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# **YUKON TERRITORIAL COUNCIL**

1970 (Second Session)

## **Votes and Proceedings**

VOLUME 1.

INDEX

1970 (Second Session)

N.B. - The first 185 pages were recorded at Dawson City. These pages are indicated in index by brackets.

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Session Dates - Tuesday, March 31, 1970 to Thursday, April 16, 1970

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VOTES AND PROCEEDINGS  
OF THE  
COUNCIL OF THE YUKON TERRITORY

Page 1.  
Tuesday, March 31st, 1970.  
10:00 o'clock a.m.

The Second Session of the Council for the year 1970, being the Tenth Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Pioneer Hall at Dawson City at 10:00 o'clock a.m. on Tuesday, March 31st, 1970.

The Members present were:

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

Mr. Clerk read the Proclamation.

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

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

Mr. Clerk: There is, Mr. Speaker.

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

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

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

Mr. Speaker: Please proceed.

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

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

The Commissioner gives his Opening Address. (Set out as Sessional Paper No. 5)

Mr. Speaker: I will now call Council to order. Before we proceed with the Agenda Paper, it gives me great pleasure to call upon the Honourable Member for Dawson for a few words.

Mr. Shaw: Thank you, Mr. Speaker. As the Member representing this particular area, it is a great pleasure, indeed a privilege, to welcome the Members of Council and the Commissioner and his staff to Dawson City. I would also like to thank this Council for agreeing to hold this meeting in Dawson City, as well as the Commissioner for presenting the Paper that made this possible. At this time, Mr. Speaker, it is most significant I think that we are holding this

Mr. Shaw continued:

meeting in the Yukon Order of Pioneers' Hall. I think we might even call it a flashback of history. In 1897, the Lodge was formed by the pioneers, and I really mean pioneers, in the forty mile area. These people were miners, they came from all walks of life, but one thing they did realize was that you had to have law and order in any community, and through their code of ethics, miners' ethics I think we might call it, they actually made the first laws, or Territorial laws anyway, that would apply to the Territory. They also enforced them. There were cases in which persons would not comply with the standards of living that were accepted at that time and they were frequently ostracized and driven out of the community. So, they were I think the first law-makers, and we are following. I hope that we can do the same kind of a job as what they have done. Now, there is of course always quite an amount of controversy about whether the Legislature of this Territory should move to the smaller communities when the capitol is situated in one location. I think we have set a precedent in this, Mr. Speaker, by holding this meeting in Dawson City. I think that this is a concept that is very sound, it is very good. It enables the people of the smaller communities in the Territory to see their government in action, particularly the Legislative Branch of government. We all know that the government is here all the time in the various government offices and officials, but to see the Members who they elect and other persons in the Territory elect, in the community I think is something that is really worthwhile, and though it is a precedent, it doesn't seem to happen in many parts of Canada, I think it is something that we could well continue. I myself would look forward, Mr. Speaker, although I unfortunately won't be on this august body at that time, but to see this Council move to other areas of the Territory on a planned basis, to the smaller communities, so that all the people can see how these things work. Another particular advantage is that it will give the Members of Council, and I say this without any disrespect, Mr. Speaker, it will give the Members of Council a broader understanding of the problems which beset many of these smaller communities which you don't have in a large urban centres. I just hope that this policy will go further and that this is what we will be seeing in the years to come. It's sound; it's good; it's democratic. I certainly would like to see it continued and branch out and expand. That is all I have to say at this time. I'm very happy to welcome you here. I hope that your stay here is most enjoyable, and if there is anything I can do, Mr. Speaker, for yourself or for any Member of Council, in any manner, shape or form, to make this a more productive Session or to make your stay more enjoyable, I hope that yourself or any Member will call upon me. I would just like to mention that in the City of Dawson for all Council Members, and particularly for the Member for Whitehorse East, we have no parking problems here, and I'm sure that you will receive no tickets while he is in the City of Dawson. Thank you, Mr. Speaker.

Mr. Speaker: I'd like to thank the Honourable Member for Dawson for his welcoming address, and assure him that all Members of the House are quite happy to be here in Dawson, and I believe I can speak for all Members of the House and say that I hope that the people of Dawson will attend every Session that we have in this coming week. The House may now proceed with Item 13 on the Order Paper.

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

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

Mr. Speaker: Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse West, that the

Mr. Speaker continued ...  
Commissioner's Opening Address be considered on a day following.  
Is the House prepared for the question on the motion? Are we  
agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist,  
that Bill No. 2, An Ordinance Respecting Employer and Employee  
Relations in the Public Service of the Yukon Territory, be  
introduced at this time.

BILL #2  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: If there is no further business at this time, I  
will declare that the House stands adjourned until 2:00 p.m. this  
afternoon, Yukon Standard Time.



Mr. Speaker: I will now call Council to order. I would to remind you at this time of a memorandum to Mr. Speaker, that as provided by the Regulations Ordinance, all Regulations made subsequent to the last Session of Council are available at the Clerk's desk, and it's signed C. W. Pearson, Clerk of Council. I'd also like to table at this time Sessional Papers No. 1 to 5. Are there any Reports of Committee? Introduction of Bills?

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

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Bill No. 3, An Ordinance Respecting Securities, be introduced at this time. BILL #3  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 4, An Ordinance to Amend An Ordinance to Regulate the Speed and Operation of Motor Vehicles on Highways, be introduced at this time. BILL #4  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Bill No. 5, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced at this time. BILL #5  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 6, An Ordinance to Amend An Ordinance Respecting the Conservation of Game in the Yukon Territory, be introduced at this time. BILL #6  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor McKinnon, seconded by Councillor Shaw, that Bill No. 7, an Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be introduced at this time. BILL #7  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Gordon, that Bill No. 8, An Ordinance to Amend An Ordinance Respecting Credit Unions, be introduced at this time. BILL #8  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 9, An Ordinance to Repeal An Ordinance for the Incorporation of Co-operative Associations and to Provide for Their Regulation, be introduced at this time. BILL #9  
INTRODUCED

MOTION CARRIED MOTION  
CARRIED

BILL #10  
INTRODUCED

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting Friendship Centres, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #11  
INTRODUCED

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Bill No. 11, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Are there any further Bills to be introduced at this time? Notices of Motion or Resolution?

MOTION #1

Mr. Taylor: Mr. Speaker, I would like to give Notice of the following Motion today: "In the opinion of Council, the Administration give consideration to recommending an amendment to the Yukon Act, increasing the membership of the Yukon Legislative Council from seven to nine Members, by creating an Electoral District which would include Carmacks - Faro - Ross River and an additional Electoral District for Whitehorse".

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

MOTION #2

Mr. Chamberlist: Mr. Speaker, I would like to give Notice of Motion "That the contents of Federal Bill C 187, An Act Respecting Inland Waters, be discussed in Committee of the Whole".

MOTION #3

Mr. Dumas: Mr. Speaker, I'd like to give Notice of the following Motion, "That Sessional Paper No. 4 be discussed in Committee of the Whole".

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Orders of the Day, under Daily Routine, gentlemen, is clear. We are now at the Question Period. You may proceed with questions at this time.

QUESTION RE  
DAWSON CITY  
LIQUOR STORE

Mr. Chamberlist: Mr. Speaker, I have a question for Mr. Commissioner and I wish to preamble it by pointing out to Mr. Commissioner that Section 83 of the Liquor Ordinance and its prohibitions prevent people under the age of nineteen from entering the Liquor Stores. Would the Commissioner indicate why in Dawson City, the Liquor Store has in the same area a Licence Bureau for driving licences, Marriage Bureau, and other areas of government business whereby youngsters from the age of sixteen to nineteen have got to breach the Liquor Ordinance to obtain a driving licence.

Mr. Commissioner: Mr. Speaker, which Liquor Ordinance is the Honourable Member referring to? The one in effect today, or the one that comes into effect tomorrow?

Mr. Chamberlist: May I answer that, Mr. Speaker? Mr. Speaker, the prohibitions are identical except the one that is in effect today is the age of twenty-one and the one that is in effect from a minute after midnight tonight is the age of nineteen, but there are people under the age of nineteen who require to obtain driving licences, and yet must enter a Liquor Store. They are technically involved in breaching the law by being on the premises.

Mr. Speaker: I wonder if Mr. Commissioner could answer the question?

Mr. Commissioner: Mr. Speaker, I think that the Honourable Members will recall that I raised this point when we were discussing the Liquor Ordinance that will be coming into effect tomorrow. It has been raised on more than one occasion by Honourable Members; I believe the Member from Watson Lake raised it approximately two years ago. Subject to any opinions to the contrary that the Legal Adviser may have to offer, it is the purchase of liquor that is referred to in the Ordinance, and the entry of people under the age of nineteen to licenced premises. Now, if my memory serves me correctly, I was assured when I answered the question at the Council table that the prohibition or the alleged prohibition under the new Ordinance, as indicated by the Honourable Member who asked this question, was to be interpreted in the manner that I have intimated to you, Mr. Speaker. Now, if I am wrong, I would be very pleased to reverse my answer, but that is my understanding of the situation as of tomorrow, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, a supplementary question. Perhaps Mr. Commissioner or Mr. Legal Adviser are not aware of the words that are involved. I don't wish to make a speech at this time. I can debate that at a later time. However, it is necessary for a person who cannot furnish proof of age to leave the premises on being requested. However, could the Commissioner indicate whether or not he is prepared to portion off an office in the Liquor Store which is large enough so that there will be an area for separate business other than liquor business in that particular area of a government nature?

QUESTION RE  
DAWSON CITY  
LIQUOR STORE

Mr. Commissioner: Mr. Speaker, that is a commitment I'm not prepared to make at this time because it may not be practical, but I certainly would be interested in having an opportunity to come back with a further answer to the question of the Honourable Member because as I have said before, Mr. Speaker, it is my understanding that the particular point raised is removed with the new Ordinance. If I'm wrong on this, I think that it will be matter of seeking Council's concurrence to a change in the Ordinance because the prohibition that we are talking about here is a very impractical situation as far as small communities are concerned where we are conducting more than the sale of liquor on one premises, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, it appears I'm doing my share of questioning early this morning. I wonder if Mr. Commissioner could give any information to the Members of Council this morning as to whether the Administration has made any representation to the Department of Northern Affairs in regard to Federal Bill C 187 regarding the Inland Waters Act that is before Parliament at this time?

QUESTION RE  
BILL C 187

Mr. Commissioner: Mr. Speaker, I am not aware of any representations that have been made. It may well be that in the course of certain departmental duties, something might have been done, but I am not aware of any representations that have been made. Could I ask, Mr. Speaker, the Honourable Member who is seeking an answer to this question, this Inland Waters Act doesn't refer to the Northern Rights Act, does it? I believe ...

Mr. Chamberlist: It's a new Act Respecting Inland Water Resources in the Yukon Territory and the Northwest Territories.

Mr. Commissioner: Is this water usage, Mr. Speaker, may I ask?

Mr. Chamberlist: Yes.

Mr. Commissioner: There has been no representations made then,  
Mr. Speaker.

**QUESTION RE  
BILL C 187**

Mr. Chamberlist: A supplementary question, Mr. Speaker, I wonder if Mr. Commissioner will take the opportunity to have his officers read this act and take note of the damage that might be done to the mining industry in the Yukon Territory as a result of various sections of that act?

Mr. Commissioner: Mr. Speaker, I am quite prepared to do so, but I think it would be most appropriate under the circumstances for Council to advise me of those areas that they feel have potential damage and danger to placer mining industry or the mining industry in general, so that the views of this Council can be conveyed to my Minister, who, it would appear from what the Honourable Member's questions are, is the sponsor of this Bill.

**QUESTION RE  
BILL C 187**

Mr. McKinnon: Mr. Speaker, a supplementary question. Though the Minister has made it quite clear that we're not ready for participatory democracy, he has promised on many occasions that we're ready for consultative democracy and that any acts affecting the Yukon Territory would only be put into effect after consultation with the Government and the Members of the Yukon Legislative Council. I would like to ask the Commissioner whether there was any consultation from the Department of Indian Affairs and Northern Development, his Minister, on Bill C 187, affecting the Yukon's inland waters, with himself or with the Members of this elected body?

Mr. Commissioner: Mr. Speaker, not that I am aware of.

Mr. Speaker: Are there any further questions?

**QUESTION RE  
TAKEOVER OF  
JUSTICE**

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to the Administration at this time related to the Commissioner's Opening Address this morning, in which he indicated that judicial function would be transferred to the Yukon by amendment in the Yukon Act, or the proposed amendment forthcoming in the Yukon Act. I'm wondering this, Mr. Speaker, that where the Council asked first, or assumed that it was part of the offer that separate and adequate financial arrangements would be made additional to those presently in effect to enable the cost of the proposal to be met, have these financial details, fiscal details, been worked out in respect of Justice and the assumed takeover of Justice by the Yukon Territory?

Mr. Commissioner: The answer is in the negative, Mr. Speaker, and there was just no way that the Territorial Government is in a position to takeover any of the functions of the Department of Justice as agreed to by this Council without the necessary financial arrangements being made and being made available to this Council for them to pass judgement on prior to the takeover.

**QUESTION RE  
TAKEOVER OF  
JUSTICE**

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner can indicate whether or not the proposed amendments to the Yukon Act have been discussed at all with the Commissioner or his administrative officers here?

Mr. Commissioner: Mr. Speaker, we have not actually seen the details of the changes. I will endeavour to find out what the content of these actual changes are, but we have not seen the actual wording of them, Mr. Speaker.

