shaw brought up a very excellent point as well with respect of this tester and possibly we should consider providing something in the Ordinance for the person such as Councillor Shaw outlined. For instance, if a person is travelling on a highway or public trail or road and is, in fact, stopped by a constable and informed that he, in the opinion of the constable, has been speeding and yet, if the citizen feels that he has not been speeding to the extent that the constable has charged him, then I feel that there should be something in the Ordinance to provide that he can also have his speedometer tested in the possibility that the speedometer may have been in error. This is where we are talking about citizens being prosecuted. I think maybe this consideration should be given as well... spelt out in the Ordinance.

Mr. Thompson: Mr. Chairman, the only notation that I have on this 151B is the two words "or elsewhere"...speed measuring device used on motor vehicles "or elsewhere". What is this going to encompass..."or elsewhere"? What do we have in mind, Mr. Legal Advisor?

Mr. Hughes: Well, a radar is a particular measuring device which normally...I always understood these were off on the side of the road. I have never seen one on a motor vehicle before until Council had this demonstration. I saw that the police car had the radar actually mounted on the window of the driver's side. That's why "or elsewhere"...that's the little box of tricks that's hidden away in the undergrowth and gets you as you are going at a cheerful 65 on the open road.....that's the "or elsewhere".

Mr. MacKinnon: Could I ask the Legal Advisor, Mr. Chairman, as to whether this would permit the use of other devices other than the one that we have already inspected?

Mr. Hughes: Well, other devices can be used now. You could go back to the primitive one of the two policemen standing at the end of a measured strip...one would drop his handkerchief and the other man would punch his stop watch. This is the old way. But, what this Section provides for is allowing the Commissioner to appoint one or two people who can test speedometers or radar and issue a certificate. That's all that's doing. Whatever science comes up with in the way of a speed measuring device would be allowed if the Court will accept the device as evidence. So, after all, if you produce a stop watch and say "Well, I time it with this stop watch"...there's a certain amount of hearsay involved there because how are you going to establish the stop watch is accurate? But, presumably the Court doesn't inquire into such a small detail. How far back will you go in establishing....that's the trouble.

Mr. Taylor: Mr. Chairman, I am wondering in light of my last remarks, as I stated, another thing I find troubling me here with this Section and its acceptance, is that we are providing for the prosecution in this case but we are not providing for the defence. I am wondering if a provision, or by some manner, we can also provide for the defence?

Mr. Hughes: Well, while it says "in any prosecution", it doesn't say that the certificate is only available or that the services of a tester would only be available, but of course it is a lot more convenient to make a test at a regular time...on a police vehicle or on police equipment,

Mr. Hughes continues:

whereas if half a dozen motorists show up at odd hours of the day and say "I have just been booked for speeding and I want a test". The tester is going to have a pretty rugged time getting up at two o'clock in the morning or something like that to run a test. It is really up to the motorist, if he is convinced that his speedometer is right and that he wasn't speeding and it is the speedometer or the radar set that is wrong, he must amass counter-evidence and it may be that this evidence will impress the Court more than the Police evidence. There's nothing that says that he's got to have an official test and what does it prove...it only proves that his equipment was accurate, it doesn't prove that he wasn't speeding. I will try and re-organize the wording...a certificate...and put it in as 3...well, I don't know. I think that the practical difficulties of Administration....."What are you going to do?". "Well, we will have a tester down every Friday morning to test speedometers", you can say. They may be in Calgary by that time. I can see that the problem that if there is a measured mile...then the motorist can go to that measured mile and satisfy himself regarding the accuracy of his machine. We could arrange for measured mile strips to be established near the different localities so that motorists could make their own tests... I don't know whether - it's not a legal answer but it's an attempt to get around the problem.

DISCUSSION  
OF AMENDMENT  
TO BILL NO.5

Mr. Taylor: Mr. Chairman, as I state, we are going to have to do...I don't know if that is the answer either...with respect to your measured mile - they now use a measured half mile, and as it was shown to us the other day, they use a formula in order to arrive at the answer they wish respecting the speed of their vehicle, the speed that it is travelling in relation to this measured half mile. Now be this formula right or wrong, I don't know. This could even be subject to an error on the part of the person making the calculation. He might drop a one instead of a two, etc. No one really knows what that formula is but the person... the tester...he will be the one that will know. I think it is very important that we take this fact up because anyone charged for speeding could have his licence endorsed and his licence being so endorsed, in the future if he does get himself into any difficulty, rightly or wrongly, this is going to weight heavily on what kind of a sentence he is going to get and this type of thing. So I think it is rather important that we provide something here for the defence, and I might point out that when I stated that the prosecution is provided for, it states quite clearly in any prosecution under the Ordinance that this Certificate, signed by the tester, is prima facie evidence of the facts stated therein. In other words, of the charge. This charge is correct in all respects. That's the way I get it...the way I read it here.

Mr. Hughes: Well, Mr. Chairman, it is prima facie evidence of the result of the test on the speedometer, and it may, for instance, say that the police speedometer registered 50 and showed an error of 20 miles per hour or it may show that the radar was 100% out. That is what that certificate would show. It isn't proof that a man was speeding and, in fact, the man who is speeding today, he is no worse off if this is introduced...it doesn't affect...it doesn't increase his penalties. It is merely a provision to avoid having to call a man who drove the police car past the radar and the police car over the measured mile and all this accumulation of police bodies everytime somebody is stopped for exceeding the speed limit. That's the purpose of this. It doesn't create any new offence, doesn't expose the motorist to any danger...it is merely a certificate of the accuracy, or the want of accuracy,

DISCUSSION  
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Mr. Hughes continues:  
of the equipment. It doesn't establish that a man was in fact doing 50 miles per hour because that's a matter of evidence. The policeman will say he went past the machine - it recorded this. Now the question is was the machine recording accurately? That's where the Certificate comes in. The other question is is the policeman telling the truth. That second question is not answered by the machine or the certificate. That's where the dispute will arise between the motorist and the policeman. The motorist will say "I was doing thirty miles per hour" and the policeman will say "Well, the machine showed fifty". Either the machine is out or the policeman is lying or has misread the machine. That's the way it will be and the Magistrate will have to go by the weight of this.

Mr. Southam: I will call a few minutes recess to change stenographers.



Monday, December 6, 1965  
11 o'clock a.m.

The Chairman called the Committee to order and informed the members that discussion would continue with Bill No. 5 - An Ordinance to Amend the Motor Vehicles Ordinance.

Bill  
No. 5

Mr. Boyd: Mr. Chairman, I would just like to ask Legal Adviser a question. Let's say I went past one of these gadgets and registered over the speed limit could the Tester just make a note of that and then some time later mail me a ticket or have me brought in two weeks later or something like this when I will not even know whether I had or not?

Legal Adviser: He would have to establish that you were driving a car and the only safe principle there is to drive so fast that he would not be able to recognise you. But it's not the common practice, today. They make a fairly rigid rule out of stopping the motorist. I think that the Court would give them a poor time if they are sending these "love letters" after two or three weeks. You have got to have notice within ten days. It would be a failure to stop and this would be commented on very strongly by the Courts. It is not favoured by them. If I may say so, if you decide that this is an undesirable amendment, it could go as there is no point in delaying the time of the Committee unduly. The Police would simply resort to their routine measure, of establishing speeding, and test the machine which would give evidence. The machine would be tested that day or two weeks before: it would be up to the Magistrate then to decide whether he was satisfied that the machine was accurate. Even if the machine hadn't been tested within thirty days, the Magistrate could still accept evidence that it has been tested thirty days before and he could rely on the machine or he could refuse to rely on the machine. It is still his discretion. You can weed this out of the Bill. It won't change anything except making it possible to produce a certificate instead of a police officer. I am sure the police routine can be so set up.

Mr. Taylor: I agree. No doubt the intent of section 7 of the Bill is good but as I said, I don't feel that it is clear enough. Neither do I feel that there is anything here for the defendant. Therefore, I think that may be we should delete it at this time and have it resubmitted in clear terms, if required, at the next session. There is something wrong with it but I don't know where. In this respect, Mr. Chairman, I would move that section 7 to Bill No. 5 be deleted.

Bill  
No. 5  
(Section  
7)

Mr. MacKinnon: Mr. Chairman, I'm just not clear enough on this to make a decision at the present time. I would like to direct a question to Legal Adviser. If I was caught speeding and my speedometer was out, e.g., travelling the two mile hill at 30 m.p.h. but my speedometer was out 10 miles which meant I was actually travelling at 40 m.p.h., would I have any chance of proving that my speedometer was out or would they have courtesy enough to check my speedometer and give me the benefit of the doubt?

Legal Adviser: According to the facts provided by Mr. MacKinnon, it would appear that he was exceeding the speed limit. There is no question of doubt. He has already said that I thought I was doing 30 m.p.h. but my speedometer was out. If he is saying would the Police let me off with a tongue-lashing because what I did I did innocently, that's a matter for the Police or if he is saying would the Court just dismiss it on payment of the costs because I wasn't really intending

to speed, is a matter for the Court but my advice on those facts is to put in a plea of "Guilty".

Mr. MacKinnon. Well, Mr. Chairman, that makes it quite plain. There is no allowance for a man's speedometer being out of whack. It's up to him to have it checked out and be quite sure that it's right otherwise he is "Guilty".

Legal Adviser: That's right! As far as I know, Mr. Chairman, there is nowhere in Canada any provision which says that it shall be a defensible charge to speeding once it is established that one's speedometer had a error.

Mr. Boyd: Apparently, Mr. Taylor's Motion is not seconded therefore I feel it isn't a Motion. This paragraph is in here not to mistreat the public under any sense of the word. Anyone who is living and driving carefully hasn't a worry in the world, but it is a fact that there are some who are a hazard to society. I know that there are many who feel very aggravated when they see somebody tumbling along at crazy speeds and using all the road, and so on. For my money, if the Police are having a tough time catching up with some of these people, it might be wise to make it a little easier for them. Which is what this is doing, I think. I'd like to see this tried for at least a term and see what happens. I don't think that it is based on unfairness to anybody. In the long run, I think that it's fairness to the public. Fairness to those who don't require watching all the time or a lot of the time. Therefore, I'd like to leave it there and try it for a term.

Mr. MacKinnon: Mr. Chairman, I'd like to ask Legal Adviser this question. If this section was deleted, is this going to ease the situation on the general public in any way or will the thing still stand pretty well the same in another part of the Ordinance? Would deleting this section accomplish anything?

Legal Adviser: No. From the public point of view, the Police will still be able to make out a case for the prosecution. They will have to call one or two more police officers possibly and that is the intent of this section. This type of section does occur elsewhere in the Food and Drugs Provisions where you get a certificate of an analyst and produce that in Court instead which says that the butter content in the milk is only 2.2% and so on. It obviates the attendance of the Analyst unless the defence wishes to challenge the accuracy of the analysis. Because there is less than 3% butterfat this raises the presumption that the milk is being adulterated in some way. I'm just giving these figures as examples. This is the way it happens and we don't have to bring in the Analyst from a laboratory in Edmonton. This type of certificate is used largely for convenience. It hasn't been found, in the past, to operate to the disadvantage of the public. But rather than delay the time of the Council, I can indicate that we are not clinging slavishly to the passing of this as it is just streamlining Court procedure.

Mr. Taylor: Mr. Chairman, as I said, I can't really accept this section as it is because it provides for the prosecution of individuals under the Ordinance and it doesn't provide for the defendants. Quite frankly, I don't have a clear understanding of the merits of this section and I don't believe any other member has a full understanding of this section either. We know it is intended to do good but it is

possible that it could cause undue hardship on the citizenry and until it is placed on clear terms, I am not prepared to accept this section.

Mr. Shaw: Mr. Chairman, I've listened to this now for an hour and the only difference I see here is that instead of a body going up to produce evidence, you have a certificate to do this. That is the only difference I can see. Thus I cannot see how it is any harder or any less harder on anyone else by the fact that can be done. At least we do have some advantage in here apparently in that the Commissioner can appoint a Tester to check these things through which is a protection for all concerned. How this could possibly make any difference, I don't know. Therefore, I don't really see why anyone would object to something like this at all.

Mr. Boyd: Mr. Chairman, I would like to ask Mr. Taylor a question. He says that he is worried about protection for the public. Just what segment is he talking about? What public is he afraid it doesn't protect?

Mr. Taylor: Mr. Chairman, what I'm talking about is the defendant who feels that he has been wrongly charged. I'm not saying that everybody who has been charged with speeding in the Territory would feel that he has been wrongly charged. On the other hand, every once in a while, there is a person who has been wrongly charged and I would like provision made for him, under this Ordinance as well.

Mr. MacKinnon: Mr. Chairman, I have tried to look at this from every angle I can think of but may be there are a lot more I can't see. I can't see anything really severe in this section 151B. We have deleted a major section of the Ordinance, we have deleted the old section 7 therefore we just can't go on deleting everything. I don't think anybody can complain at all about this type of Legislation.

Mr. Boyd: Mr. Chairman, I would suggest that you take the opinion of each Councillor, "Yes" or "No" and move on.

Messrs. MacKinnon, Thompson, Boyd and Shaw were agreeable to the amendment, adding section 151B after 151A. Mr. Taylor voted contrary to the amendment.

Chairman: May we proceed, gentlemen?

Chairman proceeded to read section 164.

Chairman: Any discussions, gentlemen?

Mr. MacKinnon. Mr. Chairman, there is one thing I don't like, and that is to see this fine doubled. It used to be \$50 for the first offence but now it's \$100. People have not got that much more money today than they had yesterday. Because a man's licence can be marked under this Act I don't see why these large fines are necessary. I would much rather see them stay on the old status. There is no more money in the Yukon now than there was years ago.

Mr. Boyd: Mr. Chairman, I would move that this Bill No. 5 - An Ordinance to Amend the Motor Vehicles Ordinance - be passed over to Committee as amended?

Mr. Shaw seconded the Motion.

Chairman: Well, gentlemen, it has been Moved by Mr. Boyd and  
Motion seconded by Mr. Shaw that Bill No. 5 be passed over to Committee  
Carried as amended. Are you agreeable?

All: Agreed.

Mr. Taylor cast a Contrary vote.

Mr. MacKinnon: Mr. Chairman, I agree with the whole thing  
with the exception of the rate of fines.

Chairman: The Motion is Carried.

Mr. MacKinnon: It was cut so short that there was no chance  
of getting the other members' views.

Mr. Shaw: Mr. Chairman, I believe that we went through that  
before didn't we?

Chairman: Yes. What is your pleasure now, gentlemen?

Mr. Taylor: Mr. Chairman, we have some Bills available await-  
ing re-typing. Bill No. 1 is out of Committee; Bill No. 2  
is the Supplementary Estimates; Bill No. 3 is the Liquor  
Ordinance which is under consideration; Bill No. 4 requires  
re-typing and possibly could be moved out of Committee;  
Bill No. 5 can be moved out of Committee; Bill No. 6 needs  
re-typing to provide for a 20 day period rather than a 4 day  
period; Bill No. 7 requires re-typing and Bill No. 8 I'm not  
too sure about but I believe there was an amendment to this  
and that is the status of our Bills. Thus we are unable to do  
anything further with our Bills at this time therefore I  
would suggest that we take up the matter of Education with  
Mr. Thompson at 2 o'clock p.m. We also  
have Bill No. 2 with Mr. Gibson plus the Motion on Fisheries.

Mr. Boyd: Mr. Chairman, did we not on Friday leave the  
Liquor Ordinance in connection with licencing certain premises  
in the north end, "Yes" or "No", with the understanding that  
possibly Legal Adviser had a idea to submit to us this morning  
to overcome this problem?

Chairman: I think that we did.

Mr. Taylor: Yes, Mr. Chairman, I believe though this was  
going to be done when Legal Adviser had more time to draft  
something. May be he has something now?

Bill  
No. 3  
(Section  
2)

Legal Adviser: Well, it's in rather a primitive form at the  
moment. If I may bring to the attention of Council the idea  
I am working on which reflects, I hope, what Council wants  
at least on the off-premises provisions. You have in front of  
you in section 2:

"The said Ordinance is further amended by adding thereto,  
immediately after section 12B thereof, the following:

'12C. (1) In this section, (off-premises licence)  
means a licence to sell liquor by the bottle  
for consumption off the licenced premises of  
the licensee.

(2) The Commissioner may, upon application  
and payment of the fee set out in the  
Schedule, grant to the licensee of a cocktail

lounge an off-premises licence.

Bill  
No. 3  
(Section  
2)

(3) Where no other .....  
..... off-premises licence.

(4) Every off-premises licence .....  
may, by regulation, require".

Now, the thought I had was that we do away with the present 12C(1) and pick up section 52A, deleting it where it lies at the moment and bringing it in as section 12C(1). Section 52A of the spring session, which you have before you, provides:-

"The Commissioner may, by order, allow the retail sale of liquor in any licenced premises for off-premises consumption and may make all necessary regulations to establish hours, prices and serving facilities at such licenced premises".

Now, 52A would come out of there and would be changed slightly to read:-

"The Commissioner may, issue a licence, allowing the retail sale of liquor....."

rather than:-

"may, by order, ....."

So, we shall change that around and make it into 12C(1) then before 12C(2) you have:-

"Before issuing a licence under this section, the Commissioner shall appoint ....."

not "may" but "shall appoint"

"a panel of three members who shall enquire into the public need for such a licence in the light of other available outlets in the district and who shall make recommendations to the Commissioner regarding the grant of such licence".

So then if it's a Watson Lake problem, he can appoint three people in Watson Lake to look into it and see if there is a need and make recommendations. If it's a 1202 problem, then again they could make recommendations there. It is virtually impossible to prefabricate legislation to meet all the different needs of these areas. At least it is impossible for me. This is the approach I offer. Then your present 12C (3) and (4) would be done away with. Thus 12C is cut down to two sub-sections and 52A is eliminated in that it would be rephrased. I don't know whether that will meet Council's wishes with regard to this problem of off-premises licences.

Mr. MacKinnon: Mr. Chairman, I would like to ask where do we go with this licence deal. This has always been an "appointment". I suppose now that we are going to revert it to a licence there would be a fee. Up to date, this has been an appointment by the Commissioner. I would still like to see it stay that way.

Legal Adviser: Well, I understood that there was to be a fee of \$10. Now, if Council feels that there should be no

fee for this, then would they so instruct Administration for the licence could still be issued for no charge.

Mr. MacKinnon: Mr. Chairman, there has never been any fee. I think that we've paid plenty already for handling liquor without taxing more onto it. There's more for a restaurant, more for a beer parlour. Now the restaurant licence has been upped \$25 for the next year, I believe. Therefore, I think that this should be left to an "appointment" as it is only an additional service to the public.

Mr. Clerk: Mr. Chairman, the Council passed a new schedule of fees which set out the off-premises sale from licenced premises at a fee of \$10. This was at the 1965 1st session, chapter 6, last spring. So, it's there now.

Mr. MacKinnon: Mr. Chairman, if it's there now, it hasn't been in practice. I sold liquor and I was appointed by the Commissioner to do so. I didn't have to get any licence. All I had to do was fill in an application. This is the way every other place got there concession. Through appointment not by licence.

Mr. Shaw: Mr. Chairman, it would seem as though Mr. MacKinnon has just cost himself \$10 right now. I don't think that the \$10 fee is out of the way. My heart bleeds for people just running a business to serve the public. I run a business to make a living although at the same time I do my best to try and serve the public. I think the \$10 fee is reasonable and would prefer to see it stay there.

Mr. MacKinnon: Mr. Chairman, this is fine for Mr. Shaw to put in his two bits worth. He buys a licence to sell what he does sell. I suppose he sells wrist watches, wedding rings and the like but he does not pay a different licence for each item he handles. I maintain that this is all of the one nature and that we should not have to have two or three different licences for the one thing.

Mr. Shaw: Mr. Chairman, I will enlighten Mr. MacKinnon. I pay \$125 for a jewellery licence and on account of the fact that I handle electric razors, it costs me an additional \$25 for an electrical licence. I pay \$150 for a licence.

Mr. Taylor: Mr. Chairman, getting back to the issue at hand here, I think the approach that Legal Adviser has taken by substituting section 52A in a new sub-section here, meets the needs and provides the solution we are looking for. I would go along with that.

Mr. Boyd: Mr. Chairman, it's a solution but I'm afraid it might lead to another one. The suggestion is that a three-man Committee from that particular area is going to make the recommendation "Yes" or "No". They will make the recommendation for say "Yes" which means that two people in 1202 can have liquor for purchase for off-premises consumption. Immediately you are going to run into a request from somewhere else along the highway for the same privilege, from a three-man Committee from that area. Thus I visualize a three-man Committee saying "Yes" in that area. So you are getting around to the point where be it tavern be it cocktail lounge you are going to wind up with fifty such cases which is fine with me but it is only a point, that I am making, because I know some Councillors don't approve of this.

Mr. Shaw: Mr. Chairman, in a situation like this, I don't know how it's possible to really come up with something to fit every exigency that arises. It is something that you have to temporise with more or less and try to work it out for the benefit of the public and the people concerned. No matter what is done, some people will still say that it isn't right. The suggestion is that the Commissioner is asking the people in the area what they think? This is democracy working to the best advantage. Now whether the results are going to be to the best advantage is going to be another matter. If the Commissioner has the whole say, then you hear the same thing that he has too much power which he shouldn't have so you throw it over to the people and that's going to be wrong. So where do you meet? At a combined point between the Commissioner and the people.

Mr. Boyd: Well, Mr. Chairman, if we listen to one Councillor, we find out that the handling of this product is a loosing proposition. He is only obliging the public. We have other cases, with certain operators who do not want to handle this. They have their own reasons. So I don't know why we are being so sticky! It can be a cocktail lounge or a tavern now. What's the matter with saying, let it be both? And let it go at that. After all, only some selfish attitude can complain. But overall, it is the whole of the Yukon we are concerned with, and I think that it will straighten itself out.

Mr. MacKinnon: Well, I can only agree with Mr. Boyd. It's only using commonsense. What difference does it make who handles it? You let one fellow handle it so you may as well let the other fellow handle it too in a small town. Are we trying to protect one business in one town? I don't see it. Let them all have it and make the best of it. At this time, I would make a Motion to delete the paying of Licences for off-sale liquor.

Mr. Taylor: Mr. Chairman, I believe the Motion is quite out of order for two reasons. One, we agreed, I think, to first deal with this section and two, the member has a pecuniary interest.

Mr. Boyd: I've not heard anyone say that they were in favour of Legal Adviser's proposition. I'm not against it in fact I would be for it but I would prefer, and make a Motion in accordance to my preference, that taverns and any other licenced premises be permitted to sell for off-sales consumption.

Legal Adviser: Mr. Chairman, may I just make a point? Then if that's carried, I would recommend that you simply take section 52A as recast and ignore the direction for the appointment of the three-man panel. Because if you take 52A, this gives the Commissioner an open end to power, in any licenced premises. There would be no exclusion of cocktail lounges nor taverns. You would, in fact, be moving section 52A into 12C. By calling it a licence is also establishing the fee which is presently in the schedule. Mr. Taylor is quite right regarding the Motion which Mr. MacKinnon made but there is also the other matter in that it would be a money resolution and would only go as a request to Administration to arrange for the removal of the fee. Could it be moved that the fee be removed and Administration be requested to arrange the exclusion of the fee?

Mr. Shaw: I should like to comment on beer parlours where they have cocktail licences. To illustrate: these people who have cocktail licences, I believe they pay a much larger licence than the people who have beer parlours. In permitting everyone to sell it, it would seem that you were charging a large licence for one group to sell liquor and permitting another group to sell the liquor, who had a lesser licence. This would not appear to be too equitable to me. There surely must be a reason in the first place to have a difference between cocktail licences and beer parlour licences. I would hesitate to extend that to municipalities where they all sold the same commodity. The object of the exercise, which we have at the present moment, is to provide an outlet to the people in these isolated areas. I feel that if we try to solve that problem without extending ourselves any further, it would be more in line with the discussions.

At this time, the Chairman called a recess for Lunch.



Monday December 6th  
2.0'clock p.m.

Mr. Chairman: This Committee will now come to order and we will proceed where we left off before lunch recess. I believe Mr. MacKinnon has some questions to ask.

Mr. MacKinnon: In regard to Mr. Shaw's comments in relation to licence fees, I would like to point out that a Cocktail Bar does pay a higher licence but their profit ranges from 65% to 70% mark up. A Beer Parlour operates on a 33% and this is the difference between them.

Mr. Taylor: Very informative and I am sure everyone is interested but I wonder if we could back to the matter in hand and this the matter of what we are going to do in the outlying districts with respect to this Off premises sale. I wonder if we could get ~~tharu~~ concurrence or refusal of committee along the lines that Mr. Legal Advisor be permitted to go and draft something as an amendment.

Mr. Boyd: I did make a motion but I don't know whether it was seconded or not.

Mr. Shaw: Mr. Chairman, I think this proposal that the Legal Advisor has will put into effect pretty well what we are trying to implement. If we have to change it there will be no great danger but it will get something on the way. I think it will fulfill the policy of line that there will be some available place for these persons to purchase at off premises sale.

Mr. MacKinnon: Maybe Mr. Boyd would like to repeat his Motion.

Mr. Boyd: The motion was that we allow the sale of hard liquor for off premises consumption in either Beer Parlour or Cocktail Lounge. That was the motion but in thinking a little further I would exclude any Municipality in that thinking.

Mr. Taylor: I would move that Section 2 of Bill # 3 have an amendment prepared by the Legal Advisor.

Mr. Shaw: I second that motion.

Mr. MacKinnon: I would like to hear the Legal Advisor's opinion on this particular thing.

Mr. Boyd: The Legal Advisor has already given his opinion that we are passing a motion on it. I would like to ask the Legal Advisor a question though, will this mean that with the aid of Committee as suggested that beer can be sold in other districts be there a Cocktail Lounge as well as a Tavern.

Mr. Legal Advisor: Yes, if this three man panel saw that there was a public need, they could make that recommendation to the Commissioner. Councillor Taylor motion could that be read to me as I am not sure it gives me all the instructions I want.

Mr. Taylor: In making the motion I thought the Legal Advisor had the information on the lines he suggested and rather than try and write it all out as to what the amendment should be, I thought possibly he could prepare the amendment along the lines he suggested this morning.

Mr. Legal Advisor: So really the Motion is that Section 52(a) shall be incorporated in 12 (c) and provision made for the three man panel.

Mr. Chairman: It has been moved by Councillor Taylor and seconded by Councillor Shaw that an amendment be drafted to Section 2 of Bill # 3 by Mr. Legal Advisor: Are you all agreed.

Council agreed.

Motion  
Carried

Mr. Chairman: The motion is carried.

Mr. Taylor: I wonder if Mr. Legal Advisor has anything else up to date on the Liquor Ordinance for instance the Lords Day Act.

Mr. Legal Advisor: No Mr. Chairman, I haven't been able to advance beyond this material but I have it down to telephone Ottawa tomorrow morning for a small discussion on this. I have looked into the 25 miles radius question raised by Councillor Thompson but I haven't prepared by thoughts in a digestive form. We have now catered for the New Year Eve extension and I also have a note that you wanted provision to be made regarding the giving of notices of intention to close.

Mr. Chairman: Are you all clear on this Ordinance at the present time? Is there anything that we need the Legal Advisor for because if not perhaps we could excuse him at this time.

Council agreed.

Mr. Taylor: In order to save time I believe Mr. H. Thompson is in the Public Gallery and you may wish him to join us for discussion relating to Education. I wonder if we could advise Gentlemen from Fisheries and also Mr. Gibson that we may require their services this afternoon.

Mr. Chairman: Could you do that Mr. Clerk and in the meantime I declare a 2 minute recess.

Mr. Chairman: We have with us Mr. Choate, Mr. Thompson and Mr. MacKenzie with us and we will discuss the Teachers Salary Negotiations. Mr. Boyd would you lead off please.

Mr. Boyd: I was Chairman, of this Committee as before mainly for the purpose of dealing with the School teachers in order to get Mr. Thompson off the hook so to speak. I would like now to have Mr. Thompson except the position of the Chairman for the purpose of this discussion.

Mr. Chairman: Mr. Thompson.

Mr. Thompson (Education): I think we have detailed in the Report which is in front of you pretty well everything that took place in our discussions with the

Yukon Teachers Association Salary Negotiations Committee. We had three lengthy meetings with this Committee we had two submissions from them we held two meetings of our own and we did considerable research into what was taking place in negotiations elsewhere and in particular B.C. I think one difference between our Meetings this year and the ones in the past was that there was a great more give and take. There was a lot of frank discussion and there was a willingness to compromise, for example at our first Meeting with the Teachers we took a very adiment stand with regard to travel allowances. We were quite prepared to accept their original salary proposal however, we could tell that they felt very strongly about this matter in fact so strongly that they cameback at the last meeting with a reduction in the salary schedule which our own Committee had already agreed to, so that there could be an implementation of this matter of travel allowance. They felt that this would help retain Teachers here and help to bring them back. In two or three categories they had reduced their schedule to a point which we felt was not acceptable because it would be considerably out of line with what takes place in B.C. Our own feeling at what we have arrived at is a fair agreement particularly when you look at what is happening in B.C. where the Teachers across the Province have been granted a 6.2% increase which takes effect next month. What the teachers are asking for as you can tell from the last page the salary schedule increase amounts to 4.5% over a whole year and over the period of the next fiscal year will amount to 2.6%. We have also made an estimate of what it will cost for the travel allowance scheme and what it would cost in relation to payroll. This is a very difficult thing to estimate because what it actually will cost will depend on how successful it is, the more successful it is the more it will cost. The intention is that a Teacher who has been on payroll comes back to teach in this Territory the following year and when he returns in September and classified as single he receives a travel allowance of \$125.00 if he is classified as married he receives a travel allowance of \$250.00. Assuming it reduces our teacher turn-over from 48% to 35% this year we could achieve this much of a gain. I have estimated the cost in relation to payroll at 1.2% so the overall cost of this agreement if it were implemented would be 3.8% over what the salary schedule would have been last year or next year on the basis of our present legislation.

Mr. Boyd: Maybe it would be wise to explain that \$75.00 that they would get if they stayed 2 years.

Mr. Thompson: Our present travel allowances are as follows, when a Teacher is hired they are paid their fare from Vancouver or Edmonton which means if they come into Whitehorse is \$75.00 if they go up to Dawson of course it is a little more. If they had their fare paid in and they teach for two years and then resign they have their fare paid out to Edmonton or Vancouver. As the Committee on Education report and as the Teachers have indicated this was not a particularly good feature because it encouraged Teachers to resign so they could collect on their fare

out, if they didn't resign and continued to stay here they didn't collect on their fare out. The Teachers themselves thought this should be stopped and this would help partly pay the cost of the travel allowance scheme which they have suggested.

Mr. Boyd: I might point out that this increase becomes effective next September a year from now, but in order for the Department of Education to proceed with hiring Teachers they must be able to talk business in the Spring..

Mr. Shaw: I wonder what difference it makes whether a person stays up here 1, 2 or 3 years. If a person stayed up here 5 to 10 years and bought themselves a house then I think it would be really worthwhile, but does it make much difference if they stay just for a couple of years.

Mr. Thompson: I think it makes a difference for a number of reasons, firstly the conditions up here are quite different from outside and I think for a Teacher to be fully effective they should be familiar with the teaching conditions, students, and program of studies. Since we obtain our Teachers from right across Canada and since most of our teachers come from other than the Province of British Columbia it takes a considerable length of time before a Teacher becomes fully familiar with the program. I think it is important that we try to obtain a good retention of our people.

Mr. Ken Thompson: You mentioned the fact that the Teachers reduced their maximum or their salaries to encompass this travel, it would seem that you are still paying the incoming travel and you paid the outgoing fare once. Now it seems that they would want twice as much to go out every year in the case of single Teachers and \$250.00 for married Teachers. It says that the reasons for this is to go out to Summer School and things of this nature, do the married Teachers take their wives and families with them, is this part of the added incentive. It would seem that we are increasing our costs considerably here and I am wondering if these proposed price reductions that they seemed to have arbitrarily agreed amongst themselves, I was wondering what this decrease was and at the same time would like to know the number of people you have in these various categories for the present.

Mr. H. Thompson: I could answer some of your questions but not all of them as I don't have the file on this with me.

Mr. K. Thompson: Could we leave this until after tea recess and at that time perhaps Mr. Thompson could get the necessary information and give us a chance to look at this.

Mr. H. Thompson: Yes I can give you complete information on this when I have my file.

Mr. Chairman: Perhaps we could go on to another part of this.

Mr. Taylor: I notice on page 4 item 4 respects the submission made with respect of housing, I wonder if Mr. Thompson has any comments on this.

Mr. H. Thompson: The Teachers were very general on this they felt there should be a housing bonus to encourage Teachers to obtain their own houses but they didn't say much more than that. It was pointed out to them last year when there was a substantial salary increase the Teachers felt that this would help a number of them to get established in their own houses. This was one of the reasons they did ask for a salary increase and we pointed out that what we are tempted to do is gradually increase the rents to a point where the Teachers will take a second look at living in Territorial Houses. I think that in most of the Whitehorse accommodation we are beginning to approach that point because in our two bedroom Apartments the rent is \$1,500.00 per School year and even if they don't live in there during the summer they still have to pay the \$1,500.00. This in many cases works out to \$150.00 per month and if they are in a 3 bedroom Apartment the rental charge is \$1,800.00 per School year and as I have mentioned if they go out in the summer they still are paying \$180.00 a month for their accommodation. Next year this will be increased by \$5.00 per month to bring these prices up to \$1,560 and \$1,860.00 and if it is found we are still subsidising it they will be increased by a further \$5.00 the following year. There are now some of our people who are going out and obtaining their own accommodation.

Mr. K. Thompson: I notice in reply to question # 6 that there are 8 persons under that who are only paying \$45.00 per month, is this going to be increased \$5.00 per month per year.

Mr. H. Thompson: Well firstly you realize the situation that led to this and I think this may be a little misleading because in fact there are three people, these are single women, it is a three bedroomed apartment so in effect it is not \$45.00 a month but three times that figure.

Mr. K. Thompson: This was my point I didn't know whether these were one bedroom Apartments, but in any case whether it was 1, 2 or three it doesn't come up to the \$150.00.

Mr. H. Thompson: The reason it doesn't is that these people were originally promised accommodation in the Hanson Street Teacherage and at the end of August we obtained other accommodation for our Teachers and turned that into a Dormitory but this will not apply next year.

Mr. Shaw: I wonder if it will be possible by the previous year expenses just what it costs to operate that and each year charge the amount that was the operating cost for the previous year. Is there a time element that doesn't permit that?

Mr. H. Thompson: Perhaps Mr. MacKenzie could reply to this a bit better than I can, but we hire our Teachers starting in April and most of our people are hired in May and at that time we have to let them know what the charges will be. We start out advertising somewhat before that and every day we have applications from people wanting to know the teaching vacancies for next year and we send them out literature giving them all the information we can with this year's salary schedule and as much information we can on accommodation and salary.

Mr. Shaw: Once you establish the actual cost and then the following year when they ask for the information you could say the costs are between so and so for rent it depends on the accommodation you wish. You wouldn't have to tell them the exact dollar but it would be between this figure and that figure according to various accommodations.

Mr. K. Thompson: The reason I was interested in this increase of \$5.00 per month because I think you were with us when we felt the costs were exceeding the amount of revenue in namely the C.P.A. Staff House and we felt that \$500 a month increase we would never catch up to the cost of operation. With this in mind this seems to be our submission to the Teachers and quite naturally they are agreed to this but I am wondering if we aren't making this the wrong type of approach. It would be very good from your point of view because of recruiting and the lower the rents the better chance you have of getting Teachers. On the other side of the fence is the less we are getting for rental the more we are subsidising and the higher our taxes are. I would like to hear the Committee's opinion on this.

Mr. H. Thompson: Whatever we give these Teachers it has got to be sufficient to make it attractive for them to come up here and also to stay. If you wish to increase rents drastically then perhaps at the same time we must think of increasing salaries drastically as well, because what the Teachers are asking in the way of salaries are really quite modest in relation to what is being granted in B.C. The B.C. Teachers are getting a 6.2% increase effective from next month and these people are asking for 4.5 % effective next September. It is true that the housing we provide is subsidised but again we come to the point that if we are going to increase the rental charges we may have to consider increasing the salaries.

Mr. Shaw: Mr. Thompson is saying about the increase, the percentage increase depends on what they get in the first place. B.C. might increase it 50% but they still may not get as much money as they do here, how does this compare with B.C., what is the difference in the actual salaries they are paid, is it more in B.C.?

Mr. H. Thompson: I haven't got the figures in front of me but I can give you the general picture. The first classes 1, 2 and 3 are salaries very similar to the average in B.C. In classes 4, 5 and 5 (Master) our salaries are somewhat higher,

that is in straight dollars not necessarily in dollar purchasing value. I think there is a great shortage of Secondary School Teachers right across the country and we do have to make these attractive in order to get people into our High Schools.

Mr. Shaw: Then the difference of 2% could bring B.C. about the same as ours.

Mr. H. Thompson: Not in classes 1, 2 and 3 in fact for example a teacher in Class 1 with no experience at the present time in the Yukon is getting \$4,000.00 now in B.C. that person in effect from next January will get paid \$4,200.00 in most districts. I think that we must consider that the \$4,200.00 paid in B.C. is worth a lot more than it is here.

Mr. Boyd: I would say that this is typical of Teachers in classes 1, 2 and 3.

Mr. H. Thompson: That's right, it is just at the upper level that if we didn't have our salaries more attractive in terms of straight dollars we would have a difficult time filling our High School positions. I think those few extra dollars are well spent if we wish to carry out a reasonably competent High School program.

Mr. Shaw: In assessing this we take all the Provinces across the country and it seems like salaries are a certain scale. In B.C. or other Provinces are we better situated than those.

Mr. H. Thompson: From Manitoba west our salaries in straight dollars are pretty well on a par with B.C. and there is not too much difference. When you compare the salaries here with the salaries on the Prairies in straight dollars are salaries are somewhat more attractive, and I think this is one reason why we get more Teachers from the Prairies than we do from B.C. Then again if you compare our salaries with Ontario they don't compare because they are way up.

Mr. Thompson: Could I ask one more question, with reference to the Summer School allowances I see where they have asked for \$100.00 to be granted for each course completed. Does this infer that they are at the moment being granted some type of additional bonus for going to Summer School and completing a course. Is it the mere fact that they go out to Summer School to upgrade their education this automatically puts them in a higher bracket and we are subsidising them to an added amount for taking this course and bringing them up in a higher scale bracket.

Mr. H. Thompson: I will explain this, at the present time the position is this, if a Teacher is on payroll in June and goes out to a University Summer School and completes one or two courses the maximum they can take is two. If they are successful in completing at least one course then they receive \$100.00 bonus in September. One course may not necessarily put them in a higher category because these categories represent years of training at University. Class 1 represents one year of training beyond senior matriculation, Class two represents two years and in order to obtain one full year of training you

must have a maximum of five full courses. Over a period of five summers taking a course at a time you would increase your category to a higher one but you wouldn't necessarily do it by one summer unless you had previously completed four.

Mr. K. Thompson: In other words your years of training have no basis on the number of years that you have actually taught.

Mr. H. Thompson: No the increments are the factors that relate to the years of teaching.

Mr. Boyd: What happened here was the School Teachers Committee wanted a \$100.00 for each additional subject that they passed. In other words if they took subjects during the summer they wanted \$200.00 and we said one was all we would pay for.

Mr. H. Thompson: It was unfair to some of them to because there are some Universities which will allow a student to take only one course at Summer Session and others will allow you to take two.

Mr. Chairman: At this time we will recess for tea and give Mr. Thompson a chance to get his material so he can give us more information.



Monday, 6th December 1965, 3.30 p.m.

Mr. Chairman: I will now call the meeting to order and we will commence where we left off. I believe Mr. Thompson (Superintendent of Education) was going to look up some figures for us.

Supt. Ed. I believe Councillor Shaw wanted more information on the travel arrangements. Now in the original proposal the teachers made to us on November 13th, this is what they asked for: 'It is our suggestion that teachers receive a travelling expense similar to Federal employees. For instance the Government would pay the return fair to Vancouver or Edmonton from the place of employment for each teacher once a year. Single teachers would pay \$50.00 toward this expense and married teachers \$85.00.' You will recall that this suggestion met with a favourable response at a meeting called to discuss teacher retention last Spring. Now in our submission to them we rejected this so they came back with the recommendation given on page 2 of \$125.00 and \$250.00. We feel that this is a neater method. We think that the other one where a married man takes his family and we pay complete costs less \$85.00 could lead to complications and a lot of paper work and unknown cost, whereas with this \$250.00 we know exactly where it will be. I am not sure about Councillor Shaw's question with regard to category. If you are referring to the number of teachers in each classification I have that information. I Class 0 we have two teachers at the present time. In Class 1 we have 47; in Class 2 we have 44; Class 3 we have 22; Class 4 we have 22; Class 5 we have 12, and Class 5 with a Masters degree we have 3.

Mr. Taylor: Do you have any provision for any other classification? I believe we have one PhD on our staff.

Supt. Ed.: He would be classified as 5 with a Masters degree. Now I have the settlements here from about 50 school districts in BC. I will quote any that you wish but will mention Peace River North to you since it is fairly large and encompasses the Fort St. John district. Now their classification, minimum and maximum with increments, Class 0 - \$3500, maximum \$4300, with 4 increments of \$200.00. Authorities in BC and ourselves in the Yukon and our Teachers' Association do not want us to hire these people because they have the minimum qualification and it is considered insufficient qualification for teaching. These people are hired in emergencies or, one case that we have, a teacher has been with us seven or eight years and has given good service. Their Class 1 in Peace River North, minimum is \$4250 and the maximum is \$6500. They have nine increments of \$250.00. Class 2 minimum is \$4750 and maximum \$7300 with ten increments of \$275.00. Class 3 minimum is \$5350 to maximum \$8540 with 11 increments of \$290.00. Class 5 is 6400 to 10,360 with 12 increments of \$330. They don't have a Class 5 with a Masters category in that particular district and those figures will be in effect from January 1st.

Mr. Thompson: I wonder if you would refresh my memory on what the Yukon bonus consists of - what is it in aid of?

Supt. Ed: This is another monetary feature which is intended to encourage teachers to stay here and also it is a little bit extra paid to those teachers who have

stayed here for a number of years and on whom the Administration rely upon to help new teachers. If a teacher has taught in the territory for three years they receive a bonus of \$250.00 over and above placement on the schedule. If they have taught in the territory for five years they receive a bonus of another \$250.00.

Mr. Shaw: Would they receive that when they started on the fourth or sixth year?

Supt. Ed: Yes, that's right.

Mr. Thompson: I see that next year's payroll on the basis of present staff and rates is \$1,088,275. Mr. MacKenzie, could you from your calculations project the estimated cost of teachers' salary to the 1967-72 fiscal agreement to what 1972 costs are?

Mr. MacKenzie: Yes, that has been done. For 1971-72 salaries and wages have been estimated at \$3,231,473 for the one year.

Mr. Thompson : Thank you.

Mr. Boyd: Well it's a very good figure anyway. I hope we hit it.

Mr. Thompson: There evidently is an estimated increase in personnel in this figure. I hope. Could you tell me the difference in the number of teachers. I think we have 152 now.

Mr. MacKenzie: I think Mr. Thompson has projected 67 more classrooms in the five year period of 1967 to 1972, so that should mean 67 more teachers to what we shall have on the 31st March 1967. I see a figure of 241 in the statement Mr. Thompson has prepared in the year 1971-72.

Mr. Thompson: You are projecting 67 more teachers for 67 more classrooms and we are 89 more teachers projected so that's 22 for administrative staff, or something like that?

Supt. Ed: Not necessarily; when you get into the secondary level particularly you have many more teachers than classrooms in which students are registered and you have additional staff such as librarians, industrial education instructors, counsellors and so on all paid on the teachers scale.

Mr. Shaw: There is one thing I don't see a reason for. That is that the population has not increased in the territory and yet this is increasing at a fantastic rate; even the amount of children hasn't increased that much and yet the costs are going up and up and up and up.

Supt. Ed: This is the way it is in these times. I know in my relatively short time in teaching I started in 1947-48 and in that time the minimum salary was \$1600 for the equivalent of Class 4 and the maximum was \$3000 and this was top salary schedule with \$100 increments. Well for \$3000 today you couldn't even get the lowest qualified teacher to start in. This is only 17 or 18 years ago. The thing has skyrocketed admittedly but this happens everywhere, it isn't just restricted to the territory.

Mr. Thompson: Could I ask one question? On page 3, Item F, No. 3 'Yukon Teachers Association Committee requested an increase in Counsellors' allowance to be in line with last year's increase in administrative allowances. The Committee has agreed to increase this from \$300 to \$500.' Don't we have Counsellors or Placement Officers in our National Employment Bureau here? Could they conceivably do this kind of work or are the Counsellors trained in job placement?

Supt. Ed: The school counsellor actually does a great deal more than just job placement; this may be a small part of his work and in this field he might work very closely with the National Employment officer. For example the day after tomorrow there will be a meeting in our office with the High School Principals, the Counsellors and the National Employment Office personnel. A school counsellor would be responsible for working with the students in developing their programs of study, helping with discipline problems or personal problems. He might be involved in conferences with both parents and student and he would also teach. I feel very strongly that the counsellor should do some teaching as well as counselling so that he won't lose touch with the classroom. We also feel that no principal should just work full time for administration and supervision otherwise they get further and further away from the classroom and are not as effective as they could be in the school.

Mr. Thompson: Inasmuch as they're not teaching when they're counselling and not counselling when they're teaching and they're still receiving the same stipend as somebody else, what is extra special about counselling? Have they taken a BA in sociology or something of this nature?

Supt. Ed: They should have taken courses in group counselling and guidance as well as individual counselling. I see Counsellor Thompson's point; the same one might be taken from a school principal - you can say that he's already being paid as a principal and he's getting time off for administering his school so why pay him this extra allowance, but it does require certain qualities that the average teacher doesn't have and in order to get the people you want you have to pay a little extra for it.

Mr. Thompson: May I ask you how many counsellors we have in the Yukon?

Supt. Ed: We have just the two. At present we are the only place with counsellors, at the F.H. Collins School. There's a boys' counsellor and a girls' counsellor. In our smaller schools the counselling is taken on by the principal or vice-principal or the teacher. But where you get into the larger situations it is important to have somebody to do this work because the teacher receives the student only for one class and some of these teachers may meet as many as 150 students in one day. They are interested in teaching their English or French, they don't establish the rapport with their students as can be established in a smaller school. Consequently the students have to rely on counsellors for guidance.

Mr. Shaw: Does this mean that everyone of our schools is going to have a counsellor to be paid an additional \$500 above their normal salary?

Supt. Ed: A counsellor's allowance at present is \$300. We have these two counsellors only in this one school, and it has been suggested by the Committee that this should be increased to \$500.00. This \$300 allowance has been in effect since its institution five or six years ago. It may be that counsellors may be established in other schools as they grow; there may well be a provision as our system grows to have a counsellor from our central office who could handle problems and give guidance to students outside of Whitehorse. At the present time Mr. Froese has been doing some of this.

Mr. Boyd: I understand that these counsellors are often required beyond the hours of duty to spend time correcting troubles and they are on call virtually all the time.

Mr. Shaw: I understand Mr. Boyd's point that these people take a lot of trouble and should be paid for it but in the smaller schools you would think a teacher would be only too pleased to help a student with normal everyday problems as part of his vocation. Now if you get home problems you have welfare sociologists who have had five years' training for that particular part of it.

Mr. Thompson: Just to take a hypothetical case (I don't know any of the persons involved so there's nothing personal or vindicative about it) we're talking about a counsellor who is conceivably in the bracket #5 so the maximum they would be making would be \$10,800. Now they go out to Summer School for a course so that's another \$100 added on. We subsidize them to the tune of \$250 to get there and back and then we have a \$500 additional because they're a counsellor. Now instead of \$10,800 it's \$11,650 and on top of this we are conceivably subsidizing them to the tune of \$50, \$100, \$150 a month for their lodging. So I can see their fringe benefits are becoming a very important part of the overall picture and if this is an indication then I can see that Mr. MacKenzie's estimation of \$3,000,000 isn't going to be too far away from actual. You say that this is prevalent all over the country but if somebody doesn't make a stand and try and put a stop to it we're finished. With a few comments a little earlier that the amount of subsidy that is being dished out territorially and federally is fantastic but private enterprise aren't doing these things and private enterprise are getting people. They may not be the top people but they're still doing a reasonable job but it seems to me we're just saying, as Mr. Shaw pointed out, it's only four per cent, it's only two per cent, it's only one per cent, it's not as much as six per cent in the provinces. Well there's an excellent indication right there, you're trebling your costs within seven years.

Mr. Boyd: Whether we like it or not we are faced with a situation; the youth is the resource of the country; we have our choice of slipping behind or of staying at least near the top and I don't think we can afford to slip behind. Ottawa will forget all about us and we will disappear. In view of the times and the conditions in which we exist I feel that we have not much choice except to stay in there and keep plugging and I would ask Council to accept this proposal of your Committee.

Mr. Chairman: Mr. Boyd, would you take the chair for me?

Mr. Southam (with Mr. Boyd in the Chair)

I think there is a lot more to the teaching profession than what we see. I happen to have teachers in the family and when I visit them at different times they are still marking papers at midnight and get up at six in the morning. I visit a teacherage in Elsa at different times and I've seen them marking papers at ten o'clock at night. So taken all in all I don't believe that teachers are paid much too much, if at all and when it comes to fringe benefits you have to cater or you have to keep up with other businesses. If we are going to have teachers we're going to have to pay and I don't think salaries here are very much out of line; I don't think the fringe benefits are much out of line either with the other industries. I know it's going to go up but I don't think the salary advisory committee have done too bad a job and I quite concur with Mr. Boyd that we should accept this and go along with them. I will take the chair back, Mr. Boyd.

Mr. Shaw: I would like to thank this committee for the amount of work they have put into this. I appreciate it very much but look at it like this: if you take away all the fringe benefits, find out what they cost and then add 20 per cent to these benefits or 10 per cent and say no fringe benefits, here's the amount, so you get 4500 instead of 3500 and you're on your own and so on down the line. That's the way private industry operates, they put a price tag on the job and if they don't get the men they up the price tag, but they don't get involved in a bunch of extraneous issues, benefits here and there - not on salaried people. How would something like that work?

Supt. Ed: If I might answer to that, there is one thing particularly in the case of a vacation subsidy which I know private enterprise does do and it is not paid as a part of the salary unless the employee actually takes the vacation because we take the stand that he's a better employee who works outside for a three or four week vacation and when he comes back he and his family are far more content to remain in the Yukon for another year and I think Council should consider this aspect too. This is one of the facts of the Yukon, that some people are happier if they know they can go out and come back.

Mr. Shaw: I'm afraid it doesn't appear that way to me. Most people save up for a period of time and then they go on a holiday. If they don't save up they don't go on holiday. In other words you make a much larger salary - that looks enticing in itself - on the same plane as everybody else. It's put down in the salary, not in a bunch of hidden things. He knows exactly what he is getting and by doing that you put a higher price on teaching here than you do elsewhere. On the other hand it may cost more to live but nonetheless show an attractive salary and say - there it is, you're on your own. I wonder how that would work if it were really tried out. It would certainly get rid of a lot of administrative headaches.

Supt. Ed: To get down to a specific instance that Mr. Choate made, and our Committee did suggest to the Teachers Association when they asked for travel allowances: why not increase salaries by \$200 or some figure and forget about travel allowances because this involves a lot of work. But they did point out that if we did it this way the benefit would really accrue to the single

teacher. The single teacher would get as much as a married teacher. In fact if you do encourage married people to come up here you have to provide some attraction in the form of travel allowances or other financial benefits, but you couldn't actually pay the married teachers more salary as such because this would be discrimination and you're paying one person more for doing the same job with the same qualifications and experience.

Mr. Shaw: Doesn't the Federal Government do that with a cost of living allowance?

Supt. Ed: But it isn't considered a salary it's considered as an allowance or some kind of fringe benefit.

Mr. Shaw: It all boils down to dollars.

Supt. Ed: I think Councillor Shaw has a very good point here, but we have to remember that when the teachers approach us they come to us with their background in teaching and with their background of what other teacher organizations are doing in other provinces and when we look at these so called fringe benefits, this is what the teachers organizations elsewhere are approaching their school boards with and I don't think we can just neglect this background completely because they bring it to us. What are we going to do? If we say no, no, no, they feel we are completely adamant and have no respect at all for their profession.

Mr. Shaw: When I first came into the territory teachers were very much respected and they got a salary and that was that. Period. I think in most cases the same applies to private industry. I don't know any company up here that pays travel allowances and all this kind of stuff. They might to an employee that's been with them for years and years and years, but not as a practice.

Mr. Boyd: Could we not get on to another discussion and if we have had enough discussion on this I will move that it's accepted.

Mr. Taylor: I haven't had a great deal to say in this particular debate but I think, having gone through the same item of teachers' salaries, it's something like being shot out of a canon - you're in there, you know you're going to get shot out of the canon sometime, you're just not sure when. The only comment I would make is on Item 5 where it says 'The YTA Committee requested that the Territory should automatically deduct YTA fees from all teachers unless a teacher submitted a letter asking that this not be done.' I certainly can't agree there. It's a small item but I think that in principle it's something that should be dealt with now. This is like a company deducting union fees from the man's salary and I think this is something that should be exclusively the responsibility of YTA and it's up to them to go and collect their own memberships. I don't think we should be involved in this. I know that the negotiating committee felt the same way and 'it suggests that the YTA discuss the matter with the Payroll Office of the Territorial Treasurer's Department.' If this is brought up and discussed, and I think it should be, they should be made to look after their own.

Mr. MacKenzie: That is my opinion. I would be reluctant to take on any more commitments; we have enough.

Mr. Chairman: We have a motion before us, gentlemen, moved by Mr. Boyd and seconded by Mr. Taylor that the brief on the teachers' salary negotiations be accepted as read. All in favour?

Committee: Agreed

Mr. Chairman: Any contrary. The motion is carried.

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Mr. Boyd: I would like to direct a question to Mr. Thompson concerning the Selkirk Street School - whether, according to the ordinance, it is the function of their advisory committee to make recommendations to Council for the extension of educational facilities and so on. It appears there has been question and discussion concerning that school and that committee appeared to favour the building of an additional four rooms on to the school to take care of what is now a crowded situation and as Councillors I am sure we would like to know what the department of Education's thinking is in this respect. I would like to point out that it's possible that Grade 8 will have to be moved out of there to make room for the increase.

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Supt. Ed: Before I make any comment with regard to this I want to point out that the Selkirk Street School advisory committee and the Department do not see eye to eye in this particular matter and I don't know if it is your intention to have the members of that committee present so as to give full hearing as to their request. It certainly isn't for me to dictate for you and I do feel that in fairness to them they should have a hearing.

Mr. Taylor: I respectfully submit that in the School Ordinance we provided for advisory committees and my understanding when we drafted up and accepted the ordinance was that these committees were more or less to work as liaison between the school and the parents and the Department of Education and make recommendations there. It has been said, for one instance, that Council is taking longer to deliberate, and this is one of the reasons why this could be so and I think if we did have these school advisory committees every time we did have a problem of this nature and trot it up before Council I think we would be establishing a bad precedent. I think if a situation became alarming in any one of these schools and created a situation of urgent public importance I think that would then be viewed in a different light. But I feel that it's the duty of the Administration to listen to these people and then set forth the problem as it has been represented to them before the Council, and if this is what is required and if it can be supported with documents such as Councillor Boyd has, I think there should be some clarification on that otherwise we shall be trooping up every advisory committee for every school of which there are many in the territory at some time or another before this table.

Mr. Shaw: I am inclined to agree with Councillor Taylor. I was one of those involved in this particular matter and the general consensus was at that time that it would work on the basis that this advisory committee would approach the Administration with the particular matters and at the

same time they would approach the member that represented that particular area to present their viewpoints as well. I think that would be the way to handle it and as I think it is Councillor Boyd who represents Whitehorse East where the Selkirk Street School is, I would like to hear his comments in relation to the requirements or otherwise of additional facilities for this school and then perhaps hear Administration's viewpoint.

Mr. Boyd: That was the purpose of my question. As I stated it's anticipated that Grade 8 will be moved out of this school in order to make room for others who are there now or who are about to be there and Grade 8 will move over into the senior school. Certainly the child population of Riverdale is on the increase and I am interested as a Councillor in knowing what Administration has for the future in connection with this school. Do they anticipate in a year from now building more rooms or do they anticipate moving these children and letting it go at that? Just what is the plan? As you will have noticed I have been very careful not to express my proposals until I know what is proposed. After all, I am not the Administration and I feel that the Department of Education are the ones to go this first. If I am not satisfied with it then I will certainly want to raise an objection but I would not want to interfere with their management.

Mr. Taylor: I gather from what has been said that there is an apparent requirement for four additional classrooms for this school. Possibly Mr. Thompson would have to hand some enrolment figures and could tell us whether or not this appears to be a necessity or whether it's re-bussing for instance, shuffling around different schools in Whitehorse through bussing which is already in effect. Just what do we have to do here, what is the problem?

Supt. Ed: I'm trying to be as objective as possible in this matter, and whatever the policy is as head of the Department I will attempt to administer it to the best of my ability. Councillor Shaw will remember that almost to this very date six years ago, in December 1959, the Council of the time decided there should be a committee on education which would examine all aspects of our education system and provide guide lines for the next ten years. It's realized that in 1959 a committee is not going to see all the things that are going to happen in the future, however they did provide certain guide lines and this is what we are attempting to implement in this particular situation. Now with regard to Selkirk Street Elementary School one could not say that the overall enrolment was crowded. The only classroom that is overcrowded is the Grade 1 room. The figures for the end of October is 227 total enrolment and the Grade 8 room has 26 students, the Grade 7 room has 28, Grade 6 room has 28, the Grade 5 room has 24, the Grade 4 room has 27, the Grade 3 room has 26, the Grade 2 room has 31, which has since dropped to 29. The Grade 1 room has 37 which has since gone up to 38. So the Grade 1 room is the one that is overcrowded. Now in the Department Mr. [Name] who has been acting as Director of Secondary Education and I have discussed the overall picture of education with regard to the Grade 8 students in the Whitehorse area and with the improved facilities in the Collins school and the fact that the adult commercial program is going to be taken out of there, we have been studying the possibility of putting all the Grade 8 students of the Whitehorse area and the Occupational Program students



into the F.H. Collins school. We felt that this would provide a better teaching situation for these students and at the same time if there is this overcrowding in the lower Grade level, we do have an additional room and we can provide an additional teacher. Now the question is why are we deciding to put the Grade 8 students into the Collins school? Well, let's remember that the Takhini and Porter Creek schools are not teaching Grade 8, we are bringing the students down now to the Whitehorse Elementary School because we have facilities there for teaching Home Ec. and Industrial Education. We have quite a number of teachers and we can specialize but it goes back to the Report of the Committee on Education and I would like to read to you pertinent parts of this report together with the recommendation. While I am reading this to you bear in mind that since this report came out the Chant Commission published its report and there has been a slight reorganization of the grade system in BC. At one time grades 1 to 6 constituted the elementary grades, today it's grades 1 - 7. And at one time grades 7, 8 and 9 constituted the junior high school grades; today it's grades 8, 9 and 10. At one time grades 10 to 12 constituted the senior high school grades, today it's grades 11 and 12. This is what they had to say with regard to this matter: 'The elementary pupils in the BC schools system are pupils enrolled in grades 1 to 6, although some isolated elementary schools enroll grades 7 and 8. This is one example of how the Yukon schools have not, in their use of the BC curriculum, been consistent as even in the largest centres in the territory they give grades 7 and 8 a general status of elementary school grades.' This is where there is a difference between the Selkirk Street Advisory Committee and the Department of Education and I would say a difference of opinion between that committee and the authors of this report, and also between the committee and educators right across Canada, certainly the western provinces. The Selkirk Street School Advisory Committee feels that taking the grade 8 students out of elementary school would not be good for these children. They feel that at the grade 8 level these youngsters are too immature to be put in with the so-called secondary school students although grade 8 is considered a secondary grade. And it's considered this in BC and all across the country. In the western provinces there is some difference of opinion as to whether the secondary grades should not all be included in one school as is customary in England, or should be separated into two schools, a junior and a senior school. Both systems are used in BC with the latter now predominant. It is also the contention of the Selkirk Street School Advisory Committee that if there was a junior secondary school, that is a school with grades 8, 9 and 10, they would have no objection to taking the grade 8 students out of Selkirk Street and putting them into this secondary school, but to put them in a school that contains grades 8 to 13 inclusive would be putting, in their point of view, students who are too immature for such a situation. Now if the Committee on Education had some remarks as to what would happen in a developing population, I can't find the pertinent section right now but I think I can put it into my own words and then I'll read the Committee's recommendation. The Committee felt that in a growing situation you would firstly have an elementary school that would have grades 1 to 8. Then as the population of the community grew you would have an elementary high school with grades 1 to 12. Then

as the population grew further you would split this into two schools. You would have an elementary school teaching grades 1 to 7 and a junior-senior secondary school teaching grades 8 to 12. After that you could take this junior-senior secondary school and split it further into a junior secondary and a senior secondary, so you would end up with a system with an elementary school teaching grades 1 to 7, a junior secondary teaching grades 8 to 10 and a senior secondary teaching grades 11 and 12 and possibly 13. They have put this into recommendation 82 which was approved by Territorial Council and this is what it states. Again keep in mind that since the time this recommendation was passed grade 7 is now an elementary grade so I think we should think in terms of grade 8 and up, not grade 7 and up.

Mr. Thompson then quoted the recommendation on Page 90 of the Committee on Education's report.

So what we are attempting to do for the following year is to implement this recommendation, to have a junior-senior secondary school, put the grade 8 students into the secondary school where this committee says they belong and where educational authorities right across the country say they belong. We feel that this would be a much better situation for these students than where they are at the present time because they would have the benefit of specialist teachers. We feel that if we were to take the grade 8 students out of Selkirk School only and put them into the Collins school, there would be good reason for complaint because it would be just one isolated class amongst all these other students but we're not saying this at all. There are three grade 8 classes over at the Whitehorse Elementary School and they'll be going over there as well so we'll end up with four grade 8 classes. This will enable us to group these youngsters according to their ability and teach them to develop to the maximum of their potentiality. If we had done that this year, the total number of pupils in grades 8 and up amount to 554 students. I have projected this to the point to see when we would achieve the 750 pupil figure that the Committee on Education says is the point at which you should split your secondary school into two - junior and senior. Next year we will have according to my estimate 596 students in grades 8 and up. This is the public school students. The following year we have 699 and in the year 1968-69 we will have 746. So it would appear that in about three years' time we will have reached the point at which the Committee on Education recommends that we should consider splitting our secondary school into a junior section and a senior section. That is have a separate building for them. This is what we are attempting to do; we feel that the Collins school has so much more to offer to these youngsters. Selkirk Street doesn't have any laboratories and the Collins school certainly does. It has a large library with a full-time librarian, it has counsellors and when we have such a large group together we could even have counsellors at the junior secretary level. It has shop and home ec. facilities. It has specialist teachers in French. These are difficult people to find in an elementary school. It has a full-sized gymnasium and specialist physical education teachers both for boys and girls. It has a specialist teacher in art and band. It has so much that actually I was flabbergasted when these people said they were opposed to it. I was glad that

they mentioned this because I didn't think there would be any objection at all because we thought we would be providing such an improved situation for these youngsters.

Mr. Boyd: So it boils down, Mr. Chairman, to the fact that in another three years you do contemplate having another school that will more or less segregate these grade 8s and grade 9s, or something like this from the 12 and 13 grade group. Is this right?

Supt. Ed: Yes; now this may have some bearing on the five year agreement, I don't know. Again I was glad that the Committee brought this up because it urged me to do some more research on it and it would appear that this is what we're going to have to do. I have been wondering, if we are going to have to build a senior secondary school say, in three or four years' time, where are we going to build it? I think Councillor Shaw can recall that the Committee of Education made reference to this lot 19 down past Elk's Hall and across from the Civic Centre and I checked with the Area Development officer this morning to see what land there was available round there as a central point. Apparently there are 45 acres there now which of course we wouldn't require complete, but I think we should think in terms of 15 or 20 acres, looking not just to the next four or five years but to ten or fifteen years from now. This change too will enable us to accommodate, if this kindergarten program is agreed to in the five year agreement, it will enable us to implement this kindergarten program in pretty well the year that the five year agreement is approved because this will give us additional classrooms in the Whitehorse Elementary School, the Takhini school already has extra rooms, the Porter Creek school has an extra classroom and I think that by adding one or two rooms to the Selkirk School we could get involved in the kindergarten program right away, by which I mean 1967 when the five year agreement begins.

Mr. Boyd: I notice in your projections you are often quite somewhat out. I don't criticize you for this but I am wondering what kind of control you can operate under. Last year you had very few pupils in grade 11 and 12 in Christ the King and we ask you if this number representing maybe 15 in all, occupying two rooms - you pointed out that this year there would be considerable increase inasmuch as pupils were going to move up. But I notice that we still only have 10 pupils in grade 11, five in grade 12, presumably two teachers in two rooms. What happened to your estimate. Why did these people go and where. Do you not control where they go?

Supt. Ed: I don't have the facts and figures on this. I understand that quite a number of the senior secondary school students of the Roman Catholic faith are attending the F.H. Collins and we haven't any control over this. We can't say to a student or a parent - now your child because he is Roman Catholic has to go to a separate school, or vice versa, and this is one factor that has increased this grade 1 situation at Selkirk School. It just happens that we have a teacher in there who is a superior teacher and who's been here for a number of years; her reputation is well-known. The school is also convenient to all the parents in Riverdale and there are a number of Roman Catholic children in that particular room. But we can't say to the parents - now you can't send your child to that particular school. As it happens this

year even if we had this authority we'd find that Christ the King has 35 students in each of their grade one rooms.