**QUESTION RE  
LIQUOR  
ORDINANCE**

Mr. Dumas: Mr. Speaker, could the Commissioner reaffirm that the total Liquor Ordinance, the new Liquor Ordinance, is coming into effect tomorrow?

Mr. Commissioner: Mr. Speaker, as of the stroke of midnight tonight or one minute after that as one might want to assume, the answer is in the affirmative.

Mr. Dumas: In view of the fact that I have before me a document signed by the owner of a dining room, a licenced dining room in Whitehorse, which says that the present head of the Liquor Department for the Territory has stated that only parts of the Ordinance become effective as of April 1st, I wonder if the Commissioner and his Administration might advise Mr. Vars that in fact the whole Ordinance becomes effective?

QUESTION RE  
LIQUOR  
ORDINANCE

Mr. Commissioner: I am not aware of the source of information that would be used to interpret that anything less than the whole Ordinance will come into effect.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder, with the present tight-money policy in effect in Canada and the high interest rates, with the new White Paper on Taxation attempting to be made into law, with the new Land Use Regulations as they apply to the Yukon Territory, and now the new Inland Waters Act, whether the Commissioner could ascertain from his Minister whether there is a planned case on record from the Department of Indian Affairs and Northern Development to restrict development in the Yukon Territory at this time?

QUESTION RE  
YUKON  
DEVELOPMENT  
RESTRICTIONS

Mr. Commissioner: Mr. Speaker, I think that possibly a formal request from Council in this question would be very appropriate. I would certainly hope that there is no such move afoot although, as a citizen, I read some of these things, I begin to wonder what forum that really we'll be seeing each other in, at least financially, in the course of the future, but many of these things are, should I say, simply in the talking stage and there may be many things transpire with regard to them before they are implemented. I don't think that there is any question at all that all Members of Council and all people who live in the northern portion of Canada are concerned about the effect that any and all of these projected new laws will have upon the day-to-day life and activity as we know it at the present time.

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner could indicate what is happening now with what apparently is an attempt to slow down the development of the Yukon, is this because the Federal Government has now realized that they have no sovereignty over the Yukon?

Mr. Speaker: Order, please. I'll have to rule that question out of order. Are there any further questions?

Mr. Taylor: Mr. Speaker, at the last Session, the matter of reciprocity in trucking and truck licencing and truck permitting arose in Council, and I would like to direct a question to the Administration and ask what progress has been made in negotiations with the State of Alaska todate in this matter.

QUESTION RE  
RECIPROCAL  
TRUCKING  
AGREEMENT  
WITH ALASKA

Mr. Commissioner: Mr. Speaker, depending upon the interpretation that one would want to put upon the word reciprocity I think would be very dependent upon the answer that would be given. If the Councillor's question is, did Yukon truckers gain an assured favourable licencing entry into the State of Alaska under similar conditions that Alaskan truckers were seeking entry into the Yukon, I would say that the same conditions prevail now as prevailed several months ago, namely, that they must make their applications to the Inter-State Commerce Commission in the State of Alaska, and Alaskan truckers must make their applications to the Public Service Vehicle Board here in the Yukon, and the boards in question judge the cases

Mr. Commissioner continued ... upon the merits that are presented to them at that time. I think, Mr. Speaker, that the Member may or may not be aware that the particular licence application which raises his question was dealt with by our Public Service Vehicle Licencing Board on the basis of granting the licence for the specific purpose called for to be reviewed in one year's time. That is the manner in which the matter was resolved by our board. This was there recommendation.

**QUESTION RE  
TRUCKING  
PERMITS**

Mr. Taylor: Supplementary, Mr. Speaker. I was referring more to a permit type of system which was also discussed. I'm wondering, in the permitting, I believe was agreed ... I do not wish to engage in a debate in this matter, but I'm wondering if the matter of permits has been discussed we'll say in the last while.

Mr. Commissioner: Mr. Speaker, the whole question has been discussed with the State of Alaska, and at the present time I have no progress that I could report to this Council.

Mr. Speaker: Are there any further questions?

**QUESTION RE  
TAKEOVER OF  
FRESH WATER  
FISHERIES**

Mr. Shaw: Mr. Speaker, I would like to direct a question to the Commissioner. I wonder if his office has heard from the Department of Fisheries as to the possibility of the Yukon taking over the fresh water fisheries in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would ask that I wouldn't be limited to a definitive answer on this question, but when I say that I'm a little more optimistic on the subject now than I have been for the past twelve months, I would hope that that would suffice for the present time.

Mr. Speaker: Order, please. Are there further questions? Does the Honourable Member for Mayo have a question?

Mrs. Gordon: No, Mr. Speaker.

Mr. Speaker: Are there further questions? May we now proceed then from questions to Bills? As you know, it's our intention to make this into a day of work, being our first day in Session, and in order that we may proceed with Bills that we have introduced, it will be necessary to suspend Standing Order No. 41 if you wish to proceed, and I would now ask your direction.

Mr. Taylor: Mr. Speaker, I would move that Standing Order No. 41 be suspended in order that we may proceed with one or several readings of Bills that are now before the House.

Mr. Chamberlist: I'll second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that Standing Order No. 41 be suspended in order that we may proceed with several readings of the Bills before us. Before I ask the question, I must remind you that this must be unanimous. Are we agreed? Are there any contrary?

**MOTION  
CARRIED**

**MOTION CARRIED**

Mr. Speaker: You may proceed.

**BILL #11  
FIRST  
READING**

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 11, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given First Reading.

**MOTION  
CARRIED**

**MOTION CARRIED**

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 11, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Second Reading. BILL #11  
SECOND  
READING

MOTION CARRIED

MOTION  
CARRIED

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

MOTION CARRIED

MOTION  
CARRIED

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

MOTION CARRIED

MOTION  
CARRIED

Mr. Chamberlist: I beg leave to give First Reading to Bill No. 2, An Ordinance Respecting Employer and Employee Relations in the Public Service of the Yukon Territory.

Mr. Speaker: The motion is out of order. The Bill has not been given introduction.

Mr. Chamberlist: It was introduced this morning.

Mr. Speaker: This is the Bill that was introduced during the opening Session?

Mr. Clerk: Yes.

Mr. Speaker: Thank you kindly for the correction.

Mr. Shaw: I introduced it this morning, Mr. Speaker.

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

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

Mr. Speaker: Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, that First Reading be given to Bill No. 2, An Ordinance Respecting Employer and Employee Relations in the Public Service of the Yukon Territory. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried. BILL #2  
FIRST  
READING

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 2, An Ordinance Respecting Employer and Employee Relations in the Public Service of the Yukon Territory, be given Second Reading. BILL #2  
SECOND  
READING

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 3, An Ordinance Respecting Securities, be given First Reading. BILL #3  
FIRST  
READING

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 3, An Ordinance Respecting Securities, be given Second Reading. BILL #3  
SECOND  
READING

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: What is your further pleasure?

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

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

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

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

MOTION  
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

BILL #11

Mr. Chairman: The first item of consideration before Committee this afternoon will be Bill No. 11. I will proceed with the reading of the Bill at this time.

Mr. Dumas: Mr. Chairman, I wonder if we could have the presence of the Territorial Treasurer?

Mr. Chairman: Yes, does Committee agree?

Mr. K. MacKenzie, Territorial Treasurer, enters the Chamber.

Mr. Chairman: (Reads Bill No. 11) The first item is Engineering in the amount of \$200,000. It's enumerated on page 5 I believe.

Mr. Chamberlist: Mr. Chairman, in Establishment 925, there's an item that says "Provision of additional funds to cover estimated over expenditure to March 31, 1970 - 110% Recoverable", at \$121,000 including profits. Could I have an explanation as to what that means?

Mr. MacKenzie: With Third Party Services, we charge a rental rate which provides a small profit. That is the intention that we wish to show here. I agree with your point.

Mr. Chamberlist: How can we get 110% recoverable? The figures do not add up, Mr. Chairman.

Mr. MacKenzie: The \$110,000 will be 100% recoverable, and the \$11,000 will represent the income from the additional percentage. In other words, the \$110,000 should be looked upon as correct.

Mr. Chamberlist: And the \$121,000 figure should not be in there, Mr. Chairman?

Mr. MacKenzie: Well, it's a little misleading if it's that way.

Mr. Chamberlist: Well, should it be there?

Mr. MacKenzie: \$110,000 was spent and recovered. In addition, we should be collecting \$11,000 from Third Party Services. To show it in this way is a little misleading.



Mr. Chamberlist: Is it not in the wrong place? Should it not be in the revenue instead of expenditure? BILL #11

Mr. MacKenzie: The \$110,000 is right where it is. Look at the submission from the Territorial Engineer and you will see that that is the case.

Mr. Chairman: Have you anything further on Engineering?

Mr. Livesey: Mr. Chairman, in 925 it says "Provision of additional funds to cover estimated over expenditure to March 31", and it includes profit. Does this mean that the government is going into business?

Mr. MacKenzie: We go into business to a certain extent in dealing with third parties. For example we lease out our equipment to clean out snowbound roads, private entres, and that sort of thing. This is occasional.

Mr. McKinnon: Mr. Chairman, if I could clear this up a bit, it's where the services of the Territorial Engineering Department are available where private enterprise is not in the area to do the things on an emergency basis as only the Territorial Government can with the equipment in places, and examples of it were the use or lease of equipment to the Department of Forestry for the forest fires last year which amounted to some \$37,255; the skyline renovation here, which Cassiar Asbestos will pay for but the Territorial Government did it as they were the only ones who had the equipment available in the area; the recovery of the Cassiar truck and re-flooding of the ice bridge at Dawson, which is recoverable from Cassiar; overtime expenditures for skyline operations, which is recoverable from Cassiar Asbestos; recovery of a bulldozer for Atlas Explorations; and the move of McQuestion ferry to the Northwest Territories for Indian Affairs and Northern Development which is recoverable. These are the services that because of the location and because of the nature of the service, only the Territorial Government can provide, and they charge back the going rate and make a small profit for the Territorial Government at the same time.

Mrs. Gordon: Mr. Chairman, I would ask Mr. MacKenzie if this also applies to interdepartmental things? I'm thinking in relation to L.I.D.s where they use the sawing equipment in the Engineering Department or the Roads Department? Does the profit enter into ...

Mr. MacKenzie: What is L.I.D.?

Mrs. Gordon: Local Improvement District. Do they charge back this little gravy?

Mr. MacKenzie: No, I don't think they do.

Mrs. Gordon: I have to think differently because I think they are billed at the going rate for Local Improvement Districts.

Mr. MacKenzie: I don't think so; I don't think so.

Mr. Commissioner: Mr. Chairman, the schedule of fees under which charges for Territorial Government equipment are permitted to be made comes under Regulations. These fees are brought up to date on an annual basis; in fact, I believe that the schedule for the coming year was part of the changes to Regulations that were tabled for you now. The rates that are set are the rates that are recommended by the Engineering Department, and they are based upon the equipment rental rates, machinery rental rates, that are accepted by the Contractors' Association in the western provinces. Basically

BILL #11

Mr. Commissioner continued ... speaking, there is also a deterrent factor involved which was agreed to by this Council quite a few years ago, and this deterrent factor is approximately 10%. Am I correct when I say that, Mr. MacKenzie? This deterrent factor is to deter, except in emergent use, of Territorial Government equipment so that the Territorial Government equipment is not out openly in competition with private enterprise.

Mr. Chamberlist: Mr. Chairman, could I get one point clear from the Territorial Treasurer? Where this refers to 110% recoverable, it is just mentioned as a note, and does not form in any way part of the Vote that is required of \$200,000?

Mr. MacKenzie: No, look upon this as being 100%.

Mr. Chamberlist: All right, thank you.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: I would like to ask a question, Mr. Chairman, of Mr. Treasurer, and ask if this money, if I am indeed correctly stating, that this money is already committed or spent?

Mr. MacKenzie: Yes, that is true.

Mr. Taylor: Mr. Chairman, I'd just like to point out that in my opinion, this is the very thing that the Legislative Council of this Territory has been trying to defeat for years and years and years, ever since it was first organized, and that is that the government should first come to the people through its legislative body, and ask or present for their consideration a budget. Now, this follows with supplementary estimates if there should be a shortfall, but I think it isn't in good taste when the government goes and spends the money and comes back to ask us to ratify what they've already done. It defeats the whole principle of legislative control as far as I'm concerned. I frankly for one don't like it and I don't like it one bit, and I trust that in the future, future Councils will not have to deal with this type of thing again.

Mr. Chairman: Councillor Dumas. Oh, one moment, Councillor, Mr. Treasurer would like to advise us.

Mr. MacKenzie: One small comment. Looking down the list that is making up this \$110,000, I think it's apparent that many of them are emergency in nature. They couldn't be foreseen; such as fires.

Mr. Taylor: Supplementary to this, those forest fires occurred some time ago and we dealt with supplementaries at the Fall Session. I don't know why they suddenly appear here.

Mr. MacKenzie: You may have a point in that perhaps some of this money should have appeared in an earlier supplementary. I don't know without going into this in detail.

Mr. Taylor: Just one final comment, we've come here to table on this day of the 31st of March, the end of the fiscal year, and here we're cramming several readings of a Bill and all this type of thing in order to get the government off the hook from a pickle they got themselves into, and I say, I frankly don't like it and I think it's a practice that should be discontinued in the future.

Mr. Dumas: Mr. Chairman, I can't agree with the Honourable Member. BILL #11. Most of these items are emergency items. It may be the departments were hard pressed to get them before us last fall, but whether it's last fall or now, Mr. Chairman, the money had to be expended; it was spent and now we have to okay them. There is nothing that can be done about it. I'm sure the Honourable Member doesn't suggest that we call a Council meeting every time there's a forest fire.

Mr. Shaw: Mr. Chairman, a lot of these are recoverable items. There are exceptions such as forest fires whereby it isn't until some time after the fires occurred that you get the actual bill. You have a budget of say \$100,000 on a particular project; it could easily overrun in cases of emergency an amount of \$37,000. I feel quite sure that when you have a fire, when the fire was raging at Crestview, there was very little consideration given to how much money it would cost to stop all those houses from being burnt up. The point was to put it out and then look at the cost after. There is quite a bit of money in this in relation to the skyline operation but an amount of it is recoverable from Cassiar Asbestos. It must be well understood that we have no inkling of what kind of a winter we are going to have, that it was going to be an extremely unprecedented mild winter and the river wouldn't freeze to allow the trucks to get across. They did make an attempt though and they got stuck. The Territorial Government has spent a certain amount of money to help them get the truck out which will be recoverable because they had the equipment on hand. There are emergencies such as this. I agree with the principle as outlined by the Honourable Member from Watson Lake; at the same time though a lot of these things were unforeseen and they had to be attended to at the moment and of course the bills come in later. I think most people are aware of how those things happen.

Mr. Livesey: Mr. Chairman, in support of what the Honourable Member for Watson Lake has stated, it is an unquestioned thing that any supplementary estimates which are spent without the Council consenting, deprecates and depreciates the value of constitutional democracy; there's no question about that and we have little enough as it is without making it any smaller. This point has to be driven home continuously; it must be driven home. Irrespective of what someone may think is an emergency, we have to get the point across somewhere along the line that every supplementary estimate that is spent is something which is done without the Council's consent and the smaller the supplementary estimate the better. This way we're making progress. The higher the supplementary estimate the more flagrant the condition can become.

Mr. McKinnon: Mr. Chairman, I do agree whole heartedly with the comments raised by both the Member from Watson Lake and the Member from Carmacks-Kluane, and I think that it is rather galling to say the least that on the 31st day of March, we're presented with a supplementary estimate which involves \$400,000, and the Administration says to us "You're such a great bunch of guys on this Council and that Budget Programming Committee and you're going to give us the \$400,000 on the last day of the fiscal year so that we can beat the bill that we have already spent the money on anyway, aren't you fellows", and we say "Yes, okay, we feel that this might be the last Council where we'll be this co-operative and this nice and so easy to get along with with the members of the Administration". But, the one part of this \$400,000 that I do agree with whole heartedly is this item on this page and the reason being that we either have to put a contingency fund of some \$125,000 or \$150,000 in the operation and maintenance budget every year, and tie up this working capital in operation and maintenance, setting it aside for such an emergency situation as these third party services, or otherwise continue as we are in this area where when an emergency situation arising, do the work, bill the person and collect the money and then show what has been done through supplementary estimates. In this area, and this area alone, and the \$200,000 which we see in this case, I

BILL #11

Mr. McKinnon continued ...  
rather agree with this method of doing business rather than tying up the working capital of the Yukon Territory in a contingency emergency fund for these purposes. In other areas like with Y.H.I.S. and Welfare, I think I would have to agree with the Honourable Members from Carmacks-Kluane and Watson Lake, that I find it a little just not on the proper way of doing things in a supposedly democratically elected legislative body that you come on the last day of the fiscal year and say "We've over spent, what are we going to do, we just have to have the money, we have got to have it today; come on, guys, you've just got to pass the piece of legislation today", and we rubberstamp it again.

Mr. Taylor: I'll resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I wish to make one comment. What I don't quite gather, Mr. Chairman, is why three Members, no doubt because they are members of the Budget Committee, they have breakdowns of this vote. It would save a lot of bother and a lot of debate if I knew what that sum, \$110,000, was being spent on. All I have is a sum of \$110,000, with no explanation. Three Members have the explanations in front of them and the other four of us, we haven't got it. What are we, illegitimate or something?

Mr. Chairman: Order, gentlemen.

Mr. McKinnon: I won't answer the last part of the question because I think the answer would probably be unparliamentary, Mr. Chairman, however, I have given a complete breakdown and I'll repeat it again of what the \$110,000 is composed of as the Honourable Member was either napping or wasn't listening at the time. I'd be happy to repeat this list for him.

Mr. Chairman: Is there anything further on this item of \$200,000 for Engineering?

Mr. Shaw: Just one comment, Mr. Chairman. I do agree with the Honourable Member for Whitehorse East that he should have the breakdown, and I think it's unfortunate but we're trying a new process at the present moment and I think normally speaking these would be available for the Honourable Members. I might add that the Financial Advisory Committee was not aware that this was to come about until 9:30 this morning, Mr. Chairman.

Mr. McKinnon: That's correct.

Mr. Livesey: Mr. Chairman, then this is a fait accompli type of proposition, is it?

Mr. Chamberlist: You've got it.

Mr. Chairman: Order, please. Is there anything further on this item? The next item is Yukon Hospital Insurance Services - \$87,000. This would be on page 6 and page 7.

Mr. Chamberlist: Here again, Mr. Chairman, I have no breakdown at all and I would like to receive a breakdown, perhaps from Treasury at this time so that I can talk about it sensibly.

Mr. MacKenzie: Mr. Chairman, there is a breakdown of sorts on page 7 which helps to explain the \$87,000, but it is simply due to unusually heavy increases in services. At the beginning of the year you will recall that we had to ask for supplementary estimates because the per diem rate in hospitals outside the Territory were rising or had risen in fact substantially. We needed money for that and now we need money because the number of patients is

Mr. MacKenzie continued ...  
increasing. We have no option but to treat them.

Mr. McKinnon: I wonder, Mr. Chairman, could I ask the Territorial Treasurer whether this is then in fact the third supplementary estimate for Y.H.I.S. this year?

Mr. MacKenzie: That is true. You will see that on page 6.

Mr. Shaw: Mr. Chairman, I could go through some research to find out the question, but I wonder if the Territorial Treasurer would know exact cost to-date, including this, of hospital insurance services in the Yukon Territory. Would he have those figures with him?

Mr. MacKenzie: All I can do it to give you the figures for the year ending March 31st, 1969. Is that of value?

Mr. Shaw: 1970?

Mr. MacKenzie: Those figures aren't available.

Mr. Shaw: Well, Mr. Chairman, I have the figure of \$1,009,123. I wonder if that is the actual expenditure?

Mr. Commissioner: Mr. Chairman, page 2.

Mr. Chamberlist: Page 2 gives us what?

Mr. Commissioner: It gives you the total amount of Y.H.I.S. No. 11, \$1,108,313.

Mr. McKinnon: In the main, it was \$820,000 so there is \$287,000 difference.

Mr. MacKenzie: This again is something which is not possible to be foreseen. We can't say what the Charles Camsell Hospital in Alberta is going to charge per patient, or the other hospitals. The rate increases with expenses. The Charles Camsell was charging \$25; it increased the rate to \$40 per day. Vancouver was \$40; it increased it to \$50. St. Pauls was \$37 and it increased to \$48. The University of Alberta was \$25; it increased to \$40. That is a substantial amount and it couldn't possibly be foreseen.

Mr. McKinnon: Mr. Chairman, just a comment. It always use to amaze me, the ability of the Territorial Treasurer, whose department the Yukon Hospital Insurance Services came under, how close he always was in his estimates of this department. I was just wondering if he is slowly losing his ability prognosticate the growth pattern of the Yukon Territory, because here we have three supplementary estimates to the tune of almost \$300,000 over the course of one year, and certainly this is not even coming close.

Mr. MacKenzie: I don't think, Mr. Chairman, that I am losing my ability to estimate reasonably accurately. The explanation is that the past couple of years in the Yukon have been impossible to forecast. There has been a boom in business activity and an increase in population, and of course the need for hospitalization.

Mr. McKinnon: Mr. Chairman, I see that he nailed the increase in profit through taxation pretty closely.

Mr. Livesey: Mr. Chairman, there's one question I would like to ask in relation to the spring budget. Don't we look upon the spring budget to a certain extent as being those monies that we as a responsible body have provided for a certain expenditure in a certain department, and to a certain extent, isn't this sort of the toe line, temporary, I can see. But, haven't we got any restrictions, or any restraints, no brakes on, no nothing? Do we

BILL #11

Mr. Livesey continued ...

have to just keep paying because something demands it or are we just going to turn around and say that this is what you operate on within the budget. Now, I realize, realistically, in some instances it is not possible to do this, but at the same time, I still think that the budget surely is something that has been planned as the operation for a certain department of government, and surely this should restrict the head of that department to keep within his budget. Now, as the Treasurer has described, questions of this nature are of course totally unforeseen, but are sticking strictly to this idea of just paying as the demand shows up or are we exercising our ability in relation to saying no; this is the cost of your operation of your department and this is what we figure you can run it on. Like at home, you figure your budget of your home, how much it's going to cost over the years and you say, well, we'll keep within the budget. Are we doing this?

Mr. MacKenzie: Quite rigidly, Mr. Chairman, within our budget. If we deviate from that or try to, the attempt is stopped and investigated. It has to be very easy to justify before it's approved. But, you do find these instances of emergencies which are unavoidable.

Mr. McKinnon: Who does the investigation, Mr. Chairman?

Mr. MacKenzie: The Department of Territorial Treasurer.

Mr. McKinnon: That's the department we just gave an extra \$300,000 to, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, with due respect to what the Member from Carmacks-Kluane is asking about, there is a statutory requirement that after people have lived for a certain length of time in the Yukon Territory, they are entitled to hospitalization. The statutory requirement has no limitations on it. If all of a sudden we find that every hospital bed in the Territory is utilized 100% or even greater, we are faced with absolutely no alternative under the present statutes but to pay the bills. There is no way that the finest crystal ball in the world can forecast what those expenditures in any one particular year are going to be. When it comes to the statutory requirements that we have to meet, there is no limitation in the statutes, the bills have to be met because the individuals have presented themselves for that care which is a statutory right in the Territory.

Mr. Livesey: Mr. Chairman, I'd like to ask another question in relation to this because it seems to me when we first started on this hospital insurance, why, we backed the Federal Government off into a corner and we held them down to \$25 per day, and I think the Commissioner, who was then a Member of the Council, was one of the gang that worked on behalf of the people and it was an excellent job well done. Now, what I'm wondering about in this particular aspect, if this is what we're faced with, what we're working on, what has been or approached towards a new agreement, a new fiscal agreement with the Federal Government on the basis of trying to get them back into that corner on all these problems which we are facing in supplementary estimates, this tremendous cost. Are we attacking the Federal Government and saying, well, look, let's get this kind of deal with ... you know, cut the hospital in half and say if it's full this is your half, or if it's empty this is your half and if it's full, that's our half. This is the way we got the last agreement. I'd like to know, Mr. Chairman, if the Commissioner has made any approach on this to the Federal Government with regard to our next fiscal agreement to see if we can get the best of the bargain?

Mr. Commissioner: No, but we can just refuse to consider a request BILL #11 from one of the hospitals in the Territory to up the per diem rate to \$50 per day. Perhaps this answers the question I trust satisfactorily. I may say that recoveries under Y.H.I.S. are the 50% that were part of the original negotiations. The recovery item as listed under recoveries here is \$552,766.

Mr. Chamberlist: Is there 110% recovery in this one?

Mr. MacKenzie: No, there is no profit in this one.

Mr. Chairman: Is there anything further on this item of \$87,000? The next item is Welfare - \$103,800.

Mr. McKinnon: Mr. Chairman, as the Honourable Member from Dawson has made Committee aware, we received the background material to the supplementary estimates at approximately 9:30 this morning and I would ask, as Chairman of the Financial Advisory Committee, that the background material on this item which was made available to us, be made available to all Members of Council if the Administration would agree.

Mr. Chairman: Mr. MacKenzie, is this material duplicated?

Mr. MacKenzie: Mr. Pearson will be obtaining it now, Mr. Chairman, I think.

Mr. Commissioner: Mr. Clerk will look after this.

Mr. Chairman: At this time, I'll declare a brief recess.

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. BILL #11  
I believe that all Members have the background information they  
were looking for in relation to Vote No. 15.