Mr. Boyd: How can a business operate this way. How can you justify the spending of all these dollars on expensive school teachers when they're not even being taxed to within fifty per cent of their capacity. We're not even getting value for our dollars. It seems to me that if the Department of Education had a free hand without interference, that management could improve itself very considerably. Now we can go on to another one. For the year 65-66 you anticipated an enrolment of 30 pupils. Where did they go? And two school teachers you wanted for them. This is a separate school with only four Catholic children in it. Why have we got non-Catholic children in it. I understand there's ample room in the big school, so here we are operating a school for sentimental reasons or something but it's costing the taxpayer 10 or 11 or 12 thousand dollars and here again it's not your blame. But this is where I find a fault in the Department of Education. We have to have more say as to how this thing is going to be functionned; or when it is going to function. If we have no say then it's like everything else. It's like water running down the river - no control. And it would seem to me that maybe an investigation into the operation of our Department of Education cost wise might be well worth while. I am wondering if you will agree with me.

Supt. Ed: Firstly with regard to St. Mary's school you mention that I estimated the enrolment would be 30. When was this estimate prepared.

Mr. Boyd: About a year ago.

Supt. Ed: Well I think it would be considerably more than a year ago because their enrolment last year was very small. I think it was about 12 or 13, much as it is at the present time.

Mr. Boyd: Yes, but the point is where did they go? We probably know they're over in the other school. I'm not criticizing this, I'm criticizing the fact that you don't have the management or the control with which to estimate anything because you don't know which way the cookie's going to flip. It included the Department of Indian Affairs not long ago. We lack authority and management. Do you agree with this?

Supt. Ed: Well, the policy at the present time is that the Administration of the Department of Education cannot say to the parent - you can't send your child to this particular school. If you're Roman Catholic they must go to a Roman Catholic School, if you're non Roman Catholic you must send them to the public school. You can't say that.

Mr. Thompson: Why did they ask for separate schools then in the first place if they didn't want to send their children to them?

Supt. Ed: I can't answer that question, I'm sorry.

Mr. Taylor: Insofar as the Department of Education is concerned in their projection, I think that they utilized

the projections of the Committee on Education which of course have predicted an enrolment of 30 students in two classrooms for the year 1965/66, so I think this was the Committee's findings rather than the Department of Education's.

Mr. Boyd: Mr. Thompson, if you had your way would you be operating that school if it was business like, with 12 pupils in it and ample room in the other school. It is a separate school after all is said and done. Can you justify the spending of the taxpayers money. He's hollering plenty about his taxes and education is the most costly thing we have in the Yukon. Can you justify this.

Supt. Ed.: I can answer that question by saying that we could absorb these students without any problem whatsoever in the other school. I don't know what the position of the Roman Catholic Episcopal Corporation is going to be with regard to that school. I have heard rumours that they're thinking of closing it down. Two years ago the sisters of St. Ann left there; the school used to have nuns as teachers, they have experienced difficulty in getting teachers - they had a teacher leave in the middle of the year and they hired a person who wasn't even of the Roman Catholic faith, a Lutheran. This year most of the children going to the school are not even Roman Catholic. But as I said we can absorb the students quite easily.

Mr. Boyd: This is the point. You say you don't know if they are going to operate the school or not. We are operating this school. The Yukon Territorial Government. You said they hired a teacher. I thought you hired the teachers. It says so. Now if nobody's paying any attention to the business function of this thing and the cost to the public as we roll along, we leave ourselves open to quite some criticism. I am concerned with the taxpayer's dollar. I don't like to see it going down the drain any more than anybody else. By this I mean that we have to have better management. As I say, I'm not picking on you. I don't know that it's your fault, but it's somebody's fault that we're not managing things. Whether it comes under Mr. MacKenzie's department or not, I don't know. He's the man that's putting up the money. But I know if it was coming out of my pocket and was my business, I would put them over in the other school and save myself ten or twelve thousand dollars just as simple as that. And I don't think anybody would hurt; in fact we might be congratulated for it. It isn't going to offend anybody in this case, I don't think.

Mr. Taylor: I agree with Councillor Boyd. I think that by the firm episcopal agreement there and considering it's present enrolment and its teaching staff, it is actually not a separate school any longer; it doesn't meet the requirements of that agreement and it appears to me that the Episcopal Corporation really are not too hard bound to operate the school as such any more. Especially with a teacher of another faith. And with only four people it may be wise to absorb this into the present school system but before I made a firm decision on it I would like to hear what the member for the area felt about it.

Mr. Shaw: I think that area has picked out a specific

reason for not having it. I think, if you will go back to the discussions of 1958 and 59 when there were delegations of every faith right at this table and these people wanted their school because they felt they had a right to that school without getting into financial commitments. As a result of this it was resolved that the Territorial Government would absorb the whole school system and the cost thereof. However, there was to be no duplication. Since that time I have seen duplication and I have seen added expenditures to the school system that from the straight economic point of view were out of line. It happens in Whitehorse, it happens in Watson Lake and possibly it also happens in Dawson. You could pick any of these separate schools in the territory and I think you could come up with the same answer of where substantial economies would be made by taking them and bunching them into other schools and getting them down to a basis where you are running an economic operation. Now Councillor Boyd has singled out this particular school and this is costing 7, 8 or 9 thousand dollars, whatever it may be. At the same time, Councillor Boyd has also mentioned Christ the King School that has fifteen pupils there in two classrooms that are taught by high-salaried personnel. Tot up the cost of that - it's just as economic as these others. So a lot of it boils down to whether you believe in the philosophy of separate schools or not. If you do believe in this philosophy these people maintain that it's their right to have their children educated in such a manner and of course quote how the separate schools in Quebec - that is Protestant schools in this case - get every consideration. I haven't been to Quebec to find out whether this is so, but apparently it is so. So I think that's what it boils down to from the very start with all these discussions. I heard all the submissions for days and days and I can assure you it was a very difficult subject from start to finish. So these are the chickens coming home to roost - the situation we have right now. If changes are made to effect economy, then the changes must go through the whole system. As Councillor Boyd has stated, you can't make fish of one and fowl of the other. You start on an occasion like that and you will have exactly the same sort of situation that happened in 1958. I have seen it. It's unfortunate that Councillor Boyd wasn't here at the time to have to go through it, but I'm sure that he would have felt that the problems we have now are quite mild compared to the problems that were inherent at that particular time.

Mr. Thompson: I didn't realize that Councillor Shaw was on the Council at that time. Could I ask him if he voted for separate schools?

Mr. Shaw: Yes, I did vote for separate schools provided these schools were not uneconomic or duplicated. Since that time there was another school formulated while I was in Council and I felt it was duplication and voted against it.

Mr. Boyd: Mr. Shaw was talking along the lines that the chickens were come home to roost. I assume that at the time of which he is talking the people putting up the arguments for the separate schools were wholeheartedly and one hundred per cent, otherwise you wouldn't have built the schools to accommodate ten per cent of them. You assumed that all the chickens were going to be in the one bar but now they've started fluttering round and they've got into

two barns and this is where the trouble is. This is where the economy or the cost is becoming out of proportion, because of such departures.

Mr. Taylor: I hope we don't get off on this separate school thing to any great extent; we've digressed already from the Selkirk Street to Dawson, but if there are any arguments to be settled with respect to separate schools, there are only two basic considerations and I think we would do well to remember them. One is that undeniable right granted under the terms of the British North American Act and to deny that would make a mockery of justice; that follows through our Yukon Act. Number two is that we have formed an agreement and we're hard bound by this agreement to live up to our end of the bargain as long as they live up to theirs. Now it may be that in Dawson the Committee on Education has made recommendations here and we have lived up to those. If the attendance of the school has fallen below that required by the Episcopal agreement, it seems to me that it's a matter of negotiation and you can chuck it out. But I would leave it at that point; I think the important thing to consider right now is the one we started out to consider and that is the Selkirk Street School. There is all that first, then if you want to go to something else, you can. We're going round in circles here.

Mr. Boyd: I was under the impression that we had the Selkirk Street School resolved an hour ago as we did find out from Mr. Thompson that they do plan to put on additional rooms. We know what the score is and that's all that's required. I don't think we're going to sit here and tell him that he'll build rooms this year or anything else, that's not our business. As for you telling us that we have made a promise and we're going to keep it and this and that, nobody's talking about breaking promises. We're talking about the function of the school system from the economic point of view. We don't want to waste the taxpayer's money and I don't care what faith any man is, when he gets his tax notice he starts to think, and if he thinks his money is going to be wasted he's going to be one too that's going to step up and we surely can talk about bettering the management of the school system, that's what we're concerned with, and its cost. If we can better the management the taxpayer's going to get more for his dollar. This is where I stand.

Mr. Taylor: I agree that it is most desirable that we effect the economies that have been described here. However I say again that the only way you'll ever do this is to effect it in conjunction with the party of the second part, shall we say. Certainly we are all agreed that when this came into being in those bitter days of debate and battle like you never heard before, in settling these problems we realized that we were never going to see these economies and that it was going to cost us additional money but that quite frankly there was no other way around it.

Mr. Boyd: I would move that Mr. Thompson now be excused and that Mr. Speaker resume the chair and hear the report of Committee.

Supt. Ed: May I just ask one question in regard to Selkirk Street School. I imagine the Commissioner would like to know your views. The Advisery Committee

felt very strongly about moving grade 8 out of that school and they didn't make it sufficient to you that they stated this view.

Mr. Thompson: I've never even seen this submission. I don't even know what we're talking about, I haven't got a clue. This afternoon somebody got up and made a submission and we've been talking around and there's four rooms and there's 1966 and 1967 and I would as soon get a copy of it and know what we're talking about and then come back at some other time and finish this argument.

Mr. Boyd: Well I have the copies here but in view of our regulations I wasn't permitted to hand them out because it hadn't been introduced and couldn't be introduced as anything from the information I got. Now if Committee is prepared to have me hand these around so that they will be enlightened I will be more than happy to do it, that's for certain.

Mr. Thompson: Everybody else who gets a letter round here tables it or gives it to the Committee. I don't see any problem. Who's stopping you.

Mr. Shaw: I don't know where Mr. Boyd got that. We have such a thing as providing literature - you can provide any literature for Council's information. The establishing of it in the records is another matter, then it has to be tabled. But there's nothing against giving that to Council members.

Mr. Chairman: Gentlemen, at this stage can we excuse Mr. Thompson and Mr. MacKenzie and come back to this discussion at a later date. Are you agreed?

Committee: Agreed.

Mr. Thompson: I will second Mr. Boyd's motion.

Mr. Chairman: It is moved by Mr. Boyd and seconded by Mr. Thompson that Mr. Speaker do now resume the Chair and hear the report of the Committee. Are you agreed?

Committee : Agreed

Mr. Speaker: We will now call the Council to order and hear the report of the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.30 a.m. to study bills, motions, sessional papers, etc. Mr. Legal Adviser was present. We discussed Bill #5. It was moved by Mr. Taylor and seconded by Mr. Boyd that Bill #5 be amended pursuant to Section 4 of the draft bill. The motion was carried. It was suggested that section 7 of Bill #5 be left in. This was carried with Councillor Taylor against. It was moved by Mr. Boyd and seconded by Mr. Shaw that Bill #5 be passed out of Committee as amended. The motion was carried with Councillors Taylor and MacKinnon contrary.

The Committee reconvened after lunch at 2.00 p.m. to discuss Bill #3. It was moved by Mr. Taylor and seconded by Mr. Boyd that an amendment be drafted to Section 2 of Bill #3 by the Legal Adviser. Motion was carried. Mr. Thompson, Mr. MacKenzie and Mr. Choate were also in attendance to discuss the teachers' salary negotiations.



It was moved by Mr. Boyd and seconded by Mr. Taylor that the brief be adopted as read. The motion was carried. There was some discussion on Selkirk Street School but this was deferred to a later date. That's all Mr. Speaker.

Mr. Speaker: You have the report of the Chairman of Committees. Are you agreed with the report?

Committee : Agreed

Mr. Speaker: What is your pleasure gentlemen? We have the routine to discuss for tomorrow.

Mr. Taylor: I don't know if there's anything more on education at this time but I understand that Mr. MacKenzie was leaving for Ottawa and it was hoped that we could clear up all these loose odds and sods today so that we could get into that five year agreement tomorrow. However we still have a meeting with fisheries on a motion and we also have to meet with Mr. Gibson on Bill #2. I would suggest that possibly when Mr. Gibson comes for the five year agreement we can also discuss supplementary estimates with him at that time. This would leave us only a discussion on the fisheries motion and then we could go into the five year agreement. So I would suggest that sometime tomorrow morning following a meeting on this fisheries motion we could proceed with the five year agreement.

Mr. Speaker: Could we have the fisheries here at 10.30 in the morning?

Mr. Thompson: Why don't we finish with education while we're at it, while it's fresh in our minds, instead of jumping all over the place.

Mr. Taylor: We'll probably be back on education tomorrow if we get into the five year agreement. It's one of the first votes.

Mr. Thompson: We still have some memoranda, we still have some sessional papers that haven't been discussed and I thought it was our intent to clean these up before we got into the five year agreement.

Mr. Taylor: That's fine with me, I just thought as a matter of expediency being as the Treasurer is leaving that maybe we could get in and get this five year agreement discussion under way while he's here.

Mr. Speaker: He's leaving on the 13th I believe.

Mr. Boyd: It seems to me Mr. Speaker that the way the Superintendent of Education ended up his remarks intimated that he was concerned about this Committee's request and he mentioned that Commissioner Cameron was looking for some advice, so before we start the five year agreement we should clean up our whole set up here.

Mr. MacKinnon: I am in agreement with Mr. Boyd. I think we should clean up the rest first, before we start the five year agreement.

Mr. Speaker: Whom would you like to see at 10.30 tomorrow morning? The fisheries man?

Mr. Boyd: Well why not Mr. Thompson and Mr. Cameron and get it over with?

Mr. Speaker: Is that agreed?

Council : Agreed

Mr. Speaker: That's at 10.30. Shall we have an hour for that discussion, is that sufficient?

Mr. Boyd: Plenty

Mr. Taylor: It's pretty hard to say, it might be half an hour, it might be two hours, it might be a whole day. I would suggest that we start off from there and generally continue with bills, sessional papers, memoranda and motions

Mr. Speaker: Would you like to see the fisheries man in the afternoon?

Mr. Taylor: I wouldn't try and set a time for it because it's generally proven in Committee that you don't know how long an item is going to take and by appointing specific times during the day for these people you get all mixed up and I would suggest that we play it by ear.

Mr. Speaker: Is that your pleasure gentlemen?

Council: Agreed.

Mr. Speaker: Then tomorrow we have bills, sessional papers, memoranda and motions. Mr. Thompson and the Commissioner and from then on we play it by ear. Is that agreed?

Council : Agreed

Mr. Mackinnon: I move that we call it five o'clock.

Mr. Speaker: It has been moved that we call it five o'clock. Are you agreed with the motion?

Council : Agreed

Mr. Speaker : Are there any contraries. The motion is carried. This Council stands adjourned until tomorrow morning at 10.00 o'clock.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call the Council to order. The first item of business is correspondence. Will you please read the correspondence, Mr. Clerk?

Mr. Clerk: There is no correspondence this morning, Mr. Speaker.

Mr. Speaker: Have we any Reports of Committees? We have no bills to introduce at this time. Have we any Notices of Motion and Resolution? If not, we will proceed to Notices of Motion for the Production of Papers. Have we any Notices of Motion for the Production of Papers? We have no Motions for the Production of Papers. Under Motions, to which we will now refer, we have Mr. Taylor, Confederation. Mr. Taylor.

Mr. Taylor: Mr. Speaker, this is Motion No. 32, moved by myself, seconded by Councillor Boyd, respecting Participation of the Yukon Territory in Confederation. It reads as follows:

WHEREAS the need for autonomy for the Yukon Territory has become both apparent and necessary to the future administrative, political and financial development of said territory; and WHEREAS section 146 of the British North America Act (1867) has provided the vehicle by which the Federal Parliament may round out the general framework of confederation by the addition of the Yukon Territory to Confederation; and WHEREAS it is recognized that a reasonable period of transition, and a planned, phased programme is required in order to achieve this end; and WHEREAS it is further recognized that fiscal proposals will have to be amended prior to 1967, in order to implement this approach towards Confederation; THEREFORE BE IT RESOLVED THAT it is the opinion of the Legislative Council of the Yukon Territory, that immediate steps be taken to set forth and implement a ten to twenty year programme beginning on April 1st, 1967, which will allow the gradual takeover by the Yukon Territory of all matters, legislative, administrative, political and financial, which may be necessary and conducive to the operation of the said Yukon Territory in a fully autonomous manner similar to that enjoyed and practised by the member provinces of the Confederation of Canada. May I proceed, Mr. Speaker.

MOTION  
NO. 32

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: Mr. Speaker, as you, and I am sure all members, can see, this is possibly one of the most important Motions that we have had to consider for some time. The prompting of this Motion has been occasioned by the underlying desire expressed from time to time in many respects by individual Members of Council for a certain degree of more autonomy in the Territory. I would say that to date, in the four years of course that I have been in the Legislative Council, that quite often, and in most cases, our reaching...and our attempt to reach for more autonomy...has been frustrated - frustrated to no end by the Federal Authority. I think that we will all agree that we are slipping behind, that times are passing the Yukon by, that we are not necessarily in the Dark Ages, but we haven't quite fully emerged out of the Dark Ages. It is recognized I think by all that in order to stand on our own two feet in the Territory, we are going to have to build population. We have a very small population

DISCUSSION  
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DISCUSSION  
MOTION #32

Mr. Taylor continues:

now, however I understand that when some of the Provinces of Canada joined the Union and Confederation that they also had small populations and, in some cases, much smaller than our present population today. It seems to me that if we are going to encourage the populations that are required to build tax fields, economic basis and this type of thing, we are going to have to create some incentive - incentives for these people to come to the Yukon, settle here, develop here and join with us in the development of our Territory. I think that the most important aspect of our development, the backbone of our economy, is going to be the development of our resources be it what they will - be it mining, be it timber or forest products, be it water use, hydro and so forth, and it is agreed I am sure that if the Federal Government be cognizant of this Motion and implement such a program on our behalf, that deficit financing will result. I know, from reading the British North America Act, that when the provinces, the various provinces of Canada, joined Confederation, deficit financing resulted and provision is made in the British North America Act I might say to provide for this. I might say that the only study that I know of to date that has been made was made by a former Administrative Assistant to our Commissioner of the day who was Mr. Fred Collins. His name was Mr. Fingland and he recognized as late as, I believe it is 1963 or 1962, and I quote "that there is now a deliberate attempt to round out the framework of Confederation, and while it is essential that this be done with due regard for political and economic reality, the ultimate goals for Responsible Government and Provincial status are relatively well defined". He goes on to set out the situation as it exists and underlying his comments throughout this document, he points out that the Territory are attempting to reach for autonomy. It has been stated, I believe in the Commissioner's opening address, that possibly a study should be made, possibly somewhat similar to that that the Carruthers Commission is undertaking in the Northwest Territories. I can't agree that a study is the case here. Usually a study, as I have found it, is a way that the Administration or the Federal Authority generally have of politely saying "No, we don't like your idea, but we will make a study" and that is generally about as far as it goes for many many years, and I feel that it is vastly important that we embark upon this scheme immediately, that is in the year 1967 which is a year away. The need for immediate action, Mr. Speaker and Members of Council, I say is now. This I think can best be achieved by considering the project of starting the Yukon Territory towards Confederation as Canada's most outstanding Centennial contribution and project. I can think, across Canada, of no project that would have the magnitude and import that such a proposal as is exhibited here today would have for Canada and for Confederation and more particularly for the people of the Yukon Territory who would, by virtue of such action, be able to participate with fellow Canadians and have a candle on that Confederation cake when they next bake one in Canada. As I say, this is going to require a phase takeover. I think possibly they could start by giving us administration of our lands, and from our lands move into other resource fields, possibly timber resources, and eventually grading through this program to I think what is generally considered to be the last resource historically that Ottawa has ever produced which is Mines and Oils. The one question that has arisen in discussions on the street so to speak in speaking of this is "What about the State of Alaska? They went on their

Mr. Taylor continues:

own. They gained their independence and look what happened to them." I have discussed this problem with some people in Alaska, and I must agree that they have had very difficult times but I must assure all Members today, Mr. Speaker, that the situation is not as grim as what many people made it out to be. We are dealing with two vastly conflicting economies, political organizations, and consequently it is hard to relate one against the other so I really don't think that this is something which will produce an adverse effect to the people of the Territory. We have provision in the BNA Act for the takeover of resources. I was going to quote some of them this morning, however I will not to keep my remarks to a minimum at this time; and I hope, Mr. Speaker, that all Councillors will lend their wholehearted support behind this Motion and its provisions. Thank you, Mr. Speaker.

DISCUSSION  
MOTION 32

Mr. Boyd: Mr. Speaker, I seconded this Motion because I thought if it doesn't accomplish what we are looking for, it certainly should give some people room for thought. Now, we are moving forward in this Yukon - there is no doubt about it, but we are moving too slow. Ottawa hands out schools and this and that which is fine, but they hand out nothing more in a sense of control. If it remains in its present status, we will be behind the 8-ball. How much longer can we go on not making up our own mind and not being able to say "Yes" and say "No", dealing with people who have no knowledge of what this Yukon is in a sense? I understand there was a phone call yesterday or so from a Company in the East wanting to come up here and do some mining and prospecting and staking, and they wanted to know if there was a Hudson's Bay Trading Post close by where they could get outfitted. Now, be in large, this is what the East knows about the Yukon and this includes our Members of Parliament..so what can we expect from those people? Nothing. We have to take the lead and put the ideas on insofar as getting somewhere is concerned. We have the ability to manage. Certainly we feel, I do, I am sure other Councillors will agree in most cases, we can manage equally as well as somebody three or four thousand miles away. Alaska, as Mr. Taylor mentioned, is not a comparison at all. We had no Eskimos with which to care for. We have very few Indians and so it doesn't even compare. Now, you are going to say "we haven't got the money". What is the difference whether we have it or not? It's being spent here. Management is what we want and we maintain we can manage...very well, sitting here on our own doorstep - better than those who are three thousand miles away and have an indifferent attitude, don't want to get out of the driver's seat, like to keep us in the back seat. This is my reasoning insofar as this Motion is concerned and why I seconded the Motion.

Mr. Speaker: Any further discussion on Motion No. 32?

Mr. MacKinnon: Mr. Speaker, I would move that this Motion be deferred to Committee for further study.

Mr. Taylor: Well Mr. Speaker, not having heard a seconder, I feel the matters contained...and I hope that this will not, this particular occasion, my rising at this time... necessarily close any further comments that other Members may wish to make but the matters contained in this Motion are of such importance that I feel that this matter should be discussed in Council, in the Senior Body, and action taken on it in Council.

Mr. Speaker: Will there be any further comments on Motion No. 32?

MOTION #32  
CARRIED

MOTION CARRIED

Mr. Speaker: The next item of business are Questions. Have we any Questions this morning?

Mr. Taylor: Mr. Speaker, I have one question to direct to Mr. Clerk. I wonder if he could possibly table for us, prior to this morning's discussion in Education, a copy of the Education Ordinance....School Ordinance?

Mr. Speaker: Would you be able to handle that Mr. Clerk?

Mr. Clerk: A copy?

Mr. Speaker: A copy - a copy for each Member I would presume.

Mr. Taylor: No, Mr. Speaker. Just one copy for Committee would be sufficient.

Mr. Speaker: Will you attend to this Mr. Clerk? Are there any further questions? If there are no questions, we will proceed to Public Bills. We have the Amendments to Bill No. 5 for first and second reading and Bill No. 5 for third reading. What is your pleasure?

FIRST READING OF AMENDMENT TO BILL #5 - Moved by Councillor Taylor and seconded by Councillor Boyd that first reading be given to the Amendment to Bill No. 5, an Ordinance to Amend the Motor Vehicle Ordinance.

MOTION CARRIED

SECOND READING OF AMENDMENT TO BILL #5 - Moved by Councillor Boyd and seconded by Councillor Southam that second reading be given to the Amendment to Bill No. 5, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that third reading be given to Bill No. 5, An Ordinance to Amend the Motor Vehicle Ordinance.

MOTION CARRIED

MOTION CARRIED

The Motion was carried with Mr. Taylor contrary.

Mr. Speaker: Do you wish to accept the title at this time.

Moved by Councillor Boyd and seconded by Councillor Southam that the title to Bill No. 5 "An Ordinance to Amend the Motor Vehicles Ordinance" be accepted as written.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Bill No. 5, An Ordinance to Amend the Motor Vehicles Ordinance, has passed this House. What is your pleasure now, Gentlemen?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in the Committee of the Whole.

Mr. Southam: I will now call a short recess while we get organized.

After the recess, Mr. H. Thompson, Superintendent of Schools, and the Commissioner are present.

Mr. Southam: I will now call the Committee to order. We will study this Brief that Mr. Boyd has got from the Selkirk Street Advisory Committee. To start of, I will read it - that's if you are agreeable - and then we can discuss it.

RE SELKIRK STREET ADVISORY COMMITTEE BRIEF

Mr. Boyd: Does Council feel they want this read?

Mr. Clerk: Mr. Chairman, this wasn't supposed to be handled as a Brief to Council.....

Mr. Speaker: It hasn't been tabled - it's just for information.

Mr. Boyd: I have a couple of questions I would like to deal with but this one here I think is something that Council should think about....wherein an Advisory Committee state "we bring the problem to you under the authority given to us by the School Ordinance which reads in part 'An Advisory Committee's function shall be to make to the Councillors recommendations for the extension of educational facilities'. Now, Sir, we recommend to the Councillors...". This is something I didn't know existed and I would have thought that the proper procedure would be to go through the Department of Education with their requests and then have the Department of Education deal with us. If this is the condition that exists, which apparently is, I think it should be changed.

Mr. Taylor: Mr. Chairman, this is the reason I requested a copy of the School Ordinance this morning - to see...I couldn't recall such a thing but what it states is "that in any area served by a Territorial school, the resident adults may elect three of their number to constitute an Advisory Committee whose function shall be to make to the Superintendent and to the Territorial Council or Councillors directly concerned in the operation of that school, recommendations, etc. setting out the area of responsibility" so possibly the Advisory Committee of the Selkirk School have misinterpreted the Ordinance and probably felt it should come to the Speaker which, of course, it properly should not. I do know that in the Committee Report on Education, it is also set out that this be directed to the Superintendent and the Department of Education itself.

Mr. Thompson: Mr. Speaker, may I speak to this. The Selkirk Street School Advisory Committee, I believe, as they mentioned in their submission to Mr. Boyd, stated that they did meet with me, and if it's the same submission - I believe they sent me a copy of that - and I know that they did meet with me and they brought forth this point that they were very much opposed to having Grade 8 moved out of the Selkirk Street School into the Secondary School...in the second paragraph they mention that. Presumably this is why they have taken it....I know they had a meeting with the Executive Assistant to the Commissioner during the Commissioner's absence and following that, I believe, they drafted this Brief or submission to Mr. Boyd.

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Mr. Shaw: Mr. Chairman, in relation to this particular section that we are dealing with in the School Ordinance, I recollect the home matter in respect to that. Prior to this Ordinance being passed, the Members of Council were more or less informed that the Administration made the Rules and Regulations and so forth in relation to that and that it was not a business actually of the Council. However, when this was made up, Council was very much concerned about this. They felt that the matter of Council working with the Administration and with the people to come up with the best possible solution to the school problems was very necessary.. extremely necessary; and that is why you will see in the Report that the Committee on Education recognize that fact and made provisions accordingly. Now they also made recommendations to how the school program should operate and you can see that in that particular section. I would feel that that is a fairly sound reasoning that they had. I would agree that we have the Councillors in this particular matter to bring the matter to the attention of the representative of that particular area concerned so that, in turn, through their position as representative, they could discuss the matter with the Administration and come to some solution on what the problem might be. That is the reason that that particular section is in there. It has served the function very well because now we have it before this table to discuss the pros and cons, merits or otherwise, for recommendation. I feel myself that, in this particular matter, the proposals that have been put forth by the Administration in respect to the addition of school facilities in the area, particularly when this large school - proposed Junior High School - is very, very close and convenient to the present school.....it seems like a very sound idea. It is recommended by this Committee, has been, and it is a policy all over British Columbia to follow along these lines....find a split up according to the population of various categories of education - primary, intermediate and secondary education. Personally, it would appear to me that it is a sound recommendation and I cannot see how we can deviate from that policy under the existing circumstances.

Mr. Thompson: I would just like to ask Mr. Thompson with reference to this, I think on the submission...the figures that we have...that it shows 28 students in Grade 8 and that these would have to be moved to F. H. Collins in order to facilitate the incoming class next year. Do you have an estimated number of first year students that would be accepted into the Selkirk School for next year.

Mr. Thompson: No, we don't have that Mr. Chairman and, again, this is a very difficult thing to predict - firstly, because of the transient nature of the population here and secondly, we don't know how many of the Roman Catholic children will be going into Grade One. Now, there may not be as many next year. This is, as I pointed out yesterday, this is the one factor that has caused the crowded situation in the Grade One room. We have had a very superior teacher in that room and it is convenient to the Roman Catholic families in Riverdale to....they prefer, in many cases, to send their children to Selkirk Street School rather than have them bussed across town to the Christ the King Elementary School. Now, this teacher that I am referring to has resigned as of the end of this month because her husband has been transferred to Dawson Creek, and so this....the attitude or the actions of the Roman Catholic families may change in view of this.



Mr. Thompson: One other question, Mr. Thompson. You say that eventually a Junior Secondary School to accommodate Grades 8, 9 and 10 -- is this in fact a practice now in the Provinces or is it in practice in British Columbia, say in Vancouver or places like this or is it still Grades 1 to 7 and 8 to 12 or just how is the breakdown?

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Mr. Thompson: Well, the practice is pretty well as the Committee on Education has indicated. In any small community, firstly you have Grades 1 to 7, possibly Grade 8 as well. When the Secondary School enrollment grows, you have a situation such as we have at Dawson City or Watson Lake or Mayo or where we teach Grades 1 to 12. Then, when your Secondary population grows further, you split the schools into two - you have a school for Grades 1 to 7 and then a school for Grades 8 to 12. When the Secondary population becomes greater still, and the Committee on Education Report suggests a figure of approximately 750 or thereabouts, you should then split your second school into two and have a Junior Secondary School and a Senior Secondary School. Now I have gone through the Public Schools Report - the latest one we have for British Columbia - various Cities - all the schools are listed in here - to see what the situation attains in cities the size of Whitehorse or somewhat larger. The Selkirk Street School Advisory Committee, when they met with me, wanted to know "are there places in B.C. where junior and senior secondary grades are combined in one school". Unfortunately, at that time, I didn't have the presence of mind to refer to this Report but I was quite surprised that even in places such as Kelowna, and Vernon and Kamloops, which are somewhat larger than Whitehorse, there are several combined Junior-Senior Secondary Schools in existence in these places. There are also Senior Secondary Schools just with Grades 11 to 12 or 11 to 13. So you have both situations - depending on the students enrollment. You have Junior and Senior Secondary schools combined and you have situations where you have a Junior Secondary and a Senior Secondary.

Mr. Thompson: Well, Mr. Chairman, Mr. Thompson - won't the creation of a Junior Secondary School for Grades 8, 9 and 10 create a further duplication of services such as your Industrial courses, industrial arts and things like this. It seems to me that you are going to have a - and this is supposition now - that you will take the F.H. Collins School for your Senior Secondary. Now, you have nothing but space over there. It is inconceivable that in the next few years that it is going to be overcrowded and yet, if you build a Junior Secondary, you are going to have to put in all the facilities that are in the Senior Secondary or else you are going to have the same position where you are going to have the younger ones going over to Collins for the particular phase of education for them. Is this a correct assumption?

Mr. Thompson: Well, I think one of the problems that we are going to have to face in this situation is that the enrollment in this Senior Secondary grade is quite small in relation to the enrollment in the Junior Secondary grades, and if another school had to be built, another problem we have to face is to determine whether the Collins School should become the Junior Secondary School or the Senior Secondary School.

Mr. Commissioner: Well, Mr. Chairman, I am afraid I am a little green in this discussion because I was away while this was going on, but as I understand from the conversation here, Mr. Thompson, you wish to, you think it is a good idea to move the Grade 8's into the Secondary School.

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Mr. Thompson: This is all the Grade 8's in Whitehorse - not just the Selkirk School.

Mr. Commissioner: I am wondering if we aren't inflating our High School situation improperly. In other words, we have agreed, I believe, that the Whitehorse Secondary School will have to be the seat of higher learning for the Territory, and in the next Five Year Agreement, we show that we will, in all probability, have to build a number of small hostel units that will be looked after by a house mother and a house father and so on, and we will take children from outside the Whitehorse area and give them the higher grades of high school - if not all of their high school. This will mean our high school will require expansion in the not too distant future and we are still, I think, going to be faced with a large number of elementary school children. It would seem that now to move the Grade 8's, we are merely postponing the fatal day by putting the Grade 8's into our present high school, filling it to capacity with more junior children and still be faced with having to put the expanded facilities onto the Selkirk Street School. It would appear more logical to put another classroom or two on there and let this go as a public school and keep the high school as a secondary school in view of the fact that we are going to take the children from all over the Territory.

Mr. Thompson: Mr. Chairman, it comes down to a question of policy here. Where do the Grade 8's rightfully belong? If we look at the situation in Whitehorse, we find that we don't have a Grade 8. We have established both Porter Creek and Takhini Schools as elementary schools - we don't teach grade 8 in those schools. We bring these students down at the present time to the Whitehorse Elementary School so that the only two public elementary schools in which we teach Grade 8 are the Whitehorse Elementary and the Selkirk Street Elementary School, and as I indicated yesterday, the Committee on Education's Report emphasizes several times, and finally it emphasizes through a recommendation which was approved by the Territorial Council that Grade 8 should be considered a secondary grade and should be placed in the secondary school. This is not a practice unique to the Yukon. It is an established practice in Canada, in England and certainly it is an established practice in British Columbia. It was our intention for next year - we weren't trying to isolate the Selkirk Street situation and just move the Selkirk Street grade 8's to the Collins School - we were planning...we are studying the feasibility right now as a matter of fact of moving all the Grade 8 students - three classes from the Whitehorse Elementary and one class from the Selkirk Street School, plus the 50 or 60 Occupational Program students to Collins School because these students are also secondary students. This is classed as a secondary program. It is our feeling that, and the Committee on Education's feeling as well, that these people can be provided for much better in the secondary situation and, as I indicated yesterday, we do have specialist teachers at Collins School - in Home Economics, Industrial Education, French, and specialists in all fields because at the Grade 8 level, a secondary grade, to be able to teach the Mathematics properly, you have to be a specialist in that particular area. The situation doesn't attain today which it did a few years ago, where when you graduated from University, took your teacher's training and you went in to a Grade 8 classroom, you were teaching the same Mathematics that you learned when you were in Grade 8. This doesn't hold true any more. It's a completely different material...a completely different approach. We feel that in the way of Physical Education specialists, we do have these people in the Collins School and we have Counsellors, we have a Library with a full-time Librarian, we have optional classes in art and music which aren't available in the Selkirk School and consequently, in every way, we in the

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Mr. Thompson continues:  
Department, feel, and the Committee on Education stresses this, that these people can be provided for much better in the Collins School. One additional point which I mentioned yesterday again, if we have four Grade 8 classes in the Collins School, we can group the students for instruction so that you have your top academic students in one class, the average pupils might be in the first of the second or third classes, and you may have one group of youngsters who have quite a bit of difficulty in learning, and the teacher can teach to the students.

Mr. Thompson: Mr. Chairman, I was wondering what is the situation of the Grade Ones at Christ the King Elementary? We say that it is overcrowded in Selkirk because of an influx of the Separate School children, and, also, do we teach Grade 8 in Christ the King Elementary?

Mr. Thompson: Grade 8 is in the Christ the King High School. At Christ the King Elementary, the Grade One rooms are crowded. I gave you a figure of 35 yesterday - actually at the end of October, according to Teachers' Monthly Reports, there were 36 and 37 students in the two Grade One classes.

Mr. Taylor: Mr. Chairman, I had a question I wanted to ask with relation to the Submission that was made to the Councillor or Councillors involved here from the Selkirk Street Advisory Committee. They stated that the fact of the matter is that Grade 8 children are too young for a Senior High School, and we have conducted a survey of parents of the children now in Grades 6 and 7 at Selkirk. This survey involved personal interviews with parents. Sixty-five parents were opposed to having Grade 8 moved. I am troubled here in trying to consider why these parents would feel this way because it seems to me that if you are going to take a child and you are going to teach him a grade, it doesn't really matter whether they are in a high school classroom or a Kindergarten classroom or the old school over here or whatever it is. It seems to me that once you get them into the room, what you teach them and what facilities you provide for them is the question. I am just wondering as a point of interest why they feel that Grade 8 children are too young for Senior High School. I always thought it was what you taught in the classroom and what facilities you provide that makes the difference. Possibly Mr. Thompson could explain this. Maybe he's got an insight on this.

Mr. Thompson: I don't know why the Selkirk Street School Advisory Committee or the parents feel this way. The only reason that the Advisory Committee gives is that the students are too immature. This, of course, is an opinion. It's not substantiated - it's not substantiated by practice elsewhere. As I said, we can give the names of any number of schools in British Columbia which are in fact today teaching Grades 8 to 12 and, in some cases, even 7 to 12 in one school.

Mr. Taylor: What intrigues me, Mr. Chairman, is what convinced 65 parents to being opposed to the moving of these children. This is what I am kind of curious about because, as I say, you could teach them in a tent and it would be the same difference.

Mr. Thompson: This is the reason why I feel that this is a decision that should be discussed in Council because up to now, our policy is quite clear. The guidance is in Recommendation 82 of the Canadian Educator's Report, and it is quite clear there that, where possible, we should place Grade 8 in this secondary school. And, if there is a

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Mr. Thompson continues:  
change in policy, this will have to be determined by you people. It can't be determined by me.

Mr. Commissioner: Well, Mr. Chairman, I have heard just one or two comments from parents on it, and they feel, as is pointed out in this letter - they expanded on it a little bit - they feel that the children are being pushed ahead into growing up a little too fast and the boys become enraptured with thoughts...they start smoking a little earlier, and the girls go for the padded brassieres and the padded bustle and become pregnant at an earlier age and this sort of thing. Now, this might be all emotional, but this is the way the parents feel....the mother of the house explains it, and they feel that because it is done outside, or in the States or in B.C., why should we do it here.... it's pushing them into adulthood before their time. My question of course always is "Well, how do you draw the line?" - at Grade 8, or Grade 7, or Grade 9, but I think that it is just that they feel that probably Grade 9 is a little bit early, but they are very reluctant to drop back another grade and take the kids in Grade 8 and put them into high school and they just think that they are that much more important and get involved in adult mysteries that much quicker. Now, these are the stories - one or two that I have heard.

Mr. Taylor: Well, Mr. Chairman, I think that we've got to recognize that we are again living in a different world then, as was pointed out by Mr. Thompson, a different world than what existed when we went to school. Of course, these things were not done, but times have changed and the youth have changed. But what we are dealing with here is then not necessarily an educational problem - it is a social problem. In other words then, it is entirely apart.... it is entirely possible that we could consider changing our policy and allowing these Grade 8's in these schools.

Mr. Commissioner: Mr. Chairman, I wouldn't say that we were any better in our day. We were possibly just a little sneakier and they do it more in the open.

Mr. Southam: I wonder if I could ask Mr. Thompson a question. What would be the average age of these Grade 8 pupils?

Mr. Thompson: If they have not failed any grades, they would be 13 when they started and at the end of the term, they would probably be about 14, possibly 15....13 to 15. At this time of the year, the average student would probably be 14.

Mr. Shaw: Mr. Chairman, schools outside Whitehorse, generally speaking, those that have a high school - if they start from one to twelve and they are all mixed up, I don't see us any worse there than it is any other place. The people in Whitehorse are extremely fortunate that they have the opportunities for their children, with the schools which we have and which are not available elsewhere. The learned educators that we had to make up that report have stated how they feel. It should be divided and as Mr. Thompson has outlined, in B.C., that is the thing that they follow. Now, in definite recommendations such as they have made, this Committee on Education, I really don't feel qualified to say that they are on the wrong slant - it should be changed. Certainly, I don't feel that way. I can see where we have

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Mr. Shaw continues:

problems perhaps as outlined. I have found that the only objection is that in this paragraph on Page 2, Paragraph 3, I couldn't understand why - the Commissioner somewhat enlarged on the objections - perhaps the objections are valid to a certain extent. But then, I think parents have a duty also to discipline their children as far as they can. I would hesitate to change the policy which the Committee on Education have proposed and was accepted by Council. The children from the other primary schools in this area - there doesn't seem to be any problem there -- they bus them down to the high school. On the other hand, when people have objections for certain reasons, I think it behoves all of us to see if we can, within reason, to try and resolve some of them, and in this particular respect, would there be any possibility - I refer this question to Mr. Thompson - that these....this F.H. Collins School...was more or less divided in two. One section would be Junior High, the other would be Senior High - that they could stagger the recreation period so that the older ones went out first and the younger ones went out second in their recess - something along that line. Perhaps there wouldn't be quite as much exposure if that were done. But inevitably, I think with the situation in Whitehorse - with the growing of population - that there will need to be three distinct and separate schools when the population warrants it. But, in the meantime, is there any possibility of somewhat dividing these so one doesn't contaminate the other more or less?

Mr. Thompson: Mr. Chairman, with regard to this, I think back to my own experience in high school in this particular school I went to and taught Grades 9 to 13, but I remember when I was in Grade 9 and 10, I...well, the 13's, I rarely saw them. They live in a world of their own. They had their own ivory tower. Naturally, in the school, we aren't going to draw...or build a wall...and say this is Junior Secondary and this is Senior Secondary because teachers will be teaching at all levels, but it is certainly our intention to organize a Junior Secondary section. One suggestion that one of the Administrators has made, could be the possibility to have a Vice-Principal over the Junior Secondary School and a Vice-Principal over the Senior Secondary School. We are thinking in terms of if we do have an influx of 200 students or so...this is going to necessitate additional Counsellors, and if we do provide additional Counsellors, we will have Counsellors for the Junior Secondary students quite separate from the Counsellors for the Senior Secondary. The athletic programs, the social programs, I am sure will be divided. I mean, there will be as great an attempt made as possible to keep these Junior Secondary students quite separate from the Senior Secondary.

Mr. Southam: I will call a recess at this time, gentlemen, to change stenographers.

Tuesday, December 7, 1965  
11 o'clock a.m.

The Chairman called the Committee to order and informed the members that they would continue where they had left off, i.e., discussing Education.

Mr. Taylor: Mr. Chairman, it seems to me after listening to some of the discussion in this respect that naturally a policy will have to be established. The Department of Education specifies that the policy-making and executive body shall be the Commissioner in Council. It also states that this arrangement will lighten the existing load of the Commissioner and will place on the Legislative Council a measure of responsibility in the making of executive decisions at the Departmental policy level and so forth in respect of the School Ordinance. The gist of the whole thing is that we have to say whether or not we are going to accept this proposed policy. I think that there is a lot of merit in what the Department of Education has produced. I also wonder whether or not we are spending a great amount of the taxpayers money on it? Are we spending it for education or for building Berlin Walls to prevent our young citizens from seeing and participating in things going on in this wild and wicked world? Just what are we doing here? In one sense you are saying that we are going to bring these children up to respect christian principles and do all the good things in life, as we know good things to be, and then throw them into this so called wild and wicked world like throwing Daniel into the Lion's Den. I can't see why junior grade 8 pupils can't go<sup>to</sup> a senior high school. How they mix socially is something that only they can control. When you try to control their social trends, you are just asking for trouble! We see trouble all over the world through these prohibitions. I think that there is a lot of merit in what the Department of Education has come up with here. Now, there is another consideration, and that is the possibility that in the future five-year fiscal period we may be considering a junior college. If we do consider a junior college, I believe this is proposed to be a twelve-classroom proposition, I would suspect that this is going to take a great load off our presently existing classroom facilities. I think that this has to be considered before tacking classrooms onto any school, in the Whitehorse area. Somehow, we have got to correlate all these things together and come up with an answer. Those are my feelings. If we could consider this proposal from the Department of Education and see where we can equate this to get the best value for the taxpayer's dollar in relation to education, then I think we should pursue this. These are my thoughts on this.

Mr. Boyd: Mr. Chairman, the world is not so bad. The way I see it, we have a Committee formed, I would say, for each school with the right to recommend to this Council their proposals. Virtually, that is what it boils down to. They include Mr. Thompson's position in there but they certainly get to Council. This is the arrangement which has been made and so be it! You have to consider them, also. They have 65 or 100 parents, or some such figure, asking for something then who is going to tell them that they are wrong? I don't know that I'd want to. There is another problem worrying me as far as Mr. Thompson's proposal is concerned and that is, he went on to say how much better it would be if all the grade 8, 9 and 10 pupils were in one big school in the Yukon. How much better their education would be and so on. But I noticed he was very careful to not mention anything other than public schools. Now, is it assumed that those grade 8 pupils in other

schools will remain where they are? What stand are these people going to take? Not what stand are we going to take. They have this choice and this is something that I can't seem to get into balance, and I don't think the Department of Education can get it into balance either. There must be a declaration somewhere as to where and what schools are going to be patronised otherwise you can't figure on anything. Thus you will have empty and crowded schools as you have now. There is ample space in the area for anything right now but because of a situation, these are not being utilised and I'm not going to condemn or anything else, on this point but it is a situation which exists. But, if we are going to keep on, things are going to go from bad to worst unless we do something to find out where we stand.

Mr. Taylor: Mr. Chairman, I'd like to ask Mr. Thompson a question. In view of the proposals in the five-year fiscal agreement which we haven't dealt with as yet but we have in the Financial Advisory Committee, what are your feelings with respect to the potential college and classroom expansion and so forth, in relation to this?

Superintendent Education: Firstly with regard to the college, or university, or junior college or whatever it will eventually be, the Department has asked that funds be provided in the five-year agreement for the establishment of such a college or university or whatever. We haven't drafted an outline of what this college will teach or what grade levels will be in it. I have pointed out that elsewhere, junior colleges generally take in the first and second-year level of university work plus possibly some of the courses one would find in an institute of technology. The courses are at a somewhat higher level than one would find in a vocational school. There is also the practice, and this is becoming a declining one, as there is a relatively small number of such junior colleges, that encompass the last two years of secondary school and the first two years of university. This is all I can say with regard to the junior college. We've asked for funds and we hope, if this is approved, that we can establish such an institution. With regard to what I spoke about yesterday and this morning, on splitting, if we have grades 8 to 13 in one school and the school population grows to 750, that we should split this in two and establish another school. As yet I haven't asked for funds in the five-year agreement for this and this is one reason why I was very pleased that the Selkirk Street Advisory Committee brought this matter up as it has helped us to clarify our thinking on it and do a little more research than we have been doing. I can see that if this Council states that the policy shall be as the Committee on Education has recommended in Recommendation 82, then we shall have to do some quick research on what our requirements are going to be in the way of another school, building, in Whitehorse to provide for our senior secondary or junior secondary students.

At this time, Mr. Ken Thompson assumed the Chair.

Mr. Southam: Mr. Chairman, this grade 8 business is nothing new. We had this thing in Timmins thirty years' ago, 1930, or somewhere there, I forget the date, when my boy and girl started at high school. They weren't 13, 14, or 15: they were around 11 years old. They went to school and in the first class, of this particular high school, there were between 600 to 700 pupils. As I remember it, the first class was 181 pupils and they were graded something like Mr. Thompson has mentioned here before, "A", "B", "C" and so on. They went all

the way through in these classes. As far as their emotional status, or whatever you want to call it as the Commissioner mentioned, we had no troubles with that. As I see it, this is a thing we are going to have to face regardless of what age they go to these schools. This is a thing we have to face as parents. We are the ones who have got to do the work in this line. Teachers, do a certain amount yes, but I don't think it all starts in the school. I am very much in favour, myself, of this idea with respect to the grade 8 pupils because if you are going to bring all the children of high school age to Whitehorse for schooling, then you are going to have to provide for them. If you have them in grades 8, 9, 10 or whatever the case might be, then you are going to have better control over them. With better teaching staff, and the facilities to do the work with, by combining the grade pupils I think this is the proper thing to do. This is not, to my way of thinking, the proper time to start building on to the Selkirk Street School. I think that a school will have to be built at a later date therefore, why add three or four rooms to a school now if it is not what you want? Duplication, in my estimation, has been going on for too long in the Territory, with respect to schools. You build two or three rooms this year and slap another chunk on next year and so on and what have you got? You've not got what you wanted in the first place. So I would say that it would be better to leave this building of schools in obedience for the time being but I am still in favour of putting grade 8 pupils altogether and going on from there.

Mr. Boyd: Well, this would end it all as far as this Committee is concerned because this is what they want but they are afraid to ask us to do it. Has Council any reason why we should not say this is what we will do as soon as possible and leave it at that?

Mr. Taylor: Mr. Chairman, I think that we do have an area of conflict apparent here. I wouldn't say in Committee but most certainly among the various people concerned. As I said, I agree with the suggestion as laid forth by the Department of Education and I feel that the Commissioner, and possibly Mr. Thompson together with Mr. Boyd, the Committee representative on Education, should sit down sometime between now and the spring session, and outline a very firm policy for adoption at the spring session in relation to changing the policies which we have adopted here. This is the only answer I can come to right now. I agree with the Department of Education on this.

Mr. Shaw: Mr. Chairman, I couldn't quite understand Mr. Taylor's proposal. That we change this?

Mr. Taylor: I understand that we can do this, under this report but apparently we can't. Mr. Thompson said that if we don't accept the policy here, or rather if we do accept the policy here, we would have to start adding classrooms on the Selkirk Street School. Maybe I misinterpreted this but in any event I feel that if there is to be a detraction from this, from the policy we have laid down by adopting the report of the Committee of Education, and most of it is policy-making suggestions, then the Commissioner in Council is the only who can change that. Thus, the Commissioner, Mr. Thompson, and our representative, Mr. Boyd, could sit down and hammer out a clear-cut policy change if one is required, for submission at the spring session.



Mr. Shaw: Mr. Chairman, I don't feel personally there is any need for a policy change. In my estimation, what is required is for Administration to do everything they can to consider the proposals set forth by these people and see if we can get something practical and within our financial capabilities towards the separation of the junior and senior high schools as the population increases. In the meantime, to utilise the facilities that we do have and endeavour to do as much as possible to separate the two even though it should be in one building. Looking forward to the time when we can have a junior and senior high school which ever way it works out. For myself, I think that the Committee on Education did a very good job. It is a very sound policy and it has worked very well. If we start monkeying around with something these educators have proposed and has been accepted by Canada in general, I think that we will run into many problems at the finish. I realise that this should not be inflexible but at the same time, this is a principle which is accepted pretty well over Canada. Apparently this has been accepted with no problems from all the other schools in the area and they are bussing them to this school, to take advantage of the facilities available at this school. Now, I live in a small area, and I realise the problems of trying to teach small classes. To get teachers with the required qualifications is almost impossible because they cannot cover all the subjects. It is just too small but there is no solution to that because it must be realised that we can't be taking all the children from 400 miles and bringing them all into one school. So we had to have facilities and even though they may not be good in these faraway areas, we do the best we can with what we have. Here, the children can stay at home as it is just a matter of a few hundred yards from one school to another.

Mr. Thompson: Mr. Chairman, I feel that we have discussed this to some considerable length and in view of the remarks made this morning and yesterday with reference to this submission, I would propose that we hold this submission in abeyance as far as Council is concerned at this time. As Mr. Taylor has suggested, have the Department of Education, Administration, and the representative from Council study this more fully and so with this in mind to bring back a firm commitment in the spring. Therefore, I would move at this time, that this recommendation be held in abeyance pending the submission of this report.

Mr. Taylor seconded the Motion.

Commissioner: May I speak, Mr. Chairman? Do I understand then that this submission is held in abeyance and the Council is not prepared to say, at this time, whether grade 8 pupils should be moved into a secondary school but would give their recommendations in the spring? If my understanding is correct, is this satisfactory to Mr. Thompson as far as the time element is concerned?

Superintendent Education: Mr. Chairman, as I mentioned at one time, the Department is now studying the practicability of moving all the grade 8 classes into a secondary school. Mr. Froese and Mr. Egara, Deputy Superintendent and Principal of F.H. Collins Secondary School respectively, have had discussions on this and are looking into the feasibility. I think that this would give us time to come up with a report as to whether this is practicable, do we have the room and so on to handle this. I think also, that this would give us time to come up with firmer estimates of student population as to the

feasibility of establishing a separate senior secondary school and possibly where it could be established and so on. Speaking for the Department, I think this would be quite agreeable and is a very practical suggestion. It also enables Council, too, to be able to provide something concrete to these people, in the form of a positive approach. We are not saying "No" to their proposal. I think that they have a sound suggestion in suggesting that a senior secondary school separate from a junior secondary school be established.

Mr. Boyd: You keep talking about grade 8 pupils, are you including all the grade 8 pupils? Are you leaving any out? What are you talking about? Are we talking about everybody in grade 8, or do we have to eliminate some? This is something that is making the operation flimsy and flimsy. We certainly should declare or find out which way we are going. If we are going to have another set of grade 8 pupils somewhere then I think your talk is all out the door! We may as well go half way instead of all the way and if we are going to go all the way, so much the better. But we should know, don't you think?

Superintendent Education: I think the direction is quite clear, in my mind at least. We are talking about the public school grade 8 pupils of the Whitehorse, greater Whitehorse area. We aren't referring to the grade 8 pupils from Dawson, Gaines Junction, Mayo, Watson Lake or the separate school grade 8 pupils.

Mr. Shaw: Mr. Chairman, we have a policy outlined, accepted by Council, Administration and is practiced practically all over Canada. If we do build to this particular school at Riverdale, that means that the people in Camp Takhini, Porter Creek and where have you, will say and be perfectly justified in so saying, we want grade 8 in the other schools in the surrounding areas. This means that we will have to start quite a construction programme in the other areas of the Whitehorse area. It is inevitable. My feelings on this Motion is that we are "pussy-footing" on this particular matter. It is very clear as far as I can see. It's a case of whether we believe in trying to get the best educational facilities or not or whether we accept the advice of this \$25,000 Committee on Education Report. Or we say, you don't know what you are talking about and we change it! It is a very fundamental matter, educationally, and that is the problem we are considering: possibly considering changing. I can't see it myself.

Mr. Taylor: Mr. Chairman, I can't agree with the Honourable member from Dawson that we are "pussy-footing" in this matter. This policy was established in the year 1960 and this is the year 1965 and we are looking off to the years 1970 and so forth. We are looking to the future. The policy may be good and sound and I accept the bulk of that as being good and sound. But there comes a time when the Honourable member will have to agree, when we must alter our thinking according to the needs of this modern-day world and the changes that are affected in it. If the member calls "pussy-footing" the act of gathering of facts, figures and statistics and attempting to determine exactly what the situation is in order that we may make a realistic and intelligent approach to the problem, then certainly, we must be "pussy-footing". But this is what we are going to do and what has been proposed in the Motion and it has been agreed by the Administration and the Department that this is the thing to do. When they have these

statistics and have worked out costs and projected enrolment figures, etc., they can then come back with the figures when we can then make recommendations to either change the policy or accept it as written, whatever the case may be.

Chairman: Any further discussion, gentlemen?

Mr. Shaw: Just one comment, Mr. Chairman. I was quoting from the existing prevailing conditions in Canada right now, when I referred to this matter. As of today, not 1960 or henceforth.

Mr. Thompson: Mr. Chairman, I would like to clarify my position on this. I would like to read my Motion again just for clarification and then give it to the Chairman. As I stated, the Advisory Committee's recommendations are in direct contrast to the proposed solution to this problem, that of the Department of Education. So, by asking that this Motion be held in abeyance, I am concurring with the Department's assessment of the problem in that grade 8 students will be combined in the secondary school system when the details will be their problem. I would move, therefore, that the submission from the Advisory Committee regarding a proposed addition to the Selkirk Street School be held in abeyance pending the submission of a Committee Report: the Committee to be comprised of the Commissioner, Department of Education Superintendent and the Territorial Councillor for Whitehorse East.

Motion  
Carried

Mr. Boyd: Mr. Chairman, if this Motion is adopted, I'd like to ask Mr. Thompson, does this mean that those in grade 8 will be transferred to the F.H. Collins School now or when will they be transferred in order to meet with the Department's requirements?

Superintendent Education: Well, since the Committee of three hasn't met, I don't know what their views are going to be on the matter. All that I can speak to you now is what the Department's intention was. That was, we would place the grade 8 pupils in the F.H. Collins Secondary School next September provided it was practicable.

Chairman: Gentlemen, you have heard the Motion, are you agreed?

All: Agreed.

Motion Carried

Chairman: What is your pleasure now, gentlemen?

Mr. Boyd: Just one more question, Mr. Chairman. As a matter of curiosity, you and another chap go out to interview teachers before you actually <sup>hire</sup> them. Do you interview all the teachers hired or just some?

Superintendent Education: We do not interview all the teachers that we hire. Not because we would not like to but because this is not practicable. It may be that some of the people we interview would not be satisfactory to teach here and there are others we haven't interviewed who may have applied after we had visited the various cities across the western part of the country. These people make application for a vacancy which hasn't been filled yet and we obtain all the information we can on them including an evaluation from a

previous Superintendent. If we feel that they are satisfactory and there is a vacancy, then we make them an offer.

Mr. Boyd: This includes all separate school teachers as well?

Superintendent Education: The separate school situation is somewhat different. According to the agreement between the Commissioner and the Catholic Episcopal Corporation, the latter has the right to recommend teachers for appointment. However, during the past year and this seems to be increasingly so, we often refer applications to the Separate School Authorities. Quite a number of the teachers appointed last year on the staffs of the three separate schools were interviewed by us and referred to the Principals of those schools by the Department.

Separate School interviews

Mr. Boyd: Then they are included in the policy, overall, when it is possible they are included in the interviews?

Superintendent Education: Yes. For example, the Principal of the St. Ann's School at Watson Lake was interviewed by Mr. Barton of Regina last year. We actually referred the application to Father Stutor. We sent down several applications. He was quite interested as he didn't have anyone in mind. He hadn't been successful and so he asked us if we had anyone who would be satisfactory. We sent him three applications by people we had interviewed.

Chairman: Any further discussion, gentlemen?

Mr. Thompson: I'm just wondering what point in the proceedings will we have the opportunity of discussing again with the Commissioner and Mr. Thompson our Sessional Paper 23 concerning the proposed addition of lands at the Whitehorse Elementary School? Is this an apt time or is this to be postponed to some future date? Would 2 o'clock this afternoon be convenient?

Re Sessional Paper No. 23

Chairman: What is the wish of the Committee?

Mr. Shaw: Mr. Chairman, I feel very much as Mr. Thompson. Let's get all the facets of these Education problems. We also have the matter of Kindergartens. I think that there is a paper on that and I believe this would be a good time to study and discuss these Education things today while we are on this particular matter of Education.

Re Kindergartens

All: Agreed.

Mr. Boyd: Mr. Chairman, providing it is convenient to the Commissioner and Mr. Thompson.

Commissioner: Yes, I'll be here at 2 o'clock.

Superintendent Education: I'll be here at 2 o'clock.

At this time, Commissioner and Mr. Thompson were excused, and the Chairman called a recess for lunch.

Tuesday 7th December, 1965.  
2.0'clock p.m.

Mr. Chairman: This Committee will now come to order and will continue discussing Sessional Paper 23.

Mr. Shaw: There are a couple of questions I would like to ask Mr. Thompson on this paper, in paragraph 4 it says "Land has now become available....." You recommend the purchase but I don't see anything about the price of the lot.

Mr. H. Thompson: With regard to this matter when we realized these buildings were being cleared and the land was becoming available I discussed the matter of acquiring additional land in line with the suggestion of the Committee on Education on page 106 of the Report where they point out that the School site of the 4th Avenue building is far too small for the large number of students as we have over 700 students in that School. This constitutes over one fifth of the total student population in the Territory and the present site is just over 4 acres. My original suggestion was to purchase somewhat more land than this but when we learned what the price would be it was recommended that we should acquire sufficient land to take our school boundary over to Cook Street. This would be an additional 1.267 acres, now as to the price I understand that this is the price that the Company has set on this parcel of land. I think we offered originally \$12,000.00 and they were not agreeable to this.

Mr. Taylor: I don't know why it is or what firm control the White Pass and the Yukon people have on this Territory because it seems every time we want to extend a School somehow we always have to go to White Pass and buy some land. I believe one of the Whitehorse Members did mention the other day that there is areas on the present school site that are not being used for recreation but for parking lots and I am just wondering that the suggestion that we take these fences and move them back out to the perimeter of the School grounds we can get away from having to purchase this piece of land.

Mr. H. Thompson: The suggestion that there should be some landscaping around that building came originally from the Parent Teachers Association of that School and this was 5 or 6 years ago. They made a submission to the Territorial Government and it was at their request that we became involved in a certain amount of landscaping. This is not a large piece of property in front of the building and I think it certainly adds to the appearance and I can remember the time when the building was described as alcatraz by one of the local newspapers. So what we have been attempting to do is improve the general appearance of the place and not make it look like a cold huge institution.

Mr. Taylor: I realize as you state here that one of the newspapers is being critical the way the thing looks, this may be all well and good the building has been painted but the newspapers aren't running this Territory and just because they level off a blast it doesn't mean they are necessarily right. Are we talking in terms of

landscaping our schools that we are in effect going to pay in this case \$25,000.00 in order to have something to landscape. My thinking is this that we search to have the best in education but when you start paying \$25,000.00 of the taxpayers for buying additional grounds and not utilizing the stuff you are landscaping you are not making a very wise investment. There is going to come a time in the Territory when we do have more money available for landscaping but when we are sitting here and haven't got money to buy hospitals and do other things in the Whitehorse area I don't feel we should be so free in spending this money.

Mr. H. Thompson: If I just might go a little further with regards to this area, in front of the School is a very small area and not suitable for a ball field it could possibly have swings and slides for the small children. This area that we propose to acquire which is an 1/4 acres will not be landscape in the sense that there will be a lawn placed on it, this will be further land for soft ball and soccer fields.

Mr. Taylor: I think there certainly must be sufficient fields around Whitehorse and I don't think that every time we build a School in an Urban situation we should have to take acres of land to put up back stops. I don't see in a central and Urban district where you should do this.

Mr. H. Thompson: The only way I can speak on this point that it was the recommendation of the Committee on Education that when this land became available the Territory should acquire some of it to extend the School grounds because they felt four and a fraction acres was in-sufficient for that particular School. The School population there is over one fifth of the total population of the Territory.

Mr. Shaw: I think this \$25,000.00 is a lot of money but however the people that are selling figure its worth that then maybe it is. I would go back to the School grounds in Dawson, they felt it was too small and there was two lots that had been in private hands. I was called in at that time and I moved that Council write to to the Territorial Government and offer them these four lots at \$1.00 a lot to retain it for School Grounds. Later on some more property became available at that time and so I was in the Territorial Council at the time and I notified the Commissioner that these lots were \$200.00 a piece and I was advised that the Territory would not pay \$200.00 a piece it was too much money. It seems funny to come round to a situation such as this when we found out it is not a mere matter of a few hundred dollars but it is \$25,000.00. I have also noted there is a lot of space in the front of that building that is not being used.

Mr. K. Thompson: I think in Mr. Taylor's submission he wasn't concerned too much about the lawn and the flagpole in front of the school, it is an added attraction and has every right to be there to add to the overall enhancement of the grounds. I am concerned about the fact that on the north side or the side next to the proposed extension there is anywhere from 30 to 70 feet of existing

School ground that is being used as:

Mr. Taylor:

(a) a parking lot, (b) a roadway, and (c) for part of the existing buildings that D.P.W. have had there.

I stand corrected but it is my understanding that the present boundary of the School is a line paralleling the school that encompasses the rest of way to the roadway and over to what used to be the old Army Fire Hall. Now you want an additional 120 ft after that and I maintain that you are not utilizing the ground that is legitimately the Schools at the present time. I would say that you have about 60ft frontage on 4th Avenue and 400 odd feet back to Third Avenue that is School ground and isn't being used for School purposes;

Mr. H. Thompson: Well firstly in regard to the parking lot we have to have one somewhere, the Teachers cannot park cars on the Fourth Avenue or on Black Street.

Mr. K. Thompson: Mr. Chairman, on a point of order at \$25,000.00 for this and we are going to have a parking lot, everybody else in town parks on the Street. You have Third Avenue, Black Street, Cooke Street, Wheeler Street and I can't see it.

Mr. H. Thompson: Parking is forbidden on 4th Avenue in front of the School and in Black Street, this is because of the safety of the Students and the fact that buses pick up Students along these stretches. If this land were acquired we should certainly have to make re-arrangements we would have to put the parking lot off in one corner. This is what is done with any large School you have to provide parking area and fortunately this is an Elementary School so children don't bring cars to School. Over at the F.H. Collins School we have the additional problem of providing parking for the students as well and this is a problem that is not particular to Whitehorse by any means. At the present time this roadway Councillor Thompson speaks of is being used and has been in use for years it has been the only thoroughfare. Our property as I understand it goes over approximately to the front of the old Army Fire Hall but because of the fact that there is this roadway through we have not been able to make use of it as a playground.