Mr. Chamberlist: Mr. Chairman, I would like to make some comments  
at this time on the memorandum that was attached to the background  
information that was signed by Mr. Murphy, Director of Social  
Welfare. It appears that one of the factors that this increase in  
Welfare is required is because there has been more travel by pro-  
fessional staff due to more extensive fieldwork, in other words,  
the reorganization of the department at the supervisory and adminis-  
trative level. Since 1967, I have been told nearly every year there  
has been reorganization of this department. Is this going to con-  
tinue every year? Are we going to have extra money every year as  
it's required? Perhaps we should have somebody help the organizers  
organize because obviously there is a lot of wasted money there.  
Now I do notice that under Child Welfare (b), it has been increased  
from \$22 to \$30 per diem for treatment in specialized institutions  
outside for emotionally disturbed children, yet in the Yukon here  
the Yukon Government is still paying the measly less than \$5 a day  
to support a child in a foster home. It seems to me quite important  
that we should really be taking a look at why these people, these  
youngsters can't be treated within the Territory if it is costing  
this type of money. I understand that we have a resident psychia-  
trist who was brought here specifically to help the children of this  
nature who are suffering under particular handicaps. I don't know  
quite what is meant under Child Welfare (b) by this particular sen-  
tence "there has been a drastic increase in the rates charged by  
private institutions and specialized child care facilities in the  
provinces where a considerable number of Yukon wards are placed."  
We should be looking at whether the old programs that have been in  
effect for years and years should not be dispensed with. I think  
that we have been continually paying over the years to maintain  
areas of payment without really looking into it. I hope that Mr.  
Commissioner will soon be able to indicate whether or not the pro-  
grams that have been continued now for some fifteen years and that  
have out-lived their usefulness are not going to be retracted and  
withdrawn from the Welfare Assistance Program. Under Social Assis-  
tance, reference is made to an increase in the number of unemployed  
last winter, but I notice there are no deductions made for the summer  
where there is no unemployment or very little unemployment. The  
part that intrigues me is Mr. Murphy's last sentence which implies  
the financial implications that the supplementary estimates in the  
amount of \$103,800 will have to be voted by the next Session of  
Council. I think he came out with a real bright statement there be-  
cause obviously this is where he expects to get the money from. Now,  
going through this breakdown I notice, Mr. Chairman, that under  
establishment 1511, that is Welfare Training Grants and Bursaries,  
it shows that there is surplus of \$6,000 which is the exact amount  
which was voted for in the beginning of the year. Perhaps Mr.  
Treasurer will be able to say whether or not this amount is apart  
from the \$103,800 or is being left in the votes or whether it has  
been deducted from the amount that we are going to be needing by  
way of making up the deficit. This applies to other areas where  
there are some surpluses, Old Age Assistance of \$12,075; Blind  
Persons Allowance, there is a surplus there; there is also the  
Juvenile Training Home where there is an amount which was voted in  
the revised vote of \$7,920 and there is still \$7,920 over. Is that  
going to be used? I doubt it now because it's the end of the fiscal  
year. Is that going to be deducted from the \$103,797 that is being  
asked for? In other areas as well, in Juvenile Detention, there is  
a surplus of \$9,249. I wonder, Mr. Chairman, if we can get an explana-  
tion of these figures from Mr. Treasurer as to whether or not the  
surpluses are being deducted from deficits that are being asked for,  
or are these sums of money still going to remain in the Government  
pocket?

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Mr. MacKenzie: Mr. Chairman, in the first place, I don't have a copy of that paper. May I see where you are reading? You may take it that this \$103,000 is required over and above any lapsing money in the vote already. I will repeat, you may take it, this figure of \$130,800 in Supplementary No. 3 is required and takes into account any lapsing balances that are on these pages.

Mr. Chamberlist: Well, where then are these amounts that have been voted for going to be put? Are they going to be transferred into other establishments? Has permission been asked from the Territorial Council who have voted these monies specifically for those particular establishments?

Mr. MacKenzie: No, it is not customary to get that permission, the reason being that the Financial Administration Ordinance provides for this transfer from one establishment to another.

Mr. Chamberlist: Here, Mr. Chairman, is another area. Why ask us to vote monies for particular sources when whatever we vote for can be transferred by the Administration into other areas. I see no point in that at all and if the Financial Administration Ordinance allows for that, I think we should be looking at it and see if it can be changed.

Mr. MacKenzie: This is the only practical way of conducting business, where the Administration can be able to transfer from one establishment to another, not from one vote to another, from an establishment within a vote to another establishment within the same vote. There are a great number of such transactions and they are reported to the Council at the end of the year in the Public Accounts.

Mr. Chairman: Councillor Chamberlist, will you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I just have a couple of points here. One is related to Child Welfare where it states that first of all there has been an increase in the number of children admitted to care, and also under (b), as one Honourable Member has mentioned earlier, there's an increase in the number of emotionally disturbed children admitted to care requiring the placement in specialized institutions, and I wonder if possibly Mr. Commissioner could inform Council, if he indeed knows, as to why? Is this as a result to an upsurge in population, is it a result of alcoholism or narcotic use? In view of the fact that a child is deemed to be child until he is at least sixteen years, is there any single factor to the Commissioner's knowledge that might account for this sharp increase?

Mr. Commissioner: I think that to a degree this was gone into by the Committee in questioning Mr. Murphy while we were dealing with the Canada Assistance Plan here some Sessions ago. I think that the answer given at that time was that there was no one specific factor that could be arrived at but it was the combination of many, but I think in all fairness, the standards that the communities are looking upon for the care of particularly emotionally disturbed children is one whereby they are no longer just looked upon as being a segment of society that can be buried out of sight in the community. The community wants to see the problem identified and they want to see the very best treatment available given to the child in question no matter what the basic cause for the emotional disturbance may be. The advent of more doctors in the Territory, such specialized people as psychiatrists that are trained Social Workers are assisting considerably in bringing these cases to light, making it possible for us to get them to proper institutions and in many cases making it possible for these people to become productive members of society. I think that this was Council's point which they made to Mr. Murphy at that time.

Mr. Commissioner continues: I do think that this is the proper approach to take, this is the course that is being followed and no doubt it is a contributing factor, namely the number in relation to population may not really be any more than they have been for a long time, now they are being identified and treatment is being made available to them, Mr. Chairman. BILL #11

Mr. Taylor: Thank you, Mr. Chairman, I think in thinking about this that when we get into O & M Welfare we will have Mr. Murphy with us and I will then direct my question to him. My only other question has reference to subsection (d) under Social Assistance which is somewhat alarming. They state that the increase in unemployed in the past winter and I think more recently as most of us know that there have been articles prepared in respect of and ... pardon me, circulated in newspapers with respect to the North Slope Oil and it would appear that this has a tendency towards a lot of itinerants into the Territory in the hopes that they could go through to Alaska and get one of these fabulous jobs and I know that in my own district it's becoming ... every day you see the highway full of hitch hikers and car loads of young men coming up to find these jobs that don't exist. I am wondering if the Commissioner can tell me if the Administration sees a forecast in rise in this sort of thing in the next few months and also what steps are being taken to cope with this situation.

Mr. Commissioner: Mr. Chairman, traditionally when economic conditions are not in the best in other parts of Canada there is a surplus of labourers in the Yukon. When conditions in other parts of Canada are very prosperous we have a labour deficiency in the Yukon Territory. I can no more assure Council that there will not be a continuation of the present mass migration of itinerant workers into the Yukon, brought about by publicity be it good or be it bad. Quite frankly it would appear to me that we can look for an ever increasing rise in this. It has been suggested to me that there should be an advertising campaign undertaken that would tend to discourage this sort of thing. I think that this is a very difficult thing for Government to do. We have asked Canada Manpower to circulate throughout their offices in Canada that people should not go to the Yukon unless they are assured of employment before they leave their home base. The advertisement that appeared with regard to certain employment opportunities, and employment agencies offering these employment opportunities, was brought to the Legal Adviser's attention and he in turn has given information to the enforcement authorities that there is an Ordinance in the Territory that effectively would appear on the surface to make this an illegal situation. I don't know whether we can look to any recurrence of this or to continuation of this. So quite frankly Mr. Chairman I can't assure you that there will be a decrease in the number of these migrant workers, or the potential added burden to our Social Welfare costs, our Social Assistance cost, and likewise I don't know just what steps are the proper and appropriate ones for us to take to try and get rid of them. It is a very difficult thing and I would be very pleased to hear any comments on this.

Mr. Taylor: Yes, Mr. Chairman, it makes me wonder in as much as we, the tax-payers of the Yukon, are charged with the responsibility of giving aid to these unfortunate people, I am just wondering if a policy shouldn't be hammered out at this Session as to how do we deal with it; in other words, when we find these people who are destitute and coming to us for aid whether we should

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Mr. Taylor continues: buy a bus ticket and ship them back to a provincial jurisdiction, or whether we should try and offer aid to these people, where possible on a recoverable basis. I think it is something--if one person sees one of these ads it seems to me that automatically about 50 people hear about it because he goes and tells all of his friends. It seems to me that we are going to be dealing with a lot of people, it is also evident that in certainly the larger areas and even the smaller areas, that the crime seems to be on the up-swing with the incoming mass of workers. I think at some point in time during this Session that we lock the back doors and not let more information out until we can deal with this thing, and see if we can't formulate a policy whereby we can deal with this thing and get the true facts out.

Mr. Commissioner: Mr. Chairman, with respect I may say that the very things that the Honourable Member has mentioned are the policies of the Yukon Territorial Government at the present time which have been passed by the Council. Assistance is given which is the most practical in the circumstances and in many instances consists of transportation costs to the individual or group of individuals, to allow them to get to the closest provincial jurisdiction.

Mr. Shaw: Mr. Chairman, I and other Members of Council have brought this matter before this table in relation to the unemployment assistance in which the Territorial Government receives 50 per cent of the costs of this from the Federal Government. Now that is contingent upon certain conditions, namely, that we can't have any work programs--there must be no strings attached to handing out this unemployment assistance which is another name for welfare. I had noted that in the past that certain Mayors of municipalities and so forth have tried to bring into discussions to the effect that they can't institute work programs and thereby help these people that require assistance. Because there are times when a person hasn't a job, has no unemployment assistance and he requires something in order to live and I don't believe that anyone should starve in this country. If they are able to work, my policy would be to have some type of a work program. I wonder if the Commissioner has at any time had any communications or has he had any indications from Ottawa that they will be prepared to consider some type of a work program with say an approved type of work program, in which people could be put to work to receive this assistance I think that they themselves, many of them, would prefer that. It is a policy that really ties the Territory down because we get these people that come up here and want a job and money, so they land on the Director of Welfare, or they land on the doorstep of the local Welfare worker in the smaller communities and they say, "I haven't any money, I haven't any job and I'm starving, I want to eat." So the next thing is money has to be provided, shelter has to be provided and I do know that every attempt is made to send these people back to where they come from if there are no work opportunities in this particular area. At the same time that fare outside is a pretty expensive proposition too. Another thing that I think that--this advertising end of it, that is one part of the question, Mr. Chairman; while I am on my feet I would like to mention another section. At one time I had an active small mining company which is listed in Ottawa. That company is still listed in Ottawa and where these people get their information, I don't know, but I get one or two letters very month writing up to me to look for a job in this particular mining company because this company is still

Mr. Shaw continues: listed; it has been inactive for four years. BILL #11  
 I am just one person but somewhere in Ottawa, some place along the line there is someone who must be providing a list of companies to these people where they can get jobs in the Yukon Territory. I get these letters from time to time and I have to write back and refer them to the active mining companies but none the less, the point that I am trying to make, Mr. Chairman, this is provided by the Department of Indian Affairs and Northern Development to these persons, and they in turn feel that the Yukon is the place to get work. My question would be, is there any possibility of doing something about this 50% grant from the Federal Government if there were some means by which we in the Yukon Territory could have a work program to give these people an opportunity of working for the amount of welfare that they normally received, and the taxpayer would also be getting a little benefit out of this.

Mr. Chairman: Mr. Commissioner, would you like to reply?

Mr. Commissioner: Well, Mr. Chairman, I would hesitate to be optimistic about the kind of answer that we would receive, but certainly I think that if a motion was passed by the Council along the lines that the Honourable Member has indicated, that this would put us in a position that we could go to the Federal Minister concerned and get an answer from him on the subject. Secondly, concerning the supplying of registered companies from the Federal Department of Indian Affairs and Northern Development in Ottawa is something that is entirely beyond my ability to pass judgement on and I would have to find out just how this is done. It would appear to me that there must be some public registry of some kind for this type of incorporated company, which individuals have access to under certain limited conditions. Perhaps the Legal Adviser might have some opinions to pass on this but I am afraid that I can't answer any further than that.

Mr. Shaw: I might state as a supplementary, Mr. Chairman, that this is mostly college students that I received the letters of inquiry from.

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

Mr. Taylor resumes the Chair.

Mr. Livesey: Mr. Chairman, I would like to direct a question to the Territorial Treasurer. I wonder if he could tell me if my general assumptions are right, and that is that the total cost for operation and maintenance for the Welfare Department at the moment is about \$1,300,000, and that the cost of wages alone is more than one-third of that cost. Is that correct?

Mr. MacKenzie: The Welfare Department has estimated this current fiscal year, beginning today, the cost in gross as \$614,300.

Mr. Commissioner: Excluding all personnel services.

Mr. MacKenzie: That is correct, personnel services will be ... I don't have that here.

Mr. Livesey: Mr. Chairman, I am looking at a figure of \$831,438 voted for 1969/70, and then on top of that you have an increase as well on top of that amount, under operation and maintenance, and then we have this item to start with and we have about \$470,000 in wages. Per capita is a point that I brought up many a time, per capita to 16,000 people, this is getting ridiculous, and something has to be done about it. Child Welfare for a small number such as

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Mr. Livesey continued: 16,000 in population is fantastic, the cost of the problems created rising because of children, children alone. All the various departments for problems ... surely we have an overhead here in the Yukon in relation to child welfare problems of all natures and sizes and descriptions. The cost is fantastic in comparison to the number of people that we have in the Yukon. I wonder how much concentrated effort has been made to try and solve the problem rather than try to facilitate the problem as it arises. This is what I feel we are trying to do. We are working on programs to more or less satiate the situation and ease the problem as it shows up. What are we doing to eliminate the thing? What are we doing by way of education, by way of progressive positive thinking rather than just carrying on and just paying this next year or the following year, saying we have to pay it because look, here's the bill. This is all very fine but where is all this argument we heard years ago about this, where we have preventiveness and decreasing the budget not increasing it. It seems to me that they howl on one hand about having more staff and more staff to so call help prevent the thing but when you get the budget it's already gone up and it's gone up every year. We are getting more and more. It's like having a labour force trying to eliminate unemployment and then you have to add their cost to the total operation and find out that it is worse than ever. I want to know, Mr. Chairman, if the Administration is thinking along these lines with regard to Welfare. I am not talking about the general difficulties we face or the thick wall that shows up in relation to Welfare where we look at it and we just shut our eyes and we say we can't do anything about that, it's impossible. What approach are we making to try and cut down the cost of Welfare which seems to me is getting out of all proportions?

Mr. Chairman: Councillor Chamberlist.

Mr. Livesey: Is there any of these intelligentsia who would like to answer that?

Mr. Chairman: To what does the Honourable Member refer when he says 'intelligentsia'?

Mr. Livesey: I know we have an intelligent Commissioner ...

Mr. Chairman: Councillor Chamberlist.

Mr. Livesey: I haven't an answer to my question.

Mr. Chairman: To whom do you ask this question to be directed?

Mr. Livesey: Well, it is a simple matter, may I address my question to the Commissioner?

Mr. Commissioner: Mr. Chairman, some of the best brains in Canada are trying to determine how to find the answer to this and I would like to assure the Honourable Member who asked the question that any suggestion that he has that I could pass on to my officers in the Welfare Department or the Treasury Department as to how to curtail some of these costs would be greeted with great glee. I also would, in all seriousness I would like the Honourable Members, when they are looking at the Welfare costs that we are faced with here, to comprehend the full scope of the Welfare program which Council agreed to participate in when they went along with the Canada Assistance Plan and its various ramifications. This is not confined to children; it deals all the way down the line from the cradle to the grave. The senior citizens of the Territory, their care is one of the things involved in this just the same as the youngsters of the Territory are. When you ask, are our programs

Mr. Commissioner continues: designed to assist people to become productive members of the Society, the answer is yes. This is why we are attempting to spend the money that we are on Child Welfare Programs so that we don't find that boys and girls through no fault of their own become recipients of Child Welfare, wind up as being inhabitants of our Senior Adult Institutions that are basically involved in rehabilitating criminals. There is no point in saying that any of us like the cost that is involved in this, but to say that we are not making somekind of an attempt with these programs to make or give people an opportunity to be productive citizens would also be entirely incorrect. This is the whole idea of the situation and involves the total scope of Welfare programs as they apply to citizens of the Territory and I don't think that any one wishes to see these programs curtailed where they are doing good. I think what Council is interested in knowing is just exactly what I referred to in my opening remarks this morning, and what Councillor Chamberlist has already referred to, are these programs being examined to see whether they are serving the purpose for which they were originally intended and it is along these lines that I think the Administration and Council have got to direct the Administration accordingly as to what programs should continue, what programs are to be curtailed and what new ones are to be looked into. I think that this is the basis of the question that is being asked at this time.

Mr. Chamberlist: Mr. Chairman I appreciate the comments from Mr. Commissioner because he got the thought that I wanted to put out. I do feel that there are programs which Government expenditure is out on and we are not getting the full benefits of it. I would like at this time Mr. Chairman to ask the Commissioner whether he would not look into or have the officials look into the amounts of money that are being paid to foster parents who are really doing an excellent job for children and are finding themselves in so much difficulty because of the very minor amounts that are being paid to them. I wonder if Mr. Commissioner could indicate whether this is happening.

Mr. Commissioner: Mr. Chairman I am sorry that I can't say just where we are in progress looking into this. It is being looked into at the present time. It has been under review for several weeks and it was specifically brought to our attention by a letter that was received from a group of foster parents. As soon as we have further information on this it will be made available to Council and I am sure that it will be very shortly.

Mr. Chairman: Anything further on this item. That gives us a total of appropriation... I would also draw your attention before we conclude this to page 16 which shows your revenues which may be of interest to members of the Committee. We have a total therefore of \$390,800. Is there any thing further in relation to this bill?

Mr. Chamberlist: Just one explanation, I wonder if Mr. Treasurer could explain where under Welfare, you refer to recoveries in that area, what recoveries do we get to the moneys which are paid out to Welfare?

Mr. MacKenzie: Well on this particular item you are just considering...

Mr. Chamberlist: Yes.

BILL # 11

Mr. MacKenzie:.. should appear in recoveries. So the extent in part ...

Mr. Chamberlist: That would be the \$51,900 I take it.

Mr. MacKenzie: Yes, that's right.

Mr. Chamberlist: Alright. Thank you.

Mr. Chairman: What is your pleasure in relation to Bill No. 11?

Mr. McKinnon: Mr. Chairman, I move that Bill No. 11 be rubber stamped out of Committee as always without an amendment.

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

Mr. Chairman: If the Member will permit I will rephrase the motion, I believe you wish to report Bill No. 11 out of Committee without any amendments.

Mr. McKinnon: Correct.

Mr. Livesey: Well, Mr. Chairman, if it can be rubber stamped we would be supplied with a rubber stamp.

Mr. Chairman: It has been moved by Councillor McKinnon and seconded by Councillor Shaw that Bill No. 11 be reported out of Committee without amendment. Are you prepared for the question?

Mr. Chamberlist: Question?

Mr. Chairman: Do you agree?

Same Members: Agreed.

Mr. Chairman: I declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: The next matter of business with the concurrence of Committee will be--as far as we have it in Committee today, if it is your wish to deal with it at this time or not. If it is your pleasure, Bill No. 1, An Ordinance to Amend the Public Service Ordinance, is also tied I believe with Bill No. 2. I wonder, Mr. Legal Adviser, if it is necessary to deal with Bill No. 2 before dealing with Bill No. 1.

Mr. Legal Adviser: It's purely a matter of the House. But, it just might be simpler to deal with one rather than the other because they are linked. The order is not relevant.

BILL #3

Mr. McKinnon: Mr. Chairman, if I could make a suggestion I would suggest that we go on to Bill No. 3, An Ordinance Respecting Securities. I have had representations made by the members of the Public Service Alliance that they would like to appear before Council on both Bills No. 1 and 2.

Mr. Livesey: Yes. The question has also been brought to the office of the Speaker.

Mr. Chairman: Councillor Chamberlist, will you take the Chair.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, in respect to Bill No. 3, here again we have received some new pages to this today, and I would advise that this is a very important piece of legislation and just about everybody in the Territory is involved in one way or another with securities. It would appear that this matter should be deferred until such time as we can get some advice on this matter both in Committee and out of Committee. I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, I would suggest that we can go ahead with No. 3. I doubt whether we are going to complete it today and I haven't had the opportunity to read the pages that were given today, although I have read the rest of it. Perhaps if we could at least proceed to this.

Mr. Commissioner: With respect, could we ask the Legal Adviser and Mr. Clerk concerning the pages that were substituted today?

Mr. Legal Adviser: There were no changes as far as I know, Mr. Chairman. It was a question of omission, an accidental omission. There are no changes.

Mr. Chairman: Councillor Chamberlist, will you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I think it will be of assistance that when we deal with An Ordinance Respecting Securities ... we are getting into a very highly specialized field, we are getting into an area which is largely to bring out bad legislation, and it is going to bring out economic consequences for the Territory and the people of the Territory. We have got to be sure that what we are producing is going to be good and equitable for all and in this respect the reason that I ask for a deferrment is so that we can have someone with us that is knowledgeable if at all possible, knowledgeable in the field of securities, who can sit down and give us some impartial advice. Now, I just don't know who this person would be or where he would be or where his services could be obtained from. As I say, this is our very first day of sittings and it is pretty difficult right at this point in time to come up with an answer. This is why I was hoping that this Bill could be deferred until we return to Whitehorse in order that we can try to find somebody to assist us in dealing with this piece of dynamite, the Securities Legislation, and I think that we need some good advice on it.

Mr. Dumas: I wonder if the Honourable Member could tell us who we are going to find in Whitehorse that is an expert in securities?

Mr. Taylor: Mr. Chairman, I just pointed out that I am not so sure that we are going to find anyone in Whitehorse. I don't know where we are going to find him, but we have to sit down and as it was just pointed out to us, there were six missing pages here. I don't feel competent to judge one way or another this piece of legislation without having some competent advice, and I don't think there is a Member at this table who is competent.

Mr. Livesey: I don't like to hear a fellow colleague discussing the intelligence of the other Members of the Council. I don't think that this is entirely fair. I know we have lots of experts in securities, but no matter where we discuss the Bill, whether we discuss it here in Dawson or in Whitehorse, it is still securities and we have our Legal Adviser with us and we have our Clerk



BILL # 3

Mr. Livesey continues: here who I am sure is well acquainted with the Ordinance and we have the assistant Legal Adviser from Whitehorse East. I don't understand what the problem is because we don't need necessarily to pass this Bill here in Dawson. We can still do the reading and the work in connection with it and if there are any problems in relation to it we can hold them until we get to Whitehorse and then go to whoever is an expert to get advice. This way we will be progressive. I think to discuss this Securities Legislation in a place like Dawson is an excellent place to discuss it, being that this is a town that has been built on mining. I don't know where else you can expect to discuss it better than here. So I would suggest that you . . . . .

Mr. Chairman: Order please, Councillor McKinnon.

Mr. McKinnon: Well, Mr. Chairman, besides the official Legal Adviser and the ex officio Adviser we also have the best weather vane of the Yukon Stock Market here, myself, because people phone me constantly and say, "McKinnon, have you bought any of this stock?", and if I say, "No," they say, "Good, I'll go out and buy some", but if I say, "Yes," they say there is no way that they will buy any of that stock. But seriously, I think that we should go through this Ordinance. We have the Legal Adviser here and if we find that we are battling with problems that we can't answer and if we can't get the answer from the people at this table and from our Legal Adviser, then we should ask when we return to Whitehorse that a member of the B.C. Securities Commission, someone of this nature and this ability, come up to help us out. But, let's go through it and let's do as much as we can. Let's become knowledgeable and conversant with the Bill and if we come against questions that we have to address to people, that we just haven't got the competence of these people in the Yukon, let's send for someone like the B.C. Securities Commission. Certainly we can go through the Bill as it stands.

Mr. Shaw: Mr. Chairman, I would just say we have the old buffer shop operators around here the same as you have down there, maybe not quite as many. I think that they would be very happy to get into such a thing as the Securities Ordinance.

Mr. Taylor: Mr. Chairman, it is my hope that we are not wasting time on this, and quite often when we read a Bill, then we will chuck it out and then we will read it again and this type of thing. As I state, as we go through this, it was my hope that we would have someone present as a representative in Council who is very proficient at Securities Legislation, such as suggested by the very Honourable Member from Whitehorse North, from a Securities Commission who could point by point answer questions as we go and clear the air in some matters. I would like to ask a question at this point in time of Mr. Legal Adviser, I am wondering if he could tell me from what legislation this legislation came from, what provincial jurisdiction.

Mr. Legal Adviser: It came, Mr. Chairman, if my memory serves me right, from Prince Edward Island.

Mr. Chairman: Order please.

Mr. Legal Adviser: The reason we chose Prince Edward Island was it had a very tight Securities Legislation. Prince Edward Island itself can't afford to operate a full Securities Commission in the way in which B.C. does or Ontario. The second place we looked for precedents was in Vancouver because my information is that the bulk of stock which is on the market in Whitehorse, not all but the bulk tends to be marketed by the Vancouver Stock Exchange so we want to stay within the limits of what is acceptable in Vancouver.

Mr. Taylor: Well now I am worried. I am wondering if this is from Prince Edward Island, is it possible that this is considered a depressed area of Canada, mainly because their restrictions of securities are prohibitive? I mean what are we talking about?

Mr. Legal Adviser: Mr. Chairman, if we went into a detail follow-up of the B.C. Securities Legislation, which we might very well have done, we would then have to have very much bigger Legislation and ... the book which contains the B.C. Legislation is approximately as thick as the green book which some Members have in front of them, dealing with Securities Legislation. It is a tremendous operation. You are dealing with Stock Exchange, you're dealing with Securities Legislation, you're dealing with the rules and operations of every single thing. Now the rules of procedure that we will be following will be B.C. rules of procedure when we start making regulations and following the form so that we have something in common, but to have such a highly sophisticated body of successive law as B.C. has would not, in our view be suitable at this time, when we are not going to have a Securities Commission with full-time officials operating constantly over-seeing the operation and transaction of all the stocks. We have at the moment only one firm who is trading in securities as far as I know, actively in the Yukon itself. The scope of this Bill will control any person who is dealing in stock but it will also control the issuing of stock, either primary issue stock or secondary issue stock which are marketed by a public company for sale in the Yukon. It is quite a wide piece of Legislation, it is giving power to the Registrar who will in turn be seeking advice from the B.C. Securities Commission on how to operate a particular function. The Commissioner will tell you that the real problem here is operating the law once we have passed it. There is not much controversy in reality in the modern financial context as to whether or not we should have control over the issue of stock and the sale and transaction and trading of stock. The importance of the Legislation which you have is certainly harped on.