Mr. K. Thompson: I wonder if we could have this clarified, I would like to know either by City Maps or Administrative Maps just where the existing line does stand. I understand that this additional 120 feet encompasses the north path of 4th Avenue, in other words there is Wheeler and Cook Street and this addition would be approximately past the alley towards Cook Street. I would like to see definitely where the existing School line is now, because at this kind of money I can't see us getting any more ground just for a parking lot complete with plug-ins I might add. I understand from Mr. Cameron that we offered \$12,000.00 and they came back and said \$25,000.00, was there any other offers or any other proposals, maybe we can get it down to \$15,000.00 or \$20,000.00. I am not about to sit here and approve an additional 120 ft as much as it may be needed when you have got half of this amount of land that is being used for a parking lot

and a roadway. You say it has always been used as a roadway, have you been collecting City taxes on it? I would like to see a map that says that the proposed extensions are in relation to the surrounding area.

Mr. Commissioner: I am quite prepared for someone to get a map but my personal feeling has been and still is that \$25,000.00 is too much money to pay for additional School space. However, it was brought to your attention as Mr. Thompson pointed out that it was in the Report that this additional land was required. \$25,000.00 called for by the White Pass I believe is slightly under the assessed value of the land, we just made an offer of \$12,000.00 they have suggested they would accept our offer of \$12,000.00 in place of some other property in another part of the Territory and I said I was unable to negotiate this operation. I would suggest that you have this information before you and leave the purchase of this land in obedience and continue to negotiate and somewhere along the line I hope we can get this for less than \$12,000.00.

Mr. H. Thompson: There is one further point here and that is with regard to the School buses picking up and dropping off children, a large number of buses use this area as a pick up and drop off.

Mr. Boyd: I would like to see us get this ground but I don't think we will get it for less than \$25,000.00. I know we have another School very close by and we don't <sup>have</sup> any playground whatsoever there and there is no parking place for the teachers either. What are you going to do about those teachers are they not entitled to the same consideration? It seems to me that this Department of Education set-up could well stand not a three man Committee but a real good Committee on Education and the economics of the things that are happening and what we are faced with to give it a thorough going over and come back with their findings. I dare say that money wise we would learn a lot and might be able to look into the future a little deeper because we are entering into spiders webs and a thousand and one things. My opinion would be to have such a Committee and leave this in obedience for the time being.

Mr. H. Thompson: Someone has gone down to Area Development to see if they can get a map Mr. Chairman. With regard to the parking matter there is 31 teachers on staff of that School and you can't compare it to a School that has 8 or 10 teachers plus seven caretakers and School Secretary.

Mr. Boyd: I whole heartedly agree there should be parking space and I presume we are going to have to pay the shot if we are going to have it. We will have to pay for it or do without it one thing or another.

Mr. Taylor: I know in large urban centres such as Toronto and Vancouver you will see Schools without any playgrounds on them at all, just a little area around the School for students to exercise but certainly no playing fields or this type of thing. If we can use this additional un-used portion of the



school grounds for playground or activity use then this is the thing to do and possibly find some other solution to car parks.

Mr. Chairman: Could we hold this in obedience until we get maps so we know where we are.

Mr. H. Thompson: I understand the Area Development Officer is looking up this map and will bring it down as soon as he can.

Mr. Shaw: I wonder if Mr. Thompson could tell us whether on Cook Street they could park all these cars without any problem and get the City to reserve that for this particular purpose.

Mr. Thompson: Up to now that whole area was covered with Department of National Defence Buildings and the only street you could go through to come down on the North side of the School was this lane that ran in front of the Fire Hall. Cook Street doesn't go through. It isn't in there as yet.

Mr. Shaw: There are no streets there, in other words, so we are using part of the School grounds as a public thoroughfare.

Mr. K. Thompson: It is also my understanding that the Street or the present area of the School doesn't only go in front of the Fire Hall it goes through the Fire Hall. In other words I am just wondering if we can backcharge the Army for leasing this property for the last 15 or 20 years or however long the Territory have had this property. The thing that I don't particularly like is submissions from any Department of the Administration who feel that it is not necessary to give you all the facts. If I hadn't done a little research on my own I wouldn't have known that the present existence of the fence that is on the far side was on Territorial ground, I would have thought that there was a foot or something but not 30 or 40 feet inside it.

Mr. Chairman: I believe we have the map now Gentlemen if you would care to take a look at it. We will have a recess at this time.

Mr. K. Thompson: I would suggest that this be left in obedience for the time that the fence is moved out and the existing land is utilized. If we got it for half of what they are asking for as it will cost us \$1,000. to move the fence and I would suggest this is the course we should take.

Mr. Taylor: I can't see where we require that land certainly not for \$25,000.00 or even for \$12,000.00 We do have an additional 50 feet on our own land that we can make use of by moving the fence out and that gives us a total of 23,000 square feet and this is quite an area.

Mr. K. Thompson: Is there a proposed extension to the Whitehorse Elementary School in the next Five Year Agreement.

Mr. H. Thompson: No there is not.

Mr. Boyd: Based on square feet this is almost equivalent to the 1.267 acres that you are asking for.

Mr. Chairman: Are you agreed on the suggestion?

Council agreed.

Mr. Chairman: We will take up the matter of Kindergarten in a Memorandum dated 21st December. This was read to Council.

Mr. Thompson: My first question would be to ask the Territorial Treasurer what is the estimated additional cost to the taxpayer of the Yukon by assuming this undertaking.

Mr. Chairman: Could we have Mr. MacKenzie on this point please Mr. Clerk.

Mr. Thompson: It states here that approximately 310 names were solicited on this petition in numbers, how great an increase is this going to make percentage wise to our School system, not only in numbers but in rooms that are going to be required. I take it that in these 67 rooms that are proposed over the next five years that some of these will be utilized for this purpose.

Mr. H. Thompson: In the Department's proposal for the 5 year agreement we have requested that funds be allotted for the operation of Territorial operated Kindergartens and we estimate that in 1967/68 there will be 491 Kindergarten students.

Mr. K. Thompson: Is this Whitehorse or the Territory.

Mr. H. Thompson: If this is approved we intend to have this operating in all areas of the Territory. In regard to your second part of the question, will this require additional rooms it may possibly in one or two Schools. In Porter Creek, Takhini and at the Whitehorse Elementary School provided that this transfer of grade 8 in occupational program student takes place to the Secondary School I think we should have sufficient classroom space to handle the Kindergarten students. You must remember that one class room can handle two groups of students because Kindergarten children attend one half day only and you take 40 to 50 students in one room. Outside of Whitehorse there will be places where I think we will be able to handle the Kindergarten program in the existing building. Maybe where the enrollment of the School is very small we can absorb the Kindergarten students into the regular primary room.

Mr. K. Thompson: I don't think Mr. Commissioner could add to much to this conversation and perhaps we could excuse him at this time.

Council agreed.

Mr. Taylor: On this Kindergarten situation we saw this coming and raised the point at the Financial

Advisory Committee Meeting and I know that there are two Kindergartens going in my area in at least one Community and these have been fostered I believe by the separate School. I am wondering if this is to apply in the separate School system, these children are all from all religious beliefs sort of thing and I am wondering what we are getting into with regard to the fiscal agreement with relation to this. We have throughout the Yukon Community Halls which are not receiving maximum use and it seems that if there are any Kindergartens to be considered in these Communities that some assistance could be given to the Community Clubs to ensure the heating and lighting of these Halls and they could be used for conducting Kindergartens without the tax payer being slapped with the need of putting in additional class room buildings in all these Schools. I agree Kindergartens should be properly under direction of the School system but from the capital side of the fence and operation maintainance I think we do have facilities that we could be utilizing without starting to add on to the Schools to provide for this.

Mr. Chairman: At this time we have Mr. MacKenzie with us so perhaps he could join us. Could you answer that question of Mr. Thompsons.

Mr. MacKenzie: If you will allow me to have a look at my papers I will see if I can find the answer for you.

Mr. Taylor: I wonder if while Mr. MacKenzie is looking up this if Mr. Thompson would care to comment on my suggestion.

Mr. H. Thompson: I think it is a very worthwhile suggestion. I think the operation of Kindergartens in large Centre such as Whitehorse is relatively clear cut, we have possibly 300 Kindergarten students here and we can afford to have classrooms of 40 or 50 students using one classroom per day and hiring full time teachers. In centres where we can't offer a Kindergarten program for a full day we are going to have to arrive at some other arrangement. Where we do have facilities in our own Schools such as activities rooms or extra rooms I think we would consider using these facilities because then the teacher would have the use of the full facilities of the School. Where there isn't such facilities available then I think it would be very wise to consider using the other Community facilities such as the Community Hall.

Mr. Taylor: I really feel that this is going to result in a saving as most Community Halls have washroom facilities and during the day they are very seldom used. We did always of course wish to encourage their use as often as possible and this is one way where we could be saving the taxpayer a dollar or two and still providing Kindergarten facilities. Possibly some assistance could be given by the Department of Education to the Club itself to help offset the costs of heating and lighting.

Mr. Shaw: It seems to be that Educators in general have been opposed to Kindergartens operated by the Government. Am I to assume now that the Educators over the country feel that it is a policy which Government should enter into to provide Kindergartens.

Mr. H. Thompson: I don't know if I could say that Educators in the past have been opposed to Governments operating Kindergartens and I don't think this has been true. Certainly it is true that there are many more Government operated Kindergartens today than there were five or ten years ago and more and more School districts are getting involved in Kindergarten programs. We are attempting to do this here, it is taking place elsewhere and it helps to prepare a youngster for the work of grade 1 and here in the Territory it is more important because we have many children who don't receive the type of training that is so essential for success in grade 1.

Mr. Shaw: It seems to be that the Local Department of Education when this Report was discussed that they felt a child was too immature at that time and it wasn't advisable to have Kindergartens.

Mr. Thompson: I don't recall that the Department of Education ever made such a statement verbally or in writing. I can't see why someone from the Department would say a child is too immature for Kindergarten, they maybe immature to start work in grade 1 but I think any child will benefit from Kindergarten. What happens in the Territory today is that those children who come from homes that can afford to send them to Kindergarten are the ones that are getting the benefit of it and often these are the children that least require it, because they come from the better type of home where they do learn to colour and print their names and perhaps even learn to read a little before they start to School. Those parents who can't afford to send their children to Kindergarten are the ones that need the Kindergarten more than these other youngsters.

Mr. Boyd: If this situation is to go ahead will it be compulsory as I assume it would be the same as a child in grade 8 or 9. I also recall reading a few days ago whereby these children that we are talking about did proceed ahead until they got up to grade 6 or 8, but at grade 8 they were not one bit better than the other pupil and the other child that started one year later was exactly even and considerably better in lots of cases. Would you have any comment on that point? One more question I would like to ask, these lists of 300 names does this consist of 300 families or is it more than that, just how many families are represented on that list?

Mr. H. Thompson: With regard to this list of names I did not study them and make a breakdown of them they were merely submitted to me presumably to pass on to Council and I think the reason they were submitted was that last year the Yukon Federation of Home and School Associations held a public meeting to discuss Government sponsored Kindergartens and this meeting was held long after the Department had submitted a proposal to the Commissioner for inclusion in the 5 year agreement. The attendance at this Meeting was very poor and one of the Councillors was in attendance and I think some of the executive Members of the Home and School Association felt that the Councillor might get the view that the public were not generally interested in this matter at all so they obtained this list of names. With regard to the question raised as to whether or not Kindergarten

training helps a child in his regular school work, he mentioned he read somewhere it does to a certain point and then when you get to grade 8 it doesn't really matter. I am sure whether he was referring to the same article as the one I read in the Time magazine where they were comparing the achievement of American School children compared to the children in Great Britain, where in England they apparently do have Kindergarten training and get a certain amount of reading. According to this report the English School child is ahead of his American counterpart up until the middle grades of 6 and 7 and then there is very little difference between the two groups of students. I don't know if you can relate that to the Territory, I think the very fact that a good many parents today are willing to pay \$10. or \$12. a month for their child to send their child to Kindergarten would indicate that they are most interested in their youngster having this training and feel it is of benefit to them when a child starts School in grade 1. I feel and I know the Director of Elementary Instruction who is even more concerned about this matter feels most strongly that many of our so called culturedly deprived children would be able to benefit a great deal from this Kindergarten training. I think it is a key to success in School that a child should meet with success when he opens the book if he finds he just doesn't understand it he loses interest there and it is difficult to get him interested after that.

Mr. Boyd: One more question is it going to be compulsory?

Mr. Thompson: Let's look at the present School Ordinance as it relates to compulsory School education it states in effect that a child must attend school between the ages of 7 and 16 but it doesn't say a child must attend School when he is 6. In other words this is left up to the parent but you will find that in over 99.9 of the cases that children of 6 years of age and under are starting School. I haven't done any research into this to find out what the practice is in places where there are Government sponsored Kindergartens and whether attendance is compulsory. I should think that this is left up to the discretion of the parent.

Mr. Shaw: What would be the drop outs which we will say in relation to those that start and those that drop out of School at grade 9.

Mr. Thompson: I don't know the approximate drop out I am sorry.

Mr. Shaw: Would it be close to 50%.

Mr. H. Thompson: No I don't think it would be that high.

Mr. Shaw: It seems that in most of the Schools in the Territory you find that there may be 25 in grade 1 and then there are 6 in grade 12, so there must be some drop outs along the line.

Mr. Chairman: In view of the time Gentlemen I call a recess for tea.

Tuesday, 7th December 1965, 3.30 p.m.

Mr. Chairman: I will now call the Committee to order and I wonder if we could at this time have Mr. MacKenzie's answer to Mr. Thompson's question on the financial aspect of the kindergarten schools.

Continued Discussion re Kindergartens

Mr. MacKenzie: Yes, the figure that has been put in the estimates for 1967/72 for kindergartens are as follows:

1967-68 . . . . .	\$111,270.00
1968-69 . . . . .	\$120,348.00
1969-70 . . . . .	\$129,926.00
1970-71 . . . . .	\$138,504.00
1971-72 . . . . .	\$147,582.00

These figures are approximate and are based on the operating costs of a comparable school during the years 1960 to 1965. The trend in the operating costs for the comparable school have been projected in the Kindergarten.

Mr. Boyd: These are obviously just the minimum costs, nothing to do with the new construction?

Mr. MacKenzie: No, there's no capital, these are operating costs for six classrooms.

Mr. Taylor: Generally speaking I think we are looking at an expenditure of seven to eight hundred thousand dollars for operating and maintenance. What would the capital consideration be?

Mr. MacKenzie: I doubt if I have that figure here.

Mr. Taylor: It is not necessary right now. We will be discussing this at the five year agreement and we can get down to it then.

Mr. Chairman: Is there anything you want Mr. MacKenzie for outside of this, gentlemen?

Mr. Thompson: You say that these figures are based on a separate school with six rooms; in other words this would encompass any and all of the outlying districts?

Mr. MacKenzie: No, the basic school has been considered to be Selkirk School, Whitehorse. We have the Selkirk School operating costs as a satisfactory basis for a kindergarten and the trend in those expenses in the years 1960-65 has been carried on and I think it is as far as one can reasonably go in calculating the costs of a kindergarten.

Mr. Taylor: This figure only provides for Whitehorse. Is this correct or does this provide for the whole territory?

Mr. MacKenzie: As I said, the figure is based on the operating costs of Selkirk Street School alone. That school is in Whitehorse.

Mr. Taylor: So we are speaking of six classrooms in one school and we are not considering any of the other areas in the territory.

Mr. MacKenzie: No, purely Selkirk Street School.

Mr. Thompson: On this basis are we pre-supposing that we are going to have to build another school comparable in size to the Selkirk Street School to take into account all of the kindergarten students in the next five-year agreement?

Mr. MacKenzie: That is what it boils down to, pre-supposing we are going to duplicate the Selkirk Street School.

Mr. Boyd: So the figures given here are applicable only to the Kindergarten children in the Whitehorse area; we would have all the rest of the areas of the Yukon to contend with over and above all this?

Mr. MacKenzie: Yes, no doubt the proposed six room kindergarten is intended purely for Whitehorse, so any outlying areas to be serviced will have to have new construction there.

Mr. Thompson: Based on the construction costs of Selkirk Street School which you would have, you say you don't have a projected cost for a comparable building in this period of 67 to 72? In other words this is merely the operating cost; we haven't taken into consideration any of the capital costs of building this establishment.

Mr. MacKenzie: No, of course that is an entirely separate matter and we will come to that when we examine the estimates for the next five years.

Mr. Sahw: That would be close to \$300,000 for that school?

Mr. MacKenzie: Appreciably greater than that. More like \$400,000 in fact.

Mr. Taylor: One thing seems to be quite clear: we are speaking of operation and maintenance of six classrooms and children, involving I presume, six teachers in the Selkirk Street School grading from \$111,000 to \$147,000 over the next fiscal period, and yet we are going to have about twelve other communities all with kindergartens and all wanting teachers. If this is what it's going to cost us for six, what is it going to cost us for twelve more? Triple the amount of money? In other words instead of spending \$110,000 in the first year we are really going to spend \$330,000.

Mr. MacKenzie: If it is intended to take into account outlying areas yes, the figures I have given to you certainly don't include those. They would have to be increased for what you want to supply.

Mr. Boyd: How can you take this into the Department of Education as requested if we are not going to talk about the Yukon as a whole. You can't talk about just Whitehorse.

Mr. MacKenzie: The plans submitted to me were for a kindergarten in Whitehorse, so that's what I provided money for. Now if it's planned to expand that plan to cover the Yukon as a whole then that's a different kettle of fish.

Supt. Ed: May I just add some remarks on to this. Firstly, it is the intention that if the proposal for kindergartens is approved, kindergarten programs for all

areas will be implemented. I don't think you can think in terms of full-time teachers outside of Whitehorse. There may be one or two communities in which a full time kindergarten teacher will be engaged but in most of them only part time teachers will be engaged. If there is a class of 20 kindergarten children you need a teacher for a half day only, and as I mentioned before there may be some very small communities where the kindergarten age can be absorbed into the primary classroom. This is a very difficult cost to try and estimate because the situation is going to vary from settlement to settlement. In Whitehorse we do know we are going to have 300 or 350 kindergarten children. This is going to require six classrooms operating full time with a class in the morning and one in the afternoon. Now in our presentation which the Treasurer has and which was made a year or so ago, at that time I thought to implement a program in Whitehorse we would have to construct a separate building with six rooms because we would have twelve classes in operation with two classes to a room. But following our discussion of this morning and some of the proposals that have been put forward such as the one of taking the Grade 8s and the occupational program students out of the Whitehorse Elementary School and knowing that we have a spare classroom at Porter Creek and one in Takhini, I think we can cut down on the number of new classrooms that will have to be constructed in Whitehorse to operate the kindergarten program. Certainly we won't have to add to the Whitehorse Elementary School or the Takhini School or to Porter Creek. We may have to add to Christ the King school to operate the program there because they don't have any spare room.

Mr. Taylor: It seems to me that some time ago in Whitehorse I read that there was a kindergarten being operated in the civic centre. This goes back two or three years, but somewhere in the back of my mind I recall reading or hearing this. Is it possible that there are other facilities which are not normally in use during a week day that we could use to conduct classes here. I am thinking only of producing this service at a minimal charge to the taxpayer. Another thought occurs to me too, that if you were to consider taking all these kindergarten children and having them taught in particular school, you are going to have a problem in bussing, because I also recall hearing a number of complaints about the little junior children having to be bussed any place at all. What would your comments be in relation to those two?

Supt. Ed: Here again I think we are tending to get away from the idea of having a kindergarten school which would involve a great deal of bussing. As I have indicated, with rooms available at Porter Creek, Takhini and at the Whitehorse Elementary, if this proposal goes through we could definitely have a kindergarten operating in these schools. It would not be a centralized operation at all and most of the children would be able to walk to school.

Mr. Thompson: Along these same lines that Mr. Taylor has mentioned, and using Porter Creek as a criterion, we are going to end up bussing separate school children to Christ the King Elementary when we have one out there. This is an actual fact now - they are bussing children to separate schools in Whitehorse, whereas we have a school out there that is not used to capacity and the same people are either walking to Porter Creek school or paying to ride.



the bus to the Porter Creek school because they are in the area which prohibits their riding on the bus for free. So we are just going to aggravate the situation, not improve it.

Mr. Shaw: Looking at the program, whichever school it's operated in, the cost is pretty well fixed, so over the five year plan we have \$650,000 approximately estimated for operating the kindergarten in Whitehorse. Now there is no question that if they have kindergarten in Whitehorse they should also have it in the other areas and if you figure that they will be about half the cost that they would be in Whitehorse you come up with a million dollars. I believe we are considering putting additions to schools in the Whitehorse area so if we are going to put kindergarten into these classes that are already filled up we're going to have to expand the facilities, so you can figure another half a million dollars for additional schools. Total cost - a million and a half dollars. For Kindergarten. I am of the opinion that if you took this million and a half dollars and put it into higher education or something else we might derive more benefit from it.

Mr. Chairman: Gentlemen, Mr. MacKenzie wished to be excused at this time.

Mr. Thompson: I was just going to ask one question; Considering \$700,000 for operating expenses, considering a half a million for capital, what is this going to do to our taxes.

Mr. MacKenzie: I would say very little indeed. I think that this money is going to have to come out of the Federal purse and I do not think that legal taxes will be affected. I cannot of course speak for personal income tax, but local taxes will be affected very little, if any.

Mr. Thompson: And yet at the moment half of our tax money that we are providing for the territory is directly contributable to schools. This is the way mine is broken down: Sixteen mills for general purposes, sixteen mills for schools, and yet by adding more than a million dollars you do not feel that it is going to appreciably affect our taxes?

Mr. MacKenzie: No, I am quite confident that it will not. We had an example of justification of my statement that property tax for March 31st 1965 turned out individually to be higher than was reasonable and that matter has been under review for months now with the hope of arriving at a solution that will result in a refund, and that is the case. So that I don't think, in fact I am sure, that this property tax will be increased in the near future.

Mr. Chairman: May Mr. MacKenzie be excused at this time gentlemen?

Mr. Taylor: I have one question that I would like to direct to Mr. MacKenzie and that is, basing this thought on the principle that we have to crawl before we can walk, could we consider a program resulting in a great saving over these projected costs; one which would have a teacher subsidy to having teachers from the community such as we now have and encourage the use of such units as the civic centre or other such buildings that are not normally in use, instead of going to other schools and getting

new classrooms and also keeping the curriculum under the guidance of the Education Department and also providing equipment that is required to operate these classes. Could we not consider this as a means of approaching the problem to start with until we more or less get on our financial feet here in the territory?

Mr. MacKenzie: I would pass this question on to Mr. Thompson as this is his department.

Supt. Ed: It depends on what facilities you wish to offer. We had experience of using a church hall for our grade 4 a few years ago when we were very pressed for accommodation, and despite the best of co-operation on the part of the school teacher and on the part of the church authorities, it was a frustrating experience. You have to have desks for the youngsters books and so on and if the hall is used for something else in the evening, the next morning the teacher can't find her equipment and the youngsters can't find their things and there is not the order that there would be in a building that was under the complete supervision of the school. I think that there may be situations because of the very small numbers involved where we may have to go to this but as much as possible I think that if we are going to get involved in Government sponsored Kindergarten then it should be in Government owned buildings.

Mr. Boyd: Mr. MacKenzie made the remark that he didn't think it was going to cost us anything to have this million and a half dollar enterprise going. Now, this is all very fine, but let's assume we ask these people to pay. Will they be so keen for it? Let's ask them to pay something, because the day is going to come when we expect to get a little more say from Ottawa and want to run our own show. If we are going to build these great castles to live in, neither you nor I nor our great grandchildren will be able to support them. So if people want something, be it a stove or a fur coat, it's the same principle. Let us pay for something, part of it if not all. I quibbled here not too long ago about supplying a man with water and him paying nothing for it. Here we go on the same trend. We will never get Ottawa to even listen to us if this is the way we've got to think.

Mr. Thompson: I do not think I have any other questions for Mr. MacKenzie at the moment but I do have one for Mr. Thompson.

Mr. Chairman: Is it agreed that Mr. MacKenzie be excused gentlemen?

Committee : Agreed.

Mr. Thompson: It would seem to me from this memorandum that this is a very small proportion of the people who are directly affected by something of this nature and I do not feel that it is a representative sampling of all the people concerned. My first thought is that Mr. Thompson mentioned that he has approximately 300 kindergarten students for the next year. This again is an estimate and we have here a petition with 300 names. Now is this one name for each kindergarten student; is this how the Yukon Federation of Home and School Associations conducted this petition? I am just wondering what the remaining people in the Whitehorse area and the surrounding

districts are going to think about this. I don't think, with this indication of costs, that we should be considering implementint this request from 310 people. I cannot quite justify this. It was also discussed whether this was going to be compulsory. If it's not compulsory it's defeating its purpose. The other item I am concerned about - if we approve something of this sort are we setting up separate school facilities for kindergarten. If this is the case then I am unalterably opposed. I think it has been mentioned that what we are in fact doing is subsidizing baby-sitting, and this could well be. I would suggest that here again this be held in abeyance until more detailed information could be received on it because we're not talking about peanuts, we are talking about a large expenditure of money and personally at this time I could not agree.

Mr. Shaw: I wonder if these people who want kindergartens so badly have at any time offered to participate in the cost of this program. Do they only want this when the Government will pay the whole cost, or are they prepared to pay part of the cost for this particular form of education?

Supt. Ed: Well firstly, with regard to Councillor Shaw's question, I would presume that many of the people who have their names on that list are people who have paid to send their children to privately operated kindergartens. They are now, or have in the past and I imagine will continue to do so in the future if there are no Government operated kindergartens, send their children to privately operated ones and pay the ten or twelve dollars or whatever the monthly charge is for the kindergarten the youngster goes to. Secondly, with reference to what Councillor Thompson mentioned, this was presented to you but there was a specific presentation in the five year agreement. I presume that this will be given to you if it hasn't been already. I am sure that the members of the financial advisory committee have received it. There is a page here listing the reasons for kindergartens. I noticed the Superintendent of the Yukon Indian Affairs, Mr. Fry, come into the Gallery and this reminded me that the Indian Affairs branch is supporting the operation of kindergartens and I understand at the present time where these kindergartens are operated by a private organization is supporting these kindergartens financially and I think I would be quite right in stating that if the territory were to become involved in this operation that we could expect support from the Department of Citizenship and Immigration - Indian Affairs Branch, both towards capital costs if such were involved and in operating costs in respect of Indian children attending kindergartens.

Mr. Shaw: The only difference that exists now is that these 300 people do apparently send their children to kindergarten and pay for it and now they want the Government to pay for it.

Mr. Thompson: I will hazard a guess that it will be a different 300 people who sign the next petition because by the time that this gets into operation this is the next five year agreement which won't come into effect until 1967 and in the meantime anybody that's signed a petition for a kindergarten their kids will be out of kindergarten and into school so this is not going to have any bearing on them at all. You say that the Indian Department is in favour of it. This is probably so that

the kids will be out of the family's way and the parents can go about and do what they want in their own time. If the Indian Department want to sponsor a kindergarten this is their business but I cannot see the territory getting mixed up in it this time.

Mr. Taylor: I think that we will be discussing this further when we come to this point in the five year fiscal agreement. I think we have got something to think about. I would suggest that we just withhold the matter until we come back to it in the five year agreement and after we have given it some thought and no doubt some informal discussion we may be able to come up with an answer. There is one thing I would very much like to see and that is the petition mentioned in the memorandum to Council. There are 310 names on it and it states that it was sponsored by the Yukon Federation of Home and Schools Associations and was circulated throughout Whitehorse and some of the other settlements in the territory. I am wondering if it would be possible to have that petition tabled or made available for the viewing of the Committee. I would be very interested to see this petition, what it asks for, how it is worded and so on.

Mr. Clerk: I have that petition, but there are so many sheets to it and the only outlying area was Haines Junction, or at least the only place where they had any return. I gave Mr. Thompson the number of names that I could pick out.

Mr. Thompson: I would just like to make one comment. Evidently there was a petition from the Porter Creek area for a kindergarten. Now on this list are 29 names. I would draw to your attention the fact that last year there was a privately operated kindergarten in Porter Creek. This year, when the same person said she was willing to run the kindergarten and asked for any who were willing to pay their specified fee to send their children to kindergarten, she asked for a minimum of 15. At the start of the school year there were two people who had put down a deposit signifying that they were willing to pay, and by going around and ringing door bells there were ten who said that they would be interested in paying. And this comes right back to what Mr. Boyd says: they are not willing to pay. I would hazard a guess that of those 310 people there would be about a half of them who had actually sent their children to kindergarten and this makes the point very admirably, that they want the facilities but they are not prepared to pay for them. And it's a prime example there that there's 29 people on a petition and you can't get 15 to put their money where they put their signature. So as far as I'm concerned gentlemen I think we should just forget it.

Mr. Boyd: I am convinced some of the names on the petition don't have any children. They are not married. They may have children but they're not married, so do you expect them to put up fifteen bucks? They're on that petition but what are they talking about? I am like Mr. Thompson; let's defer this for further consideration, a lot more thinking and a good look at the facts in the interests of all the people of the Yukon, not just some.

Mr. Southam then handed the Chair to Mr. Thompson

Mr. Southam: We have a nursery school up at Elsa and I understood from these people that about a year ago what they wanted was a room in the school, at least at that particular time. I haven't heard anything about it since. They used to have it up at the Galumet rec. hall and now they've moved down to the Elsa rec. hall but the big trouble is to get the place cleaned up. But they do pay for their children to go to nursery school and it is a woman from the camp that does the teaching. But they did want a room at that time and they were quite agreeable to keep on paying so that they could have this.

Mr. Southam then resumed the Chair.

Supt. Ed: May I just say one more thing. I am not going to argue about this matter of kindergartens but I feel that there is one thing that we shouldn't lose sight of. Firstly we have these 310 names of people who want Kindergarten. One of the questions that I think we have to face is that educational authorities feel that kindergartens are a valuable part of the educational system and this is becoming increasingly true. The Committee on Education six years ago mentions this in its report. We mention these 310 names, many of whom can possibly well afford to pay the \$120.00 per year to send their children to kindergarten, but what we in the Department of Education are concerned about are those families who cannot afford to send their children to kindergarten, and it is often these youngsters who really could benefit from this kind of education and we feel that kindergarten should be an integral part of the educational system. It is not just a fringe benefit you can take or leave, I think it's becoming increasingly important that children should have the benefit of this education if they are going to succeed in school. Often the youngsters who don't succeed in school are the ones who don't have the benefit of a kindergarten education. So what we in the Department are concerned about are not the ones who can afford to send their children to kindergarten, but the many others who are not getting the benefit of this education.

Mr. Boyd: Children have been going to school now for a long time starting at the age of six and each and everyone of them have fared pretty well by the time they got through school. Now I think you were talking about the Indians, the natives. Now these come under the Department of Indian Affairs. They don't want anybody else to handle them either, so if these are the children you are thinking about and they're not getting what you think they should get, may be we should talk to the Department of Indian Affairs. They're very proud to handle these children and may be we should get them to get these children where you think they should be, if this is your reasoning. And it can be carried further than this too as far as others are concerned but we will have to look at some hard facts. I would like to see an analysis made of these names on the petition and I propose to have this done before I do anything drastic and I am quite prepared to know more than I know now and I would prefer to leave it as it is for the time being.

Mr. Shaw: The benefits of anything that we do must be related to the costs involved and when you get an additional cost to the territory of presumably one and a half or two million dollars over the five years, that is

a great deal of money. We are endeavouring to get more responsibility until eventually we can run things ourselves. If we go off regardless of somebody else paying the bill at this time we will eventually be faced with having to continue these costs to such an extent that it will be impossible for us to begin to operate the territory with any degree of economy at all. It will just be completely out of hand.

Mr. Boyd: May I suggest that we cease our debate on this for the time being. We are not getting anywhere, we are getting to repetition of words and probably we can think about it later.

Mr. Chairman: Is the Committee agreed?

Committee: Agreed

Mr. Chairman: Do we have any further need of Mr. Thompson at this time?

Mr. Taylor: I have one further question. I understand that of late there has been an overcrowded situation in the Teslin school and I am just wondering if this is so.

Supt. Ed: Teslin School has three rooms and it had 77 students at the end of October. I believe I gave you these figures once before, but these are divided into Grades 1 and 2, total of 30 students, 16 in grade 1 and 14 in grade 2. Grade 3, 4 and 5, total 25 students - 13 in grade 3, 3 in grade 4, 9 in grade 5. Grades 6, 7, 8 and 9 are in one room with a total of 22 students - 7 in grade 6, 4 in grade 7, 7 in grade 8 and 4 in grade 9.

Mr. Taylor: What would be the normal capacity of the classrooms?

Supt. Ed: I would say around 30 students would be capacity for these rooms. The Committee on Education mentioned that in Grades 1 to 8 if there were up to 90 students the school is entitled to three teachers. If there are over 90 then you should have four. Considering the background of these students I would say that the primary teacher has a very heavy load with a total of thirty students in grades 1 and 2. These 16 youngsters in grade 1 for example have no kindergarten background, they come from homes where they haven't seen a book or used a pencil or even had to sit still and listen for five minutes. The senior room with four grades is a heavy situation. We are planning next year to eliminate the grade 9 classroom because we do have provision to send the children into Whitehorse. There is no financial burden today for the parents when we pay \$600 a month for their room and board cost and if the cost is above \$60 a month and the parent can't afford to pay that amount, the territory has a policy whereby we pay the full amount.

Mr. Taylor: I don't necessarily agree with the principle of sending children into Whitehorse from all over the territory to gain an education but I do agree from an economical point of view where there are very few students and a teacher isn't warranted. What I was thinking is that apparently Brook's Brook have moved into Teslin and it may be that we're going to have to provide in the Spring estimates for another classroom or two.

Supt. Ed: I agree with you and this is a situation we are looking at very closely. It does appear that by next year or the following year we are going to have to add to that school, and as Councillor Taylor has pointed out one of the reasons for this is that we closed the Brook's Brook school and are now bussing the children to Teslin.

Mr. Chairman: Is it agreed that Mr. Thompson be excused at this time?

Committee: Agreed

Mr. Chairman: I will now declare a recess to decide what we will discuss.

Mr. Chairman: I will now call the Committee to order.

Mr. Boyd: I would move that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committee.

Mr. Thompson: I will second that.

Mr. Chairman: It has been moved by Mr. Boyd and seconded by Mr. Thompson that the Speaker do now resume the Chair and hear the report of the Chairman of Committee. Question on the motion.

Committee : Agreed

Mr. Chairman : Any contrary. The motion is carried.

Mr. Speaker: I will now call Council to order and hear the report of the Chairman of Committee.

Mr. Chairman: Mr. Speaker, The Committee convened at 10.30 a.m. to discuss bills, sessional papers, motions, etc. Mr. Commissioner and Mr. H. Thompson were in attendance.

Discussed the Selkirk Street School proposal. It was moved by Mr. Thompson and seconded by Mr. Taylor that the submission from the Advisory Committee regarding the proposed addition to the Selkirk Street School be held in abeyance pending the submission of a committee report comprised of the Commissioner, the Superintendent of Education and the Territorial Councillor for Whitehorse East. The motion was carried.

Committee reconvened at 2.00 pm and discussed the purchase of land at the Whitehorse Elementary School and it was suggested that this also be held in abeyance until after further consideration. Committee were agreed on this.

Kindergarten schools were discussed and this was also held in abeyance for the purpose of further investigation.

Mr. Speaker: Thank you Mr. Chairman. Are you agreed with the report of the Chairman of Committees?

Council: Agreed

Mr. Speaker; We now have the agenda for tomorrow. Are there any suggestions?

Mr. Taylor: I think that we are fast approaching the time when we can get at the five year estimates. We have

though three principal items of discussion which we could possibly conclude before this. One is the matter of the motion of Fisheries which is #23 and the other is Motion #27 respecting the fire hall at Haines Junction, and the other is Mr. Gibson on travel and publicity in relation to Bill #2. Possibly we could take those tomorrow and then continue on to the five year fiscal agreement.

Mr. Thompson: There are still some sessional papers that have not been discussed at all and I would like to see them included in the agenda.

Mr. Taylor: Our agenda always includes sessional papers but some of them that are contained here are also acquainted to matters that we will be discussing in the five year agreement. We could have another run through but we will be discussing sessional papers before we end in any event in our final review.

Mr. Speaker: We still have travel and publicity and as the superintendent of that department lives a mile or so away from here it might be an opportune time to fix a time for tomorrow when we can see this gentleman.

Mr. Southam: Would it be appropriate that we have Mr. Gibson here at 10.30? Following that the Minister of Fisheries.

Mr. Speaker: Is that agreeable gentlemen?

Council: Agreed

Mr. Boyd: Knowing that we are pushing ourselves a little bit for time, or should be, I would hope that Councillors will refrain from asking too many questions, with all respect, as far as Mr. Gibson is concerned because he'll take a long time to answer them.

Mr. Thompson: He feels right at home, Mr. Speaker, with all the other long-winded ones around here.

Mr. Speaker: Well, gentlemen, at 10.30 we have travel and publicity and what time do you suggest for the Minister of Fisheries?

Mr. Taylor: At whatever time we conclude debate with Mr. Gibson. I think we will have to play it by ear.

Mr. Speaker: Could you advise Mr. Gibson Mr. Clerk?

Mr. Clerk: I have alerted him Mr. Speaker.

Mr. Speaker: What is your pleasure gentlemen?

Mr. Thompson: I would move that you call it five o'clock.

Mr. Speaker: It has been moved that we call it five o'clock; are you agreed with the motion?

Council: Agreed.

Mr. Speaker: Are there any contraries? The motion is carried and Council now stands adjourned until tomorrow morning at ten o'clock.



Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call this Council to order. The first item on the Agenda will be the correspondence. Mr. Clerk.

Mr. Clerk: Yes, I have one piece of correspondence this morning. It will be Sessional Paper No. 49, dated December 7th, Cassiar, British Columbia. That's all this morning, Mr. Speaker.

SESSIONAL  
PAPER  
NO. 49

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee? We have no Bills to introduce. Have we any Notices of Motion and Resolution? Have we any Notices of Motion for the Production of Papers? We have no Motions for the Production of Papers on the Order Paper. The next item on the Agenda is Motions. We have no Motions except the two that are in Committee. Have we any Questions?

Mr. Thompson: Mr. Speaker, I was wondering if I could direct a question to the Clerk and ask him when it would be likely that I would receive an answer to my Question No. 17 which has been on the Order Paper for practically two weeks.

Mr. Clerk: I haven't got an answer but I can endeavour to obtain one today.

Mr. Speaker: It is a rather long time. It is a Territorial matter and would be available right in this building. Have we any further questions? I have a question to ask that I will require, it's an oral question, for the Legal Advisor. He's not here yet. We will call a short recess at this time to wait for the arrival of this person.

Mr. Speaker: I will now call this Council to order. We are still on questions. Are there any Questions at this time? Mr. Taylor, would you please take the Chair?

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, the Motion which Council was in Agreement with yesterday, sponsored by Councillor Taylor, No. 32, gave me some thoughts when I looked over the Report of it possibly and I have a Question for the Legal Advisor: if he could answer this question, Mr. Speaker. Under Section 146 of the British North America Act, is there direct authority to establish the Yukon Territory as a Province? If he could answer that for me.

RE MOTION  
NO. 32

Mr. Hughes: Mr. Speaker, well, like so many questions, I am not sure, at this stage, whether it is capable of a final answer. If I may, for convenience and indeed to clear the matter a little in my own mind, quote Section 146 so we can see what it really says:  
"146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of Parliament of Canada to admit Rupert's Land and the North western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses

RE MOTION  
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"expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."

That is Section 146 of the B.N.A. Act. Now, the thing to note is that it is on the basis of this Section that the whole of Newfoundland, the whole of Prince Edward Island, and presumably the whole of British Columbia, as they existed at the time, were established as Provinces. They were not fractions; they were not split up. Now, for some reason or other, and to me it appears without any colorful authority, Rupert's Land and the North western Territories were divided up. Frankly, this appears to be what might be described as constitutional grief. There is nothing in Section 146 that says Rupert's Land and the North western Territories, or either of them, or parts of them, may be created provinces. It is Rupert's Land and/or either of them. So, you have to take creative history to re-define geography and geography to support history. What was Rupert's Land in 1867? What was the North western Territories in 1867? Somewhere in the North western Territory there was the area that we now know as the Yukon. With respect to the many generations of extremely able constitutional lawyers, I cannot, at this moment, see the authority for taking sections of Rupert's Land or the North western Territory and adding them, as they did, to form Northern Quebec and Northern Ontario. They carved out a piece of property which today is known as the Province of Manitoba. There were two Boundary Extension Acts. The same thing happened with Saskatchewan... all, I might say, the product of hacking of pieces of Rupert's Land or the North western Territory. In simply asking for the Yukon to be established as a Province, you are perhaps in danger of subscribing to a constitutional superstition. It is Rupert's Land or the North western Territory which should be created Provinces. It would therefore become a matter on which attention should be drawn to the need to restore those lands and the resources to the originally conceived provinces. Which will it be? You will remember Section 5 of the B.N.A. Act, there was provision which enacted that there were four original Provinces - Ontario, Quebec, Nova Scotia and New Brunswick. So, you start off with four, and then by virtue of 146, you are in a position to add Newfoundland, Prince Edward Island, British Columbia and Rupert's Land and the North western Territory. Those are the true Territories, true Provinces and only those can be constituted unless something drastic has happened to one section....Section 146. Now, Parliament's right to interfere with Section 146 is limited. Now, as far as I know, this is an original thought. I haven't seen any comment on this aspect, but the Resolution of Council yesterday does throw into very sharp relief the need for a complete review - not of the Yukon's status, but of the whole constitutional pattern. I do not profess to have the time or skill to give a final answer, but I can not escape noticing that elsewhere there has been a suggestion, outside this Chamber and, therefore, not a matter which would come officially to your attention, that an expert be brought in to establish the constitutional position. It has been, of course, said many times, with vigour and justification, that Yukon has suffered too long and too many aspects have been brought in. If an expert comes in, I can only express the advice that you should insist on a man who does not come in here weighted down with constitutional superstitions. It is time for a hard look. It may be that the North western Territory should absorb Manitoba, and it may be there is

Mr. Hughes continues:

no question that Mr. Bennett takes over the Yukon or whether RE MOTION  
the Yukon takes over all Mr. Bennett's property. These are NO. 32  
all very fascinating prospects. If I may conclude, in my  
view, if my interpretation of Section 146 is correct, there  
is really no authority - no direct authority - to establish  
the Yukon Territory, as we know it, as a Province. It must  
be a much bigger, more important parcel. I suggest this,  
not as a final statement but as something which must be  
explored in an examination, and I suggest that there is no  
power in Section 146 to dismember Rupert's Land and the North  
western Territory. There was only power to establish them  
as Provinces - not to cut them to pieces - not, as I said  
before, to make them a victim of constitutional rape. I  
realize that my remarks are perhaps rather shattering, and  
there will be many who say "Oh, what nonsense" but, at this  
point of time, I am not persuaded that this opinion is non-  
sense. I remain to be persuaded - I am strictly a lawyer  
from Missouri when it comes to this.

Mr. Speaker: Thank you Mr. Legal Advisor. Does this answer  
your question, Mr. Shaw?

Mr. Shaw: Yes, Mr. Speaker. I do have a supplementary  
question if I may proceed. Would that, therefore, indicate -  
this is a question directed to the Legal Advisor, Mr. Speaker -  
that Northern Quebec, Northern Ontario, Northern Manitoba,  
the whole of Saskatchewan and Alberta, and Northern British  
Columbia, have been taken without recompense from this  
North west Territory-St. Rupert's Land under Administrative  
Decree rather than under Legislative Authority?

Mr. Hughes: Well, Mr. Speaker, I can't say that it was  
under Administrative Decree because there were a number of  
Acts passed. The question is whether those acts were ultra  
vires. They may have been - I won't call it a conspiracy...  
this is too unhealthy a term - but at least a convenient  
meeting of the minds between the Federal Authorities over  
the years and the emerging Provincial Authorities to divide  
up, but the record, as noted in a footnote by Mr. Varco  
whose commentary on Legislative Power...he notes very briefly  
that the Parliament of Canada added portions of the Northwest  
Territory to the adjoining provinces in 1912 by the Ontario  
Boundaries Extension Act, the Quebec Boundaries Extension  
Act and the Manitoba Boundaries Extension Act, and further  
additions were made to Manitoba by the Manitoba Boundaries  
Extension Act of 1930. The Yukon Territory was created out  
of the Northwest Territories in 1898 by the Yukon Act. It  
was created as an Administrative area - regarded as that -  
but if my proposition was correct, that there was no auth-  
ority for fractioning Rupert's Land and North western  
Territories, then we as the Yukon Territory, as we think  
of ourselves, really have no more right to exist than  
Manitoba has, and we would then become North western Terri-  
tories. At least this is an alternative to the present  
state of affairs which is giving satisfaction to no one  
and confusion to all.

Mr. Speaker: Does that answer your question, Mr. Shaw?  
I wonder if you would kindly take the Chair, Mr. Shaw.

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have one, Mr. Speaker, arising out of the  
reply given to your question. Somewhere back in history,  
there must have been a treaty - well there were several  
treaties I believe, the Treaty of Ghent, etc. - which es-  
tablished a boundary, an international boundary, between  
either the State of Alaska as it exists or the U.S.S.R.

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Mr. Taylor continues:  
respecting our International Boundary which lies to the West of us in the Yukon Territory, and I am wondering how this would fit into the constitutional picture as we assume it to be with respect of the Yukon's constitutional position in Confederation and whether, by the establishment of that International Boundary, just how this fits into the picture. I wonder if Mr. Legal Advisor might be able to add to that...or answer that?

Mr. Hughes: No, I am afraid that I can't offer even speculative thoughts on this aspect at this time because there's so much of our boundary was established by remote control. We are all keenly aware of the Alaska Panhandle and we are aware that this was arranged by our betters from Westminster or elsewhere. I would not venture an exploration of the Alaska Boundary because I think it is well established that... international improvements have to be conducted at the Federal level. My comments today have been directed at the interim aspects of Section 146. I will make a note of the Councillor's question and see whether I can amass any useful information but the International Boundary at the present time is a little outside my field.

Mr. Speaker: Mr. Taylor, does that answer your question?

Mr. Taylor: I just have one supplementary question, Mr. Speaker...a thought that has arisen out of the reply to the former question as raised by the Member from Dawson and that would be that, again directed to the Legal Advisor, would this matter or could this matter be reconciled - that is the matter of describing our true constitutional position, in fact the constitutional position of the Northern Provinces as outlined earlier, by having one of the major recognized University Law Faculties, as an independent body, take up this study. Would this be possible?

Mr. Hughes: Well, they could only make recommendations which would then have to be agreed to by most of the people involved. It may be that the only way to test the matter and to get a conclusive definition, would be for the Attorney General of Canada to undertake an action against the Attorney General of Manitoba and carry the matter to the Supreme Court. This is the way in which these issues are generally settled. In previous years, of course, we had the advantage of the Privy Council so that if we wanted to get away from the local arena and draw upon a less involved Court - we don't have that now - and obviously the questions that were raised this morning will involve a lot of argument. It would be nice to see a study made by a University on this point and it may be that the whole argument could be shot down in flames very speedily; but looking at it with a candid eye of a newcomer, it seems to me that there is merit in the points I have raised this morning. It would be nice to have a study - perhaps some Faculty of Law will pay attention to the need to explore this aspect.

Mr. Speaker: Have we any further questions? Well, gentlemen, if you have no further questions, that completes our Daily Routine and Orders of the Day. What is your pleasure at this time?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do not leave his Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION  
CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will now call a short recess.

Mr. Southam: I will call the Committee to order and we have Mr. Gibson, Department of Travel and Publicity, with us and we will proceed to Bill No. 2, Vote 12, Travel and Publicity, for a total of \$22,946.00. The first item is Salaries and Wages - \$5,575.00. Any discussion on this item, gentlemen? BILL NO. 2  
VOTE 12

Mr. Shaw: Mr. Chairman, this Item 52 - what exactly does that mean?

Mr. Southam: The first item is Salary and Wages in the amount of \$5,575.00.

All: Clear.

Mr. Southam: The next is Professional and Special Services, \$5,000.00. Mr. Shaw I think has a question.

Mr. Shaw: Same question as before, Mr. Chairman.

Mr. Gibson: The amount of \$5,000.00 is an allotment to provide for a special commission on Tourism to visit the various communities and areas of the Yukon to conduct hearings, to receive briefs and presentations, and to present recommendations to the Administration concerning the Terms of Reference of the Department of Travel and Publicity and recommendations for future activities of the Department.

Mr. Boyd: Mr. Chairman, what kind of a commission would this be. This seems to me that they are going to travel all around the Yukon, they are going to have hearings. Apparently it is going to involve more than one man. Are they worth...there is going to be considerable expense... hotels and so on...and a lot of time. What kind of people are they going to be for \$5,000.00? This is going to be quite a project the way Mr. Gibson explains it. Is it going to be a Commission or is it going to be some Clerk-Stenos in principle?

Mr. Gibson: It will be a commission. At the present time, the proposed Chairman has been contacted - Magistrate Trainor has been contacted to ask if he will serve as Chairman. The commission will consist of two other members - both Yukoners. The individuals have not been firmly decided at the moment because it will require visits in each of the Communities and sufficient time to provide Community organizations to make presentations; it is estimated that probably up to three weeks will be required to cover all parts of the Yukon Territory and conduct the hearings. Following that, it will then be necessary for the commission members, under the guidance of the Chairman, to prepare a report, including any necessary recommendations to the Administration.

Mr. Boyd: One more question. Are these people going to be paid for these services or do you expect to have it done for nothing?

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Mr. Gibson: I believe that the members of the commission will have to devote time away from their normal work and their normal business. I believe a per diem rate has been suggested to cover them for the loss of time from their normal employment.

Mr. Shaw: I was wondering, Mr. Chairman, why the Department itself - Mr. Gibson couldn't conduct this survey himself?

Mr. Gibson: I think, Mr. Speaker, you may be touching on one of the basic reasons for the need of the commission. The Department of Travel and Publicity is still operating under Terms of Reference set down for it in 1962 prior to its formation. Apparently some of the communities feel that the Terms of Reference are not sufficient. I can enlarge on that by saying that some of the communities feel that the Department is not doing enough for the communities. We do feel that by having an impartial commission to visit with these people that more valuable information will come out of the hearings. Over the period of the last several years, we have met with community organizations, we have heard their expressions. I will say that we do not always agree with them - though we appreciate them, and I think that the Commission will probably be in a better position to provide more valuable information to us than if I continued a round of meetings with various community organizations.

Mr. Taylor: I have one question. Has this committee to date been set up or have any funds been expended for this committee?

Mr. Gibson: No. It was proposed that, all things being equal, the commission might begin to serve its purpose early in the New Year.

Mr. Shaw: On this committee then, Mr. Chairman, would there be persons that are somewhat familiar with the Tourist Industry, or would these be people from every walk of life that had had no connections previous to this particular type of business.

Mr. Gibson: At the present time, the personnel of the commission appears to be Magistrate Trainor as Chairman. It has been suggested that one member of Council be approached to serve representing the Territorial Council. It has been suggested that one business operator who is directly involved with the field of the tourism or the travel industry should be the third member. I had suggested to the Administration that it might be wise to consider someone outside our Department who is familiar with the Tourist Industry as a whole to either serve or to be available as the consultant to the commission in the event that some subject come up for discussion with which they may not be completely familiar. As an example, let me say that I am not in a position to recommend what should be done in the field of Mining. It may be that some members of the commission may not be too familiar with what should be done in the field of Tourism, and for that reason, I would like to see someone who has a wide and varied knowledge of the Tourism Industry sit in with the commission either as a participant or as a consultant.

Mr. Boyd: Mr. Chairman, I presume Mr. Gibson is saying that this commission, as planned at the moment, doesn't know anything about Tourism, and the man he suggests to sit in with them probably should be himself. Therefore, the Commission is going to have to listen to his remarks anyway inasmuch

Mr. Boyd continues:

as he or a similar man in a similar position would have the answers. I can't for the life of me see what a man like yourself, for instance, is going to gain by holding a hearing, shall we say in Carmacks or Carcross, with all due respect to these places. You have been around quite a few years. Surely, with management, we can't they're here, they're next door to us. It isn't as though they were three thousand miles away. Surely we can add this thing up and come up with something under our own management. Can we not, Mr. Gibson? Before you answer that, I am wondering if this is - I am quite satisfied that your credentials, as you see them, are not satisfactory, and I'm not saying they are or they're not. I am not arguing this point. But is this, maybe, a means of forcing a change in your credentials rather than really what it says here?

Mr. Gibson: To reply to your first question, Councilor Boyd, there had been no intention that I personally should sit in on the commission. As a matter of fact, I don't consider myself to be this well advised. I do feel that someone who is very familiar and experienced in the field of Tourism should be available. The purpose of the commission - I probably did not make this clear - was to get the expressions of individuals, organizations, business operators and communities as to their thinking regarding the development of the tourist industry in the Yukon Territory. At times, there appears to have been conflict between my thinking and the thinking of certain individuals, communities and organizations. The purpose of the commission will be to have a round of hearings to assess all the information and all of the comments that have been presented to them, and then, if they consider it necessary to make recommendations concerning the Terms of Reference under which the Department should be operating.

Mr. Boyd: I take it on that answer that you are proposing that we will have to hire somebody of your calibre in order that you may be independent to deal with this three-man committee so to speak.

Mr. Gibson: I would very much like to see someone who is experienced in the field of tourism available for the use of the commission - someone other than myself, yes.

Mr. Boyd: My last question.... was not answered concerning your credentials. These are not satisfactory to you - I assume they are not, and you want them changed. Is this the real reason for this study. Is it going around the hoop in order to get at the core of your trouble?

Mr. Gibson: If I may clarify the use of the one term where you refer to my credentials. Are we discussing the Terms of Reference for the Department rather than my personal credentials?

Mr. Boyd: Yes.

Mr. Gibson: Very well then. I would like to have it firmly decided whether the Terms of Reference laid down for the operation of our Department are sufficient. If it is found that some changes are necessary, this I would like to know. If I find that no changes are necessary, this I would like to know. At the present time, there is a great deal of confusion and a certain amount of conflict because not everyone will accept the Terms of Reference as laid down for the operation of the Department at the present time.



BILL NO. 2  
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Mr. Boyd: So, this is the real meat of it. The commission would, in the long run, be asked to consider the Terms of Reference in making a change that would be more satisfactory to you?

Mr. Gibson: Not necessarily to me - to the administration to the people of the Territory. At the present time, we are operating under Terms of Reference laid down before our Department was formed or before I got an opportunity to discuss with the people who set down the Terms of Reference. If there is any need for change in the Terms of Reference, then they should be changed and as they are changed, then we will conduct our activities according to the revised Terms of Reference.

Mr. Shaw: This is a very interesting conversation. Mr. Gibson is absolutely correct when he states there is a tremendous amount of confusion in the Territory as to what the functions of his Department is. As we all know, any Department has certain Terms of Reference under which they act, under which they conduct their Department, and the public, at the present time, do not feel that Mr. Gibson or his Department provides certain policy towards the promotion of tourism. That, I believe, is not his fault. His duties are no doubt contained within the Terms of Reference under which he operates. Many people feel, perhaps with justification, that his duties should be to go to all these areas of the Territory and take a fairly active part in assisting them - I am not talking about physically - I mean with advice and so forth, in promotional functions and apparently that is not within his Terms of Reference. This group, I don't know whether this is the answer to it but it might appear that it would be, they will investigate it with an open mind and with certain qualifications in the field in which they are acting, and they will come back with recommendations on just what they consider, by what has come out of the various hearings, what they consider the functions of this Department should be. I think that it is...we might put it in another sense perhaps...in a small sense, this would be more or less what you might term a Royal Commission or something, to look into all the aspects of this tourist business and to try and come up with some program that will fit the requirements of both the administrative part of it and the participation of the people that are in this particular industry which, of course, encompasses most people in the Yukon because most people, or I should say a great many people, do derive a certain amount of income from this secondary industry of tourism. I do feel, myself personally, that this is something that we should investigate and get the most out of it that we possibly can, and if this is a means to do that, it is certainly a step forward.

Mr. Southam: I will now call a short recess while we change stenographers.



Wednesday, December 8, 1965  
11 o'clock a.m.

The Chairman called the Committee to order and informed the members that they would continue where they had left off, i.e., Bill No. 2 - An Ordinance for Granting to the Commissioner certain sums of money to defray the Expenses of the Public Service of the Territory - Vote No. 12, Travel and Publicity.

Mr. Shaw: I would ask Mr. Gibson if I am possibly on the right track with my remarks in general?

Mr. Gibson: Yes, I would say that in general, you summed up very nicely.

Mr. Taylor: Mr. Chairman, I am wondering if this is the right time to make a study or not and whether we are being premature here in some respects? I think that it is a recognised fact that all tourist promotion that we are doing, even to date, is not doing us a great deal of good for the simple reason we can't accommodate a tourist industry in the Territory. I understand that last year, we had to turn back bus tours and I believe that this year we have had to turn them back, because of the lack of accommodation. Even now, one of the slack months, you can go up and down the streets in Whitehorse and find "No Vacancy" signs as we are in the throes of economic development occasioned by mining. Generally, accommodation is quite full and to ask people to come to the Territory under these conditions and arrive here to find no accommodation isn't a very good thing either. Of course I realise that we have people in campers and trailers coming through and I'm not saying to kill the tourist industry by any means but I am saying that until we can find up-graded accommodation to look after what we already have coming, I think maybe we should give this considerable thought. Because quite frankly we just can't accommodate the tourist industry in the Yukon. Until we do, possibly we should let this study lie. I'd like to hear Mr. Gibson's comments on this and I'd also like to know how many bus tours we did turn back this year?

Mr. Gibson: You are touching on quite a serious problem for us, Mr. Taylor. This began when the growth rate of the tourist industry accelerated at a tremendous speed. Two years' ago, we saw the development of the shortage of accommodation in the areas where these people wished to accommodate. At this time we switched our advertising to the camping fraternity field. We have been very successful with this last year. From figures we have, 68% form the camper fraternity coming into the Yukon, and over the last couple of years, this has increased 10%. As far as the lack of accommodation is concerned we have to hope that private enterprise will rise to the occasion, and meet the demand. Since I have been here, a number of establishments have risen, e.g., the New Belvedere Hotel in Watson Lake, the Edgewater in Whitehorse here, the Stratford Motel and an addition to the motel of sixteen units is presently going on, and the Regina Hotel has plans of building a completely new hotel. This latter establishment is not for public consumption at the moment. Thus, it would appear that private enterprise is attempting to keep with the demand. As far as empty accommodation in the winter, is not uncommon in the Yukon Territory. Summer business is the peak business and winter is the low ebb. If the pressure is removed from overnight accommodation, people considering expansion or new buildings may decide not to proceed any further. The tourist industry is going to expand and private

enterprise is going to expand with it. Regarding the number of tours turned away last year, there were three separate group tours by one tour operator. In one hotel in Whitehorse last year, there were 125 toured nights booked. Meaning, in 125 nights in the summer season, they had a bus toured group in their hotel. This will be just as bad or worse next year. I don't think the answer is to back-track on anything we are doing, waiting for accommodation to catch up, because if the accommodation operators find the pressure off, they may consider that new units are not required.

Mr. Boyd: Mr. Chairman, the bone of contention here, as far as this \$5,000 figure is concerned, is the terms of reference. They seem to be unsatisfactory. According to Mr. Shaw, the public have the same feeling. So what's wrong with correcting this discrepancy: to satisfy the people as well as the management? This can be placed before the Council and dealt with. The need for going through all the motions as has been discussed can be done away with regard to this \$5,000 figure.

Mr. Shaw: I can't quite agree with Mr. Boyd's proposal. I can go back to the matter of Education, which is a much much larger entity than the Tourist and Publicity Department is. Being Government-connected, it was not possible to say what should or should not be. The result was the formation of the Committee on Education, which made out guide lines as to how we should go about the problem. I think that the same could apply to this. It seems to me if we could get the right type of people on this Commission, which is the crux of the situation, would be a small amount to pay to get us on the right track. Quite possible that they could come back and say that the Travel and Publicity Department should extend their field of operation. This group will come up with something which will put this whole business on a sensible track in the years to come. Many opposition groups in Council and interested groups with regard to surveys of economic conditions, and the potential of this and that or something else. Due to the misunderstanding prevalent right now, this could clarify a lot of it and the money spent in the future will be spent in a manner which will be to our best advantage. I conclude with these remarks, Mr. Chairman. I don't know who they will get on this Commission but the right people are very very important who will come up with something of far-reaching significance for this tourist industry.

Mr. MacKinnon: Mr. Chairman, I would like to ask, who is going to appoint this Committee? Is it going to come under the jurisdiction of the Council or Mr. Gibson here? Perhaps Mr. Gibson could enlarge on this.

Mr. Gibson: I'll have no part in suggesting who might be a part of this Commission, except that I have suggested to the Administration that I would like to see a person well-experienced in the field of tourism associated in some way with the Commission. I assume the Administration will invite prospective members to serve. I don't know who it will be or how it will be done.

Mr. MacKinnon: Mr. Chairman, with this Committee, would you go to a place like Haines Junction, listen to the comments and do as you like? Is this the idea? To ignore the wishes of the people in that business and go ahead according to this Committee which will be set up?

Mr. Gibson: I think the Commission, as they go around these

various areas, will find, conflicting, contrary opinions often working at cross-purposes. I think they will have to have as wide a representation as possible from the people in the Yukon Territory and then assess on the information obtained, and form their recommendations from there.

Mr. MacKinnon: Mr. Chairman, it's a matter then of over-ruling their thoughts. As I pointed out before, this Committee which will be set up, will come up with workable solutions agreed to by the community or not.

Mr. Gibson: I feel that it will be a matter of assessing information gathered at the various hearings, and then in their wisdom considering the majority opinion as applicable to the development of the tourist industry.

Mr. Thompson: Mr. Chairman, you intimated that the Magistrate Trainor was approached to be the head of this committee. I am wondering what his connection is to the tourist industry? Is this from the Administrative point view that he would be the person who would conceivably <sup>was</sup> end up doing the bulk of the work as far as the actual report/concerned?

Mr. Gibson: I believe the Magistrate Trainor was considered because of the experience he has had in his own particular field. Listening to presentations, assessing the value of the presentations and in drawing additional information out of people as required. The success of the Commission will only depend on the value of the information it can obtain. Thus, for this reason, the Magistrate Trainor has been considered for head of this Commission. He will be serving as Chairman of the Commission.

Mr. Thompson: Well, Mr. Chairman, as I understand it, if this proposition is approved, there will be a considerable amount of publicity given to it before this Commission goes, out to these various localities to enable Individuals, Community Clubs, Parents' Associations and the rest of it, to submit briefs of presentations to this on an organised basis. It wouldn't be a case of coming out, and sitting down to have a chat with them or something of this nature? It would have to be in writing and carried out to this extent?

Mr. Gibson: In anticipation of the work of the Commission, a draft advertisement and itinerary have already been prepared. Announcements in newspapers and radio will be made well in advance so communities and individuals can prepare any presentations they may wish to make. The presentation may not necessarily be in writing.

Mr. Thompson: One question, Mr. Chairman. If this amount of preparation has already gone into this special service, and I presume Mr. Trainor has been approached and he has agreed, I am wondering why the other members of this Commission haven't been designated as of this time? If this is the case.

Mr. Gibson: Up to this point, all the arrangements have been tentative. Preparations have been made to put it into effect as soon as Council approves or rejects it. If approved, it is the hope that immediately after the New Year all the other details will be tied down so that the Commission can conduct its hearing as soon as possible in the New Year with the hope that some of their recommendations might be put into effect before the next summer season.

Mr. MacKinnon: Well, Mr. Gibson, you say you will not have anything to do with the appointing of this Committee. I would like to know, then, who is going to appoint this Committee? Will it be the Commissioner?

Mr. Gibson: During preliminary discussions, conversations were held with the Commissioner and his Executive Assistant. I believe that they would like to appoint the members of the Commission.

Mr. Thompson: Mr. Chairman, I gather, then, that this has not been done to date?

Mr. Gibson: As of yesterday, it had not been done. The only person who has been contacted is the Magistrate Trainer, to my knowledge.

Mr. Thompson: Mr. Chairman, we mentioned a short while ago about not looking back but looking forward to promote travel and to impress on the hotel owners, lodge owners, etc., the necessity of increasing their size to accommodate this growing industry but we have instances where hotels and lodges are closing for the winter because of the lack of business which boils down to a 4 or 5 months period in the summer when these additional rooms would be required. I am inclined to concur with Messrs. Taylor and Boyd that we are being a little premature in this. I feel that the majority of the areas in the Territory who would be receiving any benefit from this type of survey are in business now. The overall picture, as Mr. Boyd has pointed out, is very clear. You have your terms of reference and if these are to be improved on, then I feel that this is the area we should be approaching. So I can't see the necessity of something like this at the present time. Here again, I may stand to be corrected or convinced but from what I have heard here at the table this morning, I can't see it. You did make one other reference: why did you mention, the fact, that the Regina Hotel was building was not for public consumption? It is pretty common knowledge that this is being done.

Mr. Gibson: We did ask the Regina Hotel if we could make public the fact that they were making additional units but they suggested to me that it would be premature.

Chairman: Any further discussions on this, gentlemen?

Mr. Gibson: May I make one additional comment, Mr. Chairman? Though we are focusing attention on the terms of reference for the Commission, I intend to prepare a brief for presentation to the Commission, myself, making certain recommendations. One recommendation bears on the subject touched by Mr. Thompson a moment ago. We find a number of establishments do wish to expand but because of the exorbitant rates of interest, in my opinion, and I hear the rate of 13% mentioned all too frequently, a person cannot face the operating costs of a full year of operation and still expand at an interest rate of 13%. I do know that a number of these establishments close during the winter months. I do know also that these people operate at a considerable loss all winter long and eat up any profit they had made during the summer months to remain open hoping to provide a service to the highway traffic. If I may use one example, I don't think that we could insist that all hotels and motels in Dawson City <sup>be open</sup> twelve months of the year. I do know that the operating costs is extreme in some areas. If a person does have the opportunity to make a certain income during the summer months and probably divert some of that in-

come into an expansion programme, I would certainly sympathise with him. I would like to recommend to the Commission that some consideration be given to having an investment fund available to these people at reasonable terms of re-payment, and interest. So if a person wished to gamble by expanding his facilities then he knows that he at least has an even gamble in trying to make this pay off. He can't do it at 13%.

Mr. Boyd: Mr. Chairman, they are not required to stay open now. As I understand it, they may, close or open at any time they like. I don't think that they or anybody else can expand under the present tax structure. I am talking about your 13%, and increased wage scales and so on. I think it has just about got to the point where nothing but Government financed money can be approached.

Mr. Shaw: Well, Mr. Chairman, this tourist business, right from the start we have floundered around with various matters but gradually we are emerging from this situation. Therefore I think that a thing like this could do a great deal of good. You have formed in Whitehorse, I think, a Yukon Tourist Association. Is this right?

Mr. Gibson: I am a little confused, Mr. Chairman. Is it a Whitehorse organisation?

Mr. Shaw: It's a Yukon organisation but they hold meetings in Whitehorse. It is comprised of members from the various parts of the Territory. They try to get together all these recommendations from the various communities to fit a programme which would fit in with the whole complex. Unless you have something which is organised, you are all running into different directions but possibly heading towards the same goal. Thus, you must have organisation if you intend getting any place. In the matter of accommodation expansion, it has been said at the table that there isn't any accommodation therefore there is no sense in bringing these people in. It's a case of which comes first, the chicken or the egg! When any private enterprise invest their money, it is an accepted thing that they must see whether it is going to be a potential business proposition before investing their money. Therefore, you must have the necessary number of people before putting in accommodation. I think that a survey to obtain the viewpoint of the people in the community is an excellent idea. We had one such survey because we wanted a change in the Liquor Laws. In fact I think that it was Mr. Boyd who wanted an investigation into this matter. I agree that it was important but can anyone say that the tourist industry is less important? I hardly think so as it is our secondary industry, in the Territory, which is why I say that something like this with the right people could be of tremendous significance and importance to the Territory. Providing, of course, they come up with the right answers. I presume the right answers will be the answers which they have gleaned from all the people in the Territory as to how it would be beneficial to promote this industry and in what way and in what manner.

Mr. Thompson: Mr. Chairman, commenting on Mr. Shaw's remarks, I think that there is no comparison at all as far as changing Liquor Laws is concerned. I would further comment that Mr. Shaw is thinking in the terms of his Klondike Visitors' Association and the publicity which would be forthcoming through this medium. We are talking about a Territorial

tourist study and not a Dawson City or Porter Creek one.

Mr. Shaw: Somewhat unkind remarks. However, Mr. Chairman, I would ask how you could disassociate the Klondike from the tourist activity in the Yukon Territory?

Mr. MacKinnon: Mr. Chairman, with regard to this Committee again, Mr. Gibson has passed his views with regard to the finance problems for tourist accommodation along the highway and impressed us with the high rate of interest. Would this Committee, travelling throughout the Yukon, be in a position to recommend to the Administration reduced tax rates to existing places presently located along the highway and things of this nature?

Mr. Gibson: I would assume that if the Commission found the need for this reduction or consideration along these lines, in the Yukon Territory, they would so recommend I am not prepared to say. I think that they will find that there will be need for assistance in deep thinking in this particular field of development. I am prepared to await their recommendations after conducting the hearings.

Mr. MacKinnon: Well, Mr. Chairman, I am just hoping that they will have more power in this respect than the Territorial Council. I know of one place in particular which went all the way out to establish a beautiful place for tourists and within a year of operating he received a bill for taxes in the \$900 region, and he is now being taxed over \$900 a year. The Government has not contributed one thing. I don't think that the Territorial Government is going along with us any way in trying to promote tourism. In this respect, there is more money out of the taxpayer again. Until we look at this from a realistic point of view, we are not going to get anywhere. My old dump at Canyon, the taxes in the last two or three years has doubled. We cannot continue to expand for every time you put on a coat of paint your taxes are upped the following year. This is what we have got to get at.

Mr. Gibson: I can sympathise with these people who are suffering from increased taxation. I have no control over this except certain recommendations I can make.

Mr. Boyd: Mr. Chairman, we seemed to have discussed this somewhat and each of us knows what we want to do with this. I suggest, therefore, that we get along and do it, and move on to the rest of this Bill.

Mr. Taylor: I agree with Mr. Boyd. As I said, I feel that we are being premature in view of the fact that we cannot accommodate the tourist industry. However, I am cognizant of the fact that it is a fact-finding Committee. If the benefits of this Committee can accrue over the next several years to the general benefit of the Territory, I go along with it. Therefore, Mr. Chairman, I will agree with this.

Mr. MacKinnon: Mr. Chairman, I am in full agreement with this if they are prepared to look into all the different aspects of the tourist industry.

At this time, Mr. Boyd assumed the Chair.

Mr. Southam: Mr. Chairman, I myself think that this is a very good idea. I know that in the Elsa area we feel that everything is Whitehorse and Whitehorse alone. In this particular

area we do try to accommodate them to the best of our ability. We take them for a trip to the mines, if possible and trips through the mills but nobody has come up there and said: "What can you do for a tourist?". We have a man who is thinking of opening up a trailer court just outside of the Elsa area. He has cleared three acres of land and is ready to put in a trailer park. What happens? You cannot get power. Why? Don't ask me. This is what I think this Commission would do. Find out and give us some of the answers. This is what we have got to have if we are going to have tourism! We have, in my estimation, just as good a tourist country as you have around Whitehorse. I don't say we have accommodation. For campers, yes. If, as you people say, you don't need a Commission to find out what the people are thinking, then I think that it's about time we took a second look of the Territory as a whole. That's all I have to say.

Mr. Boyd: I would like to remind Mr. Southam that we are already paying men who should know, who claim to know. This was the understanding when they were hired. They do know and I give them credit for it but I don't appreciate the manner in which they are going about getting what they require. It's not necessary to get it this way. They know the answers. They know them even before this Commission ever starts out! They have already discussed them all! As you can well see. They know what they want, and don't ever overlook this fact.

Mr. MacKinnon: Yes, Mr. Chairman, on this tourist promotional deal. I would like to point out the necessity for camp grounds, in the Territory, and the cost of same. In this respect, I should point out that there is no end to Territorial spending with regard to camp grounds. They put in wood, they pay men to haul the garbage and this sort of thing. I know of two camp grounds which have been set up: one is my own. To extend my grounds, I had to lease an extra parcel of land from the Territorial Government. When my camp ground is in operation, right now, I get a bill for \$15 rental for that ground which is a free tourist camp ground accommodation, where I have spent thousands of dollars.

Mr. Gibson: If I may make one comment, the entire camp ground programme is under the jurisdiction of the Yukon Forest Service which is a Federal department. They do not consult us with respect to their expansions, reserves or improvements but they have, on occasion, accepted recommendations we have made. I would suggest, therefore, if any detailed discussion on camp ground facilities is required, it might be conducted with a representative from the Forest Service.

Mr. MacKinnon: Mr. Chairman, the point I was making is concerned with the Territorial Government. When a man establishes a free camp ground with flush toilets and cook house, and then the Territorial Government, who is trying to promote the tourist industry, turn around and charge you rental along with taxes, I don't think that it is right.

Mr. Taylor: Mr. Chairman, I wonder if this could be the subject of another discussion? Could we conclude this first?

Chairman: Are we clear on this subject, gentlemen?

All: Clear.

Mr. Boyd: I record as being against it: on the principle as explained by myself formerly.

Chairman: May I proceed now, gentlemen? The next item is Travel and Living Expenses for \$500.

All: Clear.

Chairman: The next items are:-

Removal Expenses for	\$425
Films, Displays and Advertising for	\$5,000
Public Utilities for	\$180
Heating for	\$420
Insurance, Unemployment for	\$62
Grants for	\$5,600
Employee's Superannuation Fund for	\$145
Death Benefits for	\$4
Group Surgical-Medical Insurance Plan for	\$35
	<hr/>
	\$22,946.00
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Are you all clear on these, gentlemen?

All: Clear.

Mr. Shaw: Mr. Chairman, I wondered if it would not be better to have the Travel and Publicity Department in the main section of Whitehorse so that it would be available to people who would come here to obtain information for various and sundry matters? The main office of the Canadian Travel Bureau in the United States is situated right in New York on 5th Avenue, no less. They probably have the most expensive set of offices in the United States. They don't hide their light behind a bushel as you might say. They are right out there where the public can walk in and get the information they require, as far as Canada is concerned. Ours of course is the Yukon Territory, thus it appears to me that unless this is shown otherwise, this organisation should definitely be in the main section of Whitehorse.

Mr. Boyd: Could I just add one thing to this and that is Mr. Shaw's question be so arranged by Mr. Gibson to give to the Committee.

Mr. Shaw: Mr. Chairman, I asked a question and would like an answer.

Mr. Gibson: I would ask then if it naturally follows that the Department would be expected to set up an information booth in each of the communities in the Yukon Territory to serve the purposes of that community? This has been one bone of contention.

Mr. Taylor: Mr. Chairman, I don't think that is what Mr. Shaw suggested. He was more concerned with moving the department up town somewhere where it could be in a better position to serve the public.

Mr. Gibson: At one time, we were located in the Federal



Building. During the summer months, the Chamber of Commerce has an information office open full time to serve the needs of the people visiting the City of Whitehorse. The operation handicapped by the number of casual visitors coming in to ask directions which they could obtain at the end of the street. Mr. Shaw made reference to the number of Canadian Travel Bureaus situated in the United States. The purpose of these offices is to promote travel to Canada. They attract visitors to Canada. The various Provinces work energetically to attract visitors to their particular Province and so on. This is the normal and common procedure throughout Canada. We have been attempting to follow this same procedure. We found at one time that we had an Information Centre servicing the visitor to the Territory which was removed some 300 miles from any interest in the Territory. This past year, we commenced a programme of constructing information centres at each highway entrance into the Territory. Well over 80% of the visitors into the Yukon Territory still arrive via the highway. At these information centres, the visitors may obtain the information they require in respect to Dawson City, Watson Lake, Whitehorse, Mayo or any other part of the Territory and then decide which parts of the Territory they wish to visit.

Mr. Boyd: We have listened here to a gentleman who has the answers as he sees them and he is running this show but he has intimated that he is not going to be a part of the Committee. Why shouldn't he be? If he doesn't have any say, how is he going to know that certain things are being done?

Mr. MacKinnon: Mr. Chairman, I would suggest that Mr. Gibson be on the Committee and be in the capacity as has been outlined for the Magistrate Trainer.

Mr. Gibson: May I comment, Mr. Chairman? I am in the process of preparing a fairly lengthy brief to the Commission. Because there are conflicting situations in certain areas, and existing between certain individuals, and our Department, I would not be a good person on the Commission. Some people would suspect that the Commission was being influenced by my thinking internally. I prefer to be removed completely from the Commission but with the privilege of presenting my thinking to them as anyone of you gentlemen here may so do. I wouldn't like anyone in the Territory to think that the Commission was being influenced by any activity of mine either on the Committee or within the Committee.

Mr. MacKinnon: That goes pretty much for us all. There are times here at the table we'd sooner not be here but we must stand and take our position whether we want to pass an opinion or not as it is our duty.

Mr. Taylor: Mr. Chairman, the time being what it is, if there is to be any further discussion, perhaps Mr. Gibson could return this afternoon?

Mr. Gibson: Mr. Chairman, I could return this afternoon. Would you like to suggest a time?

Chairman: Do you have any further questions for Mr. Gibson, gentlemen?

All: No further questions.

At this time Mr. Gibson was excused and the Chairman called a recess for lunch.

Wednesday 8th December,  
2.0'clock p.m.

Mr. Chairman: I will now call this Committee to order.

Mr. Taylor: Mr. Chairman, I believe we are now discussing Motion number 23.

Motion  
# 23

Mr. Chairman: We will discuss motion # 23 which is Commercial Fishing and this is a Motion moved by Mr. MacKinnon.

Mr. MacKinnon: It was moved by Councillor MacKinnon and seconded by Mr. Southam re Commercial Fishing. Respectfully request that the Administration consider Commercial Fishing for White fish in the chain of Lakes at Carcross namely Lake Mears, Windyarm and Tagish Lake. I don't know how familiar most of you are with that area but I have fished in the Lakes for some few years and we do have an abundance of white fish especially in the Tagish Lake. We also have quite a demand in the winter from native people and white people for the use of these fish, but they have not the time to go and get them themselves. Therefore I would like to see commercial fishing for white fish only in those particular lakes. I remember years ago when there was commercial fishing around there who fed thousands of pounds to those fish to native children of the Tuka School and there was always food available.

Mr. Taylor: I would like to hear what Mr. Summers has to say with regard to these Lakes.

Mr. Summers: I read this one with some surprise particularly when I have been having regular correspondence with the Travel Bureau and the gist of this correspondence has been where lakes in the Yukon are adjacent to Highways or where new roads are opened up making any lake accessible to the public for sport fishing. They have asked through the Territorial Council that these lakes be reserved for sports fishing and all commercial fishing be prohibited in any lake of that particular nature. These particular stocks of white fish that the Member mentioned possibly they are there, but I would like to remind you that a gill net is not selective. If you put a net in the water you can't tell whether you are going to get white fish or whether you will get trout. In the winter time you don't return the trout to the water as there dead when you bring them out of the ice. I would like to read a letter from my Department which I received in January 1965 and this had to do with our correspondence with your Travel Association here. "Firm regular control...." They go to say that the Department fully recognizes the importance of the sport fishery to the economy of the Yukon Territory and will continue to give this consideration in management and regulations of the fishery. This can be evidence by the fact that the annual commercial quotas established in 1961 totalled 224,000 lbs. These were reduced for the current season to 187,000 lbs, this was in line with the policy of the great increase in the sport fishery and the access roads cut in, the parks put besides the various lakes and these quotas were put on after many years of research starting in 1954. If there is a surplus of white fish in Tagish Lake there possibly could be, then I could have those lakes

investigated with a view to a limited commercial fishing. The part that does get me is that I have a letter on file here from one of the commercial fishermen in the Yukon. He approached me before I went down to the Coast last week and he puts it in identically the same words, he says there are too many white fish in these particular lakes and wanted us to permit him to fish the lakes during the winter months. I am not adverse to commercial fishing its a very minor industry in the Yukon and always will be because your lakes aren't large enough and it takes you approximately 9 years to turn over a population of any species of fish in the cold waters in the Yukon. If there is a surplus then by all means harvest them, and I will ask that the matter be investigated.

Mr. MacKinnon: How will you determine if there is a surplus of fish.

Mr. Summers: Test fishing by our Biologists.

Mr. MacKinnon: I got a letter here a couple of days ago from the Fishing Game Association and with reference to the letter I would like to ask a question. Are you understaffed to the point that you are unable to supervise the netting of fish.

Mr. Summers: We are understaffed to the point that there are two men looking after 303,000 square miles of Territory.

Mr. MacKinnon: Are you aware of nets being cleared at night.

Mr. Summers: No.

Mr. MacKinnon: Is it an offence?

Mr. Summers: It depends entirely on who is operating the net.

Mr. MacKinnon: Then I suggest that you contact D. Cambley, President of the Yukon Fishing Game as he feels nets are being cleared at night.

Mr. Summers: I have a copy of that letter.

Mr. Summers: There is one more point I should bring up that there is no restriction on Indian fishery in any lake in the Yukon. They can fish without a licence, without a permit and for food purposes anywhere they want to at any time. If they want to go into Tagish Lake and set nets it is entirely up to them.

Mr. MacKinnon: Yes Mr. Chairman, this is the point most of our Indians today are working and especially in that area, it takes the commercial fishermen to supply them with the necessary fish that they require. Not every man can hold down a job and also go and set a net and fish and I think this is worth some consideration. You do not sport white fish with a hook?

Mr. Summers: Yes.

Mr. MacKinnon: Well thats new to me and new to a lot of people, I have never seen anybody sports fishing for white fish. I think that originally these lakes

belonged to the native people and because a few residents of Whitehorse want them for sports fishing today is no reason it should be denied the native people now.

Mr. Taylor: I also represent a large portion of the native people in the Yukon Territory, they also eat fish and catch fish from time to time. The fact is that the native people to my knowledge are not suffering from the lack of fish because if they want fish they go out and get them and if they don't have the time to go out and get them others do find the time and get them for everybody. I don't think this is any great problem in the Yukon Territory and I think the Fisheries Branch have exhibited good work here in the Territory it is not an easy chore to go out and administer this and as Mr. Summers has pointed out its a big area with a lot to do and during the summer months I understand the biologists do come here to investigate those matters related to the Yukon Fishery. I don't think any member should hold this Department in rebuke and I think they are doing a champion job. I do think as the motion has been suggested here its respectfully requested that the Administration consider commercial fishing, I will agree to this as long as there is a clear understand that the mover and seonder of this motion do not insist that commercial fishing be done in these lakes. They are going to look into it and if they feel it can support a commercial fishing industry they will set up the terms and conditions on which it can be fished. Based on that provision I will agree with the motion.

Mr. MacKinnon: I would like to ask Mr. Summers that seeing they are so short staffed will they have time to look into this in the near future or will it be years.

Mr. Summers: It will take a letter this afternoon to get out in tonight's mail detailing the request and this will possibly be done if not this winter as soon as the ice goes.

Mr. MacKinnon: I would like to comment that I hope it gets all consideration, I think its been of great value for food for the native people and especially the School at Carcross who used to feed tons of those fish. Today the right has been denied.

Mr. Taylor: I wonder what the Member from the District has to say on this subject.

Mr. Boyd: I appreciate the answer of Mr. Summers that he will look into it and if it is over populated then fine it will be fished. I am somewhat surprised at Councillor MacKinnon, he talks about the large poundage of fish that was caught by the School but if my memory serves me right the very people that had the licence at that time and were selling so much to these people found it better to discontinue the fishing in as much as it wasn't paying off.

Mr. Shaw: I would like to know how you catch white fish on a hook.

Mr. Summers: I have had repeated reports not only from local people but also from many tourists that they

have caught up to 7 and 9 white fish using a very small white fly on the surface, early in the morning and late in the evening.

Mr. MacKinnon: Could I ask Mr. Summers if he has ever caught one.

Mr. Summers: I have never tried.

Mr. Shaw: I have heard that Frenchmen Lake at Carmacks that the trout are very wormy and over populated. I am not saying that this is true but I would like to have Mr. Summers opinion on that.

Mr. Summers: I think you will find in the case of Frenchmen Lake and in the case of many Lakes in the Yukon the fish are wormy, but they are not wormy to the extent where there is any danger to human consumption. The White fish in many of your lakes are wormy and they have sists and that is why we have a small lab. downstairs and any white fish that are exported out of the Yukon we have to test first. Even these fish if you didn't know these sists were in them and you cooked them there are no bones in the sists they form on the flesh. The particular worms that you get in the trout I have never seen any that are inbedded in the flesh they are sometimes in the intestine and just underneath the fin in that ridge of fat but this does no harm to the fish at all.

Mr. Boyd: You coming from the Pacific side, is this the same situation parculiar to Salmon with the worm situation.

Mr. Summers: I have seen them yes, I have seen them particularly in cod, and other deep water fishes. You get them in the trout in the interior of B.C. and in many other places. They are not a worm that is passed on but strictly a fish infection.

Mr. Shaw: To provide a variety of fishing, we have for example on the Mayo Road the Jack Fish Lake but I understand this is full of pike, however I understand the pike are barely edible and they are overcrowded in the lake. Has the Department ever considered taking a lake such as that and perhaps killing off all these pike and putting in possibly rainbow trout.

Mr. Summers: I am glad this one came up as it comes in line with several other things, this program has been in progress now for the last 7 or 8 years in the Yukon. One lake out here was poisoned out and planted with rainbow trout and I think the largest one taken last year was 9lb. 13oz. There are several other lakes around here that have been treated and planted and they are all producing rainbow trout in fairly good quantity. This last year the Hanson Lakes were poisoned out two years ago, this year they were all planted with rainbow trout. Next year if the money is available Watson Lake will be poisoned out and the following year it will be planted with rainbow trout. These lakes are done after recommendation of the people in the area who bring their information to us and we pass it on to our research board, they test these lakes as to whether it would be practical to plant them with rainbow and it takes about a month to test one of these lakes to see if all the conditions

are favourable.

Mr. Shaw: That is what I was thinking about as the lakes I have fished in Prince George must have different species of rainbow trout because these averaged about 11lb. and it would appear to me that in the Dawson there are four or five lakes on the Stewart crossing road that could withstand a program. The nearest lake fishing to that area is about 150 miles which is accessible by road and I wonder if you had considered putting fish in these.

Mr. Summers: We go by the suggestions that come in from the various areas and if you would care to write and have these lakes tested then when the money and personnel are available we would certainly do it. It involves a lot of money and its a three year program, one year of poisoning, one year of waiting and one year of planting.

Mr. Shaw: I do thank Mr. Summers for the encouragement he has given.

Mr. Taylor: Mr. Chairman, possibly those recommendations from our own districts we could take up with Fisheries and I wonder if we could call a question to the motion.

Mr. Chairman: Are you ready for the question on the motion and are you agreed with the Motion.

Council agreed.

Motion  
carried.

Mr. Chairman: Could we now excuse Mr. Summers.

Mr. Taylor: Some time ago we passed a motion through council with respect to the take over of the Fisheries in the Yukon. I believe it was raised by Councillor Shaw and I was wondering if we could in brief have a discussion on this subject.

Mr. Shaw: I did not raise this particular matter because this is a matter of policy and I believe beyond the competence of Mr. Summers to give an answer.

Mr. Taylor: I respectfully submit if it is within our competence to make the suggestion its certainly within Fisheries competence to give us some information on it.

Mr. Chairman: Have you any comments to make Mr. Summers or do you not wish to do so.

Mr. Summers: I can't go beyond my authority, but if someone cares to ask a question or wants information I will certainly do this,

Mr, MacKinnon: I would like to ask how many bodies would we need to have a fully efficient fishery Department.

Mr. Summers: If I were in a position to staff the Department of Fisheries I would say there should be the Supervisor which is my position, two men working

out of Whitehorse, a man stationed at Dawson, a man at Haines Junction, Watson Lake and during the heavy fishing in the summer and when the Salmon run I would <sup>say</sup> each of those should have two helpers. These would be needed to gather all the statistics and compile the reports that are necessary.

Mr. MacKinnon: Then do you feel there is any possible chance of getting these extra 6 men that you require.

Mr. Summers: No.

Mr. Taylor: I did have some questions to ask in relation to the setting up of the Fresh water fishery in the Yukon. Apparently Members do not wish to discuss this so I will refrain from asking any questions.

Mr. Chairman: Could Mr. Summers be excused at this time Gentlemen.

Council agreed.

Mr. Chairman: We will now discuss Sessional Paper 27.

Mr. MacKinnon: Moved by Mr. MacKinnon and seconded by Mr. Southam re Fire Hall at Haines Junction. We respectfully request that Administration give close consideration to a badly needed Fire Hall at Haines Junction in the near future. I think you are all pretty well acquainted with this situation and you realize there is supposed to be a new Fire Truck coming to Haines Junction but to all indications it will not fit the Fire Hall. I believe there has been a proposal for Haines Junction to revamp this building on their own but I would like to point out that Haines Junction is well overburdened with donational work at the present time. The old Fire Hall is sitting down in low grounds and is in really poor shape, they have nowhere to dry their hoses and if they have a flat tire on the Fire truck they have to get it outside before they have room to take the tire off. I think if it is possible at all that instead of furthering the work on this old building that there should be a new one constructed in a more suitable area.

Mr. Taylor: We haven't got to it yet but there are new Fire Halls in the five year fiscal agreement for many areas in the Yukon Territory and possibly Mr. Spray could tell us how much longer this Fire Truck is or wider that the building that is to be provided for its housing. It seems to me if there is a problem we could expand the time between now and the construction of the new Fire Halls by considering placing this unit in the D.P.W. Camp. I wonder if Mr. Spray could comment on that suggestion?

Mr. Spray: We have a man in Haines Junction right now checking on the overall size of the existing Fire Hall. The new truck for Haines Junction is 9 x 9 x 18. These trucks will be equipped with emersion heaters so that if we can't adequately heat the Hall we can keep the water in the tank free from freezing.

Councillor Taylor is quite correct in saying that we have provision in the 5 year agreement for new Fire Halls, we require them in Keno, Haines Junction, Beaver Creek, Carcross, Carmacks and Watson Lake. This will be in the future and at the present time we do not feel we can build any Fire Halls because of lack of funds. It is our intention if necessary to find rental accommodations for these vehicles, in Haines Junction there is the D.P.W. compound and as I say it doesn't have to be well heated storage because we will have emersion heaters in these tanks as well as heaters on the trucks. I spoke to the people at Haines Junction some time ago and they were of the opinion that it could be raised if necessary to accommodate the truck and they are now putting new roofing on the hall and new wiring into the hall, and we hope it will hold on until the new 5 year agreement.

Mr. MacKinnon: You say they are now putting new roofing on or had they done that last summer.

Mr. Spray: This Fall we sent up roofing materials to them. I might add that a Fire Hall with the minimum specifications cost \$10,000.00.

Mr. MacKinnon: Yes Mr. Chairman, but what will the cost of these heaters cost throughout the winter for the heating of the water in the tanks.

Mr. Spray: These emersion heaters are put in these trucks now not because they will have to be used all winter but as a standby measure in case the heating fails in the Fire Hall.

Mr. Taylor: Is this Fire truck longer than the Hall do you have any idea how big this fire Hall is?

Mr. Spray: As I said we have a man in Haines Junction right now and he is measuring the Hall and as far as length is concerned it doesn't bother us too much as you can always lengthen it. The height we may have to raise the Fire Hall or take out the ceiling in the Haines Junction Fire Hall. In the meantime we can always rent storage space for it but I would mention again that these Fire Halls cost \$10,000.00 each. Keno City also require a Fire Hall but they have moved theirs and they are renovating it to take their new truck until such time as we can build a new one.

Mr. Taylor: I just wanted to say that we in Watson Lake have enjoyed the good facilities of the Department of Public Works in their main garage for many years now and it has certainly been a help to us and they are paying the heating lighting and there is water there. Maybe this might work in the Member's district up until such time as we can all get our new Fire Halls. As Mr. Spray pointed out the money we do have should go into new Fire Trucks for those Communities that need them.

Mr. Boyd: I would just like to ask Mr. Spray approximately how far from the present Fire Hall would be the space you would rent. Would it be a block or how far?

Mr. Spray: If it was the D.P.W. it is across the Haines Road and in a far more desirable location than



where an existing Fire Hall is. The existing one is down in the Nursing Station, the community of the size of Haines Junction almost any location is centrally located.

Mr. MacKinnon: I am just bringing this to the attention of Mr. Spray on behalf of the Advisory Committee of Haines Junction and we feel that it is a needed thing and if it could possibly be done without waiting for the next 5 year agreement it would be quite a considerable benefit to the Junction. If this building has to be raised maybe the Department will decide the new Truck that has been bought for Haines Junction should go somewhere else and maybe they won't even get it if the building has to be raised and there is nobody to do it.

Mr. Spray: I appreciate the need of Haines Junction having a Fire Hall and in all likelihood the building will have to be raised, however, it was very recently the Manufacturers were able to give us the dimensions of the new truck and this is why the work was not done this past season. Therefore we might have to rent storage space for the winter and work on the Fire Hall in the Spring. I have no intention of transferring the truck elsewhere than Haines Junction.

Mr. Shaw: I would seem that you are also going to have to make provision for the water truck as well according to our conversation of yesterday.

Mr. Spray: Am I correct in assuming that the conversation of yesterday that you refer to was with the Commissioner. We have advertised for a contract to operate the water system and if this was done the Contractor would be responsible for supplying for his own vehicle. Any garage or any Fire Hall that we build in any Community is a two day building that can be designed to be added on to.

Mr. Taylor: I think that pretty well wraps it up and that if either the present building can be modified or storage space can be found I will then vote contrary to the motion and I think the Administration will look after the situation from there.

Mr. MacKinnon: I would like to ask Mr. Spray if he has any figure on what the raising of this old Fire Hall at Haines Junction would be.

Mr. Spray: No, Mr. Chairman I have not, as I say at this time I don't know how much it requires to be raised but the Inspector is looking at the Fire Hall in Haines Junction and we will have to work out estimates.

Mr. Southam: As seonder of this motion I believe that if you have good machinery you should have a place to house it. As Mr. Spray has pointed out they can rent a place to put it and if it is necessary to do this until the Spring when they can raise the building if necessary I think this is a good suggestion and I will go along with that.

Mr. MacKinnon: Yes Mr. Chairman I think anybody could go along with that, can you say for sure Mr. Spray if this space can be rented, or donated.

Mr. Spray: I don't expect that anything will be donated, but I am quite confident that arrangements can be made

We haven't negotiated this as yet but by the time the new truck arrives and is transferred to Haines Junction I am quite confident that we will have adequate storage space for the vehicle.

Mr. Chairman: I feel we have had considerable discussion on this motion and I think we have all come to some point of agreement. Are you ready for the question on the motion. Are you agreed?

Council agreed.

Councillor Taylor was contrary on the motion.

Mr. Boyd: Could you read the motion once more.

Mr. Chairman: It was moved by Councillor MacKinnon and seconded by Councillor Southam that it is respectfully requested that the Administration give close consideration to a badly needed Fire Hall at Haines Junction in the near future.

Mr. Boyd: I will go for that motion because they are already doing that so what have we been talking about.

Mr. Taylor: I am not prepared to vote for a new Fire Hall because it has been found that we won't be able to produce say money for rent., this is why I am contrary to the motion.

Mr. Shaw: It is just asked that consideration be given and consideration is being given so I am agreeable to that.

Mr. Chairman: The motion is carried and at this time can Mr. Spray be excused.

Council agreed.

Mr. Chairman: At this time Gentlemen we will recess for tea.

Wednesday, 8th December 1965, 3.30 p.m.

Mr. Chairman: I will now call the Committee to order. We have Mr. Lloyd Moore of the CBC with us for the purpose of discussing Motion #2, dated November 12th.

Discussion  
Motion #2  
24-hour  
Radio for  
Whitehorse

Mr. Taylor: Mr. Chairman, possibly for the edification of Mr. Moore a little background on this would help. We have many problems with respect to radio broadcasting facilities in Whitehorse and generally throughout the territory and with respect also to television services. We have over the years continually raised these questions in the house and we have continually been frustrated as far as replies are concerned. Consequently we passed a motion to have someone come from Ottawa who could give us an answer and possibly effect a solution to some of these problems. We are primarily concerned with

- a) 24-hour radio broadcast for Whitehorse
- b) Television services

In speaking of (a), I do not think I have ever seen a series of correspondence quite as ridiculous as that which has gone on with respect to the service here in Whitehorse. All through the territory we are giving 24-hour service to all communities, some in northern BC and the balance in the Yukon. However Whitehorse, because of some broadcasting act, cannot have this facility - a place which is largely populated and which would appreciate the facility, but which after three years of effort has been unable to get it. I understand that we cannot have this because it isn't considered to be a manned station during the overnight hours, so we suggested we could go through Civil Defence to get this as an assist, but that didn't work. Now after three years we have waited long enough and something has to be done. Certainly there must be an answer and I would like to hear Mr. Moore's comments on that one before going on to (b).

Mr. Moore: CBC policy regarding 24-hour radio service depends on our participation in the emergency broadcasting plan which is part of the EMO. Now the only manned stations of the Corporation that stay open on the air 24 hours a day are those participating in the emergency broadcasting plan under EMO. It is CBC policy not to operate 24 hours a day as a manned station unless it participates in an emergency broadcasting plan. That is established policy and that is why Whitehorse, which is a manned station, and is not part of the EMO operation does not have 24 hours broadcasting. If EMO set up a territorial organisation they would order us to give Whitehorse radio 24 hours a day.

Mr. Taylor: This is the point we always arrive at and we want to find a solution. This is a policy which is established across Canada and it is a policy which is not suited to the needs of the Yukon. We are servicing a big area with a lot of people, and if it is necessary to change this policy I feel that CBC in Ottawa have got to revise their thinking as it relates to the northern area. I am sure that if we sent a telex to CBC they could whisk in here next week with an LPRT and set it up on the hill.

Mr. Moore: No we can't do that. The only reason you can have a 24-hour radio service is if you are part of the emergency broadcasting plan.

Mr. Thompson: Do the high-priced help in Ottawa take into consideration that in summer there is no other station available from the Whitehorse area that corresponds to all kinds of night private stations in Ottawa, Toronto, Montreal, etc. where all these high-sounding policies are thought up. We would like very much to become a part of Canada as far as the CBC are concerned and the CBC at this time are our only link with the outside world and we would like to be able to establish a 24-hour operation here. We have only concluded not too long ago a talk with the Emergency Measures gentleman and he informed us that we had no claim at all to 24-hour service as far as he was concerned. Now you come up here and say that if he says it's all right, we get it. Ottawa's too far away from Whitehorse to know what's going on.

Mr. Moore: I said CBC policy is not to operate 24-hour radio unless it is a part of EMO. I can name many CBC stations across the country where we have a captive audience yet when we sign off the LPRT go on. Goose Bay signs off but Warbush and Labrador City gets 24-hour service. This is the plan and this is the policy. I do not represent management or management's policy. I represent more or less Northern Service but if you feel you need a 24-hour service, all I can say is that your demand should be made known to the management.

Mr. Taylor; Our demands have been made known to the CBC for over three years. We have fought and argued and finally asked for someone to be sent up here - we can't afford to go down there. We want somebody to come up and talk it over and go back to implement a policy that would provide this. You are right, we do have a captive audience here and this is what we had hoped to get to so that almost immediately we could turn on the transmitter and let people enjoy the benefits of a news broadcast every hour and music every night. We weren't thinking in terms of EMO, we were thinking in terms of providing the people of the north with a little entertainment. Now CBD control the set up and I would suggest that if a private operator tried to set up here it would be made rather difficult for him. We're happy with the CBC, those of us that can get it on a 24-hour basis and quite often we get half decent music from CBC; not always, but by the same token it's something to listen to if there's nothing else to listen to. EMO say we can't have it because we can't justify it in our budget; CBC here say you can't have it because it's against the policy and I say change the policy. All we hear from Ottawa is how much money they're spending in the Yukon Territory and they have millions quoted and they're not getting much revenue back, all this sort of thing. Can't they spend a ten dollar bill to get an order in Council through to change this policy and to provide for a switch to be turned on so that people can get some enjoyment and information.

Mr. Moore: I think your request in the past has always been confused with EMO. Half the time the fact of emergency operation was stressed. This is a totally different request as far as I'm concerned as this is strictly a radio service you are after, nothing to do with EMO.

Mr. Taylor; Who do we have to talk to to implement this policy? How do we go about it and what is the proper course of action in view of the fact that we have been

firing this stuff off to Ottawa for the past three years. It hasn't been getting to these people obviously.

Mr. Moore: I would suggest that representation should be made to the President and Directors of the Board of the Corporation, but stressing that it is a 24-hour radio service that you want because in the past it has always been confused with EMO, and we don't make the decision as to what stations operate under EMO. The reason why the station has to stay manned, any station over 100 watts, it has to be identified and manned, you can't change your mode of operation.

Mr. Taylor: All I can say is that this is a confounded example of bureaucratic red tape in Ottawa. They've tangled the thing up so badly that it can't possibly work and I think they should change their program and amend it accordingly as it relates to the north.

Now my second question relates to television. Now we've heard that most of the urban centres across Canada have the facilities of viewing either non-CBC TV or American stations but that CBC operate LPRT services as well in most of the urban centres. We've asked that we participate in this for many years. Again we asked for someone to come from Ottawa that we can talk to on this and we were told it was too expensive, that they couldn't run television services to the north yet. I was in Ottawa this Spring and we attempted to have a talk with the Director of Northern Services. He unfortunately was taken ill at the time and was unable to meet with us, so we met I think with somebody from Public Relations. We were informed that the budget was taken for this year and money was being poured into Sackville, New Brunswick possibly for transmitting to the Arctic or something. They couldn't see in the foreseeable future where they could provide any television services to the Yukon and yet in the other parts of Canada they're hollering for colour television. The area is saturated with TV stations in these urban centres and all we are asking is for one thing which can give the people of the Yukon a little entertainment, a little educational facility as well, in a country that would appreciate this facility more than the average Canadian. And all we get is no, we can't do it. All right. We came back here to the Spring session and I suggested that CBC come in here and buy out the local service, pull down that co-axial cable, put up a transmitter and service the general area and on a year to year basis start extending this facility to the smaller outlying areas, even flying in the film. I know it's going to cost money, big money, but CBC also spend big money in other parts of Canada. Then maybe over five to ten years we will be providing television facilities to all our major outlying districts and then after a period of time we can talk about hooking the thing up and we can videotape from there. Now this is a very practical solution to a very big problem. Why can't we do this? I assume we can't do this either but I would like to know why we can't.

Mr. Moore: It's mainly a question of dollars. It will cost an awful lot of money. Furthermore, we haven't completed our radio coverage of the north. Right now there are large areas in northern Manitoba and northern Quebec without radio service. We have a limited budget of approximately a million dollars a year. We are spending over a third of this budget to service the population of

the Yukon. Northern Service at the moment is six manned stations and eighteen LPRTs. Now of these eighteen LPRTs, eight are right here in the Yukon, two in northern BC, three in the whole of the Northwest Territories, one in N. Saskatchewan, two in Labrador and one in N. Quebec. Now this<sup>is</sup> the budget we work to. You're asking for television, northern Manitoba is asking for LPRT radio. It's just a question of money. Now we say Sackville; that's just a short wave antenna for the north. Any person that goes into the Arctic comes back and says all they can listen to is Russia. We would like to have people go to the Arctic and say that they can listen to Canadian short wave. Everything costs money so as far as the Northern Services are concerned the accent has been on radio coverage. And there are large areas like northern Manitoba where there are 30,000 people who have no radio, not even LPRT. The Yukon, with the smallest population of all has now a manned station and eight LPRTs. Now the cost of a network service for TV is roughly about 600 dollars per mile per annum. At the moment there's no facility to bring this program service up here. We must have new facilities to do it. The capital cost for a microwave from Grand Prairie to here is in millions. To put an LPRT TV in requires all the equipment needed for a major mass control. CBC has a plan for the north, there's one for every place in Canada in fact, and the answer we think lies in the videotape which is now on the market. They are long playing and you can put five hours of programming on one tape so for one evening all we're going to need is two tapes. And anywhere where we have a radio station all we need to do is put in a transmitter and tape machine and anybody can put the tape on and change it every five hours. This has just come on the market and is being studied but we cannot go into live TV because the cost would be fantastic because of the number of unions involved. The simplest radio operation we have here is a hundred thousand dollars a year. If we put TV in it will mean about ten more unions - a prop man, stage man, cameraman, etc. We just can't do it. The cost would be fantastic, considering that we are going to service maybe seven thousand people. So I think the answer in the near future lies in the small videotape and it has a lot of merit. There are other factors involved like the Power Commission report. Our whole future hangs on it, we don't know where we're going. If this is favourable to the north there might be very quick action.

Mr. Taylor: Apparently you missed my point. I am not talking about live TV and I also recognize the fact that it will be many years before we can have it. What I was talking about was this videotape and the people who own this outfit are out to purchase some right now. There's no problem for them to get it. They're going out to purchase a unit to provide it on their piped system. Maybe this is the answer, maybe we do put in a small station here but as I say the CBC would first have to purchase this one down here. It seems to me that Canadian National, being another crown corporation, that in the outlying districts small transmitters could be installed at Dawson, Watson Lake, 1016, etc. throughout the area to service those communities by utilizing the good services of CNT to change these tapes. And this is why we wanted somebody to talk these things over with but we wanted to try and get some immediate action because three years is a long time to wait to be told no. I think

if this is the solution I am all for it. But we have to start the ball rolling and get things moving.

Mr. Moore: We have a five year capital plan and none of these are in that. Unless we get more money, how can we implement it. Our present budget for the Northern Service allows for the installation of approximately two LPRTs a year. Next year I hope we will install one at Norman Wells and Pine Point, especially Pine Point. The problem is being studied but without the money there's no use us saying it's going to start next year or the year after; it's not in the foreseeable five year plan. I'm not speaking for management but for Northern Service and this is our area of operation. Three years from now we hope to put the northern Manitoba radio service into operation but this is all that's in the five year plan.

Mr. Shaw: I sympathize with the 30,000 people that Mr. Moore's just commented on. They certainly should have radio and it's a crying shame that they don't. I don't know whether the blame would lie with CBC or with parliament itself or with the ministers involved. It would appear to me that the first function of a public radio corporation such as the CBC would be to give radio first to people who did not have it, whether it was in the north or Timbuctoo, as long as it was in Canada. We people in the north realize we haven't the population to make the noise to get these things, but when we do see in the papers that they are spending millions of dollars for programming where they already have good private facilities, we wonder why the CBC should spend tens of millions of dollars giving people programs when they already have it while there is a large segment of the population that has nothing. I quite realize it isn't your fault, you don't set the policy, you merely have to put in your budget and hope you get it. I think the fault lies in the attitude of somebody along the line of what the function of a crown corporation should be. To give it first to people who have nothing and after that you provide the luxuries and cultural programs. We can't get cultural or uncultural programs as far as TV is concerned. I would like to bring up one little local matter. LPRT stations. We had a radio station here in Whitehorse long before these other areas had one. CBC wasn't here and we carried them on ourselves until the Government came up with so many restrictions that it put us out of business. There are times in these small communities where a radio would be of great service to the people, in times of emergencies such as flood or fire. There are also times when it would be quite nice if people in these areas could get a local program in that particular community. A hockey game perhaps. A hockey game from Whitehorse broadcast over the air would have tremendous appeal for the people of Whitehorse but in other parts of the territory it just would not have the appeal. Their own local programs would. Now is it not possible in these districts for the program to be broken into regularly by people under the control of the CBC so that local events could be sent over that particular station. After all, it doesn't carry more than about eight miles. I wonder if Mr. Moore can give me his answer on why it can't be done, because it seems it can't be done.

Mr. Moore: There's a simple answer to that one. On every LPRT licence there's an endorsement put on by the Department of Transport which states that an LPRT will be fed from a

network. It also says that these stations have no protection. If there's interference we must take them off the air even if it's not our fault. This is strictly a licence matter. I'm not saying that in an emergency it couldn't be used.

Mr. Boyd: As a matter of curiosity I wonder if the 30,000 people who don't have this radio you talk about have the privilege of listening to the Russian radio as we in the Yukon have? May be this is the reason why we have radio and they haven't.

Mr. Moore: No, there was a time when we had, if you want radio coverage at one time, planning way back, was a reasonable transmitter. There was a time when 50 kilowatts - we set them up in the Prairies, we had one to serve Manitoba, one to serve Saskatchewan, one to serve Alberta, one to serve the Maritimes, one to serve southern Ontario. Now this is fine in the original contract but today with the cluttering up and jamming in the regular broadcast band in any urban area, you have to use a directional antenna of 50,000 watts even to be heard. Now because of the jamming in the broadcast bands over the past two years we have just changed the frequency of Fort Nelson and we are now going to have to change it again when we get the crystals. We're going to have to change the frequency of Watson Lake. I think the whole idea of AM broadcasting is that the bands are jammed up and we have to go high-powered even to get local service. There are no clear channels left. At one time these remote areas were considered to be getting coverage but now they have no circuit.

Mr. Thompson: I was just going to ask if we wouldn't have done better to have had somebody up from the policy making department if this seems to be our problem. If it's a policy that we need may be you could inform your cohorts back there.

Mr. Moore: Actually I'm just an emissary on this. I am with the Northern Service and happened to be on my way up and my directors asked me to make myself available. I could definitely carry your problems and questions back to management. This idea of a 24-hour radio service has always been a confused issue because it was always tied in with EMO. Television as I say is just a question of money. It's coming, it's planned. There's a priority list for every place in Canada for radio and television. It's not so far away because now we have satellites and every thing else which we thought would never exist. But as you say we should have a man here who could discuss this on a policy basis.

Mr. Thompson: What are we talking about in actual cost. What would be the additional cost of making this an 24-hour operation?

Mr. Moore: Originally I said the cost was always tied up in EMO but your request now is quite simple. It is just a question of working out man hours. May be one more person on the staff and perhaps a few extra dollars for power consumption. Divorce it from EMO and it's altogether different.

Mr. Taylor: I think that's the answer we've been looking for: divorce it from EMO if this is what's tying it up; add the person to look after it over the night hours; pay



that little additional for power and maybe we've got that thing on the air 24 hours a day. I'm glad that Mr. Moore agrees to convey our thoughts to his superiors and in order to assist in case the thing perhaps goes blank up above yourself of course and to put us clearly on record, I would propose a motion. I would move that it is the opinion of Council that the Administration convey to the President and Board of Directors of the Canadian Broadcasting Corporation, the desire of the citizens of the Yukon to enjoy 24-hour radio service at Whitehorse and the installation of videotape television service in principal settlements throughout the Yukon territory. And I believe this has been seconded by Mr. Thompson.

Motion re radio & television services

Mr. Chairman: I have a motion before you, moved by Mr. Taylor and seconded by Mr. Thompson that it is the opinion of Council that the Administration convey to the President and Board of Directors of the Canadian Broadcasting Corporation, the desire of the citizens of the Yukon to enjoy 24-hour radio service at Whitehorse and the installation of videotape television service in principal settlements throughout the Yukon territory. Is there any further discussion or are you ready for the question.

Committee: Question

Mr. Chairman: Are you agreed?

Committee: Agreed

Mr. Chairman: Any contraries? The motion is carried.

Motion carried

Mr. Shaw: I would like to ask a question of Mr. Moore. When he goes back to Ottawa can he see what he can do about getting in on these LPRT affairs and perhaps a little local participation in broadcasting can be enjoyed by the people in the community, certainly for emergencies but perhaps broaden it to cover other events.

Mr. Moore: Well, the licence endorsement limits us. We cannot use these transmitters like this, that is a strictly D.o.T. licence, and outside our jurisdiction.

Mr. Shaw: Yes, I understand that, but when the CBC want to do something they usually give some sort of brief to the Department of Transport to get over the hurdle. We in these smaller areas where there are little 40 watt transmitters cannot see any justification for saying you can't get on the air. If it were a 50,000 watt station jamming everything it would be different, but this wouldn't jamm more than eight miles and even at that we are carrying a normal type of program that won't interfere with any other radio so there seems to be no justice in saying no, except that it's a regulation. Regulations can be changed and the weight of CBC in putting forth something like that should have some effect.

Mr. Taylor: I have another question too that possibly Mr. Moore could answer. In establishing policies within the CBC, does parliament do this or the director of the department. Where do you find these policies set out?

Mr. Moore: They are set up in the Broadcasting Act which sets up the Board of Directors of the Corporation. Now this is a new act that was brought in in 1958 and it is supposed to cut out the spheres of the operation of the board. Our mandate is to establish national radio and television services, implemented by parliamentary guarantee. But all our directors are appointed by parliament including the President and Vice-President. The rest of the members are all employees of the Corporation. The Directors are appointed on a three year term and the President on a seven year term. It's strictly a government appointed Corporation. There are two Boards - the other is the Board of Broadcast Governors - and there are attempts being made now to clarify the actual jurisdiction of these boards. This wasn't spelled out too well in the Act of 1958, and it has led to certain conflict. I think the Fowler report which has yet to be tabled was set up in an attempt to solve this dispute in jurisdiction. The Fowler report recommends one man who shall be the Tzar of all radio and television broadcasting in Canada and he will tell everyone what to do. This is the way we operate.

Mr. Taylor: I have no further questions, but one comment. First of all I would thank Mr. Moore for coming before us. I think he will realize the frustration that we go through and I hope that when he sees his superiors in Ottawa he will point out what we have stated today and no doubt he can obtain a copy of the votes and proceedings of today from Mr. Clerk which would indicate the discussions that have gone on. I think it would have to be pointed out that any additional expenditures up here are going to have to be amortized over a long period of time, but they can be amortized, and that we are quite sincere in our representations and have been for the last three years. We feel that we are deserving of just a little extra consideration in view of our particular position in relation to the rest of Canada and the services that we have.

Mr. Thompson: I understand that you are on the technical side of this fence and you mentioned the high cost of microwaves and installing systems and things. I am wondering to what utilization our present microwave is being used and is there any possibility of any of these channels being made available. I understand that it takes many channels to operate something like this but how many channels are on the existing microwave system.

Mr. Moore: You realize that the present microwave system is for military purposes. This is a 600 channel system which is a standard television microwave system if you use it for passing a video signal. Now a video signal occupies approximately 600 channels. To the best of my knowledge there's no room on the existing system for a video signal because the American Defence Department occupies something like 240 channels and they have to have a standby of an equivalent number. Down south the Trans Canada Telephone System uses 600 channels for video and then they stack more channels on top. They use a special carrier and once you have one of these you can put as much information as you want. This microwave as such, would mean reequipping if you changed it to the carrier system. The capital cost would be considerable. With colour television there's another big portion of a band required to pass the whole toning signal with your colour information. But as far as I understand you could

not put a video signal on the present system.

Mr. Thompson: Is CBC using this microwave at this present time for their radio signals?

Mr. Moore: Our contract is actually on the land-lying carrier. Now they can choose any means they wish of delivering your signal. We do not tell them how they do it, we just ask that they do it. They have the choice. You could put a contract with Bell Telephone and then decide we haven't got the facilities, we'll turn over to CN. All we rent is a channel with 5,000 cycle band power. Now how it gets from A to B is not our worry, as long as we get from A to B with the facility that we ordered. They could put it on the microwave or they could put it on the land-line as long as they provide the service which we buy.

Mr. Thompson: Who are we buying the service from?

Mr. Moore: Every facility from Whitehorse south is under the Bell Telephone contract - actually with Trans Canada Telephones. This is a new contract signed a few years back, an original contract that was the CN/CP Telecommunications. The Trans Canada Telephone System took over our radio network a few years back and every circuit south of Whitehorse is under the Trans Canada Telephone system. All circuits north of Whitehorse are under a separate contract with CN Telecommunications. The Yukon and Northwest Territories except for this portion south of Whitehorse is CN Telecommunications, which complicates our operation. For instance if I have any complaints I must go through Bell Telephone. You are talking of amortization; network contracts are based on ten years. On this they hope to amortize their capital investment. Now if we ask for an extension, say to Tungsten River, there's a hundred and thirty miles from Watson Lake there. We would just sign a new contract there for the chance of getting a new network channel into there. CN might say we'll build a land-line and we can amortize the capital cost over ten years. Well in the contract it says there are two years to go and they say this is going to cost \$50,000.00 and we've only got two years' rental to recover this and we are going to have to pay the construction. This is where we get caught. For instance I was asked for a quotation for Carmacks. For me to put an LPRT into Carmacks is going to cost me \$22,000.00 a year.

Mr. Thompson: Is this for the amortization deal?

Mr. Moore: No. This is a computation of mileage. You can have a network here and you think you are going to pay for five miles but going to Beaver Creek and Destruction Bay we saved a considerable amount of money, they were connected from Dawson Creek. We pay in a straight line from A to B, not the way the circuit travels. Well, Dawson City is closer to Beaver Creek than Junction Bay is to Haines Junction, so we have made a considerable saving. Now we have started in one direction and we must continue in this direction. Now we're coming back to Carmacks. The closest point of our existing set up is Junction Bay, our only alternate is Haines Junction. Now this is computing of network mileage and this is where you often get trapped. It's from Point A to Point B as the crow flies.

Mr. Thompson: You lost me somewhere between this point A and point B. You're somewhere up the highway and yet we're into Dawson and into Mayo but it's closer to Carmacks and Destruction Bay than it is from Whitehorse to Carmacks?

Mr. Moore: No it isn't, but our network turning point is where we have the junction, which is Destruction Bay or Haines Junction up the other way. The network company chooses what they call a turning or control point and all mileage is computed from that. It looks confusing and when you get a quotation you fall off your chair because it looks so fantastic but it is a continuation of your network configuration.

Mr. Shaw: You're going past the land-line, past Carmacks, everything is going on to Mayo and Dawson and you mean to say it's going to cost \$22,000 just to hook up to that and put up a LPRT transmitter? This is to CN Telegraphs?

Mr. Moore: No, to us.

Mr. Shaw: But you had to pay the CN Telegraphs?

Mr. Moore: This is the way all network contracts are worked in the whole of North America. It is a system. Sometimes you gain, but you have to start and give to them where your turning point is. I know it seems very unfair, but another time you gain. A round robin network would be the simplest solution - go right around and pick everybody up. This is what you try to do because you're saving mileage.

Mr. Shaw: Does this mean then that the only way you can make this pay any reasonable amount you would have to start the first one, then gradually creep up, but if you went to one first and you came back then it's going to cost you double.

Mr. Moore: Yes, we pay double to get the Yukon channel. But this is standard in North America. Because in tying up a channel one way they have to tie one up the other way. You need a channel one way and a channel back to get the two sides of a conversation as far as telephones are concerned, so in broadcasting we tie up two channels to get a broadcast going this way and the other two channels going the other way are useless, so in tying up a whole facility when we're only going in one direction, unless they are used for a one-way circuit on the other side, it's useless. They have two channels sitting there with no revenue on them.

Mr. Shaw: In other words they are trying to force a bird to use a leg on each wire.

Mr. Moore: We like the other channel to be available.

Mr. MacKinnon: I would like to ask Mr. Moore if Carmacks is going to get the LPRT even in spite of the cost.

Mr. Moore: Carmacks does get fairly good radio coverage from Whitehorse at the present time. We have measured the field strength there and it is weak but a signal does exist. But there are mining developments going in and rather than make a hasty decision that we would regret later

on. I got the quotation for Carmacks, but when I look at Carmacks that has fairly good radio service at the moment. I can think of another case that I'm surprised Mr. Taylor didn't bring up today: what am I going to do about Swift River? There's a place that hasn't anything.

Mr. Taylor: Well I just sheer gave up after three years.

Mr. Moore: We haven't given up but I work very closely with CNF. What circuits are they going to put in? If they're not going to put in a radio-telephone link we can't put in a programmed channel. But we work very closely, especially on these mining developments. We watched Tungsten River, we were all set, they were all set, and then they told us. It takes a year or two to get through the paper work and get one of these established and if you go and jump in and somebody says well look, I'm in the wrong place and because of budget limitations you try to correct it.

Mr. Shaw: I don't quite understand this. Your running a line up to Dawson, to Mayo, now isn't it just a matter of setting up your transmitter or whatever you call that LPRT deal and putting a wire up above there and turning the switch on and swish, out it goes? Or do you have to have another line going out there?

Mr. Moore: No. We have to have demodulation equipment so that we can take the signal up there. But in setting up the turning point they are trying to recover the actual true mileage involved. You could say you were going to put a television circuit through from Grand Prairie to Whitehorse - we just take a ruler and go along the map in a straight line. We're going to pay for that. But that microwave circuit doesn't go in a straight line, it goes over hill and dale. But this does give them a change to recover their true costs. When we start out from Whitehorse on a circuit we go in a straight line to Mayo. We don't follow the Dawson City road at all. So they've got a whole big 300 mile circuit to service and they're only paying for a hundred. From Mayo we go in a straight line to Elsa, from there we go in a straight line across country to Dawson, from Dawson we cut across to Beaver Creek. We've left the other spot, we're coming back to this spot and we're making considerable savings. It's just business. They've given us the advantage of going as the crow flies and they have to have some idea of where they're going.

Mr. Thompson: Did you say these were ten year contracts?

Mr. Moore: Our radio and television are ten year contracts.

Mr. Thompson: How do ours stack up at the moment. You say we're up at Destruction Bay, this was the nearest point to service Carmacks now, or Haines Junction?

Mr. Moore: Haines Junction is a separate one going from here. If we watch the mining areas, I think we will find that in a very short time there will be quite a few people in that area and an LPRT may be required. This might change the whole contract; we might come back and ask for a quotation for a service to here, here and here and they might come back - they're in a capital cost - with a totally different quotation. But this is just network negotiations.

Mr. Thompson: I am wondering in view of what has been said this afternoon, do you feel we have a legitimate ground for complaint or legitimate grounds to ask for 24 hour service for radio in Whitehorse at this time and do you feel there will be any possibility of obtaining this in the near future?

Mr. Moore: I think it's a legitimate request because they do service everywhere outside - it's considered a 24 hour thing, no longer a 16 hour or 18 hour. There's nothing wrong with the request. That's divorced from EMO. It was always EMO that confused this issue. Because we always associate EMO with 24 hour operation. And all requests in the past have always stressed emergency operations. They were always one.

Mr. Thompson: With this in mind, do we have your concurrence on our request and would you expedite it in any way possible?

Mr. Moore: I think you have done this with your motion and I will certainly release your sentiments to my directors when I get back. Because it will come back to us anyway, it's in our sphere of operation.

Mr. Thompson: I'm just wondering if you have any other little gems of information that might be useful to us? This land-line arrangement was entirely new to me. Or are there any other little plans cooked up with anybody in the neighbourhood?

Mr. Moore: No. I may be giving away trade secrets but this is all contracting and network facilities. At the moment we're going down MacKenzie where there is no radio. And these facilities are expensive. The only people who make money out of radio and television are the communications people.

Mr. Thompson: You keep referring to Northern Services, of which we are a part. On many programs you also hear the Northern Services and Armed Forces network in Europe, is this where part of the money goes that is allocated to Northern Services?

Mr. Moore: No. The Armed Forces service is recoverable. We are a combined operation. I am the Supervisor of Technical Operations of the Northern Service and the Armed Forces Service. The Armed Forces is basically a programming service but we have gone way out of our way to improve the programs in the north. We buy a considerable number of programs that are not available down south. We even go one step further, we do not carry football on our national network. You get football mainly because we go and negotiate with a private member and pay the extra cost of special facilities. This is because we realize that our programs are not suitable for a captive audience. We even introduce a native language broadcast. Now these programs that you hear have been specially prepared for the Northern and Armed Forces Services. It is a captive audience.

Mr. Thompson: These are primarily on tape?

Mr. Moore: Yes

Mr. Thompson: I would like to thank you on behalf of the sport-minded people of the territory for the broadcasts

and you can also be sure that any further negotiations you are thinking of making, you could increase the number of games, this would also be appreciated. We do appreciate what has been - I would like to convey this to the Corporation. It's highly desirable program content and anything along this line would be appreciated. Now we have been led to believe that the local Chamber of Mines have been supplying this service, or is it CBC.

Mr. Moore: I think they may be making it but we are airing it. This is something they don't do anywhere else in Canada.

Mr. Taylor: The Chamber of Mines gathered the material for this program.

Mr. Moore: We do broadcast them but we don't give stock quotations anywhere else in Canada. But it's a need and something we can supply.

Mr. Chairman: Can we excuse Mr. Moore at this time?

Committee: Agreed

Mr. Chairman: What is your pleasure now gentlemen?

Mr. Boyd: I would move that we ask Mr. Speaker to resume the Chair and hear the report of the Chairman of Committees.

Mr. Thompson: I second that.

Mr. Chairman: It has been moved by Mr. Boyd and seconded by Mr. Thompson that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

Mr. Speaker: We will now call the Council to order and hear the report of the Chairman of Committees.

Mr. Chairman: Mr. Speaker, the Committee convened at 10.40 a.m. Mr. Gibson attended to discuss travel and publicity. This Bill was cleared and Committee reconvened at 2.00 p.m. to discuss Motion 23 with Mr. Summers of the Fisheries Department. This motion was carried. Mr. Spray attended to discuss Motion 27 re Haines Junction Fire Hall. This motion was also carried. Mr. Lloyd Moore of the CBC was also here to discuss the memo in respect of Motion No. 20. It was moved by Mr. Taylor and seconded by Mr. Thompson that it is the opinion of Council that the Administration convey to the President and Board of Directors of the Canadian Broadcasting Corporation, the desire of the citizens of the Yukon to enjoy 24-hour radio service at Whitehorse and the installation of videotape television service in principal settlements throughout the Yukon territory. This motion was also carried. We had quite an interesting discussion with Mr. Moore.

Mr. Speaker: Thank you. Are you agreed on the Chairman's report?

Council: Agreed

Mr. Speaker: Are there any errors or corrections? We now come to the agenda for tomorrow.

Mr. Taylor: Possibly tomorrow we could take the armed guards off the five year agreement and whisk it out of its hiding place and maybe we could proceed with that at 10 o'clock or following orders of the day.

Mr. Thompson: There are still sessional papers that have not been discussed and I think we should clear these up before we get on with the five year agreement.

Mr. Taylor: We went through them all the other day and everybody seemed quite clear on them. We will be picking them all up in final review but the only one that I know of to date requiring discussion, that is without conflicting with the five year agreement, is the one received this morning on Cassiar. Apart from that the others relate to the five year agreement and we will be coming to that.

Mr. Speaker: I have one suggestion that we carry on with normal procedure and another that we discuss the five year plan. I can't accept both.

Mr. Boyd: If we are as nearly completed as Councillor Taylor indicates, then I take it it's a matter of a very short time to clean up what we have been discussing. They are all fresh in our minds and tomorrow morning I would think we could clean them up, then we're free to go on with the five year agreement and stay on it and forget all our other business. That's the way I see it.

Mr. Taylor: This is fine. We went through it the other day and everybody seemed clear on everything. We will make a final review at the end of the session and pick up all the odds and sods. A lot of the information that we require here will be given during the discussion of the five year agreement. However, we can duplicate it.

Mr. Speaker: Mr. Clerk, would you inform me if there are any bills yet to be completed to go through Committee for amendments?

Mr. Clerk: Yes, you have two that I have given you back in final form which can be moved out of Committee.

Mr. Speaker: Well, there are two bills to be processed tomorrow.

Mr. Boyd: Would it be agreeable to Committee that we agree to start on the five year plan say at 2.00 o'clock tomorrow.

Mr. Speaker: Is that suggestion acceptable to members?

Council: Agreed

Mr. Speaker: Any contrary. What is your pleasure now?

Mr. MacKinnon: I would move that we call it 5 o'clock.

Mr. Speaker: It has been moved that we call it 5 o'clock. Are you agreed?

Council: Agreed.

Mr. Speaker: The motion is carried and Council now stands adjourned until 10.00 o'clock tomorrow morning.



Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call this Council to order. The first item on the Agenda will be correspondence.

Mr. Clerk: Yes, Mr. Speaker. I have one Sessional Paper this morning which will be Sessional Paper No. 50, on Question No. 1, Territorial Property Tax. That's all this morning, Mr. Speaker.

SESSIONAL PAPER # 50

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee? We have no introduction of Bills. Have we any Notices of Motion and Resolution?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Coal Mine Lake.

NOTICE OF MOTION NO. 33

Mr. Speaker: Have we any further Notices of Motion? If not, we will proceed to the next item which is Notices of Motion for the Production of Papers. Have we any Notices of Motion for the Production of Papers? We have no Motions on the Order Paper. Have we any Questions?

Mr. Thompson: Mr. Speaker, I have a question. Would the Administration advise the proposed dates of the Spring Session of the Financial Advisory Committee's trip to Ottawa.

QUESTION NO. 23

Mr. Speaker: Are there any further Questions. Well, gentlemen, that concludes the daily routine and Orders of the Day. What is your pleasure at this time.

Moved by Councillor Taylor and seconded by Councillor Boyd that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to study Bills, Memoranda, Motions and Sessional Papers.

MOTION CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will now call a five minute recess while we get organized.

Mr. Southam: I will now call this Committee to order. The first Sessional Paper that we are going to discuss will be No. 49, Cassiar Fitness Club. You all have the Sessional Paper before you and we are now open for discussion. If I might say a few words from the Chair regarding this, I don't altogether agree with it myself, personally. I am quite against boy scouts getting grants because it is against all Boy Scout Laws. I have been a Scoutmaster in my day, also come up through the Scouts, and in my day, we had to buy everything whichever way we could get it. I think the Boy Scouts, as far as that goes, is a very good thing, but at the same time, I think it is defeating the purpose when you start donating everything to them, however that's just my opinion at the present moment....that's from the Chair.

RE SESSIONAL PAPER # 49

Mr. Shaw: Mr. Chairman, we do give a grant to Boy Scouts.

RE SESSION-  
AL PAPER  
No. 49

Mr. Shaw continues:

We have a situation in the Yukon where we do have many of the members whose parents do not have any spare money around further than just the necessities of life and the grants that we give under our normal budget...I think it is now \$1,000.00...to the Boy Scouts and also a grant to the Girl Guides, does assist in purchasing uniforms and things for the children whose parents cannot afford even shirts for them and something like that. That is the reason why we have a grant, and possibly this would go along just the same way; but perhaps if we don't know all the details of it, it might be just as well to have, I am satisfied in my mind but perhaps other members aren't, Mr. Judd could come down and explain the situation in respect to this.

Mr. Boyd: Well, Mr. Chairman, actually this set up comes under our Clerk's bailiwick and he has as much information and possibly more than Mr. Judd has concerning it. Maybe Council could get him to say a few words. It might answer all your questions.