Mr. Taylor: Mr. Chairman, I argue that you just can't have a piece of Ordinance that is based on hopes and assumptions, as Mr. Legal Adviser says he hopes that this will do the thing, assumes that something else will do this and do that. That is not good enough, it seems to me that when you bring in Legislation of this magnitude and this importance that you should be able to come and say, "Well, this is going to do this and that is going to do this" and this is why I think that we have got to have somebody with us when we discuss the Bill who is knowledgeable in the total area of securities. And gentlemen, as I said, it has been suggested possibly from the B.C. Securities Commission because if this--this Bill could very well have a retrograde effect on the general economy, general economy of the resources in the Territory. This is entirely possible so for those reasons I am a little reluctant to deal with it. If Members want to proceed with it, it will mean a lot of back tracking again when we discuss it in Whitehorse again.

Mr. Taylor: I will resume the Chair.

Mr. Chamberlist: Well, Mr. Chairman, let me say this, I have read the Bill except for the few pages that came in today, and I find that it is a good piece of Legislation except for a few corrections that will come along later. The idea is not to interfere with the mining industry or any industry where there are speculative stocks both industrial and mining. The idea is to control those pretty sharp people, we have them in the

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Mr. Chamberlist continues: Territory right now, control them in such a manner that the public do not get beaten in the manner that they are being now. Set up a Registrar so that it can investigate areas where there is a question attached, so there is assurance for companies who are selling securities, and I am talking about companies properly registered and conducting themselves properly. Now we have not got it now. We have had companies trading in shares that haven't been registered here. We have got to have this type of Legislation. It may be true that later on we may have to go over some areas to get the smoothness out of it but I am personally satisfied, and it is not often that I am in a 100 per cent agreement with Mr. Legal Adviser but I am in sympathy that this is a necessary piece of Legislation and we have got to get to work on it real quick because even the Honourable Member from Watson Lake might find that he will get hit one day by some unscrupulous salesmen and there are plenty of them coming around.

Mr. Livesey: Let us proceed, Mr. Chairman.

Mr. Chairman: If it is your wish, I will proceed. (Reads sections 1 and 2)

Mr. Chamberlist: There is a question here that I would like to ask Mr. Legal Adviser. Does this also include a company where a salesman is working in conjunction with another company in another province, but not necessarily the same firm? I wonder if Mr. Legal Adviser has got my question right. Perhaps I will clarify, where a company is not registered in the Yukon and a person is trading here, does this broker also include the person and the company that is not registered in the Yukon?

Mr. Legal Adviser: It would depend on the relationship between the two firms or companies involved. We can only make an order valid within the confines of our own Territory. If a company outside the Yukon, say in Vancouver or Toronto, is doing business in the Yukon, it can either do business by advertising in Toronto papers so that people in Whitehorse will write to them, or it can set up some kind of a substation or agency, or contract with some person to do that on its behalf in Whitehorse. Now once this person comes into the Territory in any way actively doing business, whether through an association or contract or salesmen, it then comes under the purview of this Ordinance. But we would not attempt to control the operation of a stock broker in the Vancouver stock exchange or the Toronto stock exchange merely because he was in correspondence with a person here and was doing his business in Toronto or Vancouver.

Mr. Chamberlist: To expand on this, Mr. Chairman, if the company which had a base in Vancouver or Toronto was operating in the Yukon without being registered as a Yukon company, would it be a company over which the Territory has jurisdiction over its trading?

Mr. Legal Adviser: The fact of the registration of the company is a technical detail, a type of tax which it pays to the Registrar of Companies. The fact of bringing it under this Legislation would be what in fact it was doing. If it comes in here and commences to operate whether or not it registers here, and all companies doing business have to register here as a Territorial company in any event, that might be a breach of the Companies Ordinance, but if it was actually in business in any way here, then it comes under the purview of this. But a series of transaction from letters and so forth taking place outside might not bring it within - but regular doing business can be construed and it's a question for court to construe what they are doing.

Mr. Chamberlist: But if a company that is doing business here without being registered has no physical assets it therefore cannot be sued because it is not a registered company in the Yukon. Now is this Ordinance give the power to the Territory to prosecute in that instant? It would have no power whatever. Would this be right?

Mr. Legal Adviser: These are physical facts they may apply - have no effects. The person involved may be in Whitehorse or Dawson so he can be charged. If he is not here then physically what can you do? It is like a cloud passing over the sky that shuts out the sun; you can't catch it.

Mr. Chairman: (Reads Section 2 (b) to (f))

Mr. Chamberlist: This 'or to be issued by the company', I mean are we not dealing ahead of the matter?

Mr. Legal Adviser: There are certain letters that are issued which indicate that a company is going to do something by way of issuing shares or debentures. That is a piece of paper as is commonly traded for cash.

Mr. Chamberlist: Mr. Chairman I was thinking of a person we had up here who had a string of convictions in the Northwest Territories by the name of Peter Barhope; you might have remembered him, this was his stunt. Now what protection have we got against this?

Mr. Legal Adviser: These are definitions and the word, security, is designed to catch every document, piece of paper or promise which will form the subject of a transaction in the nature of a trade in a security by a company.

Mr. Chamberlist: Mr. Chairman, if a person by mail promises to issue a share on a company which is not existing, now how can the public be protected against a man of that description who is receiving money that shares will be issued?

Mr. Legal Adviser: That promise comes under the definition of security? It is a promise that a share can be issued. The offence is not created in this section under the definition. Now if a person promises to issue securities and doesn't then the Criminal Code . . . . but there will be certain common grounds between this and the Criminal Code.

Mr. Chair: (Reads Section 2 (g) to (h))

Mr. Chamberlist: I wonder if Mr. Legal Adviser could indicate whether, before we get into the bulk of this Ordinance, whether or not there is provision in this Ordinance which would prevent a person who is a salesman working for a broker from trading with the shares of an individual, or rather bidding against the shares of his own client while he is employed in a brokerage. If a salesman working in a brokerage has been given orders to buy or sell by a client and asked that - just given the order and the salesman waits and buys and sells at his own price before notifying his client. This is called trading against a client, is there any part of this legislation which will prevent that from happening. This is a common occurrence in the Vancouver Stock exchange, and they have been able to jam this. There is one area not very far from where we are in the Yukon that is doing this type of transaction. Is there any type of legislation in here to prevent that from happening.

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Mr. Legal Adviser: I will agree that it is an unethical practise that the broker can pretend to buy and sell a share under instructions which may or may not be true. Whether or not some specific act can be prevented by this Legislation I couldn't tell you. Of course if we had a staff of experts to examine every transaction... put it another way, if a complaint was made that a person was acting in that unethical manner, the complaint is investigated and found to be true, it would give rise to penalties under this Ordinance.

Mr. Chamberlist: There are penalties imposed.

Mr. Legal Adviser: I am not saying specifically there are penalties for that specific thing. What I am saying that if a broker acts unethically or improperly then he can be dealt with under the Ordinance. But first of all it would have to be shown specifically what actions occurred or were done and then whether or not they were wrong or were attempts to defraud which they would be, if the facts stated by the Honourable Member were correct, if they were attempts to defraud his own client by in effect creating a false internal market in his own office. But I figure that what the Member is suggesting is that if we take an impossible situation in a . . . that the client had given instructions to buy and the broker bought for his own personal account then by a serious of trades forked up the price say \$20 to \$25, then purchased on the client's behalf at \$25, then sent the buying slips to the client showing a purchase of \$25 and thereby being able to pocket a profit of the difference of the \$20 and the \$25 actually \$5, less his own commission to any other brokers involved in the transaction. I take it that this is what the Honourable Member is trying to suggest.

Mr. Chamberlist: Mr. Legal Adviser has got the picture.

Mr. Legal Adviser: This would be buying against his own client and deliberately making a false return to his client. Now it is a very difficult thing to ascertain whether or not it happened in practice means a full disclosure of the books.

Mr. Chamberlist: Well, Mr. Chairman, is there a provision in this Ordinance for a full disclosure of the books of any salesmen or broker?

Mr. Legal Adviser: Yes.

Mr. Chairman: (Reads Section 3, (1) (a))

Mr. Legal Adviser: But before you pass on from section 2 I would draw your attention to the fact that there is one last sentence here and it will occur as a sentence in this legislation, and I apologize for it in advance. I don't want the members to attack me too much for having it there but we have taken apart a series of sections in the Ordinance to do something which is normally objective and we don't attempt to do as Administration, and that is attempt in regulation to take the power in advance to change the terms of a Bill. In other words, we are defining terms of trade, we are attempting to define it in as broad a way as possible to say exactly what we mean. But having regard to the way that market transaction goes and the extreme efforts that are put into breaking through them from time to time by experienced tax lawyers, experienced securities lawyers and experienced traders, we need the last sentence. In other words, that it include . . . the trade and trading includes not only the things that we say it includes but for the future in case something happens and we designate something in regulations as being a trade or trading that becomes trade or trading in addition to the things that are already in the definition.

Mr. Legal Adviser continues: I would specifically draw your attention to that because we may have to do this as you will notice going through it. We may not have time when the critics become rampant or it becomes obvious to the Registrar as being a trade, and through some trick of the loop it can squeeze out of the definition section so we want to be able to put it back. Now the normal course for this is that it comes before the House as a regulation at the first opportunity.

Mr. Chamberlist: It means the same thing though, doesn't it?

Mr. Commissioner: Excuse me, I wonder if I can ask a question here. I realize that the answer is going to be negative, but I would like to hear. In the Territory here, it is a very common practise for individuals to use the banking facilities that are available in the Territory as the middle man between themselves and a broker. How does this affect this kind of transaction? For example, an individual goes to his local banker and gives him some kind of instruction to purchase on his behalf certain securities, I am assuming that the banker has some brokerage arrangement with some company who does these transactions on their behalf, the transaction then goes to that individual who, no doubt, is not even a resident of the Territory and doesn't come under the purview of this Ordinance. Just where does any of this fit in at all or is this just one of these situations that just might have been done by mail and simply beyond our jurisdiction? Is this the situation?

Mr. Legal Adviser: We haven't got the jurisdiction to control the actions of a chartered bank. We wouldn't be able to get at these transactions from the bank. It would be deemed to be in the normal course of events, be the same as if somebody took up the telephone and rang the thing direct. As far as brokers dealing in local banks is concerned, their actions will be controlled.

Mr. Chairman: Speaking from the Chair, asking a question from the Chair, would not the bank be in the salesman position, and then under the purview of this Ordinance?

Mr. Legal Adviser: It might technically be defined as a salesman, but I am not sure if we would want to do anything about it. It may be, but you are taking on all the major banks in Canada at the same time. I have little doubt that the bank will co-operate in giving us information in a normal case, but it just might, I am inclined to doubt it, but, like the Member says, they might technically come under a provision of the Ordinance because of the accepting of the commission. But since the major transaction is taking place outside of the Territory in the first place, in that kind of an instance, we wouldn't want to get involved. It may be a bank here or a bank in Vancouver. They could evade by having the security deposit or transaction taking place in Vancouver in a local bank.

Mr. Chamberlist: Well, Mr. Chairman, I would just like to say that a bank is in a different category than someone who advertises as a seller of securities, because you have to have the money in the bank; they do not advance you. What they are actually doing is acting as your agent, you go and tell them to buy for me or sell for me and they will just put it through because you have the money there. They--you can go to a Securities Agency and you can ask them to buy on your behalf and there you don't necessarily pay them any money, but with a bank you have to pay it to them or they will deduct it from your account so really they are acting as an agent for you. I think there is a difference, I was reading about it somewhere and I don't think that we should get involved with it anyway.

BILL # 3

Mr. Chairman: Councillor Chamberlist, will you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, in relation to this, if we look at the interpretation, we find that a salesman means every person employed, appointed or authorized by any broker or company to trade securities, whether directly or through some agent. Would this not involve the bank manager in any event? Well certainly, because I think that the arrangements that a bank normally has in a transaction, trading of securities, is as the Commissioner pointed out where they have a brokerage say in Vancouver and they merely telephone what the customer wants back and forth. So that these people are indeed salesmen and they do take a commission for their services. It would appear to me that these people would indeed be salesmen. I am wondering if I could have a comment on that, the way it is written.

Mr. Legal Adviser: We are attempting to write some of these definitions as widely as possible and at the same time to exclude people we don't want to include. We are not attempting to write this definition in such a way that a branch of a bank in Dawson would, in fact, merely be acting as a conduit to transmit an order to or from a broker outside would in fact be caught by the term, salesman. I could conceive that it could be argued the reverse. It is possible there is an argument on both sides. I would prefer to interpret that the bank is not caught by the word, salesman, and we have not attempted to draft it in such a way as to catch a conduit type of operation. The same would apply to anybody who is acting as an agent of a customer.

Mr. Shaw: Mr. Chairman, I wouldn't like to make it any more complicated than it already is in respect to the, as you might call it, trading securities in banks. I think a bank, and we have to remember that Whitehorse is the only place that you have any type of a brokerage. In the other communities these transactions are done through the bank and the bank is not trading and selling in securities in the true sense of the word, they are acting as an agent for a client. In other words, you just go to the bank if you want to transfer any money and, of course, there is money always involved either coming or going, you go to the bank and say, "Sell this for me," or "Buy this for me," or "Will you look after all the transactions?" and that is the way it is done. I think the securities that we are interested in, the fundamental object that this Ordinance is trying to endeavor, is to see that these puppet shop operators don't run rampant around the Territory and fleece the public, and also, of course, to fleece the public in as much as possible in other parts of Canada when we have a little mining boom going. I cannot see the object in trying to make it restrictive in cases that have been brought up, the bank acting as an agent for a client. I think if we get into that phase that we will become too involved. Now there is always a possibility, man being man, that you might have a manager that is not strictly on the up and up, but I have never seen that and I can hardly see that happening, certainly it wouldn't within the cognizance of the bank itself.