Mr. Clerk: Yes, Mr. Chairman, I can start by explaining how this first came about. As Secretary-Treasurer of the Yukon Curling Association, we invited Cassiar and Coal River and Cantung Mines, because of their geographical location, to join the Yukon Curling Association. This was several years ago, and those three places did belong to our Association for a few years before this Physical Fitness Program started. The first year this Physical Fitness Program was in effect, we put in a project and asked for travelling expenses for all the Yukon points and for these three places - Cassiar, Cantung and Coal River - if they had teams, to travel to Whitehorse to play off in our Playdowns because of the fact that they belonged to our Association. The first year, this project was approved, and we had a team from Cassiar, we had one from 1083, one from Haines Junction and one from Teslin I believe it was, come to Whitehorse and they had their travelling expenses paid by the Physical Fitness Program. However, last year we were informed by the powers that be in the Physical Fitness Program that there would be no more travelling expenses paid to teams to travel from point to point inside the Yukon Territory. In other words, none of our members now have their travelling expenses paid in to Whitehorse, and this would include Cassiar. So, we didn't submit a project for Cassiar to travel into Whitehorse this year or any other spot in the Yukon Territory and the reason that they have asked for assistance from us, is because they did receive benefit - only because they belonged to the Yukon Curling Association. But, now, as far as curling is concerned, we have to treat them the same way as any other spot in the Yukon Territory, and we can't pay their travelling expenses to Whitehorse, but I don't think that it should go beyond curling as far as we are concerned. Right now, we have another curling club just outside our borders at Lower Post. If we start giving Cassiar assistance, we will have Lower Post requesting assistance. Then we will have Cantung, and I leave it to you.

Mr. Taylor: Mr. Chairman, I agree that we should continue to provide the assistance that we do provide for the Playdowns where at all possible...if it is being done. I'm not saying that we should do anything for these people that we wouldn't do for a Yukoner, but I tend to agree that by extending this into Boy Scouts and other projects - we don't know how much money we are spending here - nor do we know if there are any other activities other than Boy Scouts...it leaves it kind of open here, but I might

Mr. Taylor continues: say this that Cassiar, as has been pointed out, is pretty well linked with the Yukon. I know at their Bonspiels and this type of thing, they always invite any teams from all over the Yukon, from as far as Dawson and right down through, to come to Cassiar as their guests and the rooms and meals and that type of thing provided as guests of the Company, and I think that this is a pretty nice consideration all in all. I feel much the same that we just don't have that kind of money that we can afford to subsidize Bennettland really, apart from the curling, and I think that the curling, being a very general sort of thing - that's one thing - but with these other activities, I think they should be considered by the Province involved.

Mr. Clerk: Mr. Chairman, possibly I didn't make myself clear, but as far as curling is concerned, this Program, the Administrators of this Program, have changed their policy this year and they will not pay travelling expenses for any team, except the Yukon Championship Teams who travel out of the Territory this year. So this would rule out all locations, including Cassiar.

Mr. Boyd: Yes, Mr. Chairman, it would seem that there is really no call for this memorandum because the thing that they are talking about is no longer applicable. It's not in operation. It doesn't apply. So, I would say that we have nothing to add....nothing to say.

Mr. Thompson: Mr. Chairman, the way I look at it is that if Cassiar should turn up with the best curling team and go on to the Playdowns, it will be the Yukon that are sponsoring the British Columbia entry as it were.

Mr. Boyd: This is true. I think it is a long ways from being a possibility at the present time. It could happen latter on, but by the same token we have the same thing when we go outside to play off as the Yukon team we will say. If we are a Yukon team, we would go to the MacDonald Briar Playdowns - a Yukon team representing British Columbia so this is just the reverse in the event that Cassiar won over here which...if the Whitehorse team should beat British Columbia, they would have a Yukon team representing British Columbia in the Dominion Finals. So it's tit for tat in this case.

Mr. Taylor: Mr. Chairman. There is another consideration too and that is the fact that Cassiar contribute very, very substantial to the Yukon economy apart from road maintenance involving passage of their vehicles and so forth; they are quite deserving of this thing. It's only a minor expenditure.

Mr. Shaw: May I ask a question of the Clerk? This money that we are referring to, Mr. Chairman, is this not Federal money actually. The Yukon Territory is granted an amount to up to say \$50,000.00 to be used in this particular thing for these sports and that the money that these people get is money that we wouldn't otherwise use in any event. It is not out of the Yukon Taxpayer in the direct sense. It is Federal money. Could I have that question answered, please?

Mr. Clerk: Yes, Mr. Chairman, a portion of it is Federal money. I believe 40% comes out of Territorial Funds.

Mr. Taylor: Mr. Chairman, this is 60% recoverable from the Federal Government and we pay the other 40%.

RE SESSION-  
AL PAPER  
NO. 49

Mr. Boyd: I would make a motion that we feel now, in view of the present ruling of this particular Fund, that the situation is no lonber applicable and that we just.... I move we consider it as not applicable at the present time.

Mr. MacKinnon: Mr. Chairman, I would just like to ask one question with regard to the Boy Scouts. Is this applicable to the Boy Scouts, and we'll say Cubs, in the Yukon at the present time?

Mr. Taylor: Mr. Chairman, no. This refers to just the Boy Scout activities in British Columbia and Cassiar, but I would like to ask Mr. Boyd a question with respect to his suggestion. Do you feel that if a Cassiar team were to win the Playdown that we wouldn't be able to assist them, or is this referring to the assistance for other activities?

Mr. Boyd: We would definitely assist them. It would be a Yukon representation regardless of how you look at it. No matter who wins it, it would be a Yukon deal.

Mr. MacKinnon: Mr. Chairman, I was quite aware that this was a request from Cassiar but what I am interested in is... if these requirements that as asked for here....applicable in the Yukon at the present time. Could Mr. Clerk inform us on that?

Mr. Clerk: Mr. Chairman, I can only quote the second paragraph of Mr. Cameron's letter written by Mr. Judd which says that they have asked for assistance with curling but also with other Fitness and Amateur Sport projects such as their Boy Scouts. So they must include them as a Fitness and Amateur Sport project in the Yukon Territory as well as anywhere else. I know we do pay a grant, but I am not too certain that grant actually comes out of that same Fund in the Yukon or not but it would show in your Estimates.

Mr. MacKinnon: Yes, Mr. Chairman, it's possible in needy cases...I have a boy in Scouts and I buy his clothes.

Mr. Taylor: Well, Mr. Chairman, Wacky Bennett keeps talking about all the money he's going to pour into the Yukon if we ever join him. I think he should be able to pour a little into Cassiar. From what I hear, he is virtually unknown in Northern British Columbia, and maybe this is an opportunity to let Mr. Bennett know that the Northern part of his Province does in fact exist.

Mr. Southam: Mr. Thompson, will you take the chair for a minute. I would like to try and answer Councillor MacKinnon's question regarding the Cubs, Scouts, Girl Guides, Brownies and what have you. I am the Chairman of the Group Committee for Scouts in the Elsa area, and as far as I know, we have never made any application to the Fitness Fund. I understand the primary part of it is to assist all sports and projects for children and others. We do get money from this...the Legion gets money from this...to support the sports in the Elsa-Mayo district. We look after all the kids playing baseball, hockey, curling and so on. We do get assistance from this Fund to help carry on, and I suppose that possibly the same thing applies to the Scouts if they wish to apply. Now, we have never applied - tried to keep it on the basis on which it was set up - that is that a Scout will provide his own uniform through earning the money some way or another. It may be ten cents a week or five cents a week or whatever the case might be. We have kept it that way. As I understand it, if there is any money, after all the Yukon people have got whatever they have asked for, and there is a little

Mr. Southam continues:  
money left over, then are we agreeable to that Cassiar deal? That's the way I understood it....not to do our people out of anything.

RE SESSIONAL  
PAPER #49

Mr. Shaw: That's the way I look at it too, Mr. Chairman.

Mr. Boyd: My Motion is not seconded so I would move now that we adopt the proposal...the last paragraph...make that provision that if there is any money left over that they can have it.

Mr. Shaw: I second that.

Moved by Councillor Boyd and seconded by Councillor Shaw that we adopt the last paragraph in the memo, or the Sessional Paper, from the Commissioner.

MOTION CARRIED

MOTION  
CARRIED

Mr. Southam: The next item, Gentlemen, is the Sessional Paper you received this morning - Sessional Paper No. 50, Territorial Property Tax. You have this before you and it is now open for any discussion.

RE SESSIONAL  
PAPER #50

Mr. Boyd: I don't think this Sessional Paper calls for any discussion. I think we might certainly express, I particularly, express appreciation as to the results, and I am very happy to see that they passed this.

Mr. MacKinnon: I would also like to say that I am very, very pleased, and I feel this is a step in the right direction for the people throughout the Territory.

Mr. Southam: I will call a three minute recess while we decide what to do.

Mr. Southam: The Committee will now be called to order. We have Mr. Commissioner with us. The item we desire to discuss is the Kindergartens in the Yukon. The field is now open for discussion.

RE KINDER-  
GARTENS

Mr. Taylor: Mr. Chairman, during our lengthy discussions on this the other day, it seems that there were many aspects of this taken under advisement, and one was naturally the costs involved and it rated from \$111,000.00 to operate the Kindergarten service, on the operation and maintenance side alone - from \$111,000.00 to roughly \$140,000.00 in the last year of the Five Year Agreement. By further exploration into this affair, it disclosed that we are only speaking of really six classrooms in the Whitehorse area and we are not speaking of the outlying district. Projecting our thinking on this from six classrooms and adding say another twelve around the Territory, where required, this would triple the cost and would leave us with an expenditure of over a billion dollars or a couple of million dollars in the broad sense of the term. It is my thinking that though, as Mr. Thompson pointed out, this is a study consideration and it does give benefits to the children who take this kindergarten...helps them into Grade One and on through their schooling. On the other hand, it seems that we just, frankly, don't have the money to produce and to support and to maintain this. We haven't looked at the capital side of the picture at all. We don't know what we are speaking of in new classrooms or facilities, and it further seems to me that kindergartens are in existence in I believe in the Whitehorse area, certainly in Watson Lake now - there's a couple going down there - one in the Liard and one in the town, and that these are done primarily, I believe, by the Religious Orders or Groups. I really think we should leave this little potato alone. I think we should come to a firm

RE KINDER-  
GARTENS

Mr. Taylor continues:

decision on this at this time and toss it out and maybe review it at some other period of time, but I think, at this stage of our development, we just can't, frankly, afford to provide this service. That's my thoughts.

Mr. Boyd: Mr. Chairman, there was another aspect. We listened to Mr. Thompson quote so many children and so many rooms and I, for one, wonder how he knows really what he is talking about when it comes to facts because it is not compulsory for anybody to send their children to kindergarten so are we going to have half the people with their children in kindergarten and the other half not? Under the Department of Education, things should be cut and dried - not hit and miss, and if the situation was necessary education wise, then it would be definitely necessary, education wise, to be in that school...for everybody. Then, he didn't seem to be clear whether we would have to build another school to take care of the Religious Orders which might be classified as duplication.. an added expense. Would they be in this school? And, if we did build a separate school to take care of the Religious Organizations, would they all be in that school? Or, would they elect to go to another school which they do now. They can have their choice. There is nobody can say what school you should go to...any high school. You can't operate an educational system and get the utmost for your dollar on this basis...simply can't...and this is where we are floundering today - even in our bigger schools. So, I think there's a lot more consideration necessary, and certainly I'm not gullible enough to think that it isn't going to cost the Taxpayer any money. Somewhere along the line, we are going to pay. I don't think the Taxpayer wants to have us tie him down with a capital expense. In other words, it's just about another set of schools in a sense. I don't think the Taxpayer would want this - certainly if he was asked to put his name on the dotted line and say "I am quite prepared to have you tax me". I think we would have trouble.

Mr. MacKinnon: Is this a practice in British Columbia and other Provinces to have these kindergarten schools?

Mr. Boyd: I think Mr. Thompson intimated that there are kindergarten schools all right, but they are not under the Department of Education as such.

Mr. MacKinnon: Mr. Chairman, what Department do they come under?

Mr. Boyd: They are private. They are operated the same way our schools are operated here. I don't say it's the same in all four provinces...it is so in most of them.

Mr. Southam: Will you take the chair please, Mr. Thompson. I said the other day they run a kindergarten in the Calumet-Elsa area and it is my understanding, talking to some of them here a year ago, I think they approached this subject, that what they were desirous of was more or less a room... a room so that they could have it in the school with the rest of the children...a room - they didn't say anything about supplies or anything about that. Maybe they had this in the back of their minds or maybe they had it in their minds that the Department of Education would take it over, but this is not what was inferred. I understood that if they had a room, and supposing we did help out with some of the supplies, but if we provided a place for them, and I still think that they would support themselves, they would pay to have their children...they would probably arrange for the teachers themselves. I think that this

Mr. Southam continues:

is what, at least up in our part. I think this is what they had in mind. I may be wrong. And, another thing I have been thinking since I have looked over this list of names - they are all from Whitehorse and Haines Junction. If we are thinking of putting this kindergarten on a Territorial basis, I think then, again, that somebody should find out from these outlying areas if this is what they want. Even if they do want it, I think, at the present time, we are a little too premature. We are too premature -- the population is too transient. It is not like as if we are tied down here with a big industrial....that the majority of young people are going to be here for twenty or thirty years. This is not so because, as a rule, you will find people - if they spend from say three to five years today, they are gone...regardless of what you do. So, in my opinion, I think that we are a little too premature and I also notice in taking a glance at the list, I don't know these people from Adam, but I do know there is repetition. I don't know who the people are. I think that if you put it to the people this way - "Are you willing to pay for this, providing we do give you a room to put your children in kindergarten?" - find out if they are willing. If this is what they want, then maybe we can help them in some way, shape or form. Otherwise I would say it's a little premature. I'll take the Chair back, Mr. Thompson.

RE KINDER-  
GARTEN

Mr. Boyd: Mr. Chairman, this petition here with 310 names on it was used as a guide indicating the need for the desire. Now, here is Page One and I see a certain man's name on there. I can go back here three pages on another list and find the wife's name. I can go back another two pages and I find the same signature here as what is here.. the same name, and there is all kinds of this in here. I don't want to say any more about it. But, I won't accept this as being justification for consideration....not to be guided by...it's not a true picture....man and wife on one sheet...and look.....

Mr. Southam: Any further discussion, gentlemen?

Mr. Shaw: If you want an opinion, I gave lots of opinions the other day - didn't think I would have to go through it again, but I feel it is just too rich for our blood at the present time. We are talking about one of these days trying to operate things ourselves. If we start taking and getting more money to operate more things, when the time comes around that we have to operate our own affairs, we are going to wonder what's happened. Santa Claus has disappeared. In most provinces, these things are set up by local School Boards who tax people accordingly, plus a grant of so much and those are the people that determine what they have in respect to these things and also pay them. They pay part of the cost. In this instance, well, of course, presumably there would be no cost involved. It would just be getting a little more money out of the Federal Government to carry forth a plan that might cost us millions of dollars. I would be certainly agreeable to people that wanted kindergarten, if the Department of Education had some plan whereby they may provide...if there is any accommodations, if there's room available, if they have rooms, for them to have their kindergarten or something in respect to helping people help themselves in matters such as this; but I am not agreeable to the Territory taking over an expenditure of possibly two or three million dollars over a five year period or something like this at this time.

RE KINDER-  
GARTENS

Mr. Taylor: Mr. Chairman, this being a major policy consideration as well as a financial consideration and Mr. Commissioner is the man, the Commissioner in Council, who has to rule the roost here, and I wonder if he has any comments to make on this.

Mr. Commissioner: Mr. Chairman, my comments, I am afraid, are exactly the same as yours are. This petition was put in by a number of citizens - it wasn't solicited by Administration, and these people are expressing the wish and desire, but I certainly agree this is a very rich diet. We would be attempting to eat turkey on a hamburger wage at the present time. Our education costs right now are extremely high and are going to climb just in the normal system of education. I believe that a great number of these signatures on here, and a number of people that haven't signed, feel that the age of entering school should be dropped to five years old. I have had people come to me with this and explain how their children are much further advanced than other children, and they feel they should be entitled to what they want. Your Report on Education comes out and says flatly that there may or may not be merit in this suggestion at the present time, and over the past number of years, it was found that the transition between babysitting and teaching seems to be six years old. Until it is proven otherwise, this is the best way to draw the hard line. As Councillor Boyd has pointed out, if we were to go along with this and it meant a capital outlay for construction of additional rooms, we have no assurance that one day we might have twelve in a class and the next day there might be one, and there is nothing we can do about it. We can't insist that these people put their children into these schools and, therefore, the only thing I can see is to continue as they are doing. If they feel like setting up services, if there is anything, like Mr. Shaw says, that we could in a very minor way assist them in their circular activities...but I really can't see how we can become involved at this time in a full-scale kindergarten program, and I don't...there probably are some provinces that have full-scale kindergarten programs, but I don't know of any. It varies in different provinces throughout different portions of the provinces because they work under different school systems where they have taxation powers and they can say "Well, if most of the people want kindergarten, we'll pay for it. We'll tax the people and collect the additional money" and that's the set up. That is why we wanted it discussed in Council...otherwise we would appear prejudiced in the Administration. I have nothing against it. I think it would be wonderful if we could have kindergartens, but I really don't feel we are in a financial position to accept it and see our recovery early enough to prevent unnecessary inflationary budget.

Mr. Boyd: Mr. Chairman, I think the Commissioner knows our thinking. I don't think he disagrees with us. I suggest that we have discussed this far enough and the answer is obvious.

Mr. Southam: Any further discussion, gentlemen?

Mr. Taylor: Mr. Chairman, insomuch as this appears in our Five Year Fiscal Agreement, I feel that a Motion will be in order which would have the effect of deleting this from the budget and also establishing a policy. I would suggest that unless someone has a Motion drafted and worded properly that we could consider the introduction of a Motion under Orders of the Day and have it drafted in such a manner as to give reconsideration to it and be word perfect, approve it and the matter is concluded.



Mr. Shaw: Mr. Chairman, I think the Members have pretty well stated their viewpoint. I haven't heard any dissension in agreeing to have this matter of policy of the Government and I would say that the views are apparent. When we discuss the Financial Five Year Agreement, at that time we can move the appropriate Motion not to accept this proposal. I think that would be sufficient. RE KINDER-GARTENS

Mr. Boyd: Yes, that would seem to be the proper answer.

Mr. Taylor: Mr. Chairman, as that seems to be the conclusion of that discussion, unless there is something else that Mr. Commissioner....possibly he could be excused and we could proceed with the furtherance of some Bills.

Mr. Commissioner: Mr. Chairman, I might, just in closing - I see four young people in the gallery that I might mention.. I believe are the students from Alaska, and I understand that you will be recessing for a tape and stenographer change in a minute or two - you gentlemen might care to introduce yourself and have a small discussion with them. I am sure they would appreciate any information.

Mr. Southam: I will declare a few minutes recess.

Thursday, December 9, 1965  
11 o'clock a.m.

The Chairman called the Committee to order and informed the members that they would proceed with Bills. He commenced to read the amendment to Bill No. 4 - An Ordinance to Amend the Evidence Ordinance.

Amendment to Bill No. 4

Mr. Taylor: Mr. Chairman, this amendment has already been voted upon in Committee and now that it has been re-typed I would move that this Bill be recorded out of Committee as amended.

Seconded by Mr. Boyd.

All: Agreed.

Motion Carried

Motion Carried

The Chairman commenced to read Bill No. 6 - An Ordinance to Amend the Garnishee Ordinance - which had been amended at section 17, sub-section (2)

Amendment to Bill No. 6

Mr. Taylor: Mr. Chairman, I believe that a Motion was also proposed and agreed upon in respect to this amendment. Perhaps Mr. Clerk could recall whether this is the case?

Mr. Clerk: Mr. Chairman, this is the only amendment I have noted.

Mr. Taylor: I'm just wondering whether this Motion was carried in Committee or required to be carried?

Mr. Clerk: Yes, this was carried.

Mr. Boyd: Well, Mr. Chairman, I would move that Bill No. 6 as amended be recorded out of Committee.

Seconded by Mr. Shaw.

All: Agreed.

Motion Carried

Motion Carried

Mr. Taylor: Mr. Chairman, having cleared the Bills and Sessional Papers at the moment we can now proceed with the five-year fiscal agreement. I am wondering if we could get an additional table or two to hold the various documents which will be required?

Five-year Agreement

Mr. Shaw: Have we completed all the Bills? What about the Motor Vehicles Ordinance?

Mr. Clerk: This has been cleared out of Committee.

Mr. Shaw: Have all the Bills been cleared out of Committee, Mr. Clerk?

Mr. Clerk: No, we still have Bill No's 2, 3, 7 and 8 still in Committee. Still require re-drafting.

Mr. Taylor: I have an amendment noted on the Inter-state Ordinance, Mr. Chairman, and wish to check it before its passage at the spring session.

At this time, the Chairman called a recess.

Thursday 9th December  
2.0'clock p.m.

Mr. Chairman: This Committee will now come to order. We have Mr. MacKenzie with us and we are going to discuss the new 5 year agreement.

Mr. MacKenzie: First of all I would like to hand out to each member of this Committee a set of books containing the estimates for each vote up to vote 4 inclusive and capital. I would like to have these books back so I can make further changes if necessary. I would suggest that you allow me to guide you through these votes one by one to explain it to you. Vote 1, concerns the Yukon Council and the major expenditure is the sessional indemnity to each Member of Council. These figures you see in the folder were prepared on a certain formula which is unsettled and is very likely to be changed so I don't think we can do much with Vote 1 today. Vote 2, re the Department of the Territorial Treasurer, as you can see in the Introductory paper here explains the purpose of the vote and the case of principal item which is salaries and wages is explained on page 14. As you can see the estimates for the five year 1967/72 are based on the projection of the actual expenditures over the last consecutive 5 year period 1960/65. The average increase annually in those 5 years works out at 32% and that has been applied to each of the years 1967/72. It is a high percentage and will certainly be reduced, it is set out here for discussion purposes as a start in arriving at a more accurate figure.

Mr. Shaw: These figures are merely for projection and we could in fact be way out according to the the expansion of the Territory.

Mr. MacKenzie: It has to be a very rough estimate as it is impossible to know what is going to happen in the next 5 years.

Mr. Boyd: You make a remark that it is rough its a high estimate and will definitely be reduced. On what grounds will you reduce it, what's the point of setting it out if you feel it is too high.

Mr. MacKenzie: This is a fact this 32% per annum increase over the year 1960/65, we may repeat the process in the next five years but I don't know so I put it in this way. Ottawa may feel that it is far too high as they are the ones that are providing this money and have a say in what the percentage increase should be. I shall argue for a high an increase as possible within reason but we don't have the final say in this.

Mr. Boyd: Maybe I misunderstood you that what you are really saying is Ottawa may reduce it.

Mr. MacKenzie: Yes I think it is almost certain that they will, but I don't intend do.

Mr. Shaw: In other words it would be easier to have the money provided for in projections such as this than it would be in actual fact when later on we have enough money to get more.

Mr. MacKenzie: Yes it would be very difficult and impossible to get more, it would mean reopening the 5 year agreement which is not an easy matter.

Mr. Thompson: I feel that 1961/65 may be actual expenditure figures but I think that the saturation point has been reached as far as the number of people in the Territory and I don't feel that 32% addition is any way near what the actual expenditure is conceivably likely to be. You are saying you are going to increase your staff by 32%, this is one third more than you have now and you have already got 35 or 40 people?

Mr. MacKenzie: Approximately, yes.

Mr. Thompson: Well I afraid that on that basis I can't agree to anything of this nature I would say you have the staff available now that would conceivably do half of much work again instead of increasing your staff and I would say this would amply allow for any increase that you had in mind.

Mr. MacKenzie: I think Mr. Chairman that is a very bold statement, no-one can foresee what is going to happen in 1972 for instance and it is advisable to put in a very high figure. Also it is to our advantage to put in a fairly high figure because this will govern the amount of the operating grant. It is because the present 5 year estimates were too high that we have a very handsome surplus on the operational and maintainace grants. We don't want to under estimate and find ourselves short so I think Mr. Thompson is arguing against himself, in suggesting this substantial reduction in these figures, not that we want to boost them up out of all reason.

Mr. Thompson: I think this is exactly what the Territorial Treasurer has done so he is going to have a cushion that when he goes to Ottawa, he can fine we can shop off 30% or 40% and we can still be sitting in a very favourable position. I would much sooner see a more realistic presentation of these figures and go to Ottawa with a firm conviction that this is what we need, a 32% increase is way above our heads in any manner of complications. I can't follow Mr. MacKenzie's reasoning at all, other than he wants a cushion to act on and I don't see this is the place for it.

Mr. MacKenzie: I will take note of Councillor Thompson's opinion.

Mr. Thompson: Well thank you Mr. Chairman.

Mr. Shaw: The operating surplus that we have right now when we come to the end of the Agreement, will that just lapse or what would happen to that particular section.

Mr. MacKenzie: No-body knows but it is very probable that we would need a certain amount of it to meet our capital requirements in the last year of this present agreement. We have the right as you know to utilize part of that surplus for capital purposes if necessary.

Mr. Shaw: In the past the former 5 year agreement we are working under now it appears to me that we have established a Department or two that we didn't have at the commencement. This operating amount of money has been utilized in this new Department would that be correct?

Mr. MacKenzie: That is correct to a certain extent in a quite small Department, the Library for one.

Mr. Thompson: I would like to make one other comment at this time, Mr. MacKenzie says he wants these books back. If there are going to be any corrections I would like the Administration to give them to me and I will put them in the set of books that I have, but I would like it understood that I would like to keep these books that I have at the present time.

Mr. MacKenzie: I don't think Mr. Chairman that it is permissible but I will refer the question to the Commissioner for his ruling.

Mr. Taylor: I would certainly like to know why it isn't permissible, if it is not permissible for us as legislators to deal with these things, then I think we should wait until such a time as it does become permissible.

Mr. MacKenzie: I will refer the question to the Commissioner and let him decide.

Mr. Taylor: I would like to ask a question on this, do we provide within this vote 2 for the cost of administration for the General Hospital, Alaska Highway and Yukon Forest Service.

Mr. MacKenzie: No the administration of the Hospital of course is a separate matter altogether and will fall under the Yukon Hospital Insurance Service. The Alaska Highway has been ignored in the preparation of these estimates and will be taken into account at the appropriate time. The Yukon Forest is not in at all.

Mr. MacKinnon: Is Yukon Fisheries?

Mr. MacKenzie: No Mr. Chairman.

Mr. Taylor: At this point I would like to ask a question as I understood we were to take over the Yukon Forest Service and the operation of the Territory and apart from two people in Ottawa this seemed like a very forthcoming thing in relation to this agreement. What went wrong and why are we not taking this on as proposed.

Mr. MacKenzie: The matter is a question that should be referred to the Commissioner and I can't answer it.

Mr. MacKinnon: I would suggest at this time we call the Commissioner to the Table and have some of these questions dealt with as we proceed otherwise we are going to have to refer back to vote 2 and it looks to me as though we aren't getting anywhere.

Mr. MacKenzie: May I mention Mr. Chairman, the

Commissioner will be tied up in a Committee Meeting until 4. o'clock and I don't know whether you would like to postpone consideration of these estimates until then.

Mr. Chairman: What is your wish Gentlemen.

Mr. Shaw: Mr. Chairman, I can't see the point in asking Mr. MacKenzie questions in relation to policy that of course must come from the Commissioner. On the matter of cost and cost accounting I think that would be in Mr. MacKenzie's line. I think we can continue without getting into the policy part of this and probably make some progress.

Mr. MacKenzie: I would be very glad to have the Commissioner in because quite a number of questions are raised that I have great difficulty in answering because they are policy and they are outside my sphere of activities altogether.

Mr. Chairman: Do you wish to defer this until we can get the Commissioner.

Mr. Boyd: Surely we can carry on until 4. o'clock and Councillors can make a note of the questions they wish to raise concerning policy.

Mr. Taylor: Possibly we could have the Commissioner in the morning to do this as I have to be absent for a time this afternoon and I have lots of questions I would like to ask him with relation to this.

Mr. Thompson: Well it seems to me that a matter of this importance I would think that the welfare of the Territory would take precedent over a Meeting and I am inclined to agree that it would be much more expedient if we have the Commissioner with us to go through this with us.

Mr. Taylor: I would like to ask how did Ottawa react to this particular vote.

Mr. MacKenzie: That is what I am going to find out next week. I have no doubt whatever that they will require a reduction on this increase. I fully admit that it is very high but it is a fact as far as the basic year is concerned.

Mr. Chairman: What is your wish Gentlemen, do you wish to recess until 4. o'clock and then carry on?

Mr. Shaw: Is it necessary when we go through the various Departments to have the heads of the Departments in each time we go through one of these particular books.

Mr. MacKenzie: I think it would be advisable.

Mr. Shaw: Could we then go on to some other Department rather than have nothing to do.

Mr. Chairman: We seem to be going around in circles here.

Mr. MacKenzie: I have simply brought down four books here and there are another 70 odd books upstairs, if you wish any other vote brought down I would be glad to get it.

Mr. Taylor: I would suggest that this matter of Vote 2

be set aside and Mr. Thompson be contacted and we proceed with Vote 3 which is Education.

Mr. Chairman: Would you do this Mr. Clerk and we will put Vote 2 aside.

Mr. Boyd: I would like to clarify a point Mr. Chairman, when Mr. MacKenzie goes to Ottawa it isn't with the understanding that Council has approved this and you won't be using Council as an argument as I wouldn't feel comfortable under these circumstances.

Mr. MacKenzie: No Mr. Chairman of course not, the object of this exercise is to show you what has been worked out and to secure any ideas that you may have for addition or deletion. I can say to Ottawa Council has seen this and they feel it should be increased or decreased or anything you wish me to say to them.

Mr. Shaw: This is very good as in my recollection this is the first time this has happened, prior to that there was a 5 year agreement and that was it I do not recollect seeing any figures such as this, this is a tremendous undertaking.

Mr. Chairman: We will call a recess until Mr. Thompson gets here.

Mr. MacKenzie: This is Vote 3, and there is an explanatory paper which tries to set out what the book covers and what is planned. As you can see it explains the basis of the estimates of 1967/72 under 5 headings. First is existing Schools, and they are based on the actual projection of the average increase for each School during 1960/65. There again I have taken the last consecutive 5 years actual experience on a basis and the projection to the trend over the next 7 years, up to 1972.

Mr. Taylor: This is strictly operation and maintainance.

Mr. MacKenzie: This is operation and maintainance only Mr. Chairman. The second point is new Schools and there I have selected comparable Schools in the Territory and taken their costs over 1960/65 and projected them. The third point concerns Teacherages existing and new, in this particular case the projectional cost applies to the 1964/65 average per bedroom cost plus 5% for each year thereafter. Point 4 concerning general administration, that is projection of the trend and expenditure over 1960/65. There are a number of miscellaneous items which you will see and there assessment has been arbitrary they are not so large. As you can see further on during the next 5 years 1967/72 education anticipate requiring 67 additional classrooms and those have been provided for as stated there. 26 has automatically been provided for in item 1 the point of projection for existing Schools. 22 in item 2 which is New Schools and the balance of 19 has been provided for by using average classroom costs in 1964/65 and adding an arbitrary figure of 15% for each year thereafter. In the case of Teacherages the need appears to be for 25 additional teacherages equivalent to 75 bedrooms and the estimated costs there have been provided for

there on the basis of item 3 which is the projection of 1964/65 average bedroom cost plus 5% for each year thereafter. As you can see the costs are quite substantial.

Mr. Boyd: I take it that this is based on the assumption that we continue with our housing at the rate we are doing it now and continue to increase on that same rate rather than to prepare to move downwards on the housing scheme.

Mr. MacKenzie: I think one should ignore housing here other than to consider the need for 25 additional units. What I mean to say is ignore the cost angle and the rents that we get from the Teachers ignore that as well.

Mr. H. Thompson: As I see the picture in the years ahead it is our attempt to not become involved in any more housing/the Whitehorse area but outside of Whitehorse I think we must provide housing if we want to obtain Teachers for these places. There is one situation now in Dawson where we are in a position that we have to lease a house in order to have this married man in this particular area and to provide the same subsidise to him as we are providing to two other married men that are on staff there. In Whitehorse I should like to see the situation where we will not get involved in any more housing I think that there are homes available here for rent or purchase and possibly there is a re-sale market here but this situation doesn't obtain in the areas outside of Whitehorse.

Mr. Boyd: What prompted my question was that we are preparing for 25 additional Teacherages units is this for Whitehorse? I thought maybe we had a revolving program going whereby after a period of two years these people would be out and the new teachers would be in.

Mr. Thompson: Supposing your suggestion of a School at Pelly River were to be implemented, we would have to supply a Teacherage there for them or a School at Ross River and if we had to extend the School at Teslin we would have to provide additional accommodation for the Teacherage there. This is the reason for this and you will note that we estimate for 1967 additional classrooms and our estimate for the number of teachers would be in excess of 67 and we have estimated for only 25 additional Teacherage units.

Mr. Boyd: Well where we have one teacher or two we are going to build a Teacherage, I noticed that you stated we are leasing a home in Dawson and I would like to see you lease a home for all of them it would be much more economical to the tax payer.

Mr. Thompson: I think here again in view of our previous discussions with the Commissioner that I feel this is the time he should be here. If we sanction this we are in effect saying fine we are going to stay in the housing business for the term of this agreement.

Mr. Taylor: There is another problem and that is it is going to reflect on our operation and maintenance cost to do this thing in the next five years and



what our Indian Affairs is going to do. What are you going to do in respect of the native children are you going to start releasing them from the boarding schools and start having them go to School in their own Communities or just how much classroom space must we make available. I think this is a big factor to consider when we consider this 5 year agreement and I think somewhere along the line we should get some firm decision from Indian Affairs with respect to this. If Indian Affairs suddenly dumped a greater number of children on the market and we were unprepared for it we would be in an awful state. I believe they should be going to School at their own home Community and the money spent on keeping children in these residential Schools should be spent in education at the Community levels. I wonder Mr. Thompson if you have heard anything or had any communication with Indian Affairs with respect to this 5 year agreement.

Mr. H. Thompson: I have had no communications from Indians Affairs with regard to this 5 year Agreement but just the other day I received a letter from the Superintendent from Indian Affairs for B.C. and the Yukon and this is the first time it has been put down in writing although it has been discussed with me verbally. They would like us to take over the complete operation of their residential schools to the point at the present time we are supervising instruction in the classroom but they would like us to take over the complete operation of the schools not the residential part of it but the classroom. This is in respect of hiring the teachers, paying their salaries and purchasing text books and they would be interested in discussing this matter with a view to writing up a formal agreement covering this. We would have to be reimbursed not only for our expenditures in regard to Teachers salaries and text books but also for the administrative and supervisory end of it. With regard to Indian Affairs taking the children out one year and the next year they are back I must agree with Councillor Taylor that this did happen particularly at Carmacks but the enrollment of the School at Carmacks today is higher than it ever has been and I think an established pattern has been set. I don't think we are going to end up with 30 students for 3 or 4 classrooms as we found ourselves a few years ago.

Mr. Boyd: How many schools do the apartment of Indian Affairs operate in the Yukon.

Mr. Thompson: They operate only one School and this is the one at Carcross, they also have a residential School at Lower Post which has mostly children from the Yukon attending the School. I might state one thing further with regard to what are Indian Affairs intentions. Following the receipt of your motion that a School be established at Pelly River and following the Councillor from Watson Lake discussion with me of his desire to have a School at Ross River I approached Indian Affairs verbally and formally through letter asking the Superintendent to provide me with the names of children in grades 1 to 8 who live in these communities and are now going elsewhere for their education. Also with an indication of how many of these children would attend a local school if one were established. I am trying to get this on paper so you wont have a situation where

you are told that there will be 40 children going to this School and when it opens up you find you have 15 or something like this.

Mr. Taylor: To get back to this Indian Affairs and Residential Schools as they relate to our own Territorial School system I foresaw the day when Federal Government would want us to take this responsibility off their hands but they don't give us anything to do with it. I would assume this is 100% chargeable back for the Teachers to the Federal Government, however, it does increase our administrations costs here because there is always that little more work and so forth, so we start contributing into Federal Government areas and responsibility. I strongly feel that rather than keep these Schools operating at a peak we should be attempting to clear them so all these children can be going to our Territorial Schools. Possibly we will know more when you have had an opportunity to discuss this further with Indian affairs and it is just a thought I would like to leave behind.

Mr. H. Thompson: You might be interested to know with regards to the Carcross Residential School that the enrollment there has dropped from 142 last year to 103 this year and I should think that if this Pelly River School and Ross River School were established that the enrollment of the School at Carcross would be cut by a further 50%.

Mr. Shaw: In relation to the two Hostels we have here at Riverdale all the children I presume are from outlying areas of the Territory, would you have any rough idea the percentage that would be forced say we go ahead and build a School at Pelly and one at Ross River would that eliminate the need for this Hostel or are these mostly children of High School age.

Mr. H. Thompson: The Hostels in Whitehorse have children from Grade 5 and up. Presumably there are some children from the Pelly Crossing and Ross River who are in these Hostels and some of these youngsters would be attending their local Schools if these were established. I don't have information as to the numbers.

Mr. Shaw: If you did conduct a survey such as that you would have a very good picture of where the children came from, the grade they were in and whether these could be simulated into the local Schools.

Mr. Taylor: Has there been anything considered in Ottawa which would provide for an economic boom something unforeseen. Our figures here are projected on the basis of our experience during our past agreement and normally when we agreed on this fiscal arrangement it was set down that we could not open it up again and now we have experienced a minor boom. What will happen if we do have an insurgence of say 20,000 or 30,000 people throughout the Yukon that we have not programed for if we sign this agreement and have no way out.

Mr. MacKenzie: I would say quite certainly that a development of that sort would have to be provided for separately. I recollect when the current 5 year agreement was being considered by Council that if there were an emergency which had not been foreseen

then the Federal Government would pick up the tag.

Mr. Taylor: That was for a major flood what about a flood of people?

Mr. MacKenzie: An emergency of any sort that has not been foreseen.

Mr. Thomson: In the situation of Old Crow was there a special situation there, we took over the School in the middle of the 5 year Agreement and provision had not been made for it in the present 5 year agreement.

Mr. MacKenzie: There had been no need for additional financing for Old Crow School.

Mr. Taylor: I believe those funds for the Old Crow School which we hadn't foreseen were taken out of the existing amount of money we had to spend for the present fiscal period. In other words we didn't building a Hospital at Watson Lake so there was a few thousand dollars and this has been the way it has been juggled around. We have sacrificed something in order to provide something else.

Mr. MacKenzie: I am not aware of sacrificing anything at all, we have had money for what we need and probably will have for the last year in our agreement.

Mr. Boyd: I agree we haven't sacrificed anything if we still have money we weren't that short there was no need to sacrifice. If we had money to take over Old Crow we simply took it over. As a matter of interest could you say exactly how many Yukoners are in the Lower Post School.

Mr. Thompson: I am sorry I don't have that information but if you wish I can get it for you.

Mr. Taylor: What average increase per annum in percentage wise have you forecast for Teachers salaries.

Mr. MacKenzie: That would be covered by the trend in projection from 1960/65.

Mr. Taylor: That being what Mr. Chairman?

Mr. MacKenzie: It depends on each School as each School is worked out separately. Here you see the figures consolidated in detail.

Mr. Boyd: So you have worked out the percentage increase for the Teachers and 67 new rooms, plus the rooms that already now exist. We will say 5% for Teslin 7% for some place else, the aggregate would be what 5%.

Mr. MacKenzie: I wouldn't like to say but every point is covered in these estimates here.

Mr. Chairman: At this time Gentlemen, I declare a recess for tea.

Thursday, December 9, 196  
3 o'clock p.m.

The Chairman called the Committee and informed the members that they would continue with Vote No. 3 - Education.

Chairman: Do you have anything further on this, gentlemen?

Mr. Boyd: In the budget here, we have a requirement for six rooms for the Whitehorse Kindergarten. I thought that when we were talking about kindergartens, we were referring to kindergartens for the whole of the Yukon. Is it fair to expect the rest of the Yukon to pay for the kindergarten costs for the Whitehorse pupils? However, I don't think that we need discuss this, really, as it has already been dealt with. This is just a weakness I noticed.

Superintendent Education: If I may speak on this matter, Mr. Chairman? Firstly, I want to stress the fact that when I asked that funds be made available in the five-year agreement, for the establishment of kindergartens it was certainly not with the thought that kindergartens be established only in Whitehorse. Secondly, these estimates and data as far as our Department was concerned, were prepared a year ago and at that time it appeared to me that with our elementary schools not having space, a number of them that is, we might have to establish a separate school building for kindergartens. As you know, I have indicated in your sessions during the past few days that there is space at Porter Creek and there is also classroom space at Takhini and if the Department's proposal that grade 8 pupils be placed in the F.H. Collins Secondary School, there will be space in the Whitehorse Elementary School. Thus, kindergartens for these particular schools can be implemented in the existing space.

Mr. Boyd: This is not quite so! As you say these rooms are empty now and you propose to use them for the kindergarten but how do you know that these children are going to go to that school? At present you have four people who live in that district who are not using them. They are in here. So we are going to be faced with the same thing again. There is no use until we can get this situation down to where it is concrete and you are talking about something which is up in the air. It's as full of holes as it can possibly be and I'm very concerned as to who is going to pay the bill? I'm not foolish enough to think that somebody is not going to pay it, including we Whitehorse people. I remember once having a promise made to me that if we did such and such as an organisation in this city we would not be charged any taxes. We weren't until the next Council got in and we've been charged them ever since. This makes me leery. There is nothing in writing and there is no reason why we shouldn't pay our portion of it if we are going to have it and we can't expect somebody to pay for something they are not getting. By that I mean, people who will not be sending their children. Those who are not in a position to get them there. These are the loopholes I am talking about. It is far too loose and not nearly enough groundwork, and factual facts. The estimates are all right but you can't tell me that there are thirty kids in any given area are going to that school or not. They could go to any one of these other schools which might be in existence, any one of them, and we can't build schools on this basis, because we'll go broke!

Mr. Taylor: Mr. Chairman, I agree. I think that it would be nice to have but with the costs involved would make them prohibitive. Though we speak of classrooms being available today,

we also talk about implementing this programme in a year or two and during this period the classroom space would have been filled with new students. What it really boils down to is that we will have to provide new classrooms, or as Superintendent Education has said, provide a separate building for this. I don't think that this is the answer at this time. We talk about autonomy in the Territory some day so we have got to place ourselves in a position where we can accept responsibility for all this administration and all these things. If we keep building this thing up beyond our control we are never going to be able to accept this responsibility. I feel very strongly that this is far in excess of what we can afford. There is one other thought and that is presently today there are kindergartens which are sponsored by the parents themselves or some religious order and some arrangements are being made to subsidize the teacher from the community or the parents and this is working very well. I do understand that they have problems getting chalk and other materials. We do have community halls available in the outlying districts and where the communities are very small and do not possess a community hall, a home is used to accommodate this need. I really think that it is a little more than we can chew at the present time. I certainly see the value of it but I feel that we cannot afford this as it is beyond us at the present time.

Superintendent Education. Mr. Chairman, I am just going to elaborate a little. I felt the other day when we were discussing this problem and after I left the chambers, depressed and I certainly don't blame you for this. It seemed to me that we were not talking the same language. This is as much my fault as yours. I realize that if we have policies which we would like implemented we should be capable of selling these to people. I do think, however, that this is a very important matter and is not something to be taken lightly because if this matter is turned down and is not included in the five-year plan, there will be absolutely no hope of implementing it, the publicly supported kindergartens, into the communities until 1972. You talk about money. It's going to cost money. It costs money to educate children in grades 1 and 2 and it costs even more money to educate children in the secondary grades and costs even more money in the vocational schools. The question really is, is the kindergarten programme of sufficient value to pay for it? Or to have it publicly sponsored? Is it just a frill, a glorified baby-sitting service or so on? The Royal Commission on Education has looked into this and they feel that it is a valuable organization. The Royal Commission on Education in British Columbia, recommend publicly supported kindergartens. This was in 1960 not in 1965. Conditions have changed even further to the point that Educators feel that kindergartens is a necessity. I don't think it's a good situation when some of the children get this benefit and others don't. If we are going to have equality in educational opportunity, we should make this education available to all and the ones who are not getting it, they are the ones who need it even more. The fact of the matter is that the cost of kindergarten education would be approximately one half the cost of grade 1 level because these will be attending school for only half a day. They will not be requiring a teacher full time. I would like you to consider this factor; one, we are educating people not for the 20th century. These youngsters we are talking about now are going to be reaching their prime in the 21st century and not in the 20th century. The youngsters who will be five years' old now will be just getting into their 40's. They will

be reaching their prime earning capacity in the 21st century. So we have to think ahead as to what the situation will be then. I think this question of equality of educational opportunities is a very important one now as these youngsters who come from socially and culturally deprived backgrounds often meet with failure when they start with grade 1. The statistics that the Royal Commission on Education for British Columbia brought out indicates that the youngsters who have the benefit of kindergarten education have a better chance of doing well in grade 1 than those who have not had this benefit. If this is true in British Columbia, Victoria and Vancouver, it is certainly even truer in the Yukon. If the Provinces feel that these publicly supported kindergartens are of value, I certainly think that they are of even more value in the Territory and speaking personally as the Head of the Department of Education, I would not like to see this thing dropped out. When we reach 1972 the people will be complaining that once again the educational situation in the Territory is fifteen years behind the Provinces.

Mr. Shaw: Mr. Chairman, there are various ways of looking at this. Superintendent Education looks at it in one way and perhaps other people look at it in another way. I did raise a question with Superintendent Education the other day on the amount of people who dropped out after the first year of grade 9 and actually the number of people who went into grade 1 and finished up in grade 12. We found that a very very large percentage started out and didn't finish off. It appears to me that a child can only absorb so much knowledge over a certain period of time. It also appears to me that the way the education system is going in these days, find higher education but from my observations: more children are dropping out at the higher grades because they are getting into a saturation point. A person can absorb only so much. For the bright ones, it is no problem as they have retentive memories which is a valuable asset but others are dropping out, who are not so bright. If this person did not go to kindergarten, what would be the result? As far as I can see, I'll most probably have a different point of view from an Educator, if they did not do so well in the first year they could may be spend another year in school. The average span of life is 70 years. They've got lots of time, to catch up. Another consideration we have to take is that these children certainly go to school and learn these things but we must also remember that they are in school may be 4 or 5 hours a day but they are at home 20 hours a day and it is quite a job to overcome the influence of 20 hours of a certain environment against four hours of another one. When you consider that over a period of time we have spent possibly \$2,000,000, on the ones who wished to complete their education and go further and become more productive. A year or six months of going to school or kindergarten I imagine the majority of the children will learn in any event. If they don't learn how to cut up stuff, they will learn just as soon as they get into school.

Mr. Boyd: As a matter of curiosity, Mr. Chairman, Superintendent Education has remarked on more than one occasion words to the effect that those that need it haven't got the money. I think I know what he is referring to. You can talk about all the Provinces if you want and their poverty situation is by far a lot worst than it is in the Yukon. Now, to make my point clear, what is the Department of Indian Affairs doing with regard to these kindergarten children? Have they said that they want them in the school? Do they want to get

them to a school? Are they doing anything about it? These are the kind of people I think Superintendent Education is talking about but as far as I am concerned, the Provinces have done nothing about these people in the first place. Where you say that we are going to be 25 years behind the times. I think when you say that you are referring to the people who have the money and can well afford to send their children to school and pay for it. The other people are still 25 years behind the times, and these are the people you keep referring back to. It is up to the Committee on the War on Poverty to get this straightened out and get those children where they should be and you can go on from there but what is the Department of Indian Affairs doing? Have you had any discussions with them? Have they said anything concerning this? This kindergarten deal.

Superintendent Education: I'm sure that the Department of Indian Affairs would pay their share of the costs in implementing this programme just as they have with regard to the children in the other problem areas.

Mr. Boyd: But they haven't done anything about it and you say that we are 25 years behind the times now. But here we have the very people you are talking about and they don't even think about it! How do you account for this?

Superintendent Education: Well, they are trying to do something and possibly they could do more. For example, there is a kindergarten at Skookum Jim Hall and the Indian Affairs Branch is paying a per pupil amount per month towards the operation of that. There is a kindergarten in operation which just started this year at Upper Lior and the Indian Affairs Branch contribute towards the cost of operating that. This is why I say that if we were to establish kindergartens as part of our school system Indian Affairs would most definitely pay their share of the costs. I have had indications of this from the local Indian Agent on several occasions. May I just refer back to the matter Mr. Shaw raised that when a student fails grade 1 and he lives for 70 years what's the difference if he repeats another year? It is not that simple, Mr. Chairman. This first year of school is important and it colours their whole attitude towards school and if they meet with failure, at the start of school, they have a distaste towards it and they feel that it's not for them. It's something completely foreign. These are the youngsters who do not do well in school and become drop-outs as soon as they reach 16 years of age. I think that it is not enough to say well okay this is the way they want it so this is the way it's going to be. I think we have a responsibility to ensure that these youngsters succeed in school. If we don't then we'll have to pay the shot anyway in the form of welfare payments. Which is why I've said many times that education is concerned with doing something with the people and not doing something for them. It is an investment and I feel as the people who wrote this report feel. Kindergarten is a valuable educational experience. For this reason, I think that we should try to implement a kindergarten programme, a public kindergarten programme, in the next five-year agreement.

Mr. Boyd: Would you favour school districts and the people operating and managing same subject to being responsible for a certain amount of the expenses? Do you think this would work?

Superintendent Education: Mr. Chairman, this matter of school districts, whether we should have them in the Yukon or not is a very deep question and not one, I feel, which could be answered glibly. If you examine the situation in the Provinces and in this regard in the latest issue of the Time Magazine in the Canada section, has a very interesting report on what is taking place in the Provinces. In New Brunswick where they are going to reduce the number of school districts from 300 to about 34 and the same type of thing has been taking place in British Columbia, Alberta, Saskatchewan, and Ontario and possibly other Provinces. At one time there were hundreds of tiny little schools and some of them representing a one-roomed school. The pattern has been to establish larger and larger school units or districts. In the Yukon, or in any area which is contemplating establishing school districts, I think it should be large enough to have a good secondary school. A secondary school which could offer a variety of programmes. At looking at this, I feel the only area which has this is Whitehorse or the greater Whitehorse Area. I don't think that there would be any legal obstacle in considering the whole of the Yukon as a school district, and having a School Board for the Yukon Territory as a whole. This could operate quite separately from the Department of Education. It could have its own Secretary/Treasurer, members and so on and receive grants from the Territorial Government for operation. The Department would then be responsible only for inspection of the classrooms, to see a minimum programme is carried out and the teachers have the minimum qualifications for the grades they are teaching. I don't believe in school districts for every little settlement in the Territory. I think this would be a retrograde step, and definitely a mistake.

Mr. Boyd: Do you think a School Board for the whole of the Yukon would make for a better arrangement in that there would be more efficient control and supervision of pupils and so on leaving you to handle your education and teachers? I'm not complaining or anything like that.

Superintendent Education: When I said one school district I should really have said two as we do have a separate school system and there could be a School Board for the Public Schools and a School Board for the separate schools. Then of course the Public School Board could develop its own policies. I think you have referred several times to separate schools. Students of Roman Catholic faith attending public schools and the fact of not having any control over this factor. If there was a public School Board, it could establish as its own policy that if a Roman Catholic parent wished to send a child to a public school, there would be greater pressure on the parent to send the child to a Roman Catholic school. If their taxes were going to the Separate School Board, then naturally I would presume that they would send their children to the separate school. They wouldn't pay taxes to one school district then have their children attend the other.

At this time, Mr. Taylor was excused from Committee.

Mr. Boyd: Mr. Chairman, I understand that we are a little off the subject. I would have thought that one School Board would operate a school district no matter what schools were in them. You certainly wouldn't want two School Boards operating in the same area would you?



Mr. MacKinnon: Mr. Chairman, I would like to say that I am in full agreement with having provisions in the budget for kindergarten schools within the time from now 'til 1972. In my estimation, if you can educate one person at a cost of approximately \$6,000, one person in value would be to this country \$1,000, during a life time compared to a person without an education who would be a welfare case for the rest of his life. I think that we should be prepared to look at it in this light.

At this time, Mr. Shaw assumed the Chair.

Mr. Southam: Mr. Chairman, I would just like to say something with regard to school districts, or school trustees, or whatever. You can't have one school board to govern a place where you have separate schools. You must have two and I think that is in the B.N.A. Act. Also you can't refuse a child of Roman Catholic faith entrance into a public school. They can go there if they wish but they don't have to. Also, if you are the owner of property and you have a tenant occupying your property and he wants his taxes paid to the separate school you have to do that. This is Law and I believe this is also covered by the B.N.A. Act. I know this because I have served on the Public School Board in Timmins and I have also served on the Public School Board in Wells, British Columbia. So I know that this is the way these things are handled.

Superintendent Education: Mr. Chairman, as Mr. Southam mentioned, if there was a School district, say there was one here in Whitehorse, a public school district, if a child whose parents didn't live in this school district or whose parents didn't pay their taxes to the Public School Board being of Roman Catholic faith, and the parents then decided to sent the child to the Public School, I believe the Public School would have every authority to levy school fees against the parents.

Mr. Southam: That's quite right, Superintendent Education.

Mr. Thompson: Mr. Chairman, I have been trying to find in this maze of figures something to substantiate Mr. MacKenzie's costs, that he gave us, regarding the six-roomed schools. I do note, referring back to kindergarten that in 1967/68 we are talking about 500 children and in 1971/72 the number will further go up to 600 children. Somewhere else in here it gives the number of teachers required for this operation to eventually 10 if we take 30 pupils to a classroom as Superintendent Education has used on various occasions which gives us 20 teachers. Here again as mentioned by Superintendent Education, these teachers will double in the Whitehorse area. In other words they will have a class in the morning and a class in the afternoon. When we start talking in this light we have an entirely separate schedule of classes which means an entirely different schedule for bussing; which means added increased cost which I don't know if it has been taken into consideration in these figures or not. I am just trying to relate teacher cost with the proposed capital cost and the estimated kindergarten enrolment. Can Mr. MacKenzie give me any indication of a related picture in these various fields?

Mr. MacKenzie: Mr. Chairman, I'm not clear what Mr. Thompson wants. I will say this, the figures I gave yesterday for the proposed kindergarten represented operating costs. They did not represent capital costs. Capital costs are in a separate presentation.

Mr. Thompson: Could I refer to any of these figures?

Mr. MacKenzie: No, they are in a detailed paper I have here. In the presentation you have in front of you, the detail is condensed. It has to be otherwise it would be completely unmanageable. I would assure you that the operating costs of a six-roomed kindergarten are contained in the estimates. Also, the capital cost of a six-roomed kindergarten is included.

Mr. Thompson: I realize that this is repetitious, Mr. Chairman, but could you give me those figures again that you gave yesterday with regard to operating costs?

Mr. MacKenzie: Yes, of course.

At this time, the Chairman declared a recess.

Thursday, 9th December 1965 - 4.00 p.m.

Mr, Chairman: I will now call the Committee to order and we will have Mr. MacKenzie's answer to Mr. Thompson's question.

Continued  
Discussion  
on Kinder-  
gartens

Mr. MacKenzie: The figures that Mr. Thompson was asking for, namely the operating costs of the proposed six room Whitehorse kindergarten, are as follows:

1967-68	\$111,270.00
1968-69	\$120,348.00
1969-70	\$129,426.00
1970-71	\$138,504.00
1971-72	\$147,582.00

Mr. Thompson: I realize we are not in the capital cost portion of this at this time but do you have the figures available of what these six classrooms would cost?

Mr. MacKenzie: Just let me find my capital papers. \$71,000.00 per classroom for the construction of the building. Equipment would be \$10,000.00 per classroom.

Mr. Thompson: On your operating and maintenance figure have you taken into consideration bussing?

Mr. MacKenzie: The figures are the same as the Selkirk Street School, so if they include transportation then the answer to your question is yes.

Mr. Thompson: On Page 231 it has Transportation of Schoolchildren, and it has nothing in for 1967 to 72, under that particular heading, now it may be under something else.

Mr. MacKenzie: I should have to see in the papers for 1960 to 65 whether the transportation of school children is included. I should like to be able to report back on that please.

Supt. Education: I could make a comment with regard to the \$71,000 and \$10,000 figure, because in arriving at this figure it was taken into consideration that there would be some schools built right from scratch where you would have to provide the heating system, the gymnasium, the labs and so on. If it was necessary to add a classroom to an existing school, certainly we realize it is not going to cost \$71,000 to do this. If we have to build this school completely from the beginning it may very well cost this amount. Nor is it going to cost \$10,000 to equip a kindergarten classroom. On the other hand if you are going to equip a school such as the Collins school with its labs and shops and so on, the figure may very well be close to that amount. So when we come down to it if it is necessary to add a classroom to a school in order to operate a kindergarten, I just wanted to point out that these are averages for all classrooms to be built in the territory and do not apply to a particular situation.

Mr. Thompson: I appreciate Mr. Thompson's remarks and you continually refer to kindergartens in the Yukon, but nowhere in this five year agreement do I see anything other than Whitehorse mentioned as far as kindergartens are concerned.

Mr. MacKenzie: I have provided simply for a new six room kindergarten in this estimate; that is all.

Mr. Shaw: I would like to read the report of the Committee on Education of the Yukon territory. It states as follows: 'The present Grade 1 program has a specific section devoted to readiness training on the assumption that children entering school have had no kindergarten training. There is fairly sound evidence both in North America and in Europe that kindergartens are educationally valuable to children. Under existing conditions in the Yukon where both teachers and accommodation appear difficult to provide, the major responsibility for the Territorial Government would seem to be accepted elementary grades. Since it provides approximately fifty to sixty pupils to keep a kindergarten teacher employed full time (assuming the usual half-day kindergarten pupils) only Whitehorse could sustain separate kindergarten classes. In all other centres kindergarten would have to be part of a regular organization.' It appears then that the Committee of Education did state in the first line that 'the present Grade 1 program has a specific section devoted to readiness training.' They do not recommend particularly for the Yukon to embark on that. That is in the report of that Committee.

Supt. Ed: In partial answer to Councillor Thompson's question, on this spread sheet #22 you will note that starting with 1967/68 we have allotted a certain number of full time kindergarten teachers to establish the total number of teachers for the territory.

Mr. Thompson: Yes, I think I made reference to those when I said I wasn't sure of the starting point, but I knew that we had estimated ten by the end of the year. Here again I think we could conceivably leave this aspect of the five year agreement till we hear something from the Commissioner because I feel that in approving this we are going to end up with not six kindergarten rooms in the Yukon but possibly twelve, and the separate schools are going to want six and the public schools are going to want six and so instead of a figure of one million, or \$133,000.00 overall as is estimated, we are going to be talking about two million dollars for a five year program and contrary to Mr. MacKenzie's remarks that this isn't going to do anything to our taxes, I can see it doing nothing but increase them, and for this reason I am very much opposed to the inclusion of this item in the present agreement.

Mr. Boyd: I suggest that we go on to something else because possibly we should have the Commissioner here and we are not getting any further on this discussion.

Mr. Chairman: Have we any further need of Mr. Thompson?

Mr. Thompson: Mr. MacKenzie has inundated us with figures and statistics and if we had the time to go into them we would probably come up with the answers ourselves. I think Mr. Boyd or one of the other Councillors asked what was the percentage increase of educational costs taking 1964/5 as a basis. What was the overall operating and maintenance price for education for the period 1967/72?

Mr. MacKenzie: That has not been ascertained and it is not a basis on which these estimates can be prepared. I explained to Councillor Taylor that each school has been dealt with separately and the trend in that school

projected. Now I shall be prepared to obtain the figures that you want but I haven't got it now. This is quite easily obtained.

Mr. Thompson: I agree it shouldn't be too difficult because we have our 64/65 costs and I would just like to see what the relevant costs are for the 1967/72 period in relation to our 64/65.

Mr. MacKenzie: Just the one year, 64/65? Or the base year 60/65. Those are the years that have been used to project the estimates for 65 to 72. You wouldn't be wise to pick another base now.

Mr. Thompson: Yes this is fine, I will be glad to go along with that.

Mr. MacKenzie: I shall be glad to get the figure out for you. One further point: is Councillor Thompson referring to educational expenditure as a whole, or just the schools?

Mr. Thompson: No education as a whole. Operation and maintenance.

Mr. Chairman: Any further discussion gentlemen? Can Mr. Thompson be excused at this time?

Mr. Thompson: Are there any other programs to be implemented in the 67/72 program that you would like to bring our attention to or discuss?

Supt. Ed: In looking forward to the five year period from 67 to 72, it was the desire of the Department to extend our educational system at both ends; both at the lower end with the implementation of a kindergarten program and at the upper end with the implementation of a post secondary program which for the time being we have called a community college. What form this will eventually take I certainly can't say at this time because I really don't know. I have made a presentation here with regard to the community college on Page 24. As I envisage it at the present time it would be a two year program beyond university entrance standard, it might encompass the first two years of university work and possibly some courses which one might find in a technological institute. It might get involved in a teacher training program because this is a dire need in the territory. We are getting quite a number of high school graduates this year, for example our Grade 12 enrolment at the F.H. Collins school is 58 which is a very substantial increase from last year when we had only 31. These are the two main new programs we are contemplating. If this suggestion that was discussed at one or two of your past sessions that possibly there is a need for a splitting up of the secondary school into a junior and a senior section is implemented, there would have to be another addition to the present program but we will be looking into this in the coming weeks and have a presentation to make to you in the Spring session as you requested.

Mr. Thompson: In my 22 A (1) there are classroom comparisons for 1962-7. I am just wondering if you have a 1967-72 schedule that you propose following. I can't find anything that goes past 67. This may be in capital so if this is the case we can hold off until that is discussed.

Mr. MacKenzie: I think perhaps that page you have has been revised. It has obviously not been struck through and replaced. I will have that done for you.

Mr. Thompson: From this it would seem that this page should be in the 1965/66 estimates and not in the 1967/72.

Mr. MacKenzie: No. My intention was to show how we had progressed actually compared with what is provided for in the current agreement. But I will obtain the revised paper for you.

Mr. Thompson: What I was actually trying to ascertain - this says Christ the King High School two rooms, Watson Lake High School two rooms, Dawson Elementary High School two rooms - these are all to be built in 1965/66 and the Carcross school we know is in process of construction now. Then in 1966/67 we've got another one here for Christ the King High School which makes a total of three rooms and another one for F.H. Collins. But I am wondering how this is fitting into the overall picture for the increased need for classrooms in the Whitehorse area or in the remainder of the territory.

Mr. MacKenzie: All I can say is that those figures are no longer correct and they have to be revised. I will give you the corrected sheet and then if there are any further questions I will be glad to try and answer them.

Mr. Shaw: Isn't that the new classrooms that have just been built for woodwork and home economics. If that refers to 1965/66 and they have been constructed this year?

Supt. Ed: The figures we have in here are for academic classrooms. This is how we arrive at the figure of \$71,000.00 and you realize that we have these ancilliary facilities too and the actual construction of one academic classroom is going to be considerably less than \$71,000.00.

Mr. Boyd: Are retarded children considered to be part of the Department of Education cost and function Canada-wide or does it come under another type or another department than education?

Supt. Ed: In some areas you will find retarded children's classes operated by a private group, in other areas they are operated by local school districts. Even when they are operated by private groups they receive grants from the provincial department. In the Yukon the retarded children's classes are operated by the Retarded Children's Association and the Territorial Government pays \$700 a year per child towards the cost of the operation. I understand that a somewhat similar amount in a similar situation obtains in the Northwest Territories. I believe in Yellowknife there is a private operation received grants from the Territorial Government.

Mr. Boyd: This is fine, I am not objecting to it in any way, but may be once in a while I see Bingo for the retarded children, I see may be something similar to a tag day and yet we are paying \$700.00 for these children out of Government funds. Is this not adequate? Are we not doing the job or is this sympathetic donations or something? Why is this necessary?

Supt. Ed: I think the problem arises in that the enrolment of the class is only small; I think there are only four children in the class this year and I gather that

the \$70.00 per month doesn't cover the operational costs. We are providing a room for this class in the Takhini school and there is no charge to the Association for this, but I suppose the \$70.00 per month doesn't cover the teacher's salary. I am not familiar with the finances, I am just giving you a general indication of the situation. If they had more students the \$70.00 per month per pupil would cover the cost, but in view of the fact that they only have four students they are finding it difficult to make ends meet.

Mr. Chairman: Is there any further discussion?

Mr. Boyd: I would suggest that both these gentlemen would like to be excused.

Mr. Chairman: Can Mr. MacKenzie and Mr. Thompson be excused at this time gentlemen?

Committee: Agreed

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

Mr. MacKinnon: I move that the speaker now resume the Chair and hear the report of the Chairman of Committee.

Mr. Boyd: I second that motion.

Mr. Chairman: It has been moved by Mr. MacKinnon and seconded by Mr. Boyd that Mr. Speaker do resume the Chair and hear the report of the Chairman of Committees. Are you agreed with the motion?

Committee: Agreed.

Mr. Chairman: Any contrary? The motion is carried.

Mr. Speaker: I would now call Council to order and have the Report of the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.05 a.m. and discussed sessional papers, motions and anything that may come before us.

Sessional paper #49 was discussed and it was agreed that the last paragraph would be left in.

Sessional Paper #50 was also discussed and agreed to.

The Commissioner was in attendance to discuss with us kindergartens.

The Committee reconvened at 2.00 p.m. and Bill #4 was discussed. It was moved by Councillor Taylor and seconded by Councillor Boyd that we report it out of Committee. The motion was carried.

Bill #6 was also discussed and it was moved by Councillor Boyd and seconded by Councillor Shaw that we report it out of Committee. The Motion was carried.

Mr. MacKenzie and Mr. Thompson were also in attendance to discuss the five year agreement but there is not very much progress to report at present.

Mr. Speaker: Thank you Mr. Chairman. If I may make one comment in relation to paragraph 4 of that sessional paper, if we put that as 'policy as outlined in paragraph 4 be accepted'. Would that be agreeable?

Council: Agreed

Mr. Speaker: Are you agreed with the Chairman's report?

Council: Agreed

Mr. Speaker: Are there any errors or corrections? Thank you. We will now proceed to the agenda for tomorrow. What are your proposals?

Mr. Southam: I suggest that we deal with the usual proceedings first thing in the morning and have the Commissioner with us at 10.30 to discuss the financial report for the next five years and also sr. MacKenzie and whoever else we might require.

Mr. Speaker: Tomorrow then, as I have it outlined, we have routine bills, memorandums, sessional papers, motions and Commissioner and Mr. MacKenzie here at 10.30. Following that the head of whatever department we are concerned with in discussing the five year agreement.

Council: Agreed

Mr. Speaker: What is your pleasure now gentlemen?

Mr. MacKinnon: I move that we call it five o'clock.

Mr. Speaker: It has been moved that we call it five o'clock. Are you agreed?

Council : Agreed

Mr. Speaker: Any contrary? This Council now stands adjourned until tomorrow morning at 10.00 o'clock.



Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call Council to order and proceed with the first item of business which will be the correspondence if we have any this morning, Mr. Clerk.

Mr. Clerk: Yes, I have one Sessional Paper this morning, No. 51, dated December 9, 1965, on Question No. 17. That's all I have this morning, Mr. Speaker.

SESSIONAL PAPER #51

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee. We have a Bill this morning to be introduced. I believe it is Bill No. 9.

Moved by Councillor Boyd and seconded by Councillor Taylor that Bill No. 9, An Ordinance to Amend the Yukon Housing Ordinance, be introduced at this time.

INTRODUCTION BILL NO. 9

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolution?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Carmacks Coal Mine.

NOTICE OF MOTION #34

Mr. Speaker: Are there any further Notices of Motion? Mr. Taylor would you please take the Chair.

Mr. Taylor takes Speaker's Chair.

Mr. Shaw: Mr. Speaker, I wish to introduce Notice of Motion in relation to the keeping of beer and wine in one's residence. I haven't got a title for it just at the moment.

NOTICE OF MOTION #35

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Have we any further Notices of Motion? If we have no further Notices of Motion, I will ask for Notices of Motion for the production of Papers. Have we any Motions? I believe we have Mr. MacKinnon, Motion No. 33, Coal Mine Lake.

Mr. MacKinnon: Mr. Speaker, moved by Mr. MacKinnon and seconded by Mr. Southam re Coal Mine Lake. It is respectfully requested that the Administration assess the feasibility of constructing a recreational road to Coal Mine Lake, adjacent to Carmacks. May I continue, Mr. Speaker.

MOTION NO. 33

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Mr. Speaker, this little lake they call Coal Mine Lake - just a short distance out of Carmacks - is a very attractive little lake. I have walked into it myself and it wouldn't be too much of a job to have a road in there. There are a lot of children that do go to the Lake in the summer. It's a shallow Lake and a good place to swim; but due to the bush and rough going, the mothers are a little bit dubious about their children going to and from that Lake. I now have a request from quite a number of the people at Carmacks asking for Council to give this road to Coal Mine Lake consideration as they feel it would be of quite a benefit to their community. I hope that Council will see fit to give their support on this Motion.

DISCUSSION MOTION #33

DISCUSSION Mr. Taylor: Mr. Speaker, I have only one thing to ask. I  
MOTION #33 am just wondering why Administration turned this down or  
it wouldn't have to be before Council. Obviously they must  
have turned it down. I am just wondering for what reason.

Mr. MacKinnon: Well, here we go again, Mr. Speaker. Mr.  
Taylor just wants something to say. He knows that I did  
not go to Administration. I have no intentions of going  
to Administration. I have explained it to him several  
times. How many times should I explain the same thing to  
him? Does it go completely over his head? What's the  
matter with him? I'm getting fed up with this. Can't Mr.  
Taylor understand anything? Does that answer your question?

Mr. Taylor: That answers my question, Mr. Speaker.

Mr. Southam: Mr. Speaker, as seconder of this Motion, I  
think it is only feasible and right that these people at  
Carmacks - if they want to go to this Lake - and it's not  
too great a distance. It probably wouldn't involve too  
great a sum of money.... that they have every right to have  
a recreational place for the children to swim in and so on  
and, I think they're very lucky that they've got a lake  
that you can swim in. We have nothing like that up our  
way. The water's too cold, but still we do have lakes and  
I think the request is reasonable. Whether Mr. MacKinnon  
has been to Administration or not, I still think he is  
quite within his rights of asking through Council that some  
support be given to it. It appears to me that quite fre-  
quently, this is the only way us people from the outside  
can get anything.

MOTION #33  
CARRIED

MOTION CARRIED

Mr. Speaker: That apparently completes the Motions that  
are on the Agenda this morning. Have we any Questions at  
this time? Are there any questions? If not, we will pro-  
ceed to the next item of business and I see that we have  
Bills Nos. 4 and 6 for Third Reading. What is your plea-  
sure in this respect.

Mr. Boyd: Mr. Speaker, I would move that Bill No. 4, An  
Ordinance to Amend the Evidence Ordinance, be given Third  
Reading.

Mr. Southam: I second that Motion, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I think we have to give First  
and Second Reading to the Amendment first.

Mr. Speaker: That is quite correct. Perhaps I would  
entertain a Motion that the Amendment to Bill No. 4 be given  
First Reading.

FIRST READ-Moved by Councillor Boyd and seconded by Councillor Southam  
ING OF that First Reading be given to the Amendment to Bill No. 4,  
AMENDMENT An Ordinance to Amend the Evidence Ordinance.  
TO BILL #4

MOTION CARRIED.

SECOND Moved by Councillor Boyd and seconded by Councillor Southam  
READING OF that the Amendment to Bill No. 4, An Ordinance to Amend the  
AMENDMENT Evidence Ordinance, be given Second Reading at this time.  
TO BILL #4

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that Third Reading be given to Bill No. 4, An Ordinance to Amend the Evidence Ordinance. THIRD READING BILL #4

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that the title to Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be accepted as written. TITLE ACCEPTED BILL #4

MOTION CARRIED

The Motion is carried and Bill No. 4, An Ordinance to Amend the Evidence Ordinance, has passed this House. BILL #4 PASSED

Mr. Boyd: Mr. Speaker, I would move that First Reading be given to Bill No. 6, an Ordinance to Amend the Garnishee Ordinance.

Mr. Southam: I'll second the Motion, Mr. Speaker.

Mr. Speaker: Mr. Clerk, would you please advise me. It seems that it is on the Agenda as the Amendment to the Bill, is it?

Mr. Clerk: Bill No. 6? It has been corrected if that's what you mean.

Moved by Councillor Boyd and seconded by Councillor Southam that First Reading be given to the Amendment to Bill No. 6, An Ordinance to Amend the Garnishee Ordinance. FIRST READING OF AMENDMENT TO BILL #6

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that Second Reading be given to the Amendment to Bill No. 6, An Ordinance to Amend the Garnishee Ordinance. SECOND READING OF AMENDMENT TO BILL #6

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that Third Reading be given to Bill No. 6, An Ordinance to Amend the Garnishee Ordinance. THIRD READING BILL #6

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that the Title to Bill No. 6, An Ordinance to Amend the Garnishee Ordinance, be accepted as written. TITLE ACCEPTED BILL #6

MOTION CARRIED

The Motion is Carried and Bill No. 6 has passed this House. BILL #6 PASSED

Mr. Speaker: Well, gentlemen, that appears to cover the daily routine and Orders of the Day. What is your pleasure at this time?

Moved by Councillor Taylor and seconded by Councillor Boyd that the Sepaker do now leave his Chair and Council resolve itself into Committee of the Whole to study Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will now call a short recess while we get organized.

FIVE YEAR  
AGREEMENT  
VOTE 2

Mr. Southam: I will call the Committee to order. We have Mr. Commissioner and Mr. MacKenzie, the Territorial Treasurer, with us. We are going to discuss the Five Year Agreement I believe. I would ask you to give your attention to Vote No. 2 which was the one we started on yesterday and left so that we could have Mr. Commissioner with us. I will now ask Mr. MacKenzie if he will proceed.

Mr. MacKenzie: Mr. Chairman, as I explained yesterday, in front of this book of Vote 2, there is an introductory statement. It explains what the vote covers and informs you of the basis on which the figures for 1967-72 have been calculated. That basis is the actual costs for the five years 1960 to 65. The trend, in expenditure, over those years has been worked out and extended for the next seven years to 1972. The figures thus produced have been taken to represent the estimate for the years 1967 to '72. Now, they are very high. That is admitted, but they are simply submitted as a first step for discussion. It is fully understood that they will be subject to change and, I would imagine, inevitably reduction - by how much, of course, is a matter for negotiation by all parties concerned. Now, I believe yesterday that Councillor Thompson was strongly opposed to the high percentage increase applied to each of the next five years. I think perhaps, Mr. Chairman, that's where I should stop talking now and leave Mr. Thompson to take it up.

Mr. Thompson: Mr. Chairman, my one concern is that the cost of Administration is increasing at a tremendous rate that is not keeping within the growth of the Yukon, and whereas you have stated, the actual expenditures from 1961 to 1965 - I feel that this expansion more than covers the necessity of continual duplication...or as Mr. MacKenzie has stated - 32% - which is approximately one-third. Now this isn't one-third over five years, gentlemen. This is one-third increase every year. I feel if we are to make any progress in the eventual self-governing program that we are anticipating, that we are going to definitely make some adjustments on these expenditures. And, I feel that the greatest potential for these curtailments is in the cost of Administration. Now this is the first one we had an opportunity to see, and if this is any criteria, we are going to be not only bankrupt but we will have more and more study groups from Ottawa coming to see what the overall picture is going to be. With this in mind, I would much prefer to see a more realistic approach presented to Ottawa for their consideration than to take something of this magnitude and expect them to swallow it. There are two ways of looking at this. You ask for two million and you settle for a million because you know, as you say, that they are going to cut you down. I can't possibly conceive this type of increase in any Department for the next five years. With this thought in mind, as I say, I totally disagree with this basis and this approach to the question.

Mr. MacKenzie: As I mentioned yesterday, Mr. Chairman, we must avoid submitting estimates which are too low. Estimates which are too high are to our advantage. They mean a higher operating deficit grant and more leeway.

Mr. Thompson: Well, Mr. Chairman, this is all very well to have a higher operating deficit grant, but it still boils down to taxes from the individual and the people - not the Administration - the people; and in the final analysis, they are the ones who are going to pay the bill. So, I can't see any argument that can change this. It may be all right for the time being, but sooner or later, these costs are going to catch up to us. In fact, we are in the process now of having them catching us and, yet, the Government are doing nothing at all to lessen the burden of the individual Taxpayer.

Mr. Thompson continues:

We have asked for consideration on two points -- one in Income Tax and another one on Home Owners Grants which means a lessening of the individual Taxpayer's load, and conceivably, this might give us some equalization; but deficit financing isn't the answer as far as I am concerned.

FIVE YEAR  
AGREEMENT  
VOTE 2

Mr. Boyd: Mr. Chairman, I believe we have been told that Mr. MacKenzie was to leave us on the 13th, that's Monday, so it is most obvious that we haven't got time to deal with these figures at this time. Let's just be honest. I am also wondering if it really matters. I appreciate Mr. Thompson's thinking, but after all, nothing is going to be built or take place without Council passing it, and when Mr. MacKenzie comes back from Ottawa, the figures are going to be, as he thinks, changed anyway. So, I don't feel that we should waste the time on them inasmuch as we can't do a good job on it - we haven't got the time and even if we did do a good job, it would all be changed tomorrow anyway. So, I think we should concern ourselves with what is in here in principle, and the money end will take care of itself - it has to - sooner or later. Figures are meaningless in a sense - they are eight years away, five years away, two years away, and nobody can foresee what we will need or anything else at that time. The time is where we are running into difficulty. We haven't got the time to pursue all this.

Mr. Commissioner: Mr. Chairman, I was just going to say, in conjunction with what Mr. Boyd was saying, this is not a case of the Council voting anything at the present time, but I feel it is imperative for Mr. MacKenzie to hear remarks such as Mr. Thompson's because this information he will carry back to Ottawa over the next few months as he goes down East to deal with them on these subjects. I agree with Mr. Boyd that the figures will be entirely different when it comes to voting - the amounts of money, but this is what the Submission is for at the present time...is to cover very generally in this first showing and to make notations of the comments of the Councillors such as the comments of Mr. Thompson which will reflect in the setting up of the final figures which will come before us.

Mr. Taylor: Mr. Chairman, to a point I agree with Councillor Boyd. One thing that I find very disappointing is the fact that we are squeezed in one day in order to deal with a Budget for the Five Year Agreement now, and then our Territorial Treasurer has to go to Ottawa, and I wondering if this trip cannot be delayed pending the final consideration of this Five Year Agreement. While I am on my feet and while discussing this yesterday, I raised a question which is very closely related to this Department - that is the added responsibility of, for instance, the Alaska Highway and the payroll and the administration of this as it reflects on various departments of administration. I was informed that this is a separate agreement which is not necessarily provided here. Another item was the taking over of the hospital which I am informed will come under Y.H.I.S. The third item and one I am very concerned about and have been is the take-over of the Yukon Forestry Division in this coming Five Year Fiscal period. I feel very strongly about this. I really think we should take this over. It is placing us a step closer to getting into the resources business shall we say. I understand that there are one or two individuals in Ottawa who were contrary to this - whether they still are or not, I don't know, and I would like to ask Mr. Commissioner just what the status is in this respect at the present time.

Mr. Commissioner: In answer to Mr. Taylor's first remark, Mr. Chairman, Mr. MacKenzie has postponed the trip for about

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Mr. Commissioner continues:

ten days, I believe, now. They wanted him down earlier, and the reason for him going Monday is to try and get some working time before they suddenly fade out into Christmas darkness and so I would hate to ask him to postpone the trip now as then it would be sometime after the New Year before the atmosphere would be cleared back into working condition I would say down there. As far as the Forestry is concerned, yes, this is still considered to be placed in the Five Year Agreement. We haven't shown it at the present time. I believe I am correct in saying it would go along the lines of forestry personnel and forestry services would be a Territorial service and they would contract to the Federal Government for the maintenance and forest men. The reason they were so opposed at the first was they thought "Well, no, we are not going to give our resources, our forest resources, over to the Territory at this time". So it was pointed out that if this was the way they felt, it didn't have to be the Resource itself that had to be turned over. There is no reason why the personnel could not be Territorial personnel and contracted to the Federal Government. So this is still not deliberately forgotten about or left out, but it still requires a little more work to have it implemented into the Five Year Agreement. The Alaska Highway is not touched at all in this present Submission because we still have nothing firmed up as to the amount of money involved and the exact method of taking over. We meet once a month with DPW here and we check new buildings, campsites and a certain amount of personnel problems, and we are attempting to have things very clear by the 1967 take-over time so there will be no disruption in service or personnel, but this, also, is an additional whatever it is...two million, two and one-half million dollars in this particular project itself and will be, I believe, part of the Final Five Year Agreement, but we have no figures at the present time.

Mr. Taylor: Thank you, Mr. Chairman. Another thing that has occurred to me is that if Mr. Treasurer cannot wait and give us, say the first part of next week, to discuss this Five Year Agreement, then he goes down to Ottawa saying, in effect, that the program as it is here - whether it is good or bad - this is what he is going to be fighting for, and, as I say, I know in Vote 20 - possibly we should be discussing Vote 20 - but I know of many, many things in there that I don't feel are right, and possibly some of the other Members don't feel are right. I would hate to have the Administration in Ottawa saying "Well, we want this" where, in fact, we don't or can't afford it as the case may be. Now here's the problem.

Mr. MacKenzie: Mr. Chairman, I shall make it quite clear that this Committee has not fully reviewed the Five Year Estimates.

Mr. Commissioner: Mr. Chairman, there is another point to that. It is unfortunate really...in fact, I would say that we probably shouldn't have submitted this to Council at this stage because we have not had any comments from Ottawa. Now, we originally felt that the Advisory Committee on Finance would scan the project, the submission, and Ottawa would give us their comments on it and turn around and say "This is no good - we won't go for this - we'll have to cut that down and so on", and when we came back and sat at this table with it, why we would have had comments from both sides. Unfortunately, we don't have them. I know full well that Ottawa, when they go through it with Mr. MacKenzie, there is going to be an awful lot of changes made, and it is just too bad we didn't have the immediate feelings known before we even had the first submission here, so I wouldn't concern myself with, as Mr. Taylor's worry is, about Mr. Mackenzie saying if there is anything agreed

Mr. Commissioner continues: to the Council, because we realize that this can't be done at this time. FIVE YEAR AGREEMENT

Mr. Boyd: Mr. Chairman, there's a point there. Until we know what Ottawa is going to say, we might be worrying about a whole lot of things that aren't going to happen... there isn't going to be here. I would rather see this thing a little further advanced by Ottawa and Mr. MacKenzie and so on, and then when we know what we are talking about and what is going to be in here finally, I think that would be the time for us to sit down and give it a good going over inasmuch as there is no time anyway and we're still wasting time because it's not going to be what it is... as it is written here. I am very interested in this Vote 2 on your Primary 54, Travelling Expenses up to this year have been averaging \$15,000.00. We come along to the next five years, Mr. MacKenzie, and you are only going to need \$4,000.00. This is quite a come down.

Mr. Shaw: I haven't got into the discussion on these things at all. This is the first time I have had something to say on this matter and I will say it. Talking about taking over Departments... Okay... Forestry... we cannot take over the Resource. We take over the work of operating these particular departments. We can't even get the control of a few fish lakes. The Provinces all go down each year to make their Agreement, and they are continually trying to get more and more and more money out of Ottawa. This has gone on continually. Therefore, I can't see why the Yukon Territory can't go down there and try to get the best deal possible... for this Territory. If there is an over-expenditure on some matter or other or over-estimate, what is wrong about that? Any money that is approved over the years, whether it is five years or ten years, Council is the one that approves otherwise, with the Administration, the money that is spent. Now, there has been quite a kiyi in this Council about the way that the Treasury Department have made out the matter of expenditures - that this has increased more than any other Department. It appears to me that all the Departments in the Territorial Government - all their financing and so forth - has to go through the Treasury Department. It would also appear to me that if every Department in the Territorial Government increased ten percent... it is very obvious - unless my calculation is wrong - that the Territorial Treasury will get all of these increases of ten percent in their Department, and their resultant expansion has to be more. Now, we have another point. If the Treasury Department has to do that, their expenditures have to be more. If they don't have to do that, there there is something wrong with the policy. Myself, I feel that our function is to set policy and then to review all expenditures that are made. I, myself, I am not qualified... I am not a professional Auditor General that can say that these figures are wrong. I can say, Mr. Chairman, that I do not agree with a certain line of policy. I can say when the Estimates come up, that I do not agree with this expenditure, but at this stage of the game, I don't feel qualified that I could tell you all the amounts what they should be and shouldn't be in this matter... as a matter of estimates and discussion and negotiation with the Federal Government. Those people down at Ottawa, no doubt, will look over these and say "Well, I think you've missed something out here or I think you have put too much there" and that's the way it's going to be. I was not in accord at this time with the Territorial Government embarking on a kindergarten program Well, it is very easy for them to disregard the amounts of money that had been put in for that

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Mr. Shaw continues:

particular policy - I guess you could call that an educational policy. Now, as far as all these expenditures go, I couldn't tell you just whether that's right or wrong - eight years hence - and I don't think anybody else...it's just a guess on past performance. As far as I'm concerned, that's all I can accept.

Mr. Chairman, I have got a whole list here of items - some of which I agree with, some of which I don't agree with - and they all come under Vote 20, the Capital account, and I think that if you are speaking in terms of policy, much of that policy you will find right there. Possibly what we should do is move to Vote 20 on the capital side of the fence while Mr. MacKenzie is here and then continue in the various Departments following this. I don't know. It seems that we have an awful lot of work to squeeze into one day.

Mr. Boyd takes the Chair.

Mr. Southam: Mr. Chairman, I know a little bit about what it's like to have to make a budget, and how anybody can foresee seven years ahead is a little beyond my comprehension. I find it hard enough to look one year ahead and come out anywheres near, within two-thirds sometimes. I don't think we should concern ourselves too much with the Budget as it is laid down right here at the present moment. I think that if you want money, the time to get it is now - not 1967, not 1971 or 1972.....make provisions for it at the present moment. Sure, you may be overstepping it in parts and other parts you may be under-estimating, and it's my opinion that we are doing a lot of talking for nothing, that this money will have to come from somewheres, and who can tell five years from now what this Territory is going to be like. We've got mines expansion that you're thinking you are going to get and all these other things. You are going to have to...if your mines expand the way they are talking now, then your budget for Education is low. I'll tell you that right now...a way low, because if this mining district over here that you are talking about expands the way you think it is going to expand, then you are going to have to have twice the schools you've got in the Yukon today. Therefore, I would say that the budget, as is, I don't altogether agree with it, but the money problem, as I see it, is to make sure that it is high enough...in the first place. You can come down, but you can't go up. This I have found out from past experiences in the different works of my life.. where I have had to make a budget for a mine to operate for a year ahead. These things, I know they are going to be cut and they are going to be cut in lots of places. So, I don't say that we have too much to worry about at the present time and, as I understand it, we will probably be looking at this thing three and four times before it comes into being. So, why should we worry too much.

Mr. Taylor: Mr. Chairman, I'll tell you why we should worry too much is because we are committing the Yukon Territory for the next five years, and if we have to look at this twelve times in order to get it right, then this is what we are going to have to do. On this thing, we've got little items, little small items like a million dollar Court House for the City of Whitehorse. If you agree that we should have a million dollar Court House and you just carte blanc say to the Administration "Go ahead and build it"...fine. Well, I don't agree with this line of thinking, and I feel that the only way we are going to weed this out is to sit down and discuss it and let Ottawa know how we feel. Now we, the Financial Advisory Committee, made some notes - Mr. MacKenzie has been to Ottawa, November 1 to 5....we have some answers to this in here which I had hoped we could consider as we



go along as to their thinking, but unless we can discuss it, all we can do is put, as I say, a rubber stamp on the whole issue and say "Okay, let the Administration run the Territory as they see fit in matters of policy and other things", and we just pack it up and go home and take our lumps and like it. This is the alternative.

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Mr. MacKenzie: Mr. Chairman, there will be ample opportunity for Council's views to be expressed to Ottawa when Finance Committee go there in the spring.

Mr. Thompson: Mr. Chairman, I think that in view of Councillors Boyd, Shaw and Southams remarks that we might just as well move that the Five Year Agreement be sent to Ottawa as it is and forget about it.

Mr. Shaw: Mr. Chairman, this is just as extreme as Councillor Taylor just mentioned. Referring to this million dollar Court House, well I can't see myself that I would approve a million dollar Court House, but we haven't approved it. It is merely in there. It's a large capital expenditure, and we can cut that out if we so feel, or maybe Ottawa will cut it out. But I am talking about the normal housekeeping expenditures in the Territory - every five cents or ten dollars - for something that is eight or ten years ahead. It appears to me to be impossible to forecast and the objections seem to be, from what I have heard, that the Estimates are too high. I say that the Federal Government themselves will be the ones that will say it is too high. Certainly it's much better if it is too high for a starting off point than too low. If it is too low, then we are in the soup. That will be the time that I would feel that I would get up and object, but if it is too high, the people that are producing the money, namely the Northern Affairs Department, will say "That's too high. You fellows are just getting out of line. Come back in. This is the amount". I haven't heard of any problems yet for any Provincial Premier that has gone down there and told Ottawa that they were giving them too much money. I don't think they will.

I think they will cut down. There will possibly be some tight bargaining before we get through with this. Now as for the remarks of Councillor Taylor on the Court House, well I certainly, myself, can't see where we should spend a million dollars on a Court House, but that million dollars will not be spent. There will be lots of discussion before that comes, and if we find it in here, we can give our viewpoints - that we don't feel we need a Court House if we don't. But, to go through every item of this budget and every Department, we are going to be here until after Christmas and it won't serve any useful purpose because it's merely estimates and they will be changed maybe three or four times before we get down to the final analysis. That is my viewpoint, Mr. Chairman.

Mr. Southam: I will now call a short recess while we change stenographers.

Friday, 10th December 1965 - 11.00 a.m.

Mr. Chairman: I will now call Committee to order and we will continue discussing vote #2.

Mr. Thompson: Mr. Chairman, I think I have a motion before the House.

Motion  
Five year  
Agreement

Mr. MacKinnon: I will second that motion

Mr. Chairman: It has been moved by Councillor Thompson and seconded by Councillor MacKinnon that the five year agreement be taken to Ottawa as submitted by Administration for comment on the understanding that Council have not seen or discussed it. Is there any discussion on the motion gentlemen?

Mr. Taylor: I would like to ask a question of the mover of the motion: is it intended that no further discussion take place at this time on the five year agreement?

Mr. Thompson: From the majority of comment around here it seems that we're just wasting everybody's time. Everybody's been hollering and bellowing about wasting time and wanting to get home for the last two weeks so if you don't feel it's necessary to discuss it it should go to Ottawa this way and this is the reason I have made the motion.

Mr. Taylor: I am not prepared to give up on this matter. I feel it is of the utmost importance and should be discussed at this session and its status of importance can be defined by the fact that we left it to the end of the session so we could deal with it. I would then go contrary to the motion and disassociate myself from any inference that we kick this to Ottawa without discussing it.

Mr. Shaw: Speaking on the motion, Mr. Chairman, my objections were and still are that when we talk about the percentage increase taken over the past number of years and that it's calculated on that basis and when members object that that is too much or too little - I can see no purpose in that. But I didn't say that we don't look through this thing. But in matters such as that how is anybody going to foresee into the future. The only yardstick you can use is to take the normal increase of the past five years and apply them to the coming five years. I would not dispute a formula such as that because I don't know what other formula you could take but that doesn't mean to say that one doesn't review these things. I do not see how you can base five years ahead without looking at five years back and taking the comparison and assume that it will go about the same way. As far as I can see that's the way these budgets are all made up.

Mr. Boyd: Mr. MacKenzie is going to Ottawa with this and he's going to come back with a lot of things changed. And it will be 1966. Now when Ottawa have put their thoughts into this thing is it possible that Council could get together, say for a few days during the summer, before this thing is placed in its final signing situation. Or are we going to wait until the final day of signing and go through it then and try and change anything. Where do we stand when Mr. MacKenzie comes back; what change are we going to have to talk about this?

Mr. MacKenzie: The important period will be the Spring session of Council when we have Ottawa's views. Twice: once when I go next week and once when the Finance Committee goes in February. And in March or April at the Spring session we will get Council's views really cut and dried and expressed on paper.

Mr. Commissioner: As Mr. MacKenzie pointed out, it will also be submitted again in the Spring, at which time we will have comparative figures and have a lot of these figures if not all of them changed quite considerably. Then it will be submitted again in the Fall to Council and to the advisory Committee and again in the Spring following to the Advisory Committee in Ottawa. So that the Council will have it each time, and as Councillor Boyd pointed out we may have to call a special session of Council to deal with this between now and the Spring session of 1967. We are quite prepared to do this and if we find the going is rough and we have a lot of controversy before the Spring session, when we would hope it would be agreed to by all parties and signed and activated.

Mr. Taylor: I think there is one thing we should consider and I think it should be made abundantly clear that we have proposed a motion asking for more autonomy and for a phased program involving these fiscal arrangements. I was here when we negotiated a current agreement and what it amounted to was that in the very latter days of the agreement Mr. Carter came from Ottawa as the negotiator, we said we wanted things and he said we could not do these things, in other words we had to take it as it stood, as Ottawa saw it. They gave a little ground but not much. We told them we weren't happy with it and they said tough beans fellers this is what you're going to have. Now I don't want to see us squeezed into a position where we just accept this and then in the latter days of 1966 and prior to the signing we get down to it and start negotiating, only to be told that you're going to take it. I don't want that sort of thing. We have a motion asking for autonomy and if Ottawa are going to respect that motion and that opinion then this whole agreement is going to have to be changed to start programming and this is why I say we should get at this thing as early as possible.

Mr. Boyd: This is like building a house; you can't move into the thing before you get it built. You must get a ceiling on and get it closed in at least before you can get out of the rain. And this is the state this thing is in - the walls are not up yet. I think Mr. Thompson's motion is a good one and I am very happy to hear Mr. Commissioner say that they are thinking of getting us together to discuss this after they've got the roof on. I would like to suggest we call the question on Mr. Thompson's motion and leave it at that. You can sit here and discuss how you are going to put the walls on but it will get you nowhere at this stage of the game because we're not going to be talking about what's in here in the long run after MacKenzie comes back and so on.

Mr. Chairman: Are you ready for the question on the motion?

Committee: Question

Mr. Chairman: Are you agreed on the motion?

Committee : Agreed

Mr. Chairman: Are there any contrary?

Mr. Taylor: Contrary

Mr. Shaw: Contrary

Mr. Chairman: Motion is carried.

Motion re  
five year  
agreement  
carried

Mr. Taylor: I wish my vote to be recorded Mr. Chairman

Mr. Boyd: I would just like to say to those who voted contrary to this that Mr. MacKenzie is leaving - you've got about four hours and you haven't got through this little thing; how in the name of goodness do you think you are going to accomplish anything. Leave it be and be satisfied to look at it when Mr. MacKenzie comes back. But don't think you're going to accomplish anything sensible before.

Mr. Taylor: I can only say, as a member of the Advisory Committee of the past year, that we have skimmed over this in three days and in that Committee there were so many things that arose in discussion and that were left for this Fall session of Council to give some advice on, and now Council are not prepared to deal with them. I imagine everybody wants to go home. Well that's fine, go home. I disassociate myself with the whole thing and as far as I am concerned I expect to see this whole thing on the table at least by the Spring session for us to discuss, because that is what we're here for.

Mr. MacKinnon: As seconder of the motion I feel that the motion is a good one. I feel that we are not only wasting our time but also Mr. Commissioner's and Mr. MacKenzie's in further discussion at this time. I feel in the future in the spending of this new five year agreement that we will still have a Council and that we will have to approve all spending within the new five year agreement in the final end.

Mr. Thompson: I would suggest that we excuse the Commissioner and Mr. MacKenzie as their presence is no longer required.

Committee: Agreed

Mr. Chairman then declared a short recess to discover the Recess next subject for discussion.

Mr. Chairman: I will now call the Committee to order and we will review Sessional Paper #51 and after dinner we can get Mr. Legal Adviser down. Discussion on Sessional Paper 51

Committee : Agreed

Mr. Chairman: Have you anything to say on this Mr. Thompson? Is there any discussion on it?

Mr. Taylor: I cannot see any discussion on it, I think the matter is quite clear.

Mr. Boyd: I suggest that we proceed with this as the final go through and find the ones that need attention and set them aside.

Committee : Agreed

Mr. Taylor: In going through these I see that some of them have been deferred, so possibly whoever asked for the deferment may have their answer by now and whoever raised the question could indicate whether or not this is so.

Final  
Review of  
Sessional  
Papers

Mr. Chairman then listed the Sessional Papers.

No. 1 - Clear

No. 2 - Mr. Taylor: This is marked deferred. I wonder if there has been any answer from Ottawa in reply to this.

Mr. Shaw: Could you make a notation on this sessional paper to raise the question of whether or not there has been an answer from the Administration?

No. 3 - Clear

No. 5 - Mr. Shaw: I was intending to see Mr. Fry in connection with this and if necessary to make a further motion. I did have an hour's discussion on another matter yesterday and I have to go back to see if I can get something further on the Indian Co-operative matter.

Nos. 6 - 12 - Clear

No. 13 - Airport Facilities. This paper was set aside for further discussion.

Nos. 14 to 34 - Clear

No. 35 - City of Whitehorse Traffic. This matter was deferred for consideration with Mr. Legal Adviser

Nos. 36 to 43 - Clear

No. 44 - New Schools. This matter was set aside for further discussion

No. 45 - Clear

No. 46 - Workman's Compensation. Mr. Taylor: There was a note on the news last night that a Board has been established and is now in operation.

Nos. 47 - 51 - Clear

Mr. Taylor: Mr. Chairman, I would suggest that we call it 12.00 o'clock.

Mr. Chairman: It has been moved that we call it 12.00 o'clock. Are you agreed?

Committee : Agreed

Mr. Chairman: I will now declare a recess and we will reconvene at 2.00 o'clock.

Friday 10th December  
2.0'clock p.m.

Mr. Chairman: This Committee will now come to order and we will go over Sessional Papers. The first one is Question 13 - White Pass land in Whitehorse - Cleared  
Production of Papers No. 1 Corporation Income Tax Revenue - Cleared  
Question 9, - South access Road to Second Avenue - Cleared  
Question 8, - Yukon Territorial Government - Cleared  
Question 1, - Territorial Property Tax - Cleared  
Question 11 - Liquor Regulations - Cleared  
Question 14 - South access Road - Cleared  
Motion 12 - Trapping - Cleared  
Question 15, Purchase of estimates - Cleared  
Question 16 - Amusement Tax - Cleared  
Question 20 - C.B.C. - Cleared  
Memorandum - Annual grant Yukon Mines.

Mr. Taylor: This I would like to discuss Mr. Chairman so perhaps we can put this one aside.

Mr. Chairman: The next one is Kindergartens in the Yukon.

Mr. Taylor: I wonder Mr. Chairman in this matter if there is not a motion to be proposed with respect to this and we could possibly set this aside as well.

Mr. Chairman: Motion 19 - Musk Ox. Cleared.  
Question 19 - Election costs - Cleared.  
Question 20 - House wiring.

Mr. MacKinnon: In regards to House wiring I don't think we have got a reply from the Indian Department and I have got another letter from a Schoolteacher at Haines Junction which is conjunction with the House wiring project in the reserves outlining several of her pupils. We do need light to study and I believe if it is possible I would like to ask the Committee if we could have Mr. Fry or Mr. Franks this afternoon in these discussions.

Mr. Chairman: Question 22 - Cleared.

Mr. Taylor: The first one is Sessional Paper 2 and also 48 with Mr. Spray and his presence will be required.

Mr. Chairman: Could you get Mr. Spray Mr. Clerk. We will have a short recess until he gets here.

Mr. Chairman: We have Mr. Spray with us and we will discuss Low Cost Housing.

Mr. Taylor: This was a motion that was submitted at the Spring Session of Council respecting second mortgages available up to \$10,000.00 and the Building Contractors be permitted to build up to two homes on speculation for resale at one time. On this particular occasion I was opposed to this and I think some very sound reason why this should not be given but I wonder if we could now settle this issue.

Mr. Thompson: Well I have marked at the bottom of my Sessional Paper that this was deferred until we found out what had transpired in Ottawa. Who it was to transpire with, for and against I am not too sure but conceivably Mr. Spray would have some remarks to make on this matter.

Mr. Spray: Ottawa was requested to make a submission to Treasury Board regarding proposal Number 1 that second mortgages be available to applicants when the total cost of the home does not exceed \$10,000.00. We have no reply on that submission yet.

Mr. Thompson: In view of that I think we may make a note of the fact that this information is forthcoming and withhold any further discussion on it until this time because if our decisions or agreements are binding on the answer from Treasury Board I don't think we can accomplish too much more at this time. I would like to hear again for my own edification Mr. Taylor's proposal to this as I can't see anything basically wrong but perhaps I have overlooked something.

Mr. Taylor: In the first place this low cost housing loan was to be made available to people for low cost housing and I don't feel by boosting this up to \$10,000.00 is a proper thing to do because we are not providing it for the person who really needs it but some other category as well. I don't feel the Contractors should be allowed to speculate at this time.

Mr. Thompson: My comments on this would be that I think the the maximum low cost housing loan is \$7,000.00 with an additional six and one. I don't feel that a person who would like to avail themselves of these funds and like to go and build a little better and the rates are the same, I can't see any hardship in upping the mortgage to the \$10,000.00 mark. I think we are all agreed that the cost of building in the Yukon and in North is decidedly more than the southern part of Canada and here again I think that Contractors would probably be very happy to have this amount available to build homes for re-sale and this is something they could probably undertake themselves under the winter works program and save themselves some of the overall cost.

Mr. Taylor: If you permitted this the Contractor is getting the benefit of this but not the small home owner because the Contractor is going to build the building and then re-sale it at a very healthy profit and the people in the low income brackets cannot afford this.

Mr. Thompson: I disagree in as much as anybody can get a low cost housing loan under this Ordinance and increase to \$10,000.00 and I can hire the Contractor and he can do the work and I am getting the benefit of it. If the Contractor wants to take the risk of building and selling this is up to him its still his \$10,000.00 and he is the one that will have to repay it regardless of who he sells it to.

Mr. Shaw: For years this amount of \$6,000.00 with \$1,000.00 which I believe is given free to the person building their own home and I felt that you

couldn't build much of a home with \$7,000.00 you would have to have at least \$10,000.00 and I feel very strongly that this number 1 item is very important. I am not to conversant one way or another as far as the Contractor that might have some very good points and if a Contractor can build a home under this particular thing it may not be eligible for National Mortgage and Housing with a small building such as this. They would have to go into the \$15,000. class and this would permit homes to be built on a more moderate scale to sell to the people for around \$10,000.00. I think the motion is fundamentally extremely sound and I certainly hope that they will permit or make provisions for second mortgage up to \$10,000.00

Mr. Boyd: Is there any control over Contractors cutting corners in a house and get as much money as he can for the house,

Mr. Spray: We couldn't control the final selling price regardless of what goes on the agreement that passes our desk. As far as cutting corners are concerned we make our mortgages paid out on a progress basis on each stage of construction and there is very little chance of them cutting corners and putting in sub-standard materials. We keep a close check on the construction of the buildings.

Mr. Shaw: I would say that we would have the same position as houses now being built by contractors.

Mr. MacKinnon: I think the motion is a very good one and it is for the benefit of the people, if the Contractor so wishes to build another house for sale we might find this will be of benefit in the near future. If the Yukon continues to grow we might need these houses and therefore I am in full agreement with the motion.

Mr. Boyd: The motion as I see it has been passed so we are not concerned about the motion at all, what we are really concerned about is what does Ottawa say and we don't know yet.

Council were clear on this.

Mr. Chairman: While we have Mr. Spray with us is there anything further you wish to discuss.

Mr. MacKinnon: In regard to Sessional Paper 48 you do state that provisions are being made to put four street lights from the Taylor and Drury Store toward the Freegold Road. I would like to refer to motion 26 "It is respectfully requested that additional street lights be considered at Carmacks to extend further towards the Freegold Road and to the end of the business section on the north side of Carmacks Bridge". In you reply you state that 4 lights are going to be installed between the Freegold Road and the Taylor & Drury Store. I don't believe the people of Carmacks want 4 additional lights in that area but they have asked for additional lights in the area, not four but two is sufficient in that area and to extend the lighting north of the Carmacks Bridge.



Mr. Spray: These light we are placing in Carmacks were 175 watt mercury vapour lamps and due to the nature of the roads in Carmacks you cannot use the same type of lights that we are putting in some of the other communities as they are not as effective. We may find that we have to put more lights in and when we put in our estimates for four additional street lights for Carmacks between the Taylor & Drury Store and Freegold Road, we may find when we come to install these lights in 1966 that three lights would be sufficient. The area north of the Carmacks Bridge is on the Mayo Highway and this I would have to check into because I supply lights in the Municipalities, but we can put the lights in the business section off to the side of the Highway and if there is not a requirement for four lights in the main town then perhaps we can install lights along there. Our program in all our Municipalities is a certain number of lights each year as required, we have never made it a policy to go and put all the lights that are required in any one community in any one year. We will certainly take into consideration the lighting required north of the Carmacks Bridge.

Mr. MacKinnon: You refer to Municipalities I don't believe that Carmacks is a Municipality and I believe we have as much in Carmacks across the Bridge as on this side of the Bridge which we are considering as the town of Carmacks. I have a strong request from the opposite side of the Bridge for Street lighting, we have the Catholic Church, Trading Post and also the Coal Mine. There are a number of people living on the other side of the Bridge including the Indian Village which has got street lighting and the only part that hasn't got any street lighting at the present time and I include the Church when I say business section is from the north end of the Bridge and I hope it will get some consideration as well as the west end of town where the Freegold Road is.

Mr. Boyd: I would like to ask Mr. Spray that the motion we were talking about prior to this one on low cost housing. This was set forth in the last Council, did we not have any correspondence from Ottawa at all on it or is there any progress.

Mr. Spray: We forwarded the motion to Northern Affairs in Ottawa with our comments of Council and we have been informed that submission will be made to Treasury Board on our behalf. It is not lost but it is taking time.

Mr. MacKinnon: I would like to ask Mr. Spray if there is any additional street lighting planned for the community of Beaver Creek next summer.

Mr. Spray: Yes, 4 additional street lights.

Mr. MacKinnon: That sounds very favourable I have got a letter from the President of Community Club requesting that consideration be given and I think when you ask for five and get four that's not too bad.

Mr. Chairman: Are there any further questions to ask Mr. Spray?

Mr. Shaw: Does Mr. Spray intend to get these Improvement Districts Program under way within the very near future.

Mr. Spray: Just as soon as we can get it moving I am most anxious to see this going.

Mr. Taylor: I am wondering when it is intended that we can buy land on the new main street in Watson Lake and when that street will be put in.

Mr. Spray: Funds will be provided in the 1966/67 estimates for the construction of that street and the final survey should be here early in the Spring either March or April. We will have the administration control transferred to the Commissioner and the lots will be placed on sale for the next building season.

Mr. Taylor: I wonder if I could have the assurance of Mr. Spray that when these lots are placed for sale priority be given to purchasing these lots initially for a short period of time to the residents of Watson Lake.

Mr. Spray: This would be a matter for the Commissioner to speak on and it would be a policy that he would be required to set, because the policy that we work under at the present time is to place the lots on general sale.

Mr. Taylor: The idea Mr. Chairman is that this is going to be our Main Street and many people will want to come down and buy land and often its released up here and by the time we get an opportunity to negotiate this 300 miles span between us we find that the land has already been sold to somebody in Whitehorse... I wonder if Mr. Spray would take this up with Mr. Commissioner and see if say a period of 60 days could be arranged for prior sale of this land in Watson Lake itself.

Mr. Spray: I will most definitely take it up with the Commissioner and I must add that the sale of these lots will be through the Land Agent at Watson Lake only and it would not be sold through Whitehorse.

Mr. Taylor: In a case such as this when a person purchases one of these lots he shall get clear title there shall be no requirement to develop the lot is that correct?

Mr. Spray: Under the present regulations, no he would be required to develop the lot, however if a representation is made to the Commissioner that clear title be given then I am sure favourable consideration would be given to it.

Mr. Taylor: This being the case as we have no Community Association representing the area with exception of the Community Clubs so this would be the representation of Watson Lake. We would like when you buy a piece of land you own it and are not required to do work on it or lose it. When sewer and water go down there everyone will have to pay taxes whether they use it or not.

Mr. Thompson: I am just wondering why Mr. Taylor wants people in Watson Lake to buy it and then not have to develop it, is he thinking of speculating. If it comes on the market and you don't want to develop it, then why buy it?

Mr. Taylor: Watson Lake has always been opposed to this policy we made a recommendation some time ago asking that this policy do not be adopted any more in our sub-division, it was accepted by the Administration and has been in effect ever since that time. It was an instance where the Community themselves can decide on what they want.

Mr. Thompson: In other words then there is special dispensation for the sale of land to the people of Watson Lake.

Mr. Taylor: No I wouldn't say this, this is under the regulations governing our sub-division down there and every other sub-division in the Territory has this right to, upon representation to do this.

Mr. Boyd: I didn't know we had a sub-division down there. 1916 we have the situation which is exactly what Mr. Taylor is proposing to do with the result that the lots are empty and we are required to open a lot more streets up and put in street lights with nobody using them. In Haines, Alaska there are some perfectly fine lots there and have been empty for 50 years but they are privately owned and you can't buy them. I am wondering if this kind of speculation is progress or if it is a decrement to the City, I know it is a decrement in the case of Haines Junction and Haines Alaska.

Mr. Taylor: This has caused no problem at Watson Lake, since we adopted this policy a few years ago it has worked out very well.

Mr. Boyd: I am sure it has worked out well and I don't think much has happened yet but I am gullible enough to believe that the residents of Watson Lake aren't any different to the residents of Whitehorse when it comes to getting as much as you can get.

Mr. MacKinnon: I would just like to say I am in concurrence with Mr. Boyd's thinking, this has created some problem at Haines Junction and I think this Territory should take into consideration that this should not happen in any other community. As Mr. Boyd has said you end up developing more land, putting in more streets and by-passing the ground that has a bunch of rubbish sitting on it right in the centre of the town.

Mr. Taylor: Everyone seems to forget that when you put a sewer or a water line down a street then all these people that have land still have to pay taxes and will be assessed annually for it. However, this is not presented any problem at Watson Lake and the town seems to be developing quite rapidly. The only thing which we have lost and what has spread our community out down there is the fact we couldn't have a Main Street. We have now got this surveyed and as Mr. Spray has pointed out we will next year have a Main Street and then all our shops and stores can go down that Main Street like you have in Whitehorse.

Mr. Shaw: I would agree that the people of Watson Lake should have the opportunity of first refusal on the lots without question, but I can't agree with the suggestion of purchasing them for speculation. I think if anybody buys a lot on Main Street it should be put to a good use, give them the first opportunity and if they don't want it they can't complain about the business for the general benefit of the community.

Mr. Taylor: I think this is up to the Community themselves to decide, we have always asked for a little etonomy at the local level.

Mr. Boyd: I agree with the etonomy idea and I hope you have the courage when you want more land broken up with lots of lots opened un-used that you the taxpayers in Watson Lake will be quite prepared to pay for the opening up of additional streets maintaining and so on. You will already have a set of streets and lights which you would be paying too much on for quite some time to time and I can rest assured you will be the same as everybody else. You are saying you are going to sell it and hold it and hold the public up and you don't want to be tied to put something it on it and make it a going concern. I disagree with this and I am going on record as saying this now and it is the last time I raise on it.

Mr. Taylor: I would say again there is no problem and I don't think everybody is going to rush into and abuse it, I just say let it be.

Mr. Chairman: Are there any further questions Gentlemen.

Mr. MacKinnon: I would like to ask Mr. Spray if his jurisdiction extends to the Indian Villages.

Mr. Spray: No it does not.

Mr. MacKinnon: Then Mr. Chairman, I believe it will be necessary to invite somebody from the Indian Department to discuss these particular problems

Mr. Spray: When I say my jurisdiction does not extend to the Indian Villages, they are not included in the description of our development areas and do not come under our Development regulations.

Mr. Chairman: Have we any further need of Mr. Spray at this time.

Mr. Thompson: I am wondering if and when the Area Development Department are going to take action on people who are contravening various and sundry Area Development Ordinances. I don't wish to make specific reference to any one or anything in particular but I think Mr. Spray has a reasonably good idea to what I am eluding to. What I had primarily in mind is the fact that on many instances there have been flagrant disregard for Territorial Ordinances and there has been no policing or enforcement of these Ordinances. I am wondering if we are lacking as Legislators in not providing the necessary enforcement procedure or there is a lack of staff or what the problem is.

Mr. Spray: We have two cases now pending with the Department of Justice on Area Development regulations there was one case under the low cost housing Ordinance.

There are certain problems which arrive in the sub-divisions particularly Porter Creek where the the people feel that the Area Development Office is responsible and the regulations applying to particular matters fall under the different Ordinances and have no jurisdiction. We pass these requests on to another Department and the legal action which they take or may not take is entirely up to them. We have two cases before the Department of Justice and hoping that we can get action on them shortly.

Mr. Thompson: Could I ask Mr. Spray how long these cases have been before the Department of Justice and if any action has been taken.

Mr. Spray: I can't tell you exactly the number of months but action has certainly been taken particularly on one. They are at the point of finalizing this case on the individual work on the Territory and this holds it down considerably.

Mr. Thompson: You say by the Department of Justice, do you mean Mr. Hughes.

Mr. Spray: We have worked through Mr. Hughes but they involve Crown land and although it may be under the administration controlling management of the Commissioner it is still Crown owned land and we must work through the Department of Justice in Ottawa.

Mr. Thompson: I take it from your remarks that you feel there are certain aspects of control in sub-divisions that would come under the control of Health and Welfare, are there other administrative bodies other than Health and Welfare that would have a bearing on enforcing Area Development areas or Health regulations. What would litter or something of this type come under.

Mr. Spray: This comes under the Public Health Ordinance and therefore is administered through Doctor Springers Office. Wherever possible all matters pertaining to the orderly development operation of any one of our Communities, we intend to keep under the Area Development Ordinance, litter and unsightly lots come under the Public Health Ordinance.

Mr. Thompson: The reason I bring this up is that I have three letters from the Administration signed by the Commissioner and they do take into consideration the Department of Public Health. He has pursued in the letter that rubbish disposal regulations would come under the Health Officer. I had a reply to my letter of September, I had a reply in October and these apply to health problems but they are within a Area Development. As you are more concerned with the development of land and the sale of land you are not primarily concerned with the welfare of it after an agreement has been consigned. I have three letters here dated from September 29th to November 1st and this was the last one I had and he said "The Superintendent advised me that the Public Health Inspectors have inspected various facilities and has commented on the appropriate installations. He further assures me that this matter will be checked again and attended to without delay". This is November 1st and now its December 10th and still has been nothing done on this matter. I bring this to your attention because I feel

there is a confliction of interest between your Department and the Health Department and there should be more co-operation in matters such as this. Anything that is going to deter the natural growth from a health point of view has a direct bearing on Area Development and for this reason I think there should be some method whereby both parties can get together and discuss these various problems.

Mr. Spray: Our Department is just not interested in selling the properties and having houses constructed and forgetting from thereon in. When complaints come into my office regarding a matter under the Public Health Ordinance we discuss with the Inspectors and we do work quite closely together. When it comes to enforcing their regulations we can do nothing more than request that they inspect them and if there is any violations then take what action they deem necessary. These people do work very closely with us.

Mr. Thompson: I should request that Doctor Spranger attend Session and perhaps get some answers to some of these questions.

Mr. Chairman: Any further questions from Mr. Spray if not can he be excused.

Council agreed.

Mr. Chairman: At this time I declare a recess for tea.

Friday, December 10, 1965  
3 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would discuss Sessional Paper No. 25 - City of Whitehorse Traffic By-Law Motor Vehicle Ordinance.

Sessional  
Paper  
No. 25

Chairman: Do we have any discussion on this, gentlemen?

Mr. Boyd: This, Mr. Chairman, is for people being fined two or three times a day for speeding. We passed a Motion where we upped the fines so that more than \$10 would be charged.

Mr. Shaw: Mr. Chairman, I believe this was introduced by a member some time ago. This section, I believe, is being circumvented by the Voluntary Municipal By-Law which meant that all that was necessary was for the Commissioner to so inform them and get them to straighten out the By-Law. I mean that's a matter of drafting or Law, it would appear to me that could very well be done by the Administration. Perhaps it is something which could be discussed with Legal Adviser to see why this By-Law is being circumvented.

Mr. Boyd: Mr. Chairman, this is exactly what we did do when we did discuss this. I think I was the one who pointed out that the City should tidy up their own affairs - do a little house-cleaning. The Legal Adviser was here at the time.

Chairman: Any further discussion, gentlemen?

Mr. Clerk: Mr. Chairman, I have a note on this and I believe the discussion was completed. I have a note here which says: "Legal Adviser, your move next". He was supposed to follow through with this and get the Municipal By-Law straightened out, so that these fellows could be got at in some way.

Chairman: The next one, gentlemen, is Sessional Paper No. 44 - Sessional Schools.

Sessional  
Paper  
No. 44

Mr. Taylor: Mr. Chairman, it states here that the policy I would recommend was that where ever a school was warranted the Territorial would established a school by providing both the teacher and the building. I don't go along with this. I imagine that this applies to mining camps. I feel that the company should provide the building and the Territory provide the teacher.

Mr. Shaw: Mr. Chairman, with respect to Granville School, I objected to the Government putting in a school building in that the Company itself should provide the school building and facilities while the Government provided the teacher. You have situations where mining camps are not permanent and requests ensue which are quite unreasonable and expensive and without a firm policy on something like this, it is very difficult to say whether a request a reasonable or not. When you have a situation where the Mining Company provides the physical facilities, then you have an area of responsibility in the matter after all this particular company is in that particular area to show a profit on the operation and unless there is some form of control, 15 children will be scattered here and there and there would be no end to the requests that you might have for it. But where something is permanent, then you would have to have something different. There will be so many of these mining companies in the near future requesting school facilities that if we have to provide the schools, then I think we are going to have a great deal of trouble. I feel

if there is some area of responsibility, it will work fairly satisfactorily. If they want a school and they are going to keep those people there, then they could put up the building and they will also work their operations so that they can have a reasonable number of pupils in each particular area. I can see the point of recommendations here, in one sense in that we are committed to provide education for all, equally, but it will present nothing but conflict such as that over the years. I can foresee this. That is why I suggested that the areas of responsibility be laid down.

Mr. Boyd: Mr. Chairman, I wonder if Mr. Shaw would make a Motion to this effect.

Mr. Taylor: I notice, Mr. Chairman, in the conclusion to this, the Commissioner states:

"I would be pleased to discuss this policy with you and receive your suggestions".

However, the only policy that I would stand firm on is that the mining company be responsible for the school building and the accommodation of the teacher.

Mr. Boyd: Mr. Chairman, If I remember right, the Commissioner was here when we went through this and Mr. Shaw said just what he said a little while ago. If this is insufficient, then let's get a Motion and have this over with.

Mr. Taylor: This paper was never discussed, Mr. Chairman. This is a result of discussion in Committee.

At this time, Mr. Thompson assumed the Chair.

Mr. Southam: Mr. Chairman, I myself personally think that if you are going to bring all these things under private enterprise, i.e., the providing of buildings and so you, that sooner or later you are going to kill the goose which laid the golden egg. I don't see why, and I'm not talking about my own territory now but the one you are going to open up here out in Dynasty when they come to you for a school, I don't see why you should tell them to build their own school. If you are going to create employment and I can foresee that eventually there will be a population of 1,500 to 2,000, of which there will probably be 200 to 300 children, it is all right to say work your outfit so that you will have so many children and what have you but somehow these things are not controlable. Personally I think that if you are going to encourage any industry then you are going to have to give them the facilities. You've got to do it and I can't see anything else for it. In Whitehorse here and around about, I don't see any industry paying for these schools. This is a thing that we've got to take a chance on and in some cases it will be a gamble but in others it pays off. Therefore, I can't for the life of me, see where you can come to these people, like the Dynasty people and so on and say: "Look, sure we'll give you the teachers but you build your own school!" I just can't see it.

Mr. Taylor: Mr. Chairman, it's all over the North, through British Columbia and North-West Territories, responsibility in a mining camp, e.g., Cassiar and Cantung, the mines have gone in and established themselves by providing their own schools as well as the teacher accommodation. The Government has then jumped in and provided the rest, i.e., the teacher and the equipment and material. I think that you have got to



consider the fact that mining is a highly speculative business and from time-to-time markets change and we have seen one or two start up here in the Yukon and have had to shut down. Thus, if we were sitting with a \$100,000 school in one of these areas, and it became a depressed area, we'd have a \$100,000 of the taxpayers money standing idle there. I don't think that the mining people involved object to this policy and I feel that it doesn't place any hardship on them. They seem to be geared financially for this type of thing. Because not only do they provide schools, but they also provide recreational facilities and so forth in these various mining areas. Thus, rather than speculate with the taxpayers money in a very highly speculative field, I feel that a policy to the effect that where a mining camp springs up the mine should provide the school. On the other hand, if it's a case that a mine was to spring up close to a Territorial sub-division or community, that's a different thing. When we see some form of stable economy in a community, then we build the school. As Mr. Shaw has pointed out, if we embark on a policy as suggested here it is surely going to lead to chaos because every mining operation is going to want a school. Therefore, Mr. Chairman, in this line I would like to move that where schools are required in mining camps that the mine involved provide school buildings and teacher accommodation. Motion Carried

Mr. Shaw seconded the Motion.

Mr. Boyd: Who owns the Public School at Elsa, Mr. Southam?

Mr. Southam: The Territorial Government.

Mr. Boyd: Obviously the policy now is haphazard! But, in a place like Dynasty where they assure you that they are going to be there for a number of years I see nothing wrong with building a school there, but also that they should carry some of the responsibility.

Mr. Shaw: Mr. Chairman, we'll take Dynasty as an example. I don't know what's going on there but in all probability if that company should start up and it is anticipated that others will be mined in there, there is no doubt that we will set up a Territorial sub-division in which case, of course, up will go a Territorial School. But, should they wish for a private town site, then that is a different matter. The Mining Company and the Government will have to get together and decide what this will be, in the terms of permanency. I understand that in the case of Cassiar, the services provided are the services of teachers and the Police.

Mr. Thompson: Mr. Chairman, where did this policy take a divergent course? They have built them in some locations and now, all of a sudden there is a difference in policy. Mr. Taylor has mentioned Cassiar and Tungsten and neither one of these are Territorial concerns. What is the Administration's approach to this?

Mr. Taylor: Mr. Chairman, this is the point. We asked for a firm policy and this is what this is all about. They have, in effect, replied they suggest a policy but have asked us to establish one and this is what we are attempting to do. There has been no policy established in the past.

Mr. MacKinnon: Mr. Chairman, before this suggested policy is adopted, I would like to say that I feel that should a need become obvious in a mining development then I feel that the

Territorial Government should be prepared to set up a mobile school system which could be implemented in a mining camp and if the mine closes, then the school could be easily moved. There are a great many of these mobile schools in Alaska and I don't see why we cannot adopt this policy in the Yukon.

Chairman: Are you all agreed on the Motion, gentlemen?

All: Agreed.

Motion Carried

Session- Mr. Taylor: Mr. Chairman, the next sessional paper is No. 47  
al and possibly we could have Mr. Oliver with us.

Paper

No. 47

Chairman: Could we have Mr. Oliver, Mr. Clerk?

At this time, a recess was called by the Chairman to enable Mr. Oliver to be contacted.

The Chairman called the Committee back to order and discussions commenced on Sessional Paper No. 47 - Mine Rescue Programme in the Yukon.

Chairman: Mr. Oliver is here to answer any questions you may wish to make, gentlemen, with respect to this paper.

Mr. Taylor: Mr. Chairman, possibly Mr. Oliver can give us a rundown on this paper.

Mr. Oliver: At the present time, we have in the Yukon Territory thirteen half-hour Scott air pack machines, the property of the Territorial Government. To try and save life in an emergency we are limited in the use of these machines. The mining industry appears to be expanding. We have one new mine in 1965, Discovery an underground mine, and it is my opinion and the opinion of the operators that we should consider obtaining a two or four-hour self-contained breathing apparatus. This is similar to that shown in the mining movie here two weeks' ago. This machine would enable mine rescue teams to operate at longer distances without having to return to a fresh air base as well as provide the most up-to-date equipment possible. The programme as presented to you, provides for the purchase of 24 self-breathing apparatus. The operating costs are also shown and provides for the hiring of a suitable mine rescue superintendent. At the initial start of the programme, it is intended to have the operating cost directly assessed on the mine at the suggested rate of assessment. As mining increases and we get more mines, the assessment actually should be recovered by the Territory at the initial capital cost.

Mr. Taylor: Mr. Chairman, I should like to ask Mr. Oliver: is this frame a new system or is this framed on systems now in vogue in other parts of Canada?

Mr. Oliver: This is framed specifically on the system used in Ontario used by the Ontario Department of Mines. The Provinces of New Brunswick and Nova Scotia also use the same system. The Province of British Columbia have a slightly different system but are contemplating, due to their Chief Mining Inspector, bringing such a programme into the Province.

Mr. Boyd: Mr. Chairman, I wonder if Mr. Oliver would know how many Mine Rescue Superintendents there are in the Province

of Ontario on Government pay roll?

Mr. Oliver: There would may be, be 6 or 7.

Mr. Boyd: They would be permanent at one mine?

Mr. Oliver: No, they would have a number of mines in the Penurie District. If I may add, Mr. Chairman, in the Province of Ontario they have been permanently established. For example, the only one I am familiar with is Sudbury. As you know, the Sudbury is International nickel and Falconbridge Mines which is two of Canada's largest mines. They have a central Mine Rescue Station and this is one of the most completely equipped stations in the world for mine rescue and at that station I know of three personnel who are full-time employees.

Mr. Shaw: I have two questions, Mr. Chairman. Is it a customary practice to assess mines on some basis to assist in the cost of this mine rescue? Is that standard practice?

Mr. Oliver: It is in the Province of Ontario and also in the Province of British Columbia. The latter having just recently hired four mine rescue personnel.

Mr. Shaw: This Superintendent who is going to be in charge of mine rescue, is he going to be located in say, about the centre of this major mining operation where ever it may be in the Territory or are you going to put him down here?

Mr. Oliver: His operational base will be Whitehorse. It is planned that he will travel the Territory providing mine rescue and first-aid training at the mine site. These courses will run anything between 2 to 3 weeks. In an emergency, of course he will proceed directly to the mine involved and take charge of operations.

Mr. Shaw: Mr. Chairman, would it not be a much handier place if this person was based at a place such as Carmacks when he would be very close to the mines? Why would he need to be 150 miles away?

Mr. Oliver: It is my own personal feeling to set up a mine rescue station at Carmacks. It may be a good idea for the future. I think that in the five-year agreement which Council is looking at, at the present time, there is some programme to establish mine rescue stations in the Territory. I don't feel that we should ask for the expenditure for next year to establish such a station when the man could operate from here for one year and put on training courses. We can use the existing facilities here at least for the first year.

Mr. Shaw: I do feel quite strongly, Mr. Chairman, that the place for this man and all that equipment is somewhere centrally where most of this mining operation is being conducted. I merely mentioned Carmacks because it is much closer to Keno Hill where there is a big operation and Dynasty which is a big operation too. There is also Casino and he would be close to all these major mining operations. I think that in matters such as these, the immediate contact with these people is of vital importance in cases of disaster rather than having to go a distance of 100 miles or so.

Mr. Taylor: Mr. Chairman, I think that there is yet another consideration. There are other mines serviced this way. We

have Artic Mining, Logjam Creek and we'll probably have Silver Key going underground one of these days and gosh knows how many more down to the south end of the country. So actually, Whitehorse, is central. No doubt there will be activity in the Whitehorse copper belt as well so it seems to me that there is nothing wrong in keeping a man centrally located in Whitehorse, available to go by charter aircraft if necessary to go to any one of these points at any given moment. This being a centre of communications in this respect.

Mr. Shaw: Mr. Chairman, I was basing my consideration on the fact that this Dynasty operation is going to be a tremendous operation and Silver Key is pretty close to that isn't it?

Mr. Oliver: Silver Key is close.

Mr. Shaw: The centre of this operation, where ever that may be, is where that man should be. That is going to be the big operation and Keno Hill is certainly a big operation.

Mr. Taylor: This is very good but if he is way up there I don't know how we can get him down to the south end of the Territory within a very short time as it is a long long way down and as I said, we've got several developing properties underground here. Another is, I believe Dynasty is open pit.

Mr. Boyd: We also have another outfit Ventura which is down on the Cassiar Road in Watson Lake. It's pretty hard to know where the centre is if it isn't somewhere around Whitehorse. Regardless of the fact that I am from Whitehorse, this man would undoubtedly in the case of a disaster would take off in the first plane that he could get his mitts on and he wouldn't find one too readily in Carmacks.

Chairman speaking from the Chair: Perhaps Mr. Oliver could give you a general line-up of training and what happens after that and perhaps you could elaborate on why you want this man in Whitehorse?

Mr. Oliver: With respect to United Keno Hill which is our largest underground mine. It is planned that this man will spend two to three weeks training mine rescue personnel. This doesn't necessarily mean that training will not continue when the mine rescue man is not there. In fact, the best method of training is to hold monthly 4 hour or 2 hour periods, i.e., 1 4-hour period and 2 2-hour periods for each mine rescue team. On each property, his main job is to ensure that there are sufficient trained personnel who will be available when a disaster occurs. His next prime objective is to get to the mine if a disaster occurs when his training and experience would be indispensable. Does this answer your question, Mr. Chairman?

Chairman: Pretty well. I think we understand that there is a team there and somebody to take this team over.

Mr. Taylor: Mr. Chairman, as pointed out here, operating costs are expected to be recovered from industry and as indicated by Mr. Oliver some of the capital cost will be either partially or wholly recovered over a period of time, by using the recovery formula here and I would say that we give our blessings to this programme which they hope to initiate in the 1966/67 fiscal year.

Mr. Thompson: Mr. Chairman, you say that the mines are to be assessed when we will recover various amounts of money. I'm

just wondering at the present time how many mines are to be assessed? Are we contemplating only one mine rescue superintendent at this time?

Mr. Oliver: The operating mine, United Keno Hill will be assessed on the highest assessment, i.e., \$2 to \$2.50 per man shift per month because they are <sup>the</sup> largest underground mine, therefore they should share the largest portion of the cost. Discovery will also fall under this classification. Any underground contractor who comes into the Territory such as Cameron McMinn will also be assessed on the number of employees he has underground per month. New Imperial Mines, a surface mine, will be assessed on paid man shift per month basis of \$1. Surface mines are open pit mines, and the only service this man will give them is first-aid training and fire protection. It is also planned to encourage first-aid training in lumbering, Placer mining and the construction industries and they will be assessed on the actual cost.

Mr. Thompson: In other words then, Mr. Chairman, this will not be specifically a mine rescue superintendent but a superintendent who is going to be in charge/safety such as something along the lines of a Workman's Compensations Inspector or something of this nature

Mr. Oliver: He will not be an Inspector, he will be a worker. He will try to organise mine rescue competitions. First-aid competitions which we have been lacking in this Territory since I came and to try and encourage first-aid and mine rescue training. When you teach mine rescue and first-aid training you also teach safety. I can't give you an analysis why this is so but where these courses are provided you become aware of the fact that people become conscious of "safety".

Mr. Boyd: Just two questions, Mr. Chairman. Will this be a Federal or Territorial responsibility and will it be compulsory for any outfit which is underground or whatever seems to be necessary for this treatment for every company to contribute?