Mr. Taylor: Mr. Chairman, I can't agree, I think that if you are preparing an Ordinance, it has to be fair for everybody and it has to apply to everybody. We can't just take one group of salesmen and say, "Well, they are okay, they are bankers, we'll jump on these guys over here and make sure they run policies right," because even in this I think all Members will appreciate that in fact in a bank, bank employers have the habit of taking funds and manipulating books and doing this type of thing, and by and by you read about this. I think that in a bank, anyone who sells securities should be under the purview of this Ordinance. If you are going to lay a law down, it should be there for everyone, you can't make it fair for one and not the other.

Mr. Dumas: Mr. Chairman, the bank employee is not acting as an agent or salesman, he is acting on my behalf and if I say to him, "You buy me a thousand shares of Casino with my money which you have in your bank," all he is doing is doing me a favour. He is not working on behalf of the company, he is not working on behalf of the mining company, he is not working on behalf of any securities organization or anything. All he is doing is acting on my behalf. It is the same as if the Honourable Member from Watson Lake gave me a thousand dollars and told me to buy some stock for him and, therefore, I do not come under the definition of salesman, and neither does the banker. I agree with the Legal Adviser, he shouldn't.

Mr. Taylor: I can't buy that, that isn't the way it works. May I ask the Honourable Member who takes the profit of this type of thing? The bank is paid for the service.

Mr. Dumas: Yes, the banks don't charge the securities one penny. If the securities want any money, then they charge their client a service charge for performing this service, which is done as a favour. I am advised by bankers that they probably lose money on these transactions, they do it as a service to their customers.

Mr. Taylor: I will resume the Chair.

Mr. Chamberlist: There is an area I think perhaps Mr. Legal Adviser can take a look at to clear it up and that is the interpretation that we have in the section on a salesman. Now, if we look at the salesman the way it is written now, it says, "A salesman means every person who is employed, appointed or authorized by any broker or company to trade in securities." Now what about a person who is acting as an agent for a broker? There is a situation where we read where such and such a firm is trading with another firm of brokers outside. Now they are not the brokers themselves, they are the agents for the brokers. I think that we should include in this area that a salesman means any person employed, appointed or authorized by any broker or any agent company for that broker. I wonder if Mr. Legal Adviser could comment on that.

Mr. Legal Adviser: As far as I know, Mr. Chairman, the wording should be exactly the way it is now. We have a broker, a definition of broker set out, then a salesman is a person employed by a broker. Now any person who is an agent is therefore authorized, you cannot be an agent unless you are authorized. An agent is a contact between two people, one of whom is constituted principal and the other is constituted agent, so that there must be some form of relationship between them.

Mr. Chamberlist: Well, then going back to the bank situation again, the - I was just thinking that the Honourable Member from Watson Lake might have a very small point there. But if the person goes into a bank and says to one of these people employed in the bank, "Will you buy me a thousand shares of stock," so the person says, the assistant of the bank says, "Yes." Now he does this and I agree with the request, but the bank draws a commission, the commission that is set up by the stock broker so that he is receiving a commission and becomes the salesman or the company that is buying the stock. I think we should make sure whether or not a bank does not come into that category of a salesman.

Mr. Legal Adviser: The receipt of the commission as such does not necessarily constitute a salesman. If I go to sell a house, I may pay a commission to the person who is selling the house on my behalf or, if I go to buy a house, I may pay a commission to the person who buys the house on my behalf, but in neither case does the receipt of commission constitute the person to whom I go as the agent of the other person in the transaction. He is my agent.



BILL # 3

Mr. Chamberlist: He is your agent, will he buy on your behalf?

Mr. Legal Adviser: Yes.

Mr. Chamberlist: Well, that's what a salesman means, surely.

Mr. Legal Adviser: If I go into a bank and say, "Buy me three thousand shares," that transaction stands alone. It could not be said to be the actions of a broker. If a doctor is willing to do the same service for me, I could go to a doctor and say, "Buy me some stock," or I could say to a bus driver who is travelling into Whitehorse, "Buy me three thousand shares of stock," but he is not a broker merely because I said to him, "Go buy me some stock."

Mr. Chamberlist: Surely, Mr. Chairman, there is a difference there between a bus driver buying three thousand stocks; he is not in business, he is just doing you a favour. But when you go to a bank, the bank keeps a record of the transactions they make whether it is to buy or sell. Does this not put them in another category? At first I was of the opinion, I still am of the opinion, that I think one has to research into whether or not it could be held that a bank is in actual effect open for business for the sale or purchase of stocks. Now this I think would be the main point here.

Mr. Legal Adviser: This can get more and more involved because you can get back and back further into the definition, a broker means a person who is in the business of trading securities. Trading securities is defined as soliciting, etc., but without the definition we know what trading securities is, and a bank is not trading in securities. A salesman is a person who is employed or authorized by the company to trade in securities. This is not what a bank is doing, a bank is not trading in securities, therefore it is not a salesman.

Mr. Chairman: Just one comment from the Chair. How does that relate to subsection (c), the section we are on, indeed we haven't got that far but at a fast glance, Mr. Legal Adviser, how does this apply? Subsection (c) of section 3.

Mr. Legal Adviser: Well, this is a complicated Ordinance. It is complicated to ask a question and it is also complicated to answer. A salesman is defined. Any person who acts as a salesman who is not authorized by the Act is guilty of an offence. So you work back and find out who a salesman is. A salesman is a person who is employed by a broker and the salesman and the broker must, in that transaction, trade in securities. Now once somebody starts to trade in securities either for an agent or a brokerage house or on his own account, he hits the offence of doing it without being registered and comes under the purview of the Ordinance and can be hit by it.

Mr. Chamberlist: It doesn't affect bankers.

Mr. Dumas: Mr. Chairman, I would like to move that the Speaker resume the Chair.

Mr. Chairman: May Mr. MacKenzie be excused from the Chambers? Thank you very much for being with us, Mr. MacKenzie.

Mr. MacKenzie leaves the Chambers.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor McKinnon the Speaker will now resume the Chair. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 2:30 this afternoon to discuss Public Bills. Mr MacKenzie attended to discuss Bill No.11 and it was moved by Councillor McKinnon, seconded by Councillor Shaw that Bill No.11 be reported out of Committee without amendment. It was moved by Councillor Dumas and seconded by Councillor McKinnon that Mr. Speaker now resume the Chair. The motion was carried.

CHAIRMAN  
OF  
COMMITTEE  
REPORT

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? I would like to call the attention of the House to Bill No.11. Perhaps the Honourable Member from Watson Lake could now explain.

Mr. Taylor: Yes, Mr. Speaker. I was just going to bring that to your attention, that Bill No.11 is to be processed for Third Reading.

Mr. McKinnon: Mr. Speaker, I would move that Bill No.11, namely, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be given Third Reading at this time.

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

Mr. Speaker: Moved by the Honourable from Whitehorse North and seconded by the Honourable Member from Whitehorse West that Third Reading be given to Bill No.11, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Services of the Territory. Are you prepared for the question? Are we agreed? I will declare the motion carried. Is the House prepared to adopt the title to Bill No.11?

BILL #11  
THIRD  
READING  
MOTION  
CARRIED

Mr. McKinnon: Mr. Speaker, I move that the title to Bill No.11, namely, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written.

Mr. Dumas: I second the motion.

Mr. Speaker: Moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Whitehorse West that the title of Bill No.11, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be adopted as written. Is the House prepared for the question? Are we agreed? I will declare the motion carried and that Bill No.11, An Ordinance For Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, has passed this House. I wonder if I could now call upon the Commissioner with reference to the assent of the Bill.

BILL #11  
TITLE  
ADOPTED

MOTION  
CARRIED

Mr. Commissioner: Yes, Mr. Speaker, I would like to rise at this time to give my consent to Bill No.11.

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

Mr. Taylor: Mr. Speaker, in respect to the agenda for tomorrow, I have to report that we have in Committee at the moment three Bills.

Mr. Speaker: Are there any further additions to the agenda tomorrow? I await further directions.

Mr. Shaw: Mr. Speaker, I move that we call it 5 o'clock.

Mr. Speaker: It has been moved that we call it 5 o'clock. Are we agreed? The House stands adjourned until 10:00 a.m. Yukon Standard Time, tomorrow.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would like to give notice of Motion in relation to Klondike Nights.

MOTION  
#4

Mr. Speaker: Are there any further Notices of Motion or Resolutions? Notices of Motion for the Introduction of Papers? Under Daily Routine. Under Motions, Motion No. 1? Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, in the opinion of Council, the Administration give consideration to recommending an amendment to the Yukon Act increasing the membership of the Yukon Legislative Council from seven to nine Members by creating an electoral district which will include Carmacks, Faro, Ross River and additional electoral district for Whitehorse. Would the Honourable Member for Watson Lake be prepared to move Motion 1 at this time?

Mr. Taylor: Yes, Mr. Speaker. The Motion is a very important one, I feel. As explained in the Motion, it would offer to the Council two more seats, offer the people two more people to represent them in this Chamber. Now, in the first instance the area proposed as the Ross River-Carmacks area would include the communities of Pelly, Carmacks, Faro, Ross River as the primary community. They are all linked by road system. I have a map here - some Members have had an opportunity to look at it but it borders on the north by the south boundary of the Mayo District and comes down and borders on the south on a line straight across the north boundary of the Whitehorse District. On the east is bounded by the Northwest Territories and on the west, at 138°. It would reduce Carmacks from Kluane Lake for instance, but it would leave the Casino development, the Casino area in Kluane Lake. It would cut the north part of the Watson Lake constituency and it would make relative population between those three constituencies. Just roughly it shows anywhere from 1500 to 2000 people in each of the districts, assuming we would select and agree to the institution of the new electoral district. It would offer to the people, for instance, at Faro and Ross River and Carmacks, an opportunity to have representation right on site and certainly in the case of Faro and my own electoral district now it is extremely difficult for me, as an elected representative to offer them the services that they require, especially at a point in time when they are growing and growing fast and growing big because of the distances involved. In our large constituencies, the populations, though they are not very many in number, they are very widely distributed. Every time you move somewhere you have to go 150-200 miles from point to point. So, this would do much to ease the situation, I feel. In respect of the Whitehorse area, I think it is agreed that in Whitehorse also, population-wise, the population of that area has increased and therefore a fourth seat would be created within the little square which indicates the Whitehorse district. Also, I must

MOTION  
NO. 4

Mr. Taylor continues....

point out that this development of the Territory, we see an Administration which is growing, we see problems growing and we have got ourselves into the position where the Territory is big business now. It would appear that the Minister has condescended to listen to our pleas for more responsible government in the Territory and indeed if we do look forward, following the next election, to the involvement of the elected representatives with the administrative type of government we have then two more people to draw upon to fill these particular positions and to make the policy decisions....so initially these are my arguments for; I do wish I had more copies of this proposed districts map but this map is available for any Member who wishes to study it.

Mr. Chamberlist: Mr. Speaker, in seconding the Motion I am accepting at the moment the assumption that the Federal Government has over the jurisdiction of the Yukon Territory and on the basis of that I am suggesting that the Yukon Act should be amended as outlined by the Honourable Member for Watson Lake. It is essential that we have more Members, I feel, on Council so that the fulfillment of an Executive Council can really come into being, with 2 Members as has already been suggested. I feel that all Members of Council should recognize the fact that as we grow the legislature has to grow with us and I would ask that they give support to this Motion.

Mr. Speaker: Any further discussion?

Mr. Shaw: Mr. Speaker, yes. I think that it is advisable to have two more Members on Council for what we expect and hope will come for the ensuing term. I do believe that in the context of the Motion insofar as to have an increase in Members in the Yukon Territory will assist in a choice for committees required. There is just one thing I don't like to jump into Mr. Speaker at this time and that is that this section of the Yukon shall be carved away from another section of the Yukon and created as a constituency. I recollect a number of years ago being involved in the carving up of the Yukon Territory into political districts and it is not the easiest of tasks. I can see where the Honourable Member from Watson Lake has a very good idea. He has taken the populated areas of Carmacks, Pelly River and Faro and lumped them into one because it is convenient to get to those places from any central location, but at the same time if Casino should go into production, although it seems sort of a flop lately, but I recollect about six months ago we were going to have about five Anvils all rolled up in one in the Casino area but it has not materialized to this time. Well, if that should happen that would again change the whole complex of the situation and what would you do then? Would you create another riding in Casino or would you attach that to the Kluane Lake area and if you should do that how are you going to get to that place without going through the other riding. You do have these problems from time to time. I agree in principle of extending membership of Council to nine members, yes, but I do not agree just off-hand on such short notice without any views of going into the situation, of carving out a chunk of area and saying, there is an elected district. We then look and say, well what is the population of the Carmacks-Kluane area - how many people do we have in that particular area? I feel that the next carving up of the Yukon Territory, myself, should be done by judicial apportionment rather than Council itself deciding where it should be and where it should not be. I agree with the principle, Mr. Speaker, that the increase in Council

Mr. Shaw continues....  
 membership but not exactly the way it is put. If it was to give consideration.....I would be very much for it but... we have the Administration give consideration for recommending an amendment to the Yukon Act.....