Mr. Oliver: Yes, it will be compulsory for every company to contribute. It will be the same as compensation insurance.

Mr. Boyd: Would it be a Territorial responsibility?

Mr. Oliver: I would like to see it a Territorial responsibility. Which is why this is before Council.

Mr. Boyd: Is it a Federal or Provincial responsibility in Ontario and other places?

Mr. Oliver: It's Provincial.

Mr. Thompson: Mr. Chairman, you say that this programme is patterned after the programme in Ontario. Are they the most advanced Province in this field in Canada do you feel or is there some other Province or some other state which would have more up-to-date equipment and methods?

Mr. Oliver: It is my own belief and my own personal recommendation that Ontario leads Canada not only in mine rescue training but also in mine research. British Columbia follows a very close second. These are the most experienced people in hard-rock mining.

Motion Mr. Boyd: Mr. Chairman, I would move that Sessional Paper  
Carried No. 47 be approved in principle.

Mr. Taylor seconded the Motion.

Chairman: Are you all agreed on this, gentlemen?

All: Agreed.

Motion Carried

Chairman: Have we any further need of Mr. Oliver?

Mr. Taylor: I would like to ask a question on tote trails, which also comes under Mr. Oliver's Department and that is how much money has been expended this year, roughly, on tote trails and how badly has it been over-subscribed or how badly could it be over-subscribed?

Mr. Oliver: We have allocated \$50,000 to date and of the allocation, we have spent approximately \$12,000 to this date. We have applications pending but of course we can't uphold the money for an additional \$25,000 to \$35,000. For Council's information, the Minister of Northern Affairs has announced a new roads policy. In this policy he has stated that there is \$100,000 available for tote trails. We have asked the Director of the Northern Administrative Branch if this money is available this year and how we could get hold of it to offer it under the tote trail programme.

Mr. Taylor: Mr. Chairman, I think that this is one of the most beneficial expenditures made to roads in the Yukon Territory because this is the only place that Government and industry get their heads together. Because, if industry wants to put a road between "A" to "B" they will have to put up half the cost and the Government, within the limits of the monies available, go partnerships with them, through this tote trail assistance. However, I think in past years and I stand to be corrected, we have been really over-subscribed as far as our allotments are concerned. In fact a lot of people have not taken roads because they feel that the over-subscription to these funds would not allow anything to them. While with the Financial Advisory Committee in Ottawa this past spring, we raised the question and suggested that the tote trail assistance be increased to \$200,000 per annum. They said that they would give it some consideration. Again this was raised at the fall meeting of the Advisory Committee prior to this session. This was again taken to Ottawa, which replied to the effect that the matter would be examined. The matter was discussed informally with members of the North-West Territories who appeared to agree that this would be a very desirable thing in that we would be getting good value for our money, as well as developing the Territory: being our primary concern. I feel that in order to add a little more fuel to the fire we should send to Ottawa a full Council request to see if we could get this \$200,000 into the budget. We have programmed a many million-dollar programme for road development and I'm sure that \$200,000 a year for tote trail assistance is going to be available and all we have to do is convince Ottawa of our requirement. I would, therefore, move, Mr. Chairman, that it is the opinion of Council that tote trail assistance be increased to the sum of \$200,000 annually for the Yukon Territory.

Motion  
Carried

Mr. Boyd seconded the Motion.

Chairman: Are you agreed with the Motion, gentlemen?

All: Agreed.

Motion Carried

Chairman: Have we any further need of Mr. Oliver, gentlemen?

At this time, Mr. Oliver was excused from the Committee.

Chairman: What is your pleasure now, gentlemen?

Mr. Taylor: Mr. Chairman, I believe we have dealt with all sessional papers. However, we have Sessional Paper No. 13 pending dealing with airports for, Mayo, and Dawson. We have three memorandums for discussion.

Chairman: Gentlemen, we have three memorandums here. The first one is the annual grant to the Yukon Chamber of Mines. Do we have any discussion on this?

Mr. Taylor: I can only say, Mr. Chairman, that the sum of \$500 which the Chamber has been apportioned each year in relation to the work they are doing is a very very small allotment. I believe they have requested to have their grant increased to \$1,500. It should be pointed out that they are doing a tremendously good job and are probably the only body encouraging the economic development of the Territory. We have a department which carries out the administration for tourism but we do not have a department for encouraging industrial development. This Chamber of Mines seems to be attempting to fill part of this bill. Mining Companies, through donations, memberships and individual memberships, contribute a great deal to such things as stock quotations, these people work very closely with the prospectors' assistance programme, the actual prospectors' courses during the winter and keep the industry in touch with all that is going on, and serves the general public in the field of mining and its development in the Territory. I would suggest, therefore, that their request for an increase of \$1,500 is a very good one.

Chairman: Any further discussion, gentlemen?

Mr. Boyd: They do operate a pretty nice setup, Mr. Chairman. They have a building to maintain and it's manned the year-round. I notice that their membership dues was only \$5 for some time back but now they are up to \$12 to \$15. However, they are upping their own dues and I would go along with their request.

Chairman: Are you agreed, gentlemen, that the Chamber of Mines grant be increased to \$1,500?

All: Agreed.

Chairman: We have a request for house wiring, which is Request No. 20. Are you clear on this one, gentlemen?

All: Clear.

Chairman: And the last one, is kindergartens in the Yukon. We have had considerable discussion on this. What is your pleasure now, gentlemen?

Mr. Taylor: This matter has been discussed at great length,  
Motion Mr. Chairman: I would, therefore, move that it is the opinion  
Carried of Council that due to the excessive cost involved that no  
kindergarten programme be undertaken at this time by the  
Education Department.

Mr. Boyd seconded the Motion.

Chairman: Any further discussions, gentlemen? Are you agreed  
with the Motion?

All: Agreed.

Motion Carried

Chairman: Those are all the memorandums, gentlemen. What is  
your pleasure now?

Mr. MacKinnon: Mr. Chairman, I would move that the Speaker  
do now resume the chair to hear the report from the Chairman  
of Committee.

Mr. Boyd seconded the Motion.

Mr. Speaker: Well, gentlemen, you have heard the report from  
the Chairman of Committee, are you agreed?

All: Agreed.

Mr. Taylor: Mr. Speaker, we have now concluded all the  
sessional papers before us. There are no Motions, to my  
knowledge, in Committee however we do have some matters in-  
volving Bills and certainly there will be more sessional  
papers on Monday to discuss. I would suggest that we establish  
Monday as the day certain for the final submission of Motions  
or member's bills. It would appear, Mr. Speaker that we may  
be able to parole on Monday or Tuesday.

Mr. Speaker: Are you agreed, gentlemen, that Monday be the  
last day for the submission of Motions and Member's Bills?

All: Agreed.

Mr. Speaker: Is it your wish to meet tomorrow or Monday,  
gentlemen?

Mr. Taylor: Mr. Speaker, we will be requiring the services of  
the Legal Department and I would suggest that he be notified  
tonight that his presence will be required on Monday to wrap-  
up the balance of these Bills. I would move that the Council  
re-convene on Monday, December 13, 1965 at 10 o'clock a.m.

Mr. MacKinnon seconded the Motion.

Motion Carried

Mr. Thompson: Mr. Speaker, I would like to have the Health  
Officer or Director or both at our Council table on Monday,  
December 13, 1965 at 1030 a.m.

All: Agreed.

Mr. MacKinnon: Mr. Speaker, I would move that we do now call  
it 5 o'clock.

Mr. Speaker: The Council now stands adjourned until 10 o'clock  
a.m. on Monday, 13 December, 1965.



Monday, December 13, 1965.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call this Council to order. The first matter on the Agenda...will you read the correspondence, Mr. Clerk.

Mr. Clerk: Yes, Mr. Speaker, the first is a memorandum dated the 10th of December on Question No. 23. The tentative dates now set for the Financial Advisory Committee's trip to Ottawa is between February 21st and March 4th. The next one is a memorandum dated the 10th of December on Motion No. 23, Commercial Fishing: I am informed that arrangements will be made for a representative of the Federal Department of Fisheries to meet with the Financial Advisory Committee when it is in Ottawa later on this winter. The subject can be discussed more fully at that time. Another memorandum dated the 10th of December 1965 on Production of Papers No. 4, Fire Loss Data:

"Reported Insured losses in the Yukon:

1955 - \$	33,815.00
1956 -	108,998.00
1957 -	125,061.00
1958 -	121,500.00
1959 -	21,800.00
1960 -	108,095.00
1961 -	318,909.00
1962 -	147,682.00
1963 -	72,904.00
1964 -	42,700.00"

REPLY TO  
QUESTION  
NO. 23

RE MOTION  
NO. 23

RE PRO-  
DUCTION  
OF PAPERS  
NO. 4

The next one is a Sessional Paper, Sessional Paper No. 52, dated December 10, 1965, Yukon Centennial Committee. Another Sessional Paper, No. 53, dated December 10, 1965, on the Centennial Projects Funds. Another Sessional Paper, No. 54, dated December 10, 1965, re Auto Insurance. And, Sessional Paper No. 55, dated the 9th of December, 1965, on Motion No. 28, Power Line Burwash Indian Village. I will have the Bills brought up that are being typed in final form as soon as they are ready so that when you go into Committee, I will be able to distribute them to you for final review.

SESSIONAL  
PAPERS  
# 52, #53  
#54, #55

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committee? Have we any Introduction of Bills? Have we any Notices of Motion and Resolution?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Vocational School Certificates. I would like to give Notice of Motion respecting the Whitehorse - Juneau Road. I would also like to give Notice of Motion respecting the Watson Lake - Ross River Road.

NOTICES OF  
MOTION  
#36, #37  
#38

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

Mr. Thompson: Mr. Speaker, I would like to give Notice of Motion regarding Motor Vehicle Licences. Also, Mr. Speaker, I would like to make a Motion to invite a representative of the Yukon Research and Development Committee to sit with us to hear their views regarding the feasibility of an economic survey to be conducted in the Yukon. I was wondering if, rather than make a Motion, could I extend an invitation with the sanction of Council, or would you prefer that it be in a form of a Motion and have them tomorrow? I was thinking in terms that we could ask them, with Council's approval, that we could conceivably have them this afternoon.. If this was agreeable.

NOTICE OF  
MOTION #39

RE YUKON Mr. Speaker: There has been, gentlemen, a request from a  
RESEARCH & Member that we have the delegation of two members from the  
DEVELOPMENT Yukon Research and Development Committee. Would that be  
COMMITTEE agreeable to Council?

All: Agreed.

Mr. Speaker: That will be in order, Mr. Thompson. Would you make the arrangements for two o'clock this afternoon?

Mr. Thompson: Yes, Mr. Speaker.

Mr. Speaker: Have we any further Notices of Motion and Resolution? Mr. Taylor would you please take the Chair?

Mr. Taylor takes Speaker's Chair.

NOTICES OF Mr. Shaw: Mr. Speaker, I have a Notice of Motion in rela-  
MOTION #40 tion to the Dawson Airport, and a Notice of Motion in rela-  
#41 tion to Territorial Housing.

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Are there any further Notices of Motion? Have we any Notices of Motion for the Production of Papers? Have we any Motions...we have no Motions for the Production of Papers. We next proceed to Motions and we have No. 34, Mr. MacKinnon, Coal Mine at Carmacks.

MOTION  
NO. 34

Mr. MacKinnon: Mr. Speaker, moved by Mr. MacKinnon and seconded by Mr. Southam, re Coal Mine. It is respectfully requested that Administration consider from an economic point in Government operation, and as well as financial protection for approximately 30% of the Carmacks population. Consider the feasibility of purchasing coal from Yukon Coal Company now under United Keno Hill Mines Management at Carmacks. And that coal be considered for heating plants in all new Territorial buildings as well as the existing Carmacks School and other Territorial Government Buildings in Carmacks. May I continue, Mr. Speaker.

Mr. Speaker: Continue, Mr. MacKinnon.

DISCUSSION  
MOTION #34

Mr. MacKinnon: Well, you are all quite well aware of the existing coal mine at Carmacks and the value of this coal mine to the people of Carmacks. It buys a lot of the food that is needed and it has been of great assistance to the Native people as well as the whites. Now, back where I came from on the East Coast, we used nothing but coal, and it was fine. It was a very economical way of heating. When I went to school, that's all we had was a coal burning device for heat which was very satisfactory. Everybody used it in their homes...created a lot of employment. I will admit you do get a little bit dirty, but that's beside the point. When you are purchasing oil, you are possibly buying from Standard Oil of California. Every cent leaves the Yukon. Why can't we come down a little and start using our own fuel when we have a abundance of it at Carmacks. I think it is a reasonable request and I feel the Administration should assess the value of burning coal here in the Yukon. Even this Federal Building could have been heated with coal had the proper installations been made when it was built.

Mr. Speaker: Have we further discussion on Motion No. 34?

Mr. Southam: Mr. Chairman, as seconder of the Motion, I was thinking more of the economy of the Yukon, and while I also will admit that coal is dirtier than oil...you have a coal mine with a vast resource in Carmacks. You are employing 95% Native labour. I don't think there is another industry in the Yukon that is doing that well. That is one thing. If we could extend the use of coal to the Government buildings alone, I think it would double production, and in that case it would double, or should double, the amount of men that are necessary...well, maybe not quite double it, but it will certainly employ a few more. With this in mind, that is why I seconded the Motion. I believe that these Indian people that we have at the mine, and I am quoting the Mine Superintendent now...they are just a good a miner as any and they can be taught, and it seem to me that where we have a chance to use them like this, where they seem to fit in, this we should try to extend. At the present time, I believe the coal mine only employs roughly about ten - twelve men. There is one white - the rest are Native...and the Superintendent of course so that's two white and the rest Native. These Native employees are responsible for some 50 or 60 people in that area. In other words, what I mean is their families and so on. And, I think for the economy of the Yukon, if this could be brought about, I think it is something that it is something that would be worth while looking into.

Mr. Boyd: Mr. Chairman, this situation has already been studied and studied and studied. The Administration is well aware of the coal that is there. They are well aware of what the possibilities are; but, clear across Canada, heating with coal is becoming outdated and for very good reasons. The economics are not there. What you would gain by supporting the population shall we say of Carmacks, you would more than lose in Government tax dollars by the use of it. So, this is not a new thought, and as the Motion reads that "Administration consider"...it has already been considered. I don't know if the Motion really has any concrete substance. If the Member had come along and laid some facts down to show the economics of it, then I wouldn't mind seeing what goes on; but when it's all added up, I know when the hospital was built here, there was a great attempt made by very substantial people, to use coal. There again, it would be unwise and I just make this little statement for the benefit of those concerned.

Mr. Taylor: Mr. Speaker, in relation to the Carmacks coal, I must admit that there is a fair coal potential there. I believe they are talking in terms of 40 to 50 million, with a projection up to 350 million ton of coal. I believe Bostock, Dr. Bostock, many years ago projected this. The coal is of a bituminous nature rather than a lignite or an anthracite which...it is not the top grade but it is quite burnable. I believe that it has a greater ash content, but as Councillor Boyd pointed out, this study has been made from time to time on the feasibility of using coal, and most people have turned to burning oil. If you speak of going back at it again, and assuming that you were to consider firing buildings...Territorial Buildings...and even Federal Buildings for that matter, you've got many factors to consider...first, the initial cost of mining, the cost of hauling the coal throughout the Territory to add to the cost. You've got the BTU factor over oil to consider - as to which is the most efficient. You've got the cost of conversion of existing units and you've got the cost of hauling away the slag that results...the ash content. This, I believe, has been taken under advisement by the Administration, but I think the picture is not blue for Carmacks in this respect of this coal deposit because I know of one very, very influential group who are making a feasibility survey in two

DISCUSSION respects, in respect of the Carmacks coal. One is for the  
MOTION #34 production of thermal power as opposed to the production of  
hydro power to fire the development in the new Dynasty - Ross  
River area. This is being given active consideration at the  
present time, and I believe it is very possible that this  
might come about. However, this is something that will be  
released at another moment. Another is for the coking  
quality of this coal and extensive studies have been made  
with respect to this and are still under way to see if the  
coking quality of the coal at Carmacks is of sufficient  
quantity and of sufficient grade to provide the hydrocarbon  
and smelting processes....again in relation to the Pelly  
River area. I am of the same opinion that Councillor Boyd  
is that this matter has been taken under consideration and  
from time to time the question does arise, but I think that  
the Carmacks deposits themselves are going to come into their  
own through private enterprise and these industrial uses  
rather than Territorial schools, and until we know these  
factors or have them laid down to us, I can't see the feasi-  
bility of firing the Territorial buildings at all.

Mr. Speaker: Is there any further discussion?

Mr. MacKinnon: Mr. Chairman, I see Mr. Boyd and Mr. Taylor  
are both highly experienced in the coal mining development.  
I don't know if either one was actually ever in a coal mine.  
I doubt it. But they, as usual, have the answers. They are  
not a bit prepared to see additional work created in the  
Territory. I have heard rumours that United Keno Hill might  
discontinue the use of coal. I think then it would be  
important to Carmacks that this coal mine did continue to  
operate, mainly for the support of Carmacks. Not every  
town has a coal mine. What are we going to do? Just let  
it shut down, let it go? We have, as Mr. Southam has pointed  
out, quite a few Native people supporting themselves. It  
actually figures out to about 30% of Carmacks - from the ones  
that are working there, there is between 50% and 60%...50  
to 60 people, that they are supporting from those pay  
cheques derived from the coal mine. Therefore, I think it  
is quite an important thing and if we burnt coal in Carmacks  
school, this would be employing another man - a stoker for  
the school. I think this is the important thing at the  
present time...to create a little more employment instead  
of throwing the money away to some California oil company.

Mr. Speaker: You have heard the discussions. Are you ready  
for the question?

The Motion was voted upon. Mr. Taylor and Mr. Boyd were  
contrary. Mr. MacKinnon, Mr. Southam and Mr. Thompson  
voted for the Motion.

MOTION #34  
CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Taylor, would you please take the Chair.

Mr. Taylor takes Speaker's Chair.

Mr. Speaker: Councillor Shaw, would you care to discuss  
Motion No. 35.

MOTION  
NO. 35

Mr. Shaw: Yes, Mr. Speaker. Moved by myself and seconded  
by Mr. Taylor. This is a somewhat long Motion but this will  
be the way it will be presented if Council will agree with  
it.

"Re: Home Brew

WHEREAS the Commissioner of the Yukon Territory by and with  
the advice and consent of the Council of the said Territory  
has enacted in the Liquor Ordinance in Section 45 thereof

Mr. Shaw continues:

" the following provision:

MOTION  
NO. 35

"45.(2)(b) Have or keep liquor not purchased from a liquor store but this does not operate to prohibit the keeping of beer or wine if made by a member of the household where the beer or wine is kept if such person is the holder of a valid permit to make such beer or wine, and it shall be lawful for such permit-holder to dispense such home-brewed beer or wine in reasonable quantities without charge to members of his family and bona fide guests."

AND WHEREAS at this present session Bill #3 being an Ordinance to amend the Liquor Ordinance was presented to the Legislative Council of the Yukon Territory for consideration, and in Bill #3 in Section 8 thereof it was provided:

"8. Subsection (2) of section 45 of the said Ordinance is repealed and the following substituted therefor:

"(2) Except as authorized by this Ordinance, no person within the Territory, by himself, his clerk, servant or agent shall have or keep liquor in a place other than the residence in which he resides.

(3) A person eligible to purchase liquor from a liquor store may

- (a) Have or keep liquor in a motor vehicle in a manner authorized by section 48; or
- (b) possess and consume in his dwelling house beer or wine lawfully made or brewed by himself or by a member of his family residing with him in the same dwelling house."

AND WHEREAS the Legal Adviser to the Council informed the Council sitting in Committee of the Whole that objection had been taken to the wording of Section 45 of the Liquor Ordinance in its present form because it allowed the holder of a home-brew permit to dispense hospitality to bona fide guests not being members of his family, and this was contrary to provisions of Section 174 of the Canada Excise Act;

AND WHEREAS the said Section 174 of the Canada Excise Act provides as follows:

"174.(1) Notwithstanding anything in sections 172 and 173 the duties of excise hereby imposed shall not be levied or collected upon beer brewed by any person for the sole use of himself and such members of his family as reside with him in the same dwelling house and not for sale, if such person has, before beginning to brew, given notice in writing to the nearest collector of his intention to brew, and has received from such collector a letter of consent

(2) Every such notice shall state the utensils or apparatus intended to be used, and such utensils or apparatus shall be exempt from the provisions of this Act respecting the possession of brewing apparatus by unlicensed persons.

(3) No letter of consent shall be issued to any person who has been convicted of any offence under this Act, or of any offence against the laws of any province respecting the manufacture and sale of intoxicating liquor; nor to any person dwelling in the same dwelling house as any such person, nor to any person to whom the Minister deems it advisable in the interest of the revenue, to issue any such letter.

(4) Any such letter may be revoked, cancelled, or suspended by direction of the Minister.

(5) Every one who brews any beer for the use of himself and his family without giving the notice hereby required, and receiving the collector's letter of consent, or after such letter of consent has been revoked, cancelled or suspended as herein provided, or having so brewed any beer, sells the same to any person, or disposes thereof to persons other than such members of his family as reside with him in the same dwelling house, is guilty of an indictable offence and liable to the penalties herein provided for the brewing of beer without a licence. 1934, c. 52, s. 178; 1948, c.49, s.33." MOTION NO. 35

AND WHEREAS after due consideration the Legislative Council of the Yukon Territory were of opinion that the restriction in Section 174 of the Canada Excise Act reflected an attitude towards bona fide hospitality that was alien to the spirit of the Northland and its people, and the said Legislative Council did therefore refuse the proposed amendment to the Liquor Ordinance;

AND WHEREAS the Legislative Council desires that a record of its conclusion be brought to the attention of the Federal authorities so that the Canada Excise Act may be reviewed and improved.

BE IT THEREFORE RESOLVED that a copy of these presents be delivered to the Commissioner of the Yukon Territory for transmission to the Federal Government and for such publication as may seem proper." May I proceed, Mr. Speaker.

Mr. Speaker: Proceed, Mr. Shaw.

Mr. Shaw: We have a great deal of wording here, of course. However, in presenting this particular petition, all we are asking is that the people do brew their beer and manufacture their wine can provide a guest with a drink of this wine - not for sale. It is for their normal hospitality which is invariably extended in the Yukon. That is all that is being asked for in this Motion, Mr. Speaker. Nothing more and nothing less. I think it is something I would appreciate the support of Council on. DISCUSSION MOTION #35

Mr. MacKinnon: Mr. Chairman, all we are asking for is to be able to drink home brew and give it to our friends. It's kind of a long drawn out substance, isn't it? It refers to so many Sections, I would be reluctant to vote on a Motion like this without having a chance to study it.

Mr. Speaker: Is there any further discussion, gentlemen?

Mr. Thompson: Could I ask the mover of this Motion...has he conferred with the Legal Advisor on these various Sections dealing with the Liquor Ordinance?

Mr. Shaw: I am glad you asked that question, Mr. Thompson. I have utilized the assistance of the Legal Advisor in respect to this and this has his full concurrence as to providing the vehicle with the objective in mind of getting this relief from this ancient Act of a hundred years ago.

MOTION CARRIED.

MOTION #35  
CARRIED

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: There are no further Motions on the Agenda. Are there any Questions?

Mr. Taylor: I wonder, Mr. Speaker, if Mr. Clerk would be able to advise as to when we may have a reply to Question No. 21, Confederation.

Mr. Clerk: Yes, Mr. Speaker. I sent a telex to Ottawa to ask what the hold-up was and I am informed that it was in the mail at the end of last week. I did expect it this morning. I fully expect to have it tomorrow morning.

Mr. Speaker: Thank you, Mr. Clerk. That pretty well completes the Daily Routine and Orders of the Day. What is your pleasure now?

Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss and study Bills, Memoranda, Sessional Papers and Motion.

MOTION  
CARRIED

MOTION CARRIED

The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

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

December 13th, 1965  
Monday 11. o'clock am.

Mr. Chairman: This Committee will now come to order and we will discuss Sessional Paper 52 on the Yukon Centennial Committee. Sessional  
Paper  
# 52

Mr. Taylor: This paper as it seems to indicate asks the concurrence of Councillors to confirm and ratify the present appointed Committee of the Yukon Centennial Committee its membership. If this is what is required I would move that Council confirm the membership of the Yukon Centennial Committee as currently exists.

Mr. Boyd: I wonder if that is what it is asking. Each Councillor was supposed to appoint the man to this Committee and as it points out they have only one confirmation of any one person, it so happens it is mine. You fellows have not advised them who is representing you or whom you have appointed and I think this is what he is asking you to do.

Mr. Taylor: In respect of this I also have a written appointment in my district and I guess it has got lost along the trail. However, they ask that the Yukon Centennial Committee respectfully request the Territorial Council to confirm the present membership of the Committee as being official and in accordance with Council's wishes, so this is why I proposed the motion that we do concur in this respect.

Mr. Boyd: How do we know what the present Committee is if we don't have it before us.

Mr. MacKinnon: I thought this had been done in my area, Mr. Liversey was the Councillor at the time the appointment was made and he appointed Ken Clennett in my district which I am in favour of and I will give in writing the appointment of Mr. Clennett.

Mr. Taylor: If there is any doubt here I would suggest we have Mr. Judd come down and straighten this out.

Mr. Thompson: I would concur with this suggestion and feel it would be to all our advantage if we knew who are the Members on this Committee.

Mr. Chairman: Could we have Mr. Judd please Mr. Clerk.

Mr. Chairman: We were discussing Sessional Paper 52 with the appointment of representatives for the Centennial Committee. I wonder if Mr. Judd could enlighten us on this subject.

Mr. Judd: As I understand it this Council decided that a Centennial Committee should be established to oversee developed policy for the celebration of the Centennial in the Territory. This Committee was constituted by the appointment of a constituency representative from each constituency and the appointment was to be made by the Councillor. These appointments in fact were made some time before the 23rd August 1965 but they were made during the Territorial Election and some were made in what the paper point of view appeared to be a confusing way. One person was approached and couldn't do it and then another person was approached and we really didn't know who



was on this Committee until the morning of the 25th August, 1964. We have official appointments for any Members from Councillors except for Mr. Bob Campbell and the Committee felt at its Meeting last week that it would be useful if Council would agree to saying that the Centennial Committee as it is set out now is in fact the Centennial Committee. I don't think there is any intention here and I want to state this before the Council that this is a thing for having the Committee remain the way it is for ever and ever. In other words Council could say this is the Committee and we will never change it, this obviously is in the right of Council to do this. It is just that the Committee would like to say we are in fact the Centennial Committee for the Yukon.

Mr. Boyd: This then takes it more or less out of the hands of the individual Member, we the Council are now going to appoint this Committee in a sense rather than each individual Councillor appoint the man from his district, is this what it means?

Mr. Judd: I see Councillor Boyd's point perhaps what this Sessional Paper should say is that the Committee would be glad if each Councillor would varify in writing that so and so is his representative and perhaps the Council as a whole should not do it.

Mr. Shaw: I feel almost positive that I have a letter stating who the person would be but as Mr. Judd has pointed out if this were done on say August 24th at that time we were not Council Members whether we had come back or otherwise there was no Council in existance between July 9th and the re-election. It appears to me that Mr. Judd just wants confirmation at this time of those persons that are in the job so there is no confusion. I wonder if we could have the names of all these people?

Mr. Judd: I am sorry the names were to be attached to this Sessional Paper but I can give you the names orally now.

Watson Lake -	Mr. Don Cox
Carmacks -	K. Clennett
Three Whitehorse Constituences -	Mr. Bob Campbell, Mr. Lawrence Cyr, Mr. Stan McCowan
Mayo -	Mrs. Jean Gordon
Dawson -	Mr. Mac Munro

Mr. Chairman: If I may speak from the Chair, Mrs. Jean Gordon is as far as I am concerned okay that she stays. I think this is what happened at the previous Council appointed Centennial Committee.

Mr. Taylor: I think that in order to get around this what we should do is confirm as Council the present make-up of the Centennial Commission. In proposing a motion I would state that we move the Council confirm the membership of the Yukon Centennial Committee as presently exists but reserve the right of individual Councillors to reappoint Members where and when required.

Mr. Boyd: I second that Motion.

Mr. Chairman: It has been moved by Councillor Taylor and seconded by Councillor Boyd that the Council confirms the membership of the Yukon Centennial Committee as currently exists but reserves the right of individual Councillors to re-appoint Members when and where required.

Mr. Thompson: I would just like to ask Mr. Judd have the existing Committee been reasonably active and proficient from Administration's point of view.

Mr. Judd: I think Mr. Chairman the existing Committee has done a lot of work particularly the Members out of Whitehorse. These people have done a lot of work and I expect that the Whitehorse Members will be doing more work during this coming year as we come down towards the 1967 wire. The Committee has I think has done a very good job and if I may say so has drawn a lot of fire and argument.

Mr. Chairman: Are you ready for the question?

Question

Mr. Chairman: Are you agreed with the motion?

Council agreed.

Mr. Judd: If Council wishes for the record I will send down an amendment to this paper the list of the Committee which I gave out this morning.

Mr. Chairman: While we have Mr. Judd with us I wonder if we could go on to Sessional Paper # 53 which is the Centennial Projects Funds. This is the funds that they wished to have released for these Communities which have started and maybe Mr. Judd can enlighten us on this.

Mr. Judd: The Council may recall that at the Spring Session this year it discussed the Centennial Projects and agreed that the Community Development Funds for the next fiscal year 1966/67 would be set aside for the Centennial projects. This will give a total of \$56,000.00 which by agreement with Ottawa is to be matched by \$30,000.00 in Federal Funds. This money will be made available next fiscal year from the Community Development Funds. It was also agreed at the Spring Session as I recall that it would be permissible from the book-keeping standpoint to spend money this year, it would be financed from this year's funds and accounted for in next year's funds. I will move on just to refresh the Committee's memory that about two weeks ago Council discussed the Centennial projects and I am informed that on behalf of the Commissioner we were running into a deadlock with Ottawa on the allocation of Ottawa's \$30,000.00 they said that this had run a foul on a technical point which was still being argued with Ottawa with no final decision forthcoming as yet. At the Centennial Meeting on Thursday here in Whitehorse Yukon Centennial Committee passed a resolution asking that the Administration release the whole or part of the Yukon share of these funds immediately and not wait for this battle with Ottawa to be resolved one way or the other. The Commissioner felt that it might be wiser from a technical point of view not to release all or part of this \$56,000.00 but the Committee pointed out that there are two or three Communities in the Yukon now that are in bad

financial states through no fault of their own. That is what the request in Sessional Paper 23 embodies.

Mr. Shaw: As far as I am concerned the amount of money was allocated \$8,000.00 from this fund, speaking for myself I am quite content they can take \$8,000.00 out at any time they wish to go ahead with the projects that have been approved.

Mr. Taylor: I certainly recur in this regard that this will help further the projects we had agreed to and I would suggest that this be followed.

Mr. MacKinnon: I think this is very necessary at this time to get some of these jobs under way, like at Haines Junction, Beaver Creek, Destruction Bay and Watson Lake and I am in full agreement with going ahead with this proposal.

Mr. Thompson: Am I correct in my assumption that with the \$56,000.00 that is coming from the Territorial Government plus the \$30,000.00 from the Federal Government this will give a breakdown of \$21,500.00 to each of the four outside Constituences.

Mr. Judd: That is correct Mr. Chairman.

Mr. Judd: I wonder if I could make one unofficial suggestion to the Committee, that if the Committee agrees with the request in Sessional Paper 53 it might be useful if the Committee went on record reaffirming that in the Yukon's opinion Ottawa still has the committment to this Territory for \$30,000.00.

Mr. Taylor: Would you wish that we point out in our motion that with respect of this for consideration of Committee that \$56,000.00 now be released and that the Administration convey to the Federal Authority our desire for the additional funds.

Mr. Judd: That is certainly a thought and I am bold enough to suggest that Council might have sufficient reason to make the motion a little stronger and reaffirm that in the opinion of this Territory the money is still forthcoming from Ottawa.

Mr. Shaw: I would like to direct a question to Mr. Judd, just in the event that things change from year to year and that a project presently contemplated, if the group got together and wished to present another project would that be permissable.

Mr. Judd: The decision will of course be up to the Yukon Centennial Committee and I cannot speak for it but I know that there are two projects now that have been approved but may be changed and I believe the Centennial Committee's attitude is by all means let them be changed provided that in the new proposals they will live up to the criteria and provided the new proposals will be finished by 1967. There is still lots of room for changes.

Mr. MacKinnon: I would like to ask Mr. Judd a question as to how the project for Carmacks is shaping up and do they still plan to use the old Government Garage as their Centennial project.

Mr. Judd: I went to Carmacks at the end of October and had a meeting with the Community Club and at that time they were prepared to go ahead with their Centennial project which is a skating and curling rink in the old Government Garage. Since that time they have asked the Territorial Government if they can have the garage and property on which it stands and the Commissioner felt he could not give them the property because of the pending developments in Carmacks. In view of this I understand the Centennial Committee in Carmacks is now thinking it shouldn't invest its money in reconstructing and upgrading the old garage but rather building an addition on to the present Community Club. If they do this then it is their building on their land and I understand they are carrying on negotiations now to see if this would be possible.

Mr. Taylor: I believe at this time I have a motion drafted which would meet the concurrence of Committee and it reads as follows:

It is the opinion of Council that this \$56,000 be immediately released for the Centennial projects and that the Yukon Legislative Council are of the opinion that Ottawa have made a firm commitment in the amount of \$30,000.00 which has not yet been honoured and it is further requested that the sum of \$30,000.00 be released to the Government of the Yukon Territory immediately in order that Centennial projects now delayed may proceed.

Mr. Boyd: I second that motion.

Mr. Chairman: I have a motion before the Committee moved by Councillor Taylor and seconded by Councillor Boyd that it is the opinion of Council that \$56,000.00 be immediately released for the Centennial projects and that the Yukon Legislative Council are of the opinion that Ottawa have made a firm commitment in the amount of \$30,000.00 which has not yet been honoured and it is further requested that the sum of \$30,000.00 be released to the Government of the Yukon Territory immediately in order that Centennial projects now delayed may proceed. Any further discussion on the motion Gentlemen?

Question

Mr. Chairman: Are you agreed with the Motion?

Council Agreed

Mr. Chairman: The motion is carried. Have we any further need of Mr. Judd Gentlemen or could he be excused at this time?

Council agreed.

Mr. Chairman: I will now call a recess and reconvene at 2. o'clock p.m.

Monday, December 13, 1965  
2 o'clock p.m.

The Chairman called the Committee to order and discussions ensued on Sessional Paper No. 54. Sessional Paper No. 54

Mr. Taylor: Mr. Chairman, it doesn't seem to indicate what percentage insurance will increase to in the Yukon Territory although it is indicated that it will go up 11% in Vancouver. I don't think that there is really anything we can do other than thank the Commissioner for sending down this information.

Chairman: Are you clear on this, gentlemen?

All: Clear.

Chairman: Sessional Paper No. 55, Motion No. 28 I think is self-explanatory and requires no explanation. Sessional Paper No. 55

All: Clear.

Chairman: We have a memorandum in reply to Question No. 23 advising the tentative dates now set for the Financial Advisory Committee's trip to Ottawa is between February 21 and March 4, 1966. Do you have anything on this one, gentlemen? Question No. 23

Mr. Boyd: Usually in the past, isn't it the general trend for the Advisory Committee Meeting to last a week? In this instance, we are going on for just about two weeks but it is possible the five-year agreement has caused this.

Mr. Clerk: That doesn't necessarily mean that those will be the dates you'll be away. These are the tentative dates set for the trip. They don't know the actual date you'll be leaving.

Chairman, speaking from the Chair: I take it then, Mr. Boyd, it could be anywhere between those two dates. Are you clear on this, gentlemen?

All: Clear.

Chairman: Motion No. 23 - Commercial Fishing - is self-explanatory and needs no explanation. Motion No. 23

All: Clear.

Chairman: Production of Papers No. 4 - Fire Loss Data, showing insured losses in the Yukon for the period 1955/64. Do you have anything on this, gentlemen? Production of Papers No. 4

Mr. Shaw: Mr. Chairman, I've been trying to get this information. If you recollect, last year I had a Motion with respect to the high cost of insurance in the Territory and I asked that an investigation be made, which was made, however, it produced no figures whatever which would lend any light as to whether it was high or low or just what the score was. This is my attempt to gradually get the information to enable me to progress further with this for I still have the feeling that the insurance rates are inproportionately high.

Mr. Boyd: I appreciate Mr. Shaw's thinking but it seems to me that since starting to ask for this information, we have had an increase on insurance rates throughout the Territory very recently.

Mr. Shaw: Mr. Chairman, I am not aware of any increase. I am referring to the areas outside the city of Whitehorse in that the rates are the highest in Canada: almost 3%, and it seems impossible to increase that.

Mr. Boyd: Mr. Chairman, perhaps Mr. Clerk would know if there has been an increase on property insurance outside the municipal area?

Mr. Clerk: I'm not sure as to what areas but I think that there has been an increase on commercial property fire insurance this year. That was the information we obtained at a meeting with the insurance representatives. I'm not sure of the percentages.

All: Clear.

Mr. Taylor: Unfortunately, we don't have with us the members of the Research and Development Institute so possibly we can proceed to Bills until these gentlemen do arrive.

Mr. Shaw: Mr. Chairman, Mr. Thompson has just arrived so perhaps he can advise us on this.

Mr. Thompson: My apologies, Mr. Chairman, for being late but I was unavoidably detained. The gentleman I was hoping would be with us, Mr. Hougén is evidently like the Administration, long gone. However, Mr. Parker, who is also a member of this Committee has signified his desire to be with us for a short time but wouldn't be with us until possibly after tea this afternoon. Here again I was not able to contact him until 1 o'clock this afternoon and won't know until later whether he would be available. If it's Council's desire, we could leave it open.

Mr. Shaw: Personally, Mr. Chairman, it was short notice and I am wondering if this could be left until tomorrow at say 1030 a.m.? Perhaps that would be more suitable?

Mr. Thompson: I'll check at 3 o'clock when we have our tea break, Mr. Chairman.

Chairman: Are you agreed, gentlemen?

All: Agreed.

Mr. Shaw: Mr. Chairman, could we then carry on with these Bills and have Legal Adviser here to assist us?

At this time, the Chairman called a short recess to enable Legal Adviser to be contacted.

The Chairman called the Committee back to order and Legal Adviser was present.

Chairman: I believe that there is something in Bill No. 2 which needs attention.

Mr. Taylor: Mr. Chairman, with respect to Bill No. 2, I would suggest that we pass it by at this time. We have something in the grinder with respect to the housing situation which will affect this Bill.

Mr. Boyd: Mr. Chairman, I don't think that anything in the grinders will affect this Bill and I'd prefer that we deal

with it now and get it off the platter.

Mr. Taylor: Mr. Chairman, it was agreed and I am clear on one point that we were going to hang onto supplementary estimates until we found some amicable solution to the matter of housing in the Territory and I still stand by this.

Mr. Shaw: Well, Mr. Chairman, it doesn't really matter one way or the other to me. I am quite amenable to continue with the other Bills.

Chairman: Gentlemen, we will proceed with Bill No. 3.

Mr. Clerk: Mr. Chairman, Bill No. 3 is not quite correct. It is presently being re-done. Bill No's 4, 5, and 6 have been given third reading so you now have Bill No. 7.

Chairman: Bill No. 7 - Local Improvement Districts. Do you have any discussion on this Bill, gentlemen? 7

Mr. Boyd: Wasn't it just the case of wording on the first page. In (d) "local improvements" we added: "and other normal features and services normally found in organised communities", which wasn't in the first one.

Mr. Shaw: Perhaps Legal Adviser could elaborate.

Legal Adviser: I haven't had time to read the draft which has just come back but the only difference which should exist should be found in 2 sub-section (d) where the definition of "Local Improvements" has been expanded to include: "and other services normally found in organised communities". In the case of 6 sub-section (6), (b) (i), there has been a change in the wording which formerly read: "has resided in the municipality....." should now read: "has resided within the area .....".

Mr. Taylor: Would this be within the district or area?

Legal Adviser: The area. At that time, it hasn't really become a district. We could say within the area of the district but it is just as easy to say within the area. There is no doubt in any body's mind I think. The other change which should appear is a provision that the Board of Trustees on request shall be supplied with all necessary accounting information. This is found under Commissioner; section 10, sub-section (3). I have no other instructions but there was discussion at one, which was never carried to an instruction as far as I know, regarding the restriction of money by-laws and resolutions by the Trustees. I haven't incorporated anything on that because it never came across to me as a direct instruction.

Mr. Shaw: Just one question I would like to ask; Mr. Chairman. In Municipalities, the Commissioner does have the power to invalidate any by-law when he thinks that it is prejudicial to the interest of the Municipality. Would the same control be invested in the Commissioner with respect to Local Improvement Districts?

Legal Adviser: Yes, a similar power has been reserved under section 12. The Board of Trustees has power to make by-laws but these are all subject to the approval of the Commissioner.

Chairman: Do you have any further discussion, gentlemen?

Mr. Boyd: I would move, Mr. Chairman, that Bill No. 7 be passed out of Committee as amended.

Mr. Shaw seconded the Motion.

Mr. Taylor: On a point of Order, Mr. Chairman, I wonder if the amendments have been proposed as yet?

Mr. Shaw: Well, Mr. Chairman, it would appear to me that we would go through the amendments and then present the Bill as amended, to Council, then Council would formally pass the amendments and the first and second amendment readings and finally pass the Bill.

Mr. Taylor: Mr. Chairman, what you must do to keep this in the Rules of the House, is to deal with the amendments either accepting or rejecting first and having read the amendments agreed so by Motion then the matter is referred out of Committee as amended. I believe that some of these have already been dealt with. Amendments such as the one dealing with Local Improvement Districts and what they mean has yet to be approved and there is another section I think which needs to be approved by Motion.

Legal Adviser: Mr. Chairman, I think Mr. Taylor is quite right. If you look back, you will find that I was instructed to prepare drafts and that now has to be read and formally moved as amendments. But you have done a bulk of the Bills. There are only these special items.

Mr. Shaw: Mr. Chairman, I admit the Chairman hasn't formally read the particular amendments as explained by the Legal Adviser but after that was done the member from Whitehorse East moved that the amendments to the Bill be accepted as read. As far as I can see, all that needs to be done is for the Chairman to read them out. If this is the case, then I would suggest that the Chairman read them out and we can start all over again.

Chairman: Are you agreed on this, gentlemen?

All: Agreed.

Bill  
No. 7

Chairman: Bill No. 7 - An Ordinance respecting Local Improvement Districts, section 2(d): "local improvements" means the supply of water .....garbage services and other services normally found in organised communities". Are you clear on this, gentlemen?

All: Clear.

Chairman: Section 6, sub-section (6) (b) (i) reads: "has resided within the area .....to the date of election, and". Are you clear on this one, gentlemen?

All: Clear.

Chairman: Section 10, sub-section (3) reads: "..... supply the trustees with all necessary accounting information ..... represented by the trustees". Are you clear on this one, gentlemen?

All: Clear.

Mr. Taylor: Mr. Chairman, I would move that the amendments



to Bill No. 7 as enumerated by Mr. Chairman, be accepted. Motion Carried  
 Mr. Boyd seconded the Motion.

All: Agreed.

Motion Carried

Mr. Shaw: Mr. Chairman, I would move that Bill No. 7 be re- Motion  
 ported out of Committee as amended. Carried

Mr. Boyd seconded the Motion.

All: Agreed.

Motion Carried

Chairman: We will now go to Bill No. 8, gentlemen.

Mr. Taylor: Mr. Chairman, if my memory serves me right, the  
 amendment to this Bill will be found in section 1 of the Bill  
 and that Part II was cleared I think.

Legal Adviser: Section 1 now provides that section 3 of the  
 Intestate Succession Ordinance is hereby repealed and the  
 following substituted therefor:

"3. Subject to the provisions of Section 18.....",  
 that is where the change lies. There has been no reference  
 to section 3 which might have been in conflict with section  
 18. You had already discussed what was in section 2, Part II,  
 and I believe you had approved of it as presented to you.  
 Section 3 did not appear at all in the draft. But in order  
 to make it subservient to section 18, we have now put it in  
 there when we say: "Subject to the provisions of section  
 18".

Chairman: I shall now read Bill No. 8 - An Ordinance to  
 Amend the Intestate Succession Ordinance - where it has  
 been amended.

The Chairman proceeds to read section 3, sub-sections (1),  
 (2) and (3).

Chairman: Are you clear on this, gentlemen?

All: Clear.

Mr. Taylor: Mr. Chairman, I would move that the amendment Motion  
 to Bill No. 8, as read, be accepted. Carried

Mr. MacKinnon seconded the Motion.

All: Agreed.

Motion Carried

Mr. Taylor: Mr. Chairman, I would move that Bill No. 8 be Motion  
 reported out of Committee as amended. Carried

Mr. Shaw seconded the Motion.

All: Agreed.

Motion Carried

Mr. Taylor: Mr. Chairman, it seems that we have Bill No. 9 which has not yet received first or second reading. Bill No. 3 is being re-typed and I don't know .....

Mr. Clerk: Mr. Chairman, the amendment to Bill No. 3 is there if you want to read it. It is just in the wrong place in the Bill, which is the only trouble but if you want to read it ...

Mr. Taylor: I believe that this was to be included in section 52(a). Is this not correct? Perhaps Legal Adviser could give us some direction in this matter?

Legal Adviser: It is shown at section 5 of page 3 in front of you. You will have (b), (c) and (d) and then we would put in sub-section (2) amended by followed by (7) which is the one giving notice of the intention to close for any period but even in its present form it may not be wanted by Council. It was your wish that there be some provision for the notice and in putting two weeks' clear notice of intention to close for any period exceeding 96 hours consecutive hours that is, I have tried to meet the case of the man who has to make an emergency trip so that if he has to come down the highway and go to hospital or anything like that, at least he will have up to 96 hours without having to give notice. But if it is a certain intention to close, then he should give notice at least two weeks' before to enable the Commissioner to place an appropriate notice in the paper, so that travellers are not caught going up the highway. In your instructions, you did not tell me how much notice we should give or whether he should give notice if he intended to be closed for 24 hours. I've just made these up and it's entirely up to the Committee to refine the duration of the notice and the period of emergency closure. If you would look at those items with some care, it would be helpful.

Mr. Clerk: Section 2 of the Bill was also re-done, Mr. Chairman. It had four parts before and now only two exist.

Mr. Boyd: Speaking on the paragraph that Legal Adviser has just mentioned, Mr. Chairman, it seems to me that it is fair enough. It is certainly giving the licencee ample time to get his business in order in the case of sickness action and so on. I would be quite in favour of adopting it as is.

The Chairman proceeds to read section 2, 12C (1) and (2) of Bill No. 3 - An Ordinance to Amend the Liquor Ordinance.

Chairman: Are you all clear on this section, gentlemen?

All: Clear.

The Chairman proceeds to read section 5, sub-section 2.

Chairman: Are you clear on this one, gentlemen?

All: Clear.

Motion Carried Mr. Boyd: I would move that the amendments to Bill No. 3 be accepted as read.

Mr. Taylor seconded the Motion.

Legal Adviser: Section 9 provides for the repeal of section 52A. That is an addition and completes the amendments.

Chairman: Section 9, Section 52A of the Liquor Ordinance is also repealed. Are you clear on this, gentlemen?

All: Clear.

Chairman: It has been moved by Mr. Boyd and seconded by Mr. Taylor that the amendments to Bill No. 3 be accepted as read. Are you agreed to the Motion, gentlemen?

All: Agreed.

Mr. Shaw: I would move, Mr. Chairman, that Bill No. 3 be passed out of Committee as amended. Motion Carried

Mr. Boyd seconded the Motion.

All: Agreed.

Motion Carried

Mr. Clerk: Mr. Chairman, you will be getting the final typed sheets for that Bill No. 3 <sup>before</sup> you get a third reading but outside of that, your Bills are all cleared as far as we know. There remains nothing else to be done with regard to Bills.

At this time, the Chairman called a recess for afternoon tea.

Monday, 13th December 1965 - 3.30 p.m.

Mr. Chairman: I will now call the Committee to order.  
What is your pleasure gentlemen?

Mr. Taylor: I would move that Mr. Speaker do resume the  
Chair and hear the Report of the Chairman of Committee.

Mr. Boyd: I second that motion.

Mr. Chairman: It has been moved by Mr. Taylor and  
seconded by Mr. Boyd that Mr. Speaker do now resume the  
Chair and hear the report of the Chairman of Committee.  
Are you agreed with the motion?

Committee : Agreed

Mr, Chairman: Contrary? The motion is carried.

Mr. Speaker: I will now call the Council to order and  
hear the report of the Chairman of Committees.

Mr, Chairman: Mr. Speaker, Committee convened at 11.00 a.m. to discuss sessional papers, motions and memorandums, etc. Sessional Papers #52, 53 and 54 were discussed and it was moved by Councillor Taylor and seconded by Councillor Boyd that the Council confirms the membership of the Yukon Centennial Committee as currently exists and reserves the right to individual Councillors to re-appoint members where and when required. This has to do with Sessional Paper #52 and on 53 it was moved by Councillor Taylor and seconded by Councillor Boyd that it is the opinion of Council that \$56,000 be immediately released for Centennial Projects and that the Yukon Legislative Council are of the opinion that Ottawa have made a firm commitment in the amount of \$30,000 which has not yet been honoured. It is further requested that the sum of \$30,000 be released to the Government of the Yukon Territory immediately in order that Centennial Projects, now delayed, may proceed. This motion was also carried. Committee reconvened at 2.00 p.m. with Mr. Legal Adviser to discuss Bills #7, 8 and 3 and it was moved by Councillor Taylor and seconded by Councillor Boyd that the amendments to Bill #7 be accepted as enumerated. This motion was carried. It was moved by Councillor Boyd and seconded by Councillor Taylor that Bill #7 be moved out of Committee as amended. This motion was also carried. It was moved by Councillor Taylor and seconded by Councillor Boyd that the amendments to Bill #8 be accepted as enumerated. The motion was carried. It was moved by Councillor Boyd and seconded by Councillor Taylor that Bill #8 be moved out of Committee as amended. The motion was carried. It was moved by Councillor Shaw and seconded by Councillor Boyd that the amendments to Bill #3 be accepted as enumerated. This motion was also carried. It was moved by Councillor Shaw and seconded by Councillor Boyd that Bill #3 be moved out of Committee as amended. The motion was carried.

That is all Mr. Speaker.

Mr. Speaker: Thank you. Gentlemen, you have heard the report of the Chairman of Committees; are you agreed with the report?

Council: Agreed

Mr. Speaker: Any contrary? We have concluded the work we are able to do in Committee. What is your pleasure at this time?

Mr. Taylor: Mr. Speaker, as we are fast concluding our deliberations and in view of the time remaining today I would move that we revert back to orders of the day and would ask that we grant to ourselves under these special circumstances release from our rules for this purpose so that we can deal with bills and motions that are now before Council.

Mr. Boyd: I second that motion.

Motion re  
Proceedings

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Boyd that this Council by special dispensation will revert back to the orders of the day and carry on, dispensing with the 24 hour notice, with motions and any other business that may be left over in view of the possibility of adjourning tomorrow. Are you agreed with the motion?

Council: Agreed

Motion  
Carried

Mr. Speaker: Any contrary? The motion is carried and we will therefore proceed back to the orders of the day in which there are motions we can deal with. I would ask Mr. Clerk if he has these motions typed up.

Mr. Clerk: I expect them to be brought up, as a matter of fact, here they come now.

Mr. Speaker: We will declare a short recess while we are awaiting these motions.

Mr. Speaker: I will call this Council to order and proceed with orders of the day. The motion #36 of Mr. Taylor re Vocational School Certificates.

Motion #36  
Discussion

Mr. Taylor: This is Motion #36 moved by myself and seconded by Mr. Southam in respect of Vocational School Certificates. (Quoted) May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: I felt it necessary at this time in view of the fact that we have dropped the discussion on the five year agreement and also in view of the fact that I have had several recent communications from people in my constituency who are somewhat concerned about these certificates and what they imply and, more recently this morning, I dealt with another matter involving certification of the students, and I thought possibly the Director of Vocational Training could spare half an hour or so with Council so that we can get a clear understanding of how this works and what is to be implemented in the form of legislation.

Mr. Speaker: Do we have any further discussion on Motion #36. Are you ready for the question?

Council: Question

Mr. Speaker: Are you agreed with the motion?

Council: Agreed

Motion #36  
Carried

Mr. Speaker: Are there any contrary? The motion is carried. At this time I would like to ask Council's

pleasure as to what time we should ask the Director of Vocation Schools to come here, if possible perhaps at 11.00 o'clock tomorrow morning. Is that satisfactory, or what is your pleasure or suggestion.

Council: Agreed

Mr. Speaker: Would you attend to that, Mr. Clerk?  
The next motion is Motion #37, Mr. Taylor, regarding Whitehorse, Juneau Road.

Motion #37  
Whitehorse  
Juneau  
Road

Mr. Taylor: This is Motion #37 moved by myself and seconded by Councillor Boyd respecting Whitehorse, Juneau Road (quoted). May I proceed Mr. Speaker.

Mr. Speaker: Proceed Mr. Taylor.

Mr. Taylor: I had hoped to have for the viewing of Council a map showing the actual routing of this proposal, but earlier for the information of members on a private basis I circulated copies of a document relating to this. The reason I raise it here is because I have been informed that in Alaska at least three of the State Legislature are bringing this proposal before the House of Representatives in a very short period of time and I feel that this should be looked at in view of the information we have. One of the most outstanding parts of this proposal is that we have right now a road on which you can drive to within 65 miles of the Alaska boundary and I understand that a good portion of this can be located on gravel benches or river bars. In other words it leaves a minimum amount of rock work. There is information contained in the document that each gentleman has and I think it is worth a look see. If Alaska are interested, as it appears they may be, I think we should get interested accordingly and if this is feasible and if the Federal Government in its new road program chooses to look at this one and may be implement it, it would link between these two points the two capitals of the two large areas of the north - the Yukon Territory and the State of Alaska and I believe each possess a basic population of around 9,000 people. It does offer the possibility of road access to a very sophisticated seaport, it does provide within Canadian territory for an industrial complex in the Taku valley, should it be required and it also links us up with the Alaska ferry system to the point of producing a loop where tourists can get off at Juneau, scoot on up through Whitehorse into Dawson City, around through Alaska, down through Haines Junction and then out the Haines Road and then pick up the ferry on the way home. So I think in all respects, possibly the most important aspect being the future industrial development of the territory, this is well worth looking into.

Discussion

Mr. MacKinnon: I can't say I'm in approval of this motion. We have been promoting a road to Skagway for a great number of years. Now all of a sudden we are going to start promoting one to Juneau. We still haven't got a seaport free to Canada and I believe before we start proposing roads to Juneau we should be negotiating for a free port. You build the road first and you'll never get the free port. I think the only time to deal for a free port is before any road proposal is negotiated, and therefore I will have to vote against this motion.

Mr. Speaker: Any further discussion on Motion #37?

Mr. Southam: I listened with considerable interest to the proposal of this Juneau, Atlin, Whitehorse road - I presume that is what it would be - and also to Councillor MacKinnon's comments on a free port. Now, as no doubt you are all aware, I have worked in this territory for six and a half years where your road would come up - at least that is what I understand from the proposition - and it appears to me that it would be a highly profitable venture if it ever got off the ground. Your port that you could have would be roughly 30 miles from Juneau at Taku Point, which could be fixed up 17 miles from the Alaska/BC border. It is a shipping port that we used for six and a half years for shipping concentrates down into the ocean going barges. From what I can gather there is quite a squeeze on to get this road started by the Juneau people as I understand that they have purchased practically all the ground that is around Atlin Lake. The road, if you people know this country, that goes out south of Atlin and turns round and comes back will take you within sixty miles of Tulsqua and the road down through there could be made up on the benches which would be the most practical place to put it. I think it is just a matter of talking, trying to get the two governments together to see if we can get this off the ground. If we're not going to get to Skagway, let's go the other way and if we can't get to Juneau, let's go to Skagway. I think that by coming up from Juneau to Atlin, up through that range of country there, I suppose the biggest part of it would be through BC, there is a highly mineralized belt up through there by the Salmon Lakes, Mt. Lester and a few of the other mountains, that would be opened up for prospecting and I know there are high tonnages of low grade ore which, if it was opened up, would help the whole economy of the country as a whole. But I still think this road has possibilities and if it's only to get the thing started I think the governments could get together and have a pow-wow.

Mr. Speaker: Any more discussion?

Mr. Thompson: I would just like to draw your attention to the submission that Mr. Taylor did distribute to us at the start of the session. This was originally presented at the Alaska/BC/Yukon conference of a year ago last September here in Whitehorse, and at that time they suggested that it be an Alaska-Canadian Centennial project for 1967 but since that time I haven't heard any more about it, and although the motion itself I feel is worthy of consideration it would appear that we are the third party, as it were, like the adopted son, and we're not going to have too much to say about it. It seems to me that this is primarily an American and British Columbia project where we stand to benefit considerably, as would Juneau, but I feel that we are getting off the course that we as legislators in the Yukon should take. I feel that this isn't in our jurisdiction. I concur wholeheartedly with the idea, but I don't feel that we are justified in asking for this. I feel this is something that should come from either the United States, preferably British Columbia, and then have the Yukon's concurrence in a matter such as this.

Mr. Speaker: Any Further discussion.

Mr. Boyd: Beyond all doubt if there is a road built it only means more business for the Yukon, and any road is better than none. It is true what Mr. Thompson says in

a way, but at least we are showing our thinking by passing a motion at this time. If we don't pass it it will mean that we're not even concerned and I would very much like to see the road to Skagway, but it seems to be floundering internationally and I expect this proposal will too but nevertheless we have to get a sea port, one way or the other, and possibly both would be quite acceptable and possible if the brains that are working together such as Canadians and Americans would forget their bickering and politics and would work together, there's no reason why there shouldn't be a road for both places. At least we can express our opinions on that anyway.

Mr. Taylor: In concluding my remarks I think we should consider the very point that Councillor Boyd has raised and that is the fact that we have to get the tide water and service the potential areas of the Yukon because much of what our future will be dependent upon in the mining or industrial make up of the territory will depend on how reasonably close or how cheaply we can get these products to tide water. We have four firm tidal access possibilities which will affect the Yukon territory. The first is the Haines Road for that area of the Yukon; we have the railroad route to Skagway which we hope also will be spanned by a road one day; we have the Stewart Road in northern BC which is slumped right now, Bennett has not seen fit to further that road; the fourth possibility is the one now before the consideration of Council. As Councillor Southam has pointed out, this is a lovely area for a road. There's going to be a ridging problem but basically when you can take a bulldozer and form up a road with gravel bars and benches, nothing but materials to go with, the costs of such a road are quite reasonable. I think that the Taku River port idea at Taku Point is an excellent one and may provide us with a port. The Federal Government has always approached the American Government and said we want corridors through your pan handle and quite frankly I feel this is insulting the intelligence of the American people to even suggest that they would chop up their pan handle. If I were an Alaskan that is the way I would feel about such a proposal. However, nobody has gone to the Alaskan authorities and suggested that may be we can on a 99-year lease basis or by some other means, lease or purchase a section of land sufficient in size to provide a Canadian seaport complex along the coast. This could be made possible by putting this Whitehorse-Juneau road down along the lines suggested in part by Councillor Southam. In conclusion I would say that it could matter less to Bennett what we do up here in the territory. He doesn't seem to be too concerned about what goes on in the northern part of his province so that place is a special responsibility on us - the desire to have a link with the coast, to have a means of shipping our products to the coast and I really think that now that Alaska is considering this we by the passage of this motion (and I would hope to see a unanimous passage to give it more weight) would wake up the Federal Government, jarr their thinking and may be institute some negotiations between Washington and Ottawa, the Province of BC and the State of Alaska, in order to see if this program could be worked. That is the conclusion to my remarks Mr. Speaker.

Mr. Speaker. Thank you Mr. Taylor. Are you ready for the question?

Council: Question



Mr. Speaker: Are you agreed with the motion?

Council: Agreed

Motion #37  
Carried

Mr. Speaker: Are there any contraries? Mr. MacKinnon contrary. The motion is carried. We now have Motion #38, Mr. Taylor re Watson Lake - Ross River Road.

Motion #38  
Deferred

Mr. Taylor: I wonder if I could have this stand until tomorrow morning.

Motion #39  
Vehicle  
Licence  
Plates

Mr. Speaker: Very well. The next motion is #39 moved by Mr. Thompson regarding Motor Vehicle Licences.

Mr. Thompson: Mr. Speaker, Motion #39 moved by me and seconded by Mr. Boyd with reference to Motor Vehicle Licences (quoted). May I proceed Mr. Speaker?

Mr. Speaker: Proceed Mr. Thompson

Discussion

Mr. Thompson: I had a similar motion last session which was passed and which was similar in intent but evidently my wording was not in keeping with what the administration felt was proper, and so nothing came of it. Rather than take up your time now I would just say that this is the same motion differently worded, with the same intent. I do not think it will cause any problems.

Mr. Taylor: I do not agree with this as I said before. I believe that 1 to 250 are the numbers of licence plates normally sent to Dawson City. These are the low number plates and it's something that's been done through history and I am certainly not agreeable to taking these away from Dawson. It was my understanding that if we did this we could take almost any numbers but mostly up in the higher number range without taking plate numbers away from the outlying districts in the normal fashion but I thought we were talking about taking a 2,000 series or something like this which of course is quite acceptable, but I could not be part and parcel to the removal of these plates from Dawson. I think that the City of Dawson has suffered enough when we took away the capital and moved it down to Whitehorse. I know there were very good reasons for this but it wasn't appreciated by the people of Dawson. The next thing they took away was the radio station and I think it would be adding insult to injury to consider the passage of this motion which would take away from them one of the few things they do have left in Dawson. But if this was amended to read 'a block of licence plates numbered 1000 to 2000' or something of that nature I would be quite in agreement with that.

Mr. Boyd: Could the Clerk tell us how many passenger vehicle licences are sold in the Dawson City area.

Mr. Clerk: Without checking I wouldn't be able to give you a figure off hand. I would say the numbered sequence that is sent to Dawson is from 26 up to the neighbourhood of three or four hundred.

Mr. MacKinnon: This is of no importance to me whatsoever but if this motion is passed would this stop the people from Dawson or Mayo from making an application or getting the number they wish? What difference would it make? I am not sure that it would make any by going over the wording of the motion?

Mr. Speaker: Will you take the Chair please Mr. Taylor?

Mr. Shaw: I am in the unfortunate position of being in the Chair at this time in the matter of voting; this comes around by virtue of the fact that we are a member missing. The principle of the motion I am not against at all - that is if someone wants to get their licence plates they send for them with the payment of a fee. The one part I do object to is of course taking the licences from Dawson City which have been there since automobile licences were first instituted. As the member from Watson Lake has stated, they have taken many things away. In the matter of licences, they just took a small inroad into them - they took 1 to 26 from there and brought them to Whitehorse but I suppose they felt that to take away the rest of it would be going too far. I do not believe there were any objections to taking away the 1 to 26 licence plates; they almost consider that the property of the Administration, so they took the Administration from there to here and that is how they had the licence plates with them. As I pointed out, I have no vote in this particular matter which is a somewhat untenable position as it does apply to my area and I would ask you to respect the situation I am in and I do feel that to implement we could possibly have a block of numbers that could go from possibly 2001 to whatever it may be. I don't think that would hurt any particular area if we had that amount of licence plates available. That is how I feel Mr. Speaker.

Mr. Boyd: Could I direct a question at Mr. Thompson? The fact that he answers my question in no way closes the debate. Does Mr. Thompson have in mind just making it possible for people to have a number and retain that number from year to year. In other words does he feel that selling say 2000 to 2100 or some such figure would meet with his approval?

Mr. Thompson: It was my intention that if a person did obtain a particular licence number in 1966, in the same way the people who are now recipients of numbers 1 to 25 have the same number year in and year out, it would likewise be anyone else's prerogative if they were fortunate enough to obtain number 26 or whatever it happened to be, that so long as they desired they could continue receiving the same number and the only time there would be any change is if there would be a person who had that number but who did not renew their licence and then it would be up to the Motor Vehicle Registration Office to issue it to somebody else.

Mr. Boyd: Does Mr. Thompson feel that these numbers he would like to have for renewal year by year should be in the 250 bracket; are you aiming at this particular figure for a purpose or for pleasure. Is this preferable to you rather than starting at 1500 or 2000 as the case may be.

Mr. Thomsson: I would like to see the numbers 1 to 250 available to those people who so desired them.

Mr. Taylor: I would like to propose an amendment to the motion. I would move that Motion #39 be amended to change the licence plates numbers from 1 to 250 and replaced with from 1500 to 2000

Amendme  
Motion

Mr. Southam: I will second the motion.

Mr. Speaker: I have before me an amendment to Motion #39 to be amended from numbers 1 to 250 to 1500 to 2000. Is there any discussion on the amendment?

Mr. Taylor: This would give us an additional 250 over what the motion initially asks for.

Mr. Speaker: Is there further discussion on the amendment?

Mr. Southam: As seconder to the amendment, personally I cannot see any reason for this motion. I don't see what difference it makes what licence plates you have. You can get picked up with any of them and I do not see why we have to go into all this detail. If people want them I assume by writing in they can still get them if they are early enough. As far as I am concerned it doesn't make any difference to me.

Mr. Speaker: Are you ready for the question

Council: Question

Mr. Speaker: Are you agreed with the amendment to Motion #39 that it be amended from numbers 1 to 250 to from 1500 to 2000.

Council: Agreed

Mr. Speaker: Are there any contrary? Mr. Thompson and Mr. MacKinnon are contrary. Mr. Boyd, are you abstaining?

Mr. Boyd: I may say I seconded the motion and would not want to be put in the position of being accused of taking something away from Dawson. The motion doesn't really say that they had to lose their rights in the first place. If they want the plates they had they have every right to write in and ask for them. I am like Councillor Southam. It doesn't matter to me what licence plate I get. So I am between the devil and the deep sea. I would rather not vote.

Mr. Speaker: In which case gentlemen I will vote with the motion. Are you ready for the question on Motion #39 as amended?

Council: Question

Motion #39  
Carried as  
Amended

Mr. Speaker: Those in favour please raise their right hands. For - Councillors Southam and Taylor. Contraries - Councillors MacKinnon and Thompson. I will vote with the motion as amended. The motion is carried. The next motion is Motion #40. Mr. Taylor would you take the Chair please.

Motion #40  
Dawson  
Airport

Mr. Shaw: Mr. Speaker, I have motion #40 moved by myself and seconded by Mr. Southam relating to Dawson Airport (quoted). May I proceed?

Mr. Speaker: Yes Mr. Shaw.

Mr. Shaw: For many years I have been requesting that we get improvements to this airport. It has had relatively nothing done to it for thirty years since its installation except gravelling and grading to make it more

level. There are no facilities whatsoever provided by the Government for anything at all. In the past I have been endeavouring to get this done by the Department of Transport in their project of national airport construction and, as you know from the last sessional paper in relation to this subject, the Canadian Pacific Airlines apparently are the people who dictate whether or not we have the improvements by virtue of the aircraft which they intend to use. They feel that they do not wish to improve the type of service to that area by having to put on larger planes such as go through here regularly each day. This is fine as far as they are concerned but we do have instances where American aircraft would like to run larger aircraft in there but are unable to land these reversible prop aircraft because the field is too short and also the gravel can be picked up and damage the fuselage. They have on occasions landed a DC-6 there but after one trip, that was sufficient, and that was the end of that. So with larger aircraft landings the matter of travel during the summer time when you get these excursions going into Dawson, if they could get larger passenger loads they could no doubt promote this business by giving a cheaper rate for the excursions than having to use DC-3s. I have investigated and found out that this airport does belong to the Territorial Government and not the Federal Government and in view of that I am asking that the Territorial Government do assist the situation and probably come up in the Spring with something substantial to start work on the project. I hope that Council will comply with this particular request.

Mr. Speaker: Do you wish for a discussion?

Mr. Boyd: Mr. Shaw has stated that we own the land and that it's operated by a Federal Department. The fact that it is operated by that Federal Department makes me start to wonder if you have any idea of what is involved, for instance has the extension to the field got to be soil tested and all this kind of stuff. How much money do you think is involved in a deal like this?

Mr. Shaw: The matter involved is the fact that the Department of Transport do give the Territorial Government a grant of \$2400.00 a year in order to maintain the present strip. The amount involved I do not think is such a great deal. It is a matter of putting gravel at one end on property that either the Territorial Government or the Northern Affairs Department owns. However the Administration themselves will assess the cost and they will come back to Council if they approve it with the amount of money involved and if they do not approve it they will not set out the money in the estimates. So a great deal will depend on what our own Administration feel on this matter.

Mr. Speaker: Any further discussion gentlemen.

Mr. Boyd: I am not against this motion at all. Does Mr. Shaw feel that the Territorial Government have the right to do as you are requesting or would they first have to get authority from the people who put up the money, shall we say, the Department of Transport.

Mr. Shaw: From my information I have found out that this is quite within the province of the Territorial Government to go ahead and deal with this particular matter.

Mr. Speaker: Any further discussion? Question on the motion.

Council: Question

Mr. Speaker: Are you agreed with the motion

Council : Agreed

Motion #40  
Carried

Mr. Speaker: Any contrary? I will declare the motion carried. Councillor Shaw, at this time do you wish to deal with Motion 41 or do you wish to defer it to tomorrow.

Motion #41

Mr. Shaw: I would like to bring it up at this moment  
Mr. Speaker. This is Motion #41 referring to Housing Policy of Territorial Government, moved by myself and seconded by Mr. Boyd (quoted) May I proceed Mr. Speaker?

Mr. Speaker: Proceed

Motion #41  
deferred  
for  
Discussion  
in  
Committee

Mr. Shaw: Now this may not have been put into all the right categories. However the general policy is one that I am most concerned with. It may possibly be a good idea to refer this to Committee that we may have the Commissioner here to discuss it before we take any action on it. It is merely to get this thing rolling with a proposition that we could accept.

Mr. Boyd: I would like to ask that this be discussed in Committee with Mr. Commissioner present.

Council: Agreed.

Mr. Speaker: This matter is now referred to Committee.  
Mr. Shaw, would you care to resume the Chair.

Mr. Speaker: I think that pretty well closes the motions.  
What is your pleasure at this time?

Amendment  
Bill #7  
1st Reading

Moved by Councillor Taylor and seconded by Councillor Southam that first reading be given to the Amendment of Bill #7 - An Ordinance respecting Local Improvement Districts. Motion Carried

Amendment  
Bill #7  
2nd Reading

Moved by Councillor Taylor and seconded by Councillor Southam that second reading be given to the Amendment of Bill #7 - An Ordinance respecting Local Improvement Districts. Motion Carried

Amendment  
Bill #7  
3rd Reading

Moved by Councillor Taylor and seconded by Councillor Southam that third reading be given to the Amendment of Bill #7 - An Ordinance respecting Local Improvement Districts. Motion Carried

Bill #7  
Title  
Accepted

Moved by Councillor Taylor and seconded by Councillor Southam that the title of Bill #7 - An Ordinance respecting Local Improvement Districts - be adopted as written.

The motion was carried and the Bill passed the House

Amendment  
Bill #8  
1st Reading

Moved by Councillor Boyd and seconded by Mr. MacKinnon that first reading be given to the Amendment to Bill #8 - An Ordinance to Amend the Intestate Succession Ordinance. Motion Carried

Moved by Councillor Boyd and seconded by Councillor MacKinnon that second reading be given to the Amendment to Bill #8 - An Ordinance to Amend the Intestate Succession Ordinance. Amendment  
Bill #8  
Motion Carried 2nd Reading

Moved by Councillor Boyd and seconded by Councillor MacKinnon that third reading be given to the Amendment to Bill #8 - An Ordinance to Amend the Intestate Succession Ordinance. Amendment  
Bill #8  
Motion Carried 3rd Reading

Moved by Councillor Boyd and seconded by Councillor MacKinnon that title of Bill #8 - An Ordinance to Amend the Intestate Succession Ordinance - be adopted as written. Bill #8  
Title  
Accepted

The motion was carried and the Bill passed the House.

Moved by Councillor Taylor and seconded by Councillor Southam that first reading be given to Bill #9 - An Ordinance to Amend the Yukon Housing Ordinance. Bill #9  
First  
Reading  
Motion Carried

Moved by Councillor Taylor and seconded by Councillor Southam that second reading be given to Bill #9 - An Ordinance to Amend the Yukon Housing Ordinance. Bill #9  
Second  
Reading  
Motion Carried

Mr. Taylor: That seems to conclude at least for the present all matters relating to bills and I believe for our agenda tomorrow we have a gentleman coming from the Yukon Research and Development Institute to join with us in Committee and I believe following that we have Mr. Holland from the Vocational School, also to join us in Committee. I suggest that we deal with bills, sessional papers and motions as they appear. Agenda

Mr. Boyd: I believe Mr. Thompson had a request in for a Health Department officer also.

Mr. Speaker: That is right. What is your desire in this respect Mr. Thompson.

Mr. Thompson: Forget it Mr. Speaker.

Mr. Speaker: Thank you. There is one other matter. Do you think we are able to conclude our labours tomorrow?

Mr. Taylor: It may be possible Mr. Speaker and in view of all that remains before us to prerogue tomorrow afternoon, however it will be largely dependent on what progress we do make tomorrow on the matters we have before us.

Mr. Speaker: Do we have anything further at this time. We have bills, memorandums and sessional papers tomorrow morning and at 10.30 we have the Research Institute representative - I believe it is Judge Parker. At 11.00 a.m. we have Mr. Holland of the Vocational School. That is the agenda I have down here.

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

Mr. Speaker: It has been moved that we call it five o'clock. Are you agreed with the motion.

Council: Agreed

Mr. Speaker: Any Contrary? This Council now stands adjourned until 10.00 tomorrow morning.

Tuesday, December 14, 1965.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: I will now call this Council to order. The first item of business will be the correspondence, Mr. Clerk.

Mr. Clerk: I have two Sessional Papers this morning, Nos. 56 and 57. Sessional Paper No. 56 is dated December 13 and is on Motion No. 27, Fire Hall, Haines Junction. Sessional Paper No. 57 is dated December 13 and is on Question No. 20, House Wiring. SESSIONAL PAPERS #56 and #57

Mr. Speaker: Thank you Mr. Clerk. Have we any Reports of Committee? We have no Bills to introduce. Notices of Motion and Resolution...Motion to go into Committee...Notices of Motion for the Production of Papers....We have no Motions for the Production of Papers. Under Motions, we have Mr. Taylor, Ross River Road. 8:35 WOLTON

Mr. Taylor: Mr. Speaker, this is Motion No. 38, moved by myself and seconded by Mr. Shaw, respecting the Watson Lake-Ross River Road. The Administration is respectfully requested to discuss with the Department of Northern Affairs, the possibility of completing construction of the Watson Lake - Ross River road at the earliest possible moment. May I proceed, Mr. Speaker. MOTION NO. 38

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: The reason for this Motion, Mr. Speaker, is somewhat of an urgent nature. As you know, a great deal of activity is now being undertaken in the Ross River area, and in order to link up this area with railhead to the South to Fort St. John and Dawson Creek...both the railheads, it is necessary to have this road completed. At the present time, there are thirteen miles of road yet to be constructed; however, there is a path through the general area. It is frozen in, but I understand they are not going to keep it open. As soon as the snow gets too deep to get across any more, they will shut it down, and it may be....normal procedures are...it may be July...next July or August, before they can get at it again, and this is far too late. It does have a great effect on the economy of that southern area, and so this Motion, if approved, would ask the Northern Affairs to consider getting the contractors in there early enough in the season to keep this road open during the coming season. DISCUSSION MOTION #38

Mr. Speaker: Is there any further discussion on Motion No. 38?

Mr. MacKinnon: Mr. Chairman, I believe that we really should have Mr. Baker down and defer this Motion to Committee and hear what Mr. Baker has to say in regard to the opening of this road. I think it would be unfair to pass a Motion at this time without consulting with Mr. Baker. I hope that Council will see the point in this. It is kind of going over Mr. Baker's head.

Mr. Speaker: Is there any further discussion on Motion No. 38?

DISCUSSION Mr. Boyd: Well, Mr. Speaker, the Motion merely respectfully  
MOTION #38 requests Administration to discuss with the Department of  
Northern Affairs the possibility of completing construction  
of the Watson Lake - Ross River Road. So, if we pass the  
Motion, they will do just that and come up with their own  
conclusions. Personally, I would have no questions to ask  
Mr. Baker. I don't think it is going over his head in any  
shape or form to pass this Motion the way it is.

Mr. Taylor: Mr. Speaker, just in concluding this, I would  
just like to say, for the edification of the Member who  
wasn't here when the discussion went on....this is not  
asking to open a road. It is asking to complete construction,  
and No. 2, it has no bearing on the Territorial Engineering  
Department. This is a Federal project, and this is what the  
Motion asks....is that the Administration contact the Federal  
Government so this may possibly clear this up.

MOTION #38  
CARRIED

MOTION CARRIED

Mr. Speaker: Have we any questions this morning?

Mr. MacKinnon: Mr. Speaker, yes. This is a question  
asking for the Production of Papers re a Carmacks Coal  
study to be forwarded to us by mail.

Mr. Speaker: Mr. MacKinnon, we have passed the Production  
of Papers item.

Mr. MacKinnon: Mr. Chairman, we'll let this go then until  
next Session.

Mr. Taylor: Mr. Speaker, I would just like to ask Mr. Clerk,  
if at all possible...I understand there may be an answer  
being prepared at the present to Question No. 21, and if at  
all possible, could we have this tabled...or a copy tabled  
for Committee sometime during the day?

Mr. Speaker: Could you attend to that, Mr. Clerk?

Mr. Clerk: Yes. I have requested this. I am having this  
brought up.

Mr. Speaker: Are there any further questions?

Mr. MacKinnon: Mr. Speaker, it's possible that...I don't  
believe we have got a reply, or at least I have missed it  
if we have, was the cost of a Territorial Election to the  
Federal Government. Have I overlooked this, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker. This is a reply.

Mr. Taylor: Yes, Mr. Speaker, for the edification of the  
Member, the amount was \$26,074.90.

Mr. Clerk: The reply was tabled on the 6th of December. I  
can get you a copy of it.

Mr. Speaker: Are there any further questions? Well, I  
believe, gentlemen, we have one Bill ready for processing  
that has been passed out of Committee. It is Bill No. 3.

FIRST  
READING  
AMENDMENT  
BILL NO.3

Moved by Councillor Boyd and seconded by Councillor Southam  
that the Amendment to Bill No. 3, An Ordinance to Amend the  
Liquor Ordinance, be given first reading.

MOTION CARRIED



Moved by Councillor Boyd and seconded by Councillor Southam that the Amendment to Bill No. 3, an Ordinance to Amend the Liquor Ordinance, be given second reading at this time.

SECOND READING AMENDMENT BILL NO.3

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Southam that Bill No. 3, An Ordinance to Amend the Liquor Ordinance, be given Third Reading at this time.

THIRD READING BILL NO.3

MOTION CARRIED

Moved by Councillor Boyd and seconded by Councillor Taylor that the title to Bill No. 3, An Ordinance to Amend the Liquor Ordinance, be accepted as written.

TITLE TO BILL NO.3 ACCEPTED

MOTION CARRIED

The Motion is carried and Bill No. 3 has passed this House.

BILL NO.3 PASSED

Mr. Speaker: That pretty well completes the business for the Daily Routine and Orders of the Day at this time. I just have, for your information, a communication from the Commissioner in the form of a Press Release entitled "New Imperial Mines Ltd.". The message reads as follows:

PRESS RELEASE RE NEW IMPERIAL MINES

"The Sumitomo Metal Mining Co. Ltd., and New Imperial Mines Ltd., have today signed a letter of intent providing for senior finance and marketing of concentrate from New Imperial Mines Ltd., Whitehorse Copper property.

"The agreement jointly announced by K. Kawakami, President of Sumitomo Metal Mining Co. Ltd., and Arnold Pitt, President of New Imperial Mines Ltd., provides for senior finance to bring mine and mill into production at treatment rate of 2000 tons per day.

"The agreement also provides for sales of all copper, gold and silver concentrates to Sumitomo Metal Mining for a minimum ten year period.

"Concentrator construction and mine development work is scheduled to begin immediately.

Mr. Arnold Pitt, President."

The Commissioner sent this down, gentlemen, as this is something of quite some importance to the Yukon Territory and of vital interest to many people. What is your pleasure now?

Moved by Councillor Taylor and seconded by Councillor Boyd that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to study Bills, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Southam will take the Chair in Committee of the Whole.

Mr. Southam: I will declare a short recess.

Mr. Southam: Gentlemen, I will call the Committee back to order. At this time, we have Judge Parker with us from the Research and Development Board, and I would ask Judge Parker if he can enlighten us on the their thinking for the next five year period or thereabouts.

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Judge Parker: We are enthused about the Commissioner's proposal that a study be made of the political and economical development of the Territory. If there is any way in which we can assist with this, we are at your disposal. Ours is a relatively small but active group - non-political. Our interest is to conduct and foster research with a view to speeding the development of the Territory. We have a study going forward now. We expect the preliminary figures at the end of January showing what the Federal Government is spending in the Yukon. This will show the expenditures which are made here which would not be made if it were a province. In other words, what is being done for us which wouldn't be done for Manitoba or one of the other Provinces. We want to see where we stand...how far we have come financially because further political development will, no doubt, depend to some extent on economic development. We don't think these two things can be separated. We think that the time is ripe now for the carrying out of such a study. We think it would be useful to you people to have a report before you before you have to sign up for a new five-year agreement. We see a tremendous development over the next few years. As you are probably aware, New Imperial signed the deal with Sumitomo at 4 o'clock this morning and will go into production. This is now assured, and this is a very happy beginning, but it is only one of a number of things that are going to happen as we see it in the early future. We appreciate that there is a certain unrest politically in the Territory and it is not only normal, but desirable, that there should be this unrest because our situation is really that of a colony which has achieved a measure of self-government and now has a governor and legislative council but not full responsible government. You are concerned about how rapidly you can move forward to Responsible Government and all of us here, I think, are very much interested in this. So, we think that the objective should be to try to find out where we stand at the moment in the matter of money, what the prospects are for economic development in the near future, and what should be done to foster and accelerate this development. I think that...our Institute feels that progress will come inevitably over the long pull but we would like to see it speeded up so that our dependence on the Federal Government becomes less and the responsibility for our own affairs becomes greater. Our thinking is that a Commission or Committee should be engaged to prepare a report, and this report should be prepared for the Territorial Council and for the Federal Government and that it should lay down guide lines based on a factual study as it now is in the Territories. There are many aspects of the Territory to explore. For instance, should we be thinking about a power grid so that surface grid could be moved readily from one part of the Territory to another. We do have surplus power in certain places - even Whitehorse has surplus power at the moment. What about thermal power? Should the production of thermal power in the Carmacks area be encouraged? Another phase, what about the work of the Geological Survey of Canada? I think that virtually all Canadians who know anything about it have a high regard of the work of that Organization, but does it have a large enough program for the needs of the Yukon? We see the Yukon situation as different, say, from that of Ontario and Quebec. Those people own their own Natural Resources and they have their own Mines Branches and that sort of thing and they have their own geologists, but the Geological Survey does some work in those Provinces that here where they are...they presumably have the function in that field of both a Provincial and Federal Government, and it may well be that their work in the Territory should be trebled. The results of their work are heavily relied upon by the Mining Industry. Now that it has become clear that base metals can

Judge Parker continues:

be mined economically in the Territory that they are going to see much greater efforts in prospecting here than we have had before because....take the New Imperial Mine. This is not a high-grade proposition, but the Japanese, who are very clever in these fields, are prepared to put in millions to put it into production. This is going to encourage a great many other people to take a new look, or perhaps a first look, at the Territory. So, we think that this study should be done. It isn't for us at all to say how it should be done but it is, I think, quite proper for us to offer to do this study if this is desired. If we were asked to do the study, we would engage three people to be the Committee. None of these would be from the Yukon, nor would any be from Ottawa because if the study is going to be objective, I think it has to be...we think it has to be done by people who are not immediately concerned about a side and can hold a reasonable balance. We think it would take something less than a year to do the study if the people were engaged on a full-time basis. I think that we would endeavour to get somebody from the United Kingdom to be one of the Members because they know more about the transition from Colonial Government to Responsible Government than anyone else and they have gone through this process with twenty, thirty, forty colonies and are not afraid of it. We think probably a Maritimer and somebody from the West would be appropriate people. These people would have to be assisted by a competent secretary who might himself, or herself, be an economist and we would expect them to make themselves available here in the Yukon for an extended period...observing and listening and holding hearings and so on, talking to Government in its various sections, spending some time in Ottawa...get as much information down there. We would expect a report from these people which would give what they saw is the blueprint for the political development of the Territory - its progress from its present stage to full Responsible Government; and this would be related to the economic development of the Territory as they saw it and would include recommendations for changes of responsibility. For instance, should the surface rights be handed over now to the Territorial Government or should these continue to be sold from Ottawa? What is best? And, at present, there isn't, as I understand it, any final decision by Government of the position or circumstances which would have to be satisfied before Responsible Government would be granted. We think that an objective, competent report would give you people and the Federal Government something on which to hang your hat. We also feel that the study would show how we can make more effective use of our own Resources...say the Labour Resource. United Keno Hill Mines made three cents in the first nine months of this year instead of about fifty and very largely because of the shortage of labour. I have had many before me in Court and deadbeats I would classify them as, who have gone up there and taken employment for a month or two and then quit and gone outside.... not local people, but outsiders. Why do we have so many young people standing around on the corner looking up at the sky? Our local born people, in our view, are capable of playing a much more useful part in the local economy - by which I mean the Yukon economy. You will probably be aware that 80% of the small labour force at the Carmacks coal mine is local born. Those are the full Native people. All right. They are making this thing go. New Imperial here is very likely, I think, to employ a great deal of local labour, and I don't think that we are going to get good quality labour from outside for quite a long time. We've got to use the people we have. How can this be done best? You people have spent a tremendous amount on Educational Facilities. The Committee might well consider whether any

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Judge Parker continues:

increased use can be made of these. So that it seems to us that a study is needed and needed now because we believe that the Yukon will have a rate of development, over the next ten years, which will far exceed that of any other part of Canada, and we should have some idea where we are going, or where we could go, so that we can take advantage of the infusion of private money which is going to come in here. Now, let me repeat that we, as an Institute, don't say that we should do the study. We merely say that if we were asked to, we would - not through our own personnel but through people we would engage. If we were asked to present something specific to you, we would see what people were available. We have some ideas on this and we want your approval of these people because unless you have confidence in them...why, the study would be useless. We would want the approval of one of the Federal Ministers....I would presume the Minister of Northern Affairs...so that when the report came out, it, well it wouldn't bind anybody, of course - it would be something that would be likely to be listened to. We don't think that this goes any farther than they have just gone in the Northwest Territories with their Carruthers study, except in the field of economics. We feel strongly that, in the Yukon, you can't divorce political development from economic development and that there would be no advantage in doing so. That, I think, Mr. Chairman, is all that I can say except that I would be very glad to answer any questions you might have.

Mr. Chairman: Any questions, gentlemen, that you would like to ask Judge Parker?

Mr. Taylor: Well, Mr. Chairman, I found this most interesting and most informative. I think, as Mr. Parker does, or as the Institute do, that such a study would be a very good thing, and I note that this would be an impartial study - that it would be separate from Northern Affairs as such. I feel that it is going to be essential, if we are to progress and become more autonomous, to have some idea of where we are going. One point I think that is going to be very important in such a study is having a disclosure by the Federal Authority of what arrangements presently exist between the Federal Government and the various Provinces in order to see just what we would normally be entitled to. I wonder though, immediately, what arrangements for financing this study would be required. In other words, what are we looking at in terms of cost and what period of time would the Institute feel would be required in order to conclude such a study. I wonder if Mr. Parker could answer this, Mr. Chairman.

Judge Parker: Yes, we think it would cost closer to 150 thousand than to a hundred. We believe that we would have to have the services of three persons who would be roughly equivalent to full professors in a University. They wouldn't be professors necessarily. There might not be one professor... but that rank. This, and there would have to be a professional person who would act as secretary to this group, who would have many arrangements to make and who would be engaged before the Committee of three began its work because there's much preparation to be done. But, when I say much, I am speaking of a period of say three months. We think that the study should be completed and available to you within a year of the time that it is authorized, and it might be possible to do it in something less than that - but not over a year. We think that the salaries involved would, for the full Committee

Judge Parker continues:  
would be in the sixty to seventy-five thousand range and then, my experiences, and our experience, is that usually labour is fifty percent and all the rest of it adds up to fifty percent so we haven't attempted to analyze the other part, but we think that the salaries would be sixty thousand, well then probably the printing and the travelling and that sort of thing would run possibly to another sixty. We think that anybody who is contemplating this thing has got to think of a figure between a hundred and a hundred and fifty thousand dollars. While that's a lot of money to me and it's a lot of money for any of us, having regard to the importance of the work and the amount of money which is going to be spent in the Territory willy nilly over the next five years, the sum is not startling, we feel; and we don't think that the Federal Government would be either shocked or surprised by this and we think that, if they liked the idea, that they would find it convenient to pay a very substantial part of this.

Mr. Taylor: Well, Mr. Chairman, it seem that I just don't know where we sit in relation to our current fiscal arrangement with regard to finance to put towards this. I really agree that this is a good idea. The sum involved doesn't scare me. I think it is going to be money very well spent, but one thing occurs to me and that is the fact that we sign our next fiscal arrangement on April, 1967, and in order to conclude such a study, based on one year, we are going to have to institute this study prior to April of next spring, 1966, and this immediately leads me to a supplementary question - what is required...what does Justice Parker feel is required of the Council in order to institute this or would this normally be instituted by the Administration... the Commissioner?

Mr. Parker: Well, I would think that the sort of thing that might develop would be that Council, if it was so minded, would express its approval of the passage in the Commissioner's address to you in which he suggested such a study...that they would do this, and perhaps ask the Commissioner if he would immediately enter into discussions with the other Government about the matter. Would they participate? And, I think it is most important that they should because if they don't give it their blessing...if they don't put out any money, they're not likely to pay much attention to it. They should have a substantial piece of it. It's very important to them. The savings to them, over the next five years, can be many times the amount involved. All right, if the Commissioner were asked to discuss this with the other Government, then I am not quite sure, then, what you might do. I suppose you might consider putting a dollar in your estimates; and then, if the discussion with the other Government is satisfactory, you might see your way clear to authorizing the Commissioner to transfer some funds so that things could get under way. This would not be a large sum of money between now and the end of March. It would be more in your coming fiscal year, and it isn't for me to suggest how it should be divided. I should say this...that we would be prepared to go to Industry and get money, but we are a little diffident about doing this for fear that it is thought it has become a special payday. We really think it would be better if the thing were maintained on a completely objective basis. I think your position would be a lot clearer after the Federal Government had said whether they liked it and whether it was ready to put up a substantial sum of money. They are doing much now in the field of research - economic and otherwise - and I have no reason for saying this, but I do believe that they would welcome an approach from you.

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Mr. Shaw: I have noted with great interest what Judge Parker has just discussed. As far as money is concerned, I feel that, when we are laying out an economic program for the Yukon Territory, that the cost of laying out that program is of no consequence. To get the Territory on the right track is the most important matter that we have at the present moment. This last year or so has shown very clearly that we are not organized for any large scale expansion, and there will be money spent all over the Territory as a result of having to make hasty decisions on many of these things. I agree very much with this particular program of having persons to review and come up with a report on the whole economic program for the years in relation to all the facets of possible industrial expansion. One question that I would like to raise is...Judge Parker has talked about a group of three plus a secretary and suggested that the secretary be an economist. Now, I would be quite interested in knowing the type of industry that the other three members of this delegation, or committee, or commission, or what you may call it, what their professions or business would be at this stage of the game that has been thought up?

Judge Parker: I have to speak somewhat off the cuff here. We have discussed this part but I don't know that we had any final conclusions. There is one man we think of who had a very large part in the development of one of the Provincial surveys of this type, and who is an economist, and who is highly thought of and happens to be knowledgeable of the Territories. I think he is the person that we would like to have as Chairman if we could get him. The person from the U.K. would be, if we got such a person, would be one who has been very much in the thick of the transfer of authority from Westminster to one or more of the colonies. We have no individual in mind, but this would be probably somebody who perhaps...from one of the universities, but more likely I think from the Public Service...perhaps retired, perhaps active...who has taken part in one of these transfers of power. I mean there is Sierra Leone, there's Ghana, there's Nigeria, and so on and so on. These things have been accomplished. These places have become self-governing, and they have got on their Financial feet and so on. We think that somebody like that - somebody who has been in these things - would be able to avoid some of the pitfalls for us. Now, an engineer would be a very useful person to have on the committee because, as we see it, primary production is what's going to put the frosting on the Yukon cake for the years immediately ahead. If we could get someone like this, I think we would do well. In other words, we don't want to duplicate the skills. We don't want three economists. We don't want three engineers. We don't want three of anything. We would like to have a reasonably balanced committee, and we would want them and we would require that they be available on a full-time basis and not as a sort of a weekend proposition - a full-time basis while they worked with us, and we would expect to pay them properly for this so that the report could be available within some reasonable time, within the limits that I have spoken of, so that it can be of a maximum benefit. We're just coming into a period of change and something is needed we think.

Mr. Shaw: Just a supplementary question that I have, Mr. Chairman. We have an economist, a political type and an engineer. Would we need a geologist or something like that to complete the third person?

Judge Parker: This may be - except that these people would be of intelligence and would be able to understand what a geologist said to them, and we wouldn't expect them to go out and find any mines but they should be able to understand Dr. Green when he appears before them for instance to talk about a geological survey...what the project is doing...what its program is and the advantages and disadvantages that he sees for this survey. There are a number of different types of surveys...should we be using other types in addition to those which are already introduced into the geological survey system here...I would think that an economist as chairman; in effect a political scientist from the U.K., or whether trained professionally as a political scientist or a person whose career had been concerned with development such as you are now undergoing; together with an engineer and the secretary. I said an economist, but I don't think it needs to be an economist. Any intelligent person who can express themselves and get down what the committee wants to say and who can organize their affairs so that they are exposed to the things that they should know about. And, then, there would have to be a shorthand reporter, or course. We think of that as being the staff.

Mr. Chairman: At this time, gentlemen, we will call a short recess.

Tuesday 14th December  
11. o'clock p.m.

Mr. Chairman: This Committee will now come to order and at this time we have Mr. Holland with us from the Vocational School. I believe Mr. Taylor has some questions he wishes to ask.

Mr. Taylor: I asked Mr. Holland to come over and discuss the matter of certification of various trades in the School for two reasons. One is that I have had some communication from my constituency with regard to Hairdressing and one of my constituents had just acquired a licence and gone into the hairdressing business in Watson Lake and lo and behold along comes a piece of proposed legislation which informed her she would have to have two years of experience in this field or else she would have to get out of business. I traced in back it was thought to have come from the Territorial Secretary's office but apparently it came from one of the Instructors at the Vocational School, why I don't know and I have certainly seen no such proposed legislation at this Council Table. It made me think of many representations that had been made through other industries such as Mechanics that there is wind in the legislation and there is going to be a tremendous amount of conflict and all of us as Councillors are going to have a lot of questions to answer when we go home to our Constituencies if this becomes an eventuality. So far I have seen no legislation with respect of this and I also understand in some trades at least that the Vocational School are going to go around the Territory and catch up some of these people who may need certification. I wonder Mr. Holland if you could give us an outline as to just what is going on.

Mr. Holland: I think I can explain everything to you, a year ago you passed an Ordinance and I believe it was assented to on the 4th December last year. In the Apprentiship Ordinance connected with the regulations. "The Commissioner may make regulations....." On this Ordinance it gives a list of the occupations on to the end of the Schedule to which we have asked the Commissioner to add four which are not on it which are Nursing Assistants, Welding, Drafting and Cooking. With regards to the Hairdressers Mr. Taylor this has nothing to do with the Vocational School and nothing to do with us any more that the present Instructor in the Hairdressing Course is I believe a President of the Hairdressers Association. These people have formed their own Association and it asks for legislation, we have no contention regarding legislation. If these people that become qualified wish legislation this has got nothing to do with us. I will tell you one thing I started in with the Nursing Assistants and I had them issued with their certificates because first of all Alberta was questioning our training and questioning a standing of the Whitehorse Vocational Training School. We are teaching on a much more difficult and much more complete course outline than Alberta, so I had Mr. Clemment who is the Western Regional Representative for the Training Branch in Ottawa to go to Alberta get in touch with the necessary people and when they found out what course of study we were using here in Whitehorse and what our term of duration was against Alberta they accepted our Nursing Assistants immediately and these girls were then issued a certificate.



We do the same thing with the Hairdressers but the only difference is that the Nursing Assistants serve their apprenticeship in the Hospital this is for 7 months after they have completed their grounding in the Vocational School. With the Hairdressers in all Provinces in Canada the Association sets a limit of time for the Apprentice and this is one of the things that I asked then when you turn out of School she has not had the continuous practical experience in Hairdressing that she has to have in a Salon. They must serve apprenticeship, in B.C. 6 months, some Provinces 3 months, and the person to whom the student is indentured to as an Apprentice can recommend at 5 months or a 4 months but not less than 4 months and not more than 6 months. There is a situation that exists in many places well not now as it can't exist, the only place that it can exist is in the Yukon because there is legislation protecting this in every other Province in Canada and that is that an Operator does not have to be a qualified Hairdresser. If someone went in and became bald they cannot come back on the Operator only on the person that owns the business. This is one of the reasons why the Operators themselves are suggesting that eventually their Association will come to you and ask for protective legislation and this protective legislation will simply mean that if any person who comes into operate as a Hairdresser will have to present an acceptable certificate recognised in the Provinces or write the examination set in the Yukon. This will be suggested to you as protective legislation in line with the rest of Canada. In the new Apprentice Agreement which was signed by every Province in Canada except Quebec and this Agreement came into effect on 1st April 1964 and this agreement was removed of the contentious apprenticeship legislation that existed from Province to Province. In some provinces it was the age limit and this has been taken out completely, another piece of legislation that was in it was the duration of Apprenticeship and it is all now established that each Province is exactly the same in most cases say 4 years. In all these cases it was agreed by the Provinces that they would establish certification of qualified journeymen. Doctor Ford and the people in Ottawa had a definite idea in mind when they said the Province undertakes to have a favourable classification as possible created under the Provincial Workmans Compensation Act in respect of all Apprentices.

Mr. Taylor: One thing I am wondering about and I think it is the burning question throughout the Territory and that is are we working towards the situation whereby a man will be unlawful to be employed unless he is a journeyman and he has a certificate in any other fields besides hairdressing. Are we heading into the situation where no man or woman can work unless they are certified.

Mr. Holland: This is what you are heading into and this is what exists in all of Canada today. From my own point of view and which has been accepted by these people I honestly thought that if I got 20 more Mechanics in the Whitehorse area to write these examinations I would be pretty lucky. We have over 70 applications and out of these 58 of them qualified and out of the ones that did not qualify we have had enquiries from 90% of them asking when we

would be able to put on courses so that they would be able to write again. It is up to them, if they come to you and ask for protection then it is up to them. If they don't take protection I can give you fair warning now that if ever you have the least sign of population increase in the Yukon Territory you will have every jippo mechanic in Canada in here taking jobs away from your Yukon people at any cost because this is the last place they can operate without qualified certificates.

Mr. Taylor: Just the same I wouldn't want to see a situation so socialistic where a person has to have a certificate in some field to go to work. I was always under the understanding that certificates would be issued at the Vocational School outlining the degree to which the person had learned their trade but we wouldn't be heading for a situation whereby you had to have a certificate to go to work.

Mr. Holland: This is not up to us, we are not issuing anything in this manner at all, I am just telling you what exists in the other Provinces. We are issuing a qualifying certificate for this reason that next year we were told in November, as a matter of fact it was brought up two years ago by myself why did they limit inter provincial examination to apprentices that came under this new agreement, why were not qualified tradesmen permitted to write inter provincial examinations. I was told that this would be brought up and put on the Agenda at the next Meeting. It was brought up in Ottawa a year ago and it was decided then that if a recommendation came to the National Advisory Council in May that they would recommend it to the Government that qualified tradesmen would be permitted to write the inter provincial examinations. It means now by this time next year any person holding a Yukon Certificate for qualification as a Mechanic will be permitted to write the inter Provincial examinations and then this certificate would be sent to Ottawa and then they will punch it the corner with a red seal and then this man can operate from St. John, New-Foundland to Victoria on this certificate. Eventually it will come to the point when he will hand his certificate in and he will receive a Canadian Certificate that is good for the whole of Canada the same as you use in the old Country.

Mr. Taylor: Is a mechanic for instance a journeyman when he graduates out of the School.

Mr. Holland: No he certainly is not, there is no such thing as a journeyman machanic graduating from a Vocational School. He couldn't do this, the best you can do is graduate a pre-apprentice training or a first year apprenticeship or a training which will give him the standing of an assistant or helper. He then serves his necessary 4 years whatever the trade is before he can write the examination.

Mr. Taylor: I won't belabour this point any further because it seems to be that any such legislation which would require a man to have a certificate in some trade or another in order to go to work at this time I couldn't agree with. I hope we have it without our authority to either accept or refuse such

legislation.

Mr. Thompson: I notices an advertisement in the recent issue of the Whitehorse paper announcing a new Vocational trade to commence in January. I didn't notice an additional expenditure in the supplementary budget so I am interested to know how this ties in financially with the existing Vocational trades.

Mr. Holland: Are you referring to trowel trade, if you are we have enough money in our operating budget to handle this. The expense is very small and a great deal of assistance is being given by the Community.

Mr. MacKinnon: If any provisions have been instituted in regard to diamond drillers in the Yukon.

Mr. Holland: A year ago we had the course outlined and the course material both for diamond drilling air track and we were already to go but finally Mr. Davies who was going to do the course moved down to Watson Lake and we were left without an instructor. Its out of the question as far as this Vocational School here is concerned to go down into B.C. or Alberta and pick up a diamond driller and fly him in here for a three week course and then fly him back out again as it would be a little bit more than anybody could expect because it would be too expensive. If we could find a diamond driller we know where the equipment is and we could rent it so we could have a course here and we have the intention of doing it. We are also at the present moment drawing up a course outline which will be given along with the one Mr. Thompson referred to to Ottawa because there is no course outline on this subject. This is a demand that is coming from the exploration people and mining people for chain men, rod men and compass men.

Mr. MacKinnon: In regard to the diamond drilling I would like to suggest that maybe you could contact Mr. Arsenault of the Yukon Diamond Drilling as I think he would be quite interested in giving some instructions.

Mr. Boyd: Could you tell me the trade you were referring to as I didn't quite get it.

Mr. Holland: It is trowel trading. It was suggested to us for this reason that a Contractor up here cannot afford a plasterer as one man, a bricklayer as one man, this is two men and a cement finisher is three men but if he had somebody trained as a trowel man who could do all these things he could keep one man on steadily all the time.

Mr. Shaw: How is the general opportunities for employment after the people do graduate, are they being taken into the industrial stream of the Yukon.

Mr. Holland: Where we can keep track of them, yes they are, the last figure we had were 72% but there is a number of them that don't let you know where they are.

Mr. Chairman: Can Mr. Holland be excused at this time?

Council agreed.

Mr. Chairman: Gentlemen with regard to the time  
I be call a recess and reconvene at 2.0'clock p.m.

Tuesday 14th December 1965 - 2.00 p.m.

Mr. Chairman: I will now call the Committee to order and Discussion  
we will discuss Motion #41. Motion #41

Mr. Boyd: This Committee, as suggested by Judge Parker this morning, would be ideal. It would do two things: first of all it would make it entirely independent and the same people would not be dependent on Ottawa for their living, therefore they could talk to you and I on a man to man basis without fear. This is something that is lacking on any committee that I know of. I don't know much about any of them because I never get the chance to find out. They are all from Ottawa and in and out of here so fast that they don't see any of us people. On top of this we would know what Committee's answers were immediately they are finished, compared to what is going on now. There have been studies galore on the Alaska Highway, but not many of us know anything about what the action was. This is a way around it and I would like to make a motion. Possibly you may want to discuss it further if Councillors agree and I would move that it is the opinion of the Yukon Legislative Council that the Federal Government be asked to provide substantial financial assistance to a political and economic study relating to the future development of the Yukon Territory and that it is imperative that such study be undertaken with a minimum of delay and that the Yukon Research and Development Institute be approached to undertake such a study, that the Institute arrange to obtain the appropriate manpower, same to be under the auspices of the YTG. Motion re Future of Yukon Territory

Mr. Taylor: I will second the motion Mr. Chairman and in so doing, and following our discussion this morning, I think that the ideas and thoughts expressed by the Research and Development Institute through Judge Parker this morning were very enlightening and go hand in glove with our reach across the Dominion for autonomy for the Territory and I certainly hope that the Federal Government will contribute a very substantial share of this in order that this study be undertaken and I think it is one of the most significant and outstanding approaches we've been able to make.

Mr. Chairman: I have a motion before you. It has been moved by Councillor Boyd and seconded by Councillor Taylor that it is the opinion of the Yukon Legislative Council that the Federal Government be asked to provide substantial financial assistance to a political and economic study relating to the future development of the Yukon Territory and that it is imperative that such study be undertaken with a minimum of delay and that the Yukon Research and Development Institute be approached to undertake such a study, that the Institute arrange to obtain the appropriate manpower, same to be under the auspices of the YTG. There is the motion gentlemen, is there any discussion on it?

Mr. Thompson: I don't agree that the Federal Government should be asked in this way. I feel that this should be a Yukon territorial responsibility with Federal participation. Participation in a financial manner. But I don't think you are going to get it off the ground before the next Spring session and now is the time we need to get some action on this if we want to get anything done before the final draft of the five year agreement is signed. I would therefore ask the Commissioner if this couldn't be included in the present supplementary estimates, not necessarily the total amount but part of it, to give Discussion on Motion

this program impetus now and then the balance of funds can be approved in the next year's estimates. I believe there was some figure of twenty five or thirty thousand which would conceivably see this program activated and the ground work completed so that come April or May next year some results would be forthcoming.

Mr. Commissioner: I believe I know just what Councillor Thompson is getting at. I am just a little concerned as to whether it is feasible but my thinking on this is that the amount of money suggested for territorial participation would be ill spent if it were not agreed to in principle by the Minister. I think I am safe in saying at this time that the Director and the Assistant Deputy Minister agree in principle to this and they feel that there is a need for urgency in it. The amount of money we're speaking about though is in the neighbourhood of \$100,000.00 therefore if we were to put any money into it now without the recognition of the Minister, then we would find ourselves halfway through a program which would actually give us nothing. I think the delay until the Spring is forced upon us. I wasn't here for Judge Parker's discussion this morning and I haven't discussed the subject with him so I'm not sure how he approached you on it, nevertheless I am sure that his group have studied this for some time and have certainly given it some amount of thought because I understand it would be participation by industry - Territorial Government and in this way showing the good faith which would mean the Federal Government and the Minister would have a good case to fight with the Government of Canada to get the additional money - about seventy-five to a hundred thousand dollars or more Federal money.

Mr. Taylor: One of the reasons that we have asked that this be embarked upon immediately is in order that a conclusion to this study be reached prior to the signing of the next five year fiscal agreement. It is of ultimate importance and it was thought that this study would take as long as a year, however they now feel that the study could be done in a shorter time than that. In order to handle this matter so that we can have a result prior to the signing of the five year agreement - it may mean that the five year agreement may have to be altered. Also the motion does ask for Federal participation. It asks for the Territorial Government to request the Research and Development Institute to make the study under our auspices, so to speak, and the Federal Government to give us very substantial financial participation in this. This will be their only role.

Mr. Shaw: I am somewhat inclined to agree with Councillor Thompson. We are asking the Federal Government to provide substantial funds and I think Territory also has a stake in this. It is of vital importance to the Yukon to get this study underway. As we cannot introduce money bills, I wonder if it would be possible for us to put a dollar down for a program such as this so that you can proceed with this matter at the earliest opportunity. The reason I state this is that we're having an important conference in the latter half of March in Whitehorse that will be along exactly the same lines that we are discussing right now, in other words research and development. It might be a very good thing for that conference if we could put this thing on the road. If we put a dollar in it might be a means of establishing such a program as this and I

would like to hear Mr. Commissioner's remarks because I feel it is too important to let go until 1967. We should have the conclusions before that time.

Mr. Commissioner: I have one question - was the amount of money suggested for territorial involved?

Mr. Shaw: That is not quite correct; there is a question of having a dollar in the budget as I had mentioned, but the program may cost \$150,000 or \$75,000. In other words it would be apparent, certainly to me, that this would need to be undertaken by private industry, not Government. The Judge did suggest that it may be necessary to get in some of these persons who have worked out these transitional political programs in Africa - people who have had experience in that type of thing and the knowledge to oppose us in that respect. Then we have industrial people, engineers and so forth; it's a relatively small committee but it would have to consist of men who have extreme ability. Third class people would be just a waste of money; we have to get the top brains because it's a huge job.

Mr. Thompson: One further question: you mention a political and economic study and this is what the Judge mentioned this morning as well. I am wondering how this will affect the proposed constitutional study that Mr. Commissioner mentioned in his opening address. I believe this would be along the lines of the Carruthers Report in the Northwest Territory but I am hoping that there isn't a conflict of interests. I wouldn't want any conflict in this one Commission as opposed to an economic study and that is why I am wondering about the implications of this economic and political study. Is there likely to be any problem of this sort.

Mr. Commissioner: I was wondering about that myself. The feeling in Ottawa seems to be that there are two separate studies - one constitutional and one economic. But from our discussions locally, and I believe it is the feeling of the Research and Development group, it seems to be very difficult to do one without the other. They go hand in hand. I am not too concerned with how the motion is worded because we can leave it to Ottawa and say we want to break these into two studies; I think you've made the point that this study be made and I understand that the Carruthers Commission are having certain difficulties in making their constitutional studies without becoming involved in the present and future economics of the Territory. So I think we could possibly work that out at the executive level and see if they wish to combine the two. Mr. Thompson has brought up the point that we definitely need two studies. If we combine them, fine, but there are two situations that we are faced with and should be looked into as rapidly as possible.

Mr. Thompson: What we are in fact saying is that there will be two studies. The Government will be doing one on one hand and we could conceivably be doing an independent economic and political survey on the other. This is a duplication of the final analysis. If the Federal and Territorial Governments are going to be responsible for the cost of these is it conceivable that they will say why do we have the duplication, although one is from Administration and one is from private enterprise. You say they go hand in glove and I concur but when you have

two separate teams looking for the same results, what are our findings likely to be?

Mr. Commissioner: I would say the Government or Governments, and I would say the senior Government, should be responsible for the constitutional study; the economic study can involve industry and private enterprise at any level. However, this could be separated by the Department and they could say we will select a committee such as the Carruthers Committee to do the constitutional study and we will put X number of dollars along with the territory and private enterprise for an economic study and the two could be working at the same time and weld their operation. In other words we would get the results of both studies. At the same time I don't see how one can work without the other; the economic study would be falsely presented if they didn't know what the constitutional makeup of the territory was going to be over the next few years. The constitutional study would have little weight behind it if they had no idea of what the economic analysis was today and indicated over the next few years.

Mr. Thompson: I would conclude then from these remarks that there was not much chance of having a constitutional study implemented before the Spring session and conversely this would also hamper the economic study, which as you say would not be complete without the findings of the other. This in fact means that we wouldn't have any answers before the proposed signing date of the Spring of 1967 for our next financial agreement, so we wouldn't have the benefit of any findings before that time.

Mr. Commissioner: I have no ideas on that; I have no idea of how long these studies take, and how expeditiously the Government will act in this case I can't say. I am still wondering what the best way is to approach the situation brought up a little while ago of getting money for it and I like this idea of submitting one dollar in the estimates, supplementary estimates I should say, and I'm wondering now if we have to go back and make an alteration in these estimates or if we can just do it by motion in Council that they recommend that they put in a dollar on the understanding that the principle of such a study is agreed to and should any action be possible in the immediate future that necessary funds be found and expended.

Mr. Taylor: We will be dealing in the Spring with the second Supplementary Appropriation Ordinance. This could possibly be placed in there and I feel that this motion, or another one following it, asking that this be placed in Supplementary Estimates describing the policy that Council are willing to adopt would be all that would be required. I think in relation to the confusion of the two studies, I don't think there should be any problem. We are going to have to depend upon co-ordination on the part of Ottawa and I feel strongly that if a study had been made ten years ago, as I think it should have been, then one would have been economic and one would have been constitutional but I think we have progressed beyond the point where these two studied can be held independently of each other and as Mr. Commissioner has pointed they are going to have to go hand in glove with each other. The proposal that the Institute has placed before Council involves in fact a joint study, having economists, having all the people involved in finance right through constitution. I can't see any problem. The only problem



we are going to have is to find out if Ottawa are prepared to allow the combination of two and I think they will if they give it study because it's only common logic.

Mr. Boyd: Possibly Ottawa would agree to holding their constitutional study on the Yukon for an indefinite period and let this proposal proceed. Mr. Cameron also mentioned that his understanding was that part of this cost would be born by private enterprise. If I understood the Judge correctly this morning he had some qualms about this. His conclusion was to my mind that it would be better not to entrust the finance to private enterprise and he thought that Ottawa would prefer it this way and for Mr. Cameron's benefit I would suggest that he read what was said this morning and get the gist of that. May I ask what your reaction would be to the thought that Ottawa might withhold their study on the Yukon.

Mr. Commissioner: These have been discussed by myself with the Director and Deputy Minister and we have had fairly lengthy discussions on it and they agreed to make the submission to the Minister. However, they felt that the submission should come through Council, through the Commissioner's Office in certain cases, certainly in the case of the constitutional study and would be looked upon more favourably if the economic portion of it came from such a group as the Yukon Research and Development Institute. Now this shows the interest of industry because these are private enterprise men involved in industry. Now whether or not they would put a lot of weight in private capital, even a token amount to show good faith, I'm not sure. It could be as you say: why have private capital to the tune of four or five or even ten thousand when it costs us a hundred or a hundred and fifty thousand. They also agree at the Directorate level that the bulk of the cost should be born by the Federal Government but they did point out that it is imperative that requests come up from the people in both cases; in the case of the constitutional study through Council and then I will pass it on and in the case of the economic study it would have more impetus if it came from industry, and the logical group there would be Yukon Research.

Mr. Boyd: Then it would seem to me that the wording of a motion concerning the participation with the Federal is clear enough. We haven't stated by what amount or what percentages and it is quite open for Ottawa to say what they will do and what they expect us to do.

Mr. Thomson: I am still not happy with the wording of the motion; will you read it again Mr. Chairman?

Mr. Chairman then quoted the motion

Mr. Thomson: This is in direct conflict with Commissioner's suggestion that the political study be undertaken by the Government as opposed to the Yukon Research and Development Committee. I feel there should be some differentiation made here.

Mr. Commissioner: May be I could work a little on this with Councillor Thompson. I see where there might be a little lump in the stream there where you say that the Institute undertake such a study. I think we will run into

a barrier right there. The Federal Government won't hand over a hundred thousand dollars to the Institute; I think it would be worded in such a way that the Institute give its assistance in working with both levels of Government in having this carried out by the specialists - constitutional experts, accountants, and so on, but I think the wording there might get us into trouble.

Mr. Taylor: I cannot agree. I don't see how anything so simple can get so confused. This motion asks that the Federal Government be asked to give us a generous portion of the financing of this program. It asks that the Territorial Government spend the money and it asks that the people who do the work are the Research and Development Institute. I don't ever suppose that we go and hand them a hundred and fifty thousand dollars; it's the Territorial Government that pays the bills, that institutes the study. The Federal Government is asked to participate financially and this is what the motion asks for and there is nothing inferred otherwise. I can't really see the problem here and as far as the conflict of two studies goes, this is ridiculous because first of all it has been suggested that a constitutional study be made but none has been implemented. Secondly this study here has been proposed by the Yukon Legislative Council. If we swing any weight at all with Ottawa we are asking that a political study be made and an economic one and it may be when this study is made all these things will fall into line and no problem will result and I can't see that any confusion ~~need~~ be created over this at all.

Mr. Commissioner: I can't agree with Councillor Taylor. Obviously he doesn't understand the workings of the inner mind of the civil servants. I can see confusion coming out of it. I'm not too concerned about serious confusion provided it's clear in everybody's mind here because I will put covering information along with this; I believe I know what it is you're after and I am prepared to give them a preamble covering the motion. As Mr. Thompson points out just as written it could be conflicting and I'm not sure that you could write it out and still keep it a reasonable size. I think your principle is there.

Mr. Taylor: Originally we had it down that 'the Yukon Research and Development Institute be requested to undertake such a study under the auspices of the Yukon Territorial Government' then we wanted to refine that and spell it out a little more so that it was quite clear in the motion what we are attempting to do. So then we changed it to 'the Yukon Research and Development Institute be approached to undertake such a study, that the Institute arrange to obtain the appropriate manpower, same to be under the auspices of the Yukon Territorial Government.' In other words we are not stating anything about the Institute providing the manpower. We're providing the money and they're providing the study. If you can think of better wording let's by all means amend the motion, but I can't see where the confusion is.

Mr. Boyd: I think Mr. Cameron has a point - we can go round and round here. I appreciate Mr. Thompson's point also but I think Mr. Cameron is now capable of explaining what we want and I think Ottawa will accept his explanation regardless of the wording. However, if there is any member who wants to put an amendment in, by all means do so.

Mr. Shaw: In such an important survey, would Mr. Commissioner feel it possible to separate the findings of the political end of it from the economic end of it. Does he feel there must be a certain amount of working together for a certain objective because one is quite relative to the other. The results of one thing will affect the other tremendously.

Mr. Commissioner: I'm afraid I don't have the knowledge to say how it can be done; I would say it could have been done possibly five or ten years ago when our economy in the Yukon was fairly dormant and low and things looked not particularly bright for the future but I would say today that a person doing a constitutional study on the Yukon has to base it on expanding economy; I don't see how anybody can establish any constitutional changes based on today. And I think future economy has to be based on some kind of constitutional progress towards a different type of government, a more authoratative government on location. So I couldn't answer that, Councillor Shaw, I don't know how it could be separated.

Mr. Taylor: I have one question I would like to ask the Commissioner. Do you feel that we should re-word this motion for any reason and if so possibly we could call a recess to do so, or do you feel you would accept it on this basis, or do you feel Ottawa would accept it?

Mr. Chairman: As I say, this was brought up in Ottawa. We discussed it over the past year and had lengthy sessions two months ago and I didn't feel I was the proper one to push it too far so I mentionned it in my opening remarks and I wanted your support in having this study done. I'm not too concerned about who hires the bodies to do the job. I believe the job is essential and must be done and this motion is backing up our thinking on this. Now you could change the wording of the motion; otherwise I can make a covering explanation and say we would like to have your reactions as soon as possible to this study.

Mr. Taylor: This is right. The motion as it sits asks that the Territorial Government institute the study, we ask the Institute to do it for us, then we ask the Federal Government to help us along with it. That's what this motion asks for. Now if we want to re-arrange it possibly we could re-word it, but if you feel that we could send this to Ottawa with a few covering remarks - fine, you just have to pass the motion.

Mr. Commissioner: Mr. Chairman I don't think a short recess wouod go amiss for discussion.

Mr. Chairman: I will declare a short recess

RECESS

Mr. Chairman: I will call the Committee back to order. What is your pleasure gentlemen?

Motion  
Withdrawn

Mr. Boyd: If my seconder will agree I would like to withdraw the wording of the previous motion and re-submit it.

Mr. Taylor: I agree as the seconder.

Mr. Chairman: The mover and seconder of the previous motion have withdrawn. Has this the agreement of the

Committee as a whole?

Committee : Agreed

Mr. Boyd: Mr. Chairman, I would now move that it is the opinion of the Yukon Legislative Council that the Federal and Territorial Governments be asked to provide financial assistance to a political and economic study relating to the future development of the Yukon Territory and that it is imperative that such study be undertaken with a minimum of delay so that the findings of such study be made known to the Commissioner in Council prior to the Fall of 1966 and that the Yukon Research and Development Institute be invited to assist in such study.

Mr. Taylor: I would second the motion

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Taylor that it is the opinion of the Yukon Legislative Council that the Federal and Territorial Governments be asked to provide financial assistance to a political and economic study relating to the future development of the Yukon Territory and that it is imperative that such study be undertaken with a minimum of delay so that the findings of such study be made known to the Commissioner in Council prior to the Fall of 1966 and that the Yukon Research and Development Institute be invited to assist in such study. Any further discussion on the motion gentlemen? Are you ready for the question?

Committee: Question

Mr. Chairman: Are you agreed?

Committee: Agreed

Mr. Chairman: Contrary? The motion is carried. What is your pleasure now gentlemen?

Mr. Shaw: I would move that if the Administration see fit the sum of one dollar be placed in the Supplementary Estimates to conduct a political and economic study for the Yukon Territory.

Motion re-submitted as amended

Mr. Boyd: I will second the motion.

Mr. Chairman: It has been moved by Councillor Shaw and seconded by Councillor Boyd that if the Administration see fit the sum of one dollar be placed in the Supplementary Estimates to conduct a political and economic study for the Yukon Territory. Any discussion on the motion? Are you ready for the question?

Committee: Question

Mr. Chairman: Are you agreed with the motion?

Committee: Agreed

Mr. Chairman: Any contrary? Motion is carried. What is your pleasure now gentlemen?

Motion carried

Mr. Taylor: I don't know if it's going to take too much time but if not I wonder if we could proceed now that we

Motion #41 have Mr. Commissioner here in view of the fact that this  
Housing is the last matter for consideration. Motion #41 with  
Discussion respect of housing. If it appears that it won't take too  
long possibly we could clear it up before tea.

Mr. Chairman: Is the Committee agreed?

Committee : Agreed

Mr. Chairman: Contrary?

Mr. Shaw: I would ask if the Commissioner has the opportunity to go over this particular motion in relation to housing policy, and if so would he have any comments?

Mr. Commissioner: I presume you are referring to your submission to me the other day. I have no comments that I can think of at the present time. I would hope it would do a great deal to bring this housing problem to a head.

Mr. Shaw: The motion is gone into in some detail and I think it must be accepted that every detail will not particularly work out, but I think if it's considered from it's general meaning I think this might get the thing moving in the right tracks. It would be fair to the people who have the housing at the present time and it would be fair to the taxpayer who is in fact providing the particular housing. And it is a policy that would apply equally well to both the Territorial and Federal Governments. The main thing to find out of course is if the Administration, namely the Commissioner, is in accord with the principle that is set out.

Mr. Commissioner: Yes, I am in accord with anything that will get me out of the housing business. I have no opposing remarks to make in regard to the motion when it is forwarded to higher authority and my remarks may possibly be a little stronger along those same lines.

Mr. Taylor: Well Mr. Chairman, this motion has been passed by Council and there is probably little more we can do with it, but as long as we have the assurance of the Administration that they will undertake to implement such a proposal, we can possibly see how it is working at the Spring session.

Mr. Shaw: Just one minor matter, Mr. Chairman. I think it is wrong to say this has been passed by Council, it was referred to Committee. I hope it will be passed by Council but in the meantime it was referred to Committee for discussion with the Commissioner, in case he had any comments or violent objections in relation to the general terms.

Mr. Commissioner: Regarding Mr. Taylor's remarks I am quite prepared to implement every portion of this that is humanly possible at this level and I would hope that this would, shall we say, hurry up other departments that are working on this housing problem and it will end up in our lap if they will implement this in their thinking and this would be my intention to get them thinking in the same direction.

Mr. Boyd: I would just like to ask Mr. Commissioner one question: does he think that in the long run all Government housing facilities would come under this one

committee, be it Federal or Territorial?

Mr. Commissioner: I would say yes. This is the one thing that the Federal authorities, the department of Public Works, the present housing authority, is looking for - one committee that will handle all government housing because as we pointed out the other day, within the next eighteen months there will be a minimum of Federal employees in the government housing and there will be a majority of Territorial.

Mr. Thompson: It is going to end up probably as a Federal housing authority as opposed to a Territorial one because I don't imagine Federal are going to have a Territorial body telling them what to do with their housing.

Mr. Commissioner: I personally wish you were right but I am afraid the Federal authorities so far have an idea that it should be Territorial, but this has not been ironed out.

Mr. Taylor: Question on the motion.

Mr. Clerk: I would like to ask one question. Section 6 in this motion states that 'if at all possible the present occupants of government houses in the above mentioned category be given the opportunity to purchase at a depreciated value. I don't think you should do this to the present occupants because I think there are people like myself who may want to buy a house at a depreciated value who should be given every privilege in order to do so, not enjoying a Territorial or a Federal allowance any more.

Mr. Shaw: In answer to that, I didn't provide for every contingency that may arise; that is something that the Governments, when they get down to it, may see the advisability of something like that, in which case they can put it in. I wouldn't see any objection to it at the present time.

Mr. Commissioner: I don't see anything wrong with it because at the present time this is not possible. It must go to Crown Assets disposal as all Government material must for disposal on the bid system. But this is an angle that has been discussed by the Department because not too many people living in these houses would want to purchase them. In the majority of cases the houses would become empty. The person is only here for three or four years and they're certainly not going to buy the place. I think it will be a combination of what is presently there and if we could work it that some individual has been there for eight or ten years and wants to stay and eventually becomes a Territorial employee, there might be some condition whereby he might have first refusal.

Mr. Chairman: Any further discussion on Motion 41?

Committee: Question

Mr. Chairman: Are you agreed with the motion?

Committee: Agreed

Co. Chairman: Any contrary? The motion is carried.

Motion #41  
Carried

What is your pleasure now gentlemen?

Motion re  
Bill #2

Mr. Taylor: Just prior to tea I note we have before us Bill #2 and Bill #9. I believe they are the only two bills remaining. Bill #9 I believe requires the presence of Mr. Legal Adviser who is now with us and that is the Yukon Housing Ordinance and in relation to Bill #2 I would now move that Bill #2 be reported out of Committee as amended.

Mr. Shaw: I second the motion.

Mr. Chairman: It has been moved by Councillor Taylor and seconded by Mr. Shaw that Bill #2 be reported out of Committee as amended. Any further discussion on this? Are you ready for the question?

Committee: Question

Mr. Chairman: Are you agreed?

Committee: Agreed

Motion  
Carried

Mr. Chairmnn: Any contrary? The motion is carried. At this time gentlemen we will have five minutes out for tea.

Tuesday, December 14, 1965  
3 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would proceed with Bill No. 9 - An Ordinance to Amend the Yukon Housing Ordinance. Bill No. 9

Chairman: Do you have any comments on this, gentlemen?

Mr. Shaw: I was just wondering, Mr. Chairman, whether Legal Adviser had anything to add?

Legal Adviser: No, nothing.

Mr. Boyd: Well, Mr. Chairman, I would move that Bill No. 9 be passed out of Committee as is.

Mr. MacKinnon seconded the Motion.

All: Agreed.

Motion Carried

Mr. Taylor: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair and hear the Report from the Chairman of Committee.

Mr. Boyd seconded the Motion.

All: Agreed.

Motion Carried

Mr. Speaker: Well, gentlemen, you have heard the report from the Chairman of Committee, are you agreed?

All: Agreed.

Mr. Speaker: The next matter will be the processing of the remaining Bills. I think Bill No. 2 will be first. Bill No. 2

Mr. Taylor: Mr. Speaker, I would move that first reading be given to the Amendment to Bill No. 2.

Mr. Southam seconded the Motion.

All: Agreed.

Motion Carried

Mr. Taylor: Mr. Speaker, I would move that second reading be given to Bill No. 2.

Mr. Southam seconded the Motion.

All: Agreed.

Motion Carried

Mr. Taylor: Mr. Speaker, I would move that third reading be given to Bill No. 2.

Mr. Southam seconded the Motion.

All: Agreed.

Motion Carried



Mr. Taylor: Mr. Speaker, I would move that the title to Bill No. 2 - An Ordinance for Granting to the Commissioner certain Sums of Money to defray the Expenses of the Public Service of the Territory - be accepted as written. Bill No. 2

Mr. Southam seconded the Motion.

All: Agreed.

Motion Carried

Motion Carried

Bill No. 2 was passed by the House.

Mr. Boyd: Mr. Speaker, I would move that third reading be given to Bill No. 9. Bill No. 9

Mr. MacKinnon seconded the Motion.

All: Agreed.

Motion Carried

Motion Carried

Mr. Boyd: Mr. Speaker, I would move that the title to Bill No. 9 - An Ordinance to Amend the Yukon Housing Ordinance - be accepted as written.

Mr. MacKinnon seconded the Motion.

All: Agreed.

Motion Carried

Motion Carried

Bill No. 9 was passed by the House.

Mr. Speaker: Are there any further Bills requiring attention, Mr. Clerk?

Mr. Clerk: That is all, Mr. Speaker.

Mr. Speaker: Is there any other business except the closing of Council?

Mr. Taylor: Mr. Speaker, I believe all Motions, Memorandums, Sessional Papers and Bills have now been deliberated on and concluded. All that now remains is the prorogation.

All: Agreed.

At this time, Mr. Speaker called a recess.

Mr. Speaker called the Council to order and informed the Councillors that the time had come when any member could reply to the Commissioner's address which first opened the Fall Session, 1965. Sessional Paper No.

Mr. Boyd gave his closing address. (See Sessional Paper No. 59). 59

Mr. MacKinnon gave his closing address. (See Sessional Paper No. 60). 60

Mr. Southam gave his closing address. (See Sessional Paper No. 61). 61

	Sessional Paper No.
Mr. Thompson gave his closing address. (See Sessional Paper No. 62).	62
Mr. Taylor gave his closing address. (See Sesssional Paper No. 63).	63
Mr. Shaw gave his closing address. (See Sessional Paper No. 64).	64

Mr. Speaker: Mr. Clerk, would you please escort the Commissioner into the Council Chamber.

At this time, Mr. Commissioner entered the Council Chamber.

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

Mr. Clerk: The Bills passed by Council at this Session are:-

- (a) Bill No. 1 - An Ordinance to Amend the Credit Union Ordinance
- (b) Bill No. 2 - An Ordinance for Granting to the Commissioner certain sums of money to Defray the Expenses of the Public Service of the Territory
- (c) Bill No. 3 - An Ordinance to Amend the Liquor Ordinance
- (d) Bill No. 4 - An Ordinance to Amend the Evidence Ordinance
- (e) Bill No. 5 - An Ordinance to Amend the Motor Vehicles Ordinance
- (f) Bill No. 6 - An Ordinance to Amend the Garnishee Ordinance
- (g) Bill No. 7 - An Ordinance respecting Local Improvement Districts
- (h) Bill No. 8 - An Ordinance to Amend the Intestate Succession Ordinance
- (i) Bill No. 9 - An Ordinance to Amend the Yukon Housing Ordinance

Mr. Commissioner: Thank You, Mr. Speaker.

At this time, Mr. Commissioner gave the proroguing address. (See Sessional Paper No. 65).

Mr. Speaker: Thank you, Mr. Commissioner, for your address and also for the assistance and co-operation you have given to Council throughout this Session. May I, at this time, also wish you and your staff the Very Merriest of Christmases and the most Prosperous of New Year's.

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

Council prorogued on December 14, 1965.