Mr. Dumas: Mr. Speaker, we have all agreed and discussed this Motion at various other times, a Motion such as this. I think too that it is a very good one, an excellent one. I cannot agree with the Honourable Member from Dawson when he suggests that we have to try and divide the Yukon up now on the basis of what may happen in two or three years from now or ten years from now, in Casino or any other district. All we can do is look at the Yukon as it exists today, Mr. Speaker, and make recommendations on that basis. The reason for the Motion at this time, I believe, is because the Yukon Act is presently before the Parliament of Canada, coming up for change, going to be looked at, and if at all possible it would be desirable, I believe, from the Yukon point of view, to have two more electoral districts. I don't think that there are any great deep, dark hidden suggestions in the Honourable Member from Watson Lake's Motion. I think that the suggestions he has put forth for electoral districts are probably very practical and would stand full scrutiny under the bright light of day. I therefore am going to lend my whole-hearted support to this Motion, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I was for the Motion made by the Honourable Member from Watson Lake mainly because it is just teaching the Administration to give consideration to recommending an amendment to the Yukon Act. If it was a direct order that they ask that the Yukon Act be changed at this time to allow for two additional electoral districts under the plan that the Honourable Member has proposed, I would not support the Motion because I think there is a very real danger that those amendments already before the Yukon Act now could be held up if this were so and I think it would be a shame if the day were put back an hour, a moment to the day when the elected representatives had some real function and some real power in the Territorial Government. However, this does not say that-it just ask them to take a look at it and see whether in the future the Yukon Act can further be changed to allow an increase in the electoral districts and looking at the map and the Motion cursorily it appears that it is a sensible suggestion. I think that there is an easy deliniation in the Whitehorse areas - I can think about Whitehorse North - West District where Porter Creek and Crestview have almost as many voting constituents now as other areas in the Yukon, and the Whitehorse North - East district which would include Takhini and Hillcrest and the Valleyview areas and the Carcross area and possibly then the Whitehorse East-Whitehorse West district, roughly composing the population of the downtown Whitehorse area. I think this is the type of deliniation that can be made in these areas and I don't think it would be too difficult to do and as I say I think the Motion has merit, has substance and should be looked into and for those reasons, Mr. Speaker, I will support the Motion. When the City of Whitehorse saw fit to increase its membership to seven Members they found that there was just so much work and so much to do they could not handle the workload with the Membership which they had so in one municipality they have as many members now as the Territorial Council has to look after 207,000 square miles of the Yukon. Thank you, Mr. Speaker.

Mr. Speaker: Is there any further discussion? I wonder if the Honourable Member from Watson Lake would please take the Chair.

Mr. Taylor takes the Chair.

MOTION  
#4

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, Members of Council, as you know this Motion affects my electoral district and I would have much preferred to have this motion delayed until a little later in the Session. However, I have heard the comments this morning on why it should be put now. One of the reasons why I feel it should be delayed, although I agree with the principle and I feel that the area, especially of Pelly and Carmacks is a most inaccessible place as far as I am concerned and always has been and I agree with the comments of the Honourable Member in that respect and with regard to Faro and other areas that he has suggested. However, it seems to me that we are incorporating more than one motion when we provide the House with this type of suggestion. What we are talking about, Mr. Speaker, is not one Motion, we are talking about two and the two we are talking about is the involvement of the people of the particular area that has been described. Without their consent, for one thing, and the other is that we are proposing, in effect, an increase of two members for Council. This is what we are doing by this type of Motion. I feel that this involves a lot more discussion than we can participate in here, in this particular area, at this time. I think we should go into it a lot deeper before we jump out of the frying pan into the fire and wind up with a bigger headache than we have right now, which is big enough. This is the suggestion I make to the House this morning, Mr. Speaker. I believe it is sensible, I think it is on the right track but I don't think that we are giving it sufficient consideration ...and I recognize without going into any discussion of the Commissioner's opening address that he did mention that the Federal Government was considering our proposal with reference to the Yukon Act and there is no question in my mind that certain changes will come about. However, I do feel that the people in both these areas, in the area of Whitehorse and Carmacks, Pelly River, Faro and Ross River, I think we should perhaps, before the end of session, I think, and before we come to a final conclusion on this particular area, if this is what we are suggesting to the Federal Government, because the Yukon Act is their's, not our's, we are suggesting that these are the exact definitives of boundary lines, then they are going to take this from us as being just so, this is it, without any question, this is your decision; you have made this decision, and I feel that some further looking into this proposal would, in effect, we would be better off if we did because if you read back in the history of both the Federal and Provincial and Territorial Governments back history you will find out that more arguments, more disagreements on the change of an electoral district and the boundaries of an electoral district than practically anything else that you can suggest. I certainly recall the item brought forth by the Honourable Member for Dawson this morning, Mr. Speaker, with regard to the changes we made and I am sure we didn't make them in five minutes. We did not discuss it for fifteen minutes. When we worked on this situation before, in Whitehorse, in the House, on the changes, we spent quite some time discussing this question and it was possibly the same type of suggestion then as it is now because we can't make this change, the Federal Government will make it, and I do feel, Mr. Speaker, that we would be better off if we waited a few days until we can get further information on this particular item before we finalize it and there is no need, as far as I can see, why we should make a final decision right now. We can wait two days or a week, it will make no difference one way or the other. Thank you, Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Taylor: Mr. Speaker, in closing the debate on this matter, I would like to reiterate and point out to Members of Council

Mr. Taylor continues....

that in the first instance the people involved in this change would be given representation at home and I think it is almost unthinkable to think that anybody would want to be represented anywhere else but close to home. It would be like the Yukon having a Member of Parliament who lives in Brandon, Manitoba. It would just be unthinkable. The next thing is I have talked to some people individually throughout most of this area, with the exclusion of possibly Pelly, and they are quite in favour of such a proposal. This proposal does not come new to the table at this time; it has been bantered around and discussed, and indeed I have had representations in respect of it to me on many occasions over the past two years. It has been suggested that this is a problem that we should wait, we should sit down and this is the trouble with our Territorial Speaker. We all sit on our butts and wait instead of getting out and doing something. We did in respect of the Liquor Ordinance; we didn't wait any longer. We waited about seven years, we did something very, very practical. We went and did the job. Effective today we will find out how good our work was. I have every confidence it will work out very well. Here, the Yukon Act is about to be opened up. It is not every day that the Yukon Act is opened up, and as in our own legislative proceedings, the Parliament of Canada gets busier and busier each year until finally things like the Yukon Act that are little bills, are set on the shelf and they do not take preference in the parliamentary programming, or legislative programming. They don't take the precedence that they used to. It has taken us 70 years to make any substantial gain in the constitutional development of the Territory as it affects the people. I say now is the time to do the job. The Motion, as has been pointed out, asks that in the opinion of Council the Administration give consideration to recommending an amendment to the Yukon Act. It leaves it pretty broad and if in their wisdom Administration would condescend to recommend to the Federal Government that adds weight to our argument. But I would certainly like to see unity in this matter if at all possible inasmuch as we are embarking on a very, very important point and a very important step if it is accepted in the constitutional development of the Territory. Thank you.

MOTION #4

Mr. Shaw: Mr. Speaker, may I ask a question of the Honourable Member from Watson Lake. My question, Mr. Speaker, is what would happen if Administration do not consider it?

Mr. Taylor: If Administration do not consider the question, and if I still stood at this table it would then be my responsibility at each future session to raise this matter again.

Some Members: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: Are there any contrary? Order please, and I declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Motion No. 2. Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane Lake that the content of the Federal Bill C187, An Act Respecting Inland Waters be discussed in Committee of the Whole.

MOTION #2

Some Members: Question.

MOTION #2 Mr. Speaker: Are we agreed?

All: Agreed.

MOTION  
CARRIED

Mr. Speaker: I declare the Motion carried.

MOTION CARRIED

MOTION #3 Mr. Speaker: Motion No. 3. Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo that Sessional Paper No. 4 be discussed in Committee of the Whole.

Some Members: Question.

Mr. Speaker: Question has been called. Are we agreed?

All: Agreed.

MOTION  
CARRIED

Mr. Speaker: I declare the Motion carried.

MOTION CARRIED.

Mr. Speaker: We will now proceed to the Question Period on the Order Paper. You might proceed.

VANCOUVER  
TRAVEL &  
INFO  
OFFICE

Mr. Dumas: Mr. Speaker, I wonder if the Commissioner could tell us when the Vancouver office that has been planned as an extension of the Department of Travel and Information will be opened and who will be managing it?

Mr. Commissioner: Mr. Speaker, I can't answer definitively either of the two questions. The position has been up for competition for some time and I understand that candidates are being interviewed at the present time in connection with it so I am sorry I cannot answer the second part of the question now. The first part of the question, I am very hopeful that it will be open no later than approximately one month hence.

Mr. Dumas: Supplementary, Mr. Speaker. I wonder if the Administration has any idea of the location of the office.

Mr. Commissioner: Mr. Speaker, the answer would have to be in the affirmative but presently I do not have that knowledge but I would be very pleased to bring it forward in a written answer when I get it from the Department of Travel and Information.

QUESTION  
RE UPGRAD-  
ING  
CASSIAR  
ROAD

Mr. Taylor: Mr. Speaker, at the last Session on December 16th, 1969 I asked a question of Mr. Commissioner respecting, or asking if there were any monies available for the upgrading of the Cassiar road, the Yukon section of that road where it leaves the highway and goes to the border. The answer then was "no". I am wondering this morning, Mr. Speaker, if the Administration have heard anything further on this and if they intend on doing anything on that road this summer.

Mr. Commissioner: Mr. Speaker, the answer is in the affirmative and I have no reason to believe that the request that we have before the Department in Ottawa at the present time for the necessary monies to upgrade this two or three miles of road that is concerned is going to be refused. I am quite optimistic that we will have the funds made available to us and that the necessary work will be done in the course of the coming construction season.

Mr. Speaker: Are there any further questions?



Mr. Taylor: Mr. Speaker, I have a further question. Again, at the last Session we discussed the possible future of the Experimental Farm north of Haines Junction. It was suggested at that time that this would be a beautiful site for a boys ranch or indeed a juvenile detention type facility, a rehabilitation centre rather than see the Farm sold and go into disuse. I am wondering if Mr. Commissioner could advise me this morning, Mr. Speaker, whether any further consideration has been given this and what progress has been made?

QUESTION-  
DISPOSAL OF  
EXPERIMENTAL  
FARM

Mr. Commissioner: Mr. Speaker, all kinds of consideration has been given to the extent of filling up several files several inches in depth and the answer every time is, where is the money coming from to make this possible, and as a consequence I have not had anything of a worthwhile nature to bring forward that I could propose and recommend to this Council as a use for this Farm that the Territorial Government could afford to do, Mr. Speaker. I am sorry that I do not have any firm information I can give you concerning the actual use to which the land and the buildings concerned are going to be put, but if the question could be left with me, Mr. Speaker, I will endeavour to bring forward this information to Council so they will know exactly what the Federal Government's plans are for this particular facility.

Mr. Dumas: Supplementary, Mr. Speaker, I wonder if the Commissioner could tell us if the property and land will become available to the Territory for the sum of \$1.00 if the Territory did find a use for it?

Mr. Commissioner: Mr. Speaker, I don't wish to go any further in this matter until I am sure of my facts on the situation, but I am under the impression at this time that a use by another Federal Department for the land and buildings is being considered at the present time.

Mr. Dumas: Supplementary, Mr. Speaker..

Mr. Speaker: Order, please, Honourable Member for Whitehorse East.

Mr. Chamberlist: I bow to the Honourable Member for Whitehorse West.

Mr. Dumas: Thank you. Mr. Speaker, I wonder if the Commissioner has seen the correspondence which went between Haines Junction School Advisory Committee and the Superintendent of Education—they have what I consider to be a very sound proposal for the land and buildings.

Mr. Commissioner: Mr. Speaker, if memory serves me correctly, I believe this had to do with the establishment for the north highway for higher grades of education. I cannot say that I have dealt with the correspondence in detail but I have heard of the proposal.

Mr. Chamberlist: Mr. Speaker, can the Commissioner now disclose Administration's policy with reference to the buildings and land in the Aishihik district?

LAND AND  
BUILDINGS  
AISHIHIK  
DISTRICT

Mr. Commissioner: Yes, Mr. Speaker, we are under the instructions of Council in this matter and we are proceeding...

Mr. Chamberlist: Supplementary, I understand, Mr. Speaker, that there has been a change of policy inasmuch as the idea is that once the buildings were being reserved for a specific purpose which was not going to be put into effect, that they would revert to the Department from whence they came. That

Mr. Chamberlist continues.....  
is my understanding. Is this not true?

Mr. Mr. Speaker, I don't want to confuse the issue but if my memory serves me correctly, Council indicated that we were to dispose of the buildings and the land and the routine of doing this is to return it to the Department from whom we originally got it, who in turn are going to make a move to have it disposed of by Crown Assets.

Mr. Chamberlist: This is the way it is going to be done.

Mr. Commissioner: This is my understanding, Mr. Speaker.

QUESTION  
RE LOW  
COST  
HOUSING

Mr. McKinnon: Mr. Speaker, in the Commissioner's opening address he said that one item will concern the Low Cost Housing Loan Ordinance in which we are seeking Council approval to raise the limits of first mortgage loans from the present Eight thousand to a maximum of Twelve Thousand Dollars. I would like to ask the Commissioner, Mr. Speaker, if he doesn't think it would have been fairer if the speech writer had put in something like the Administration has finally seen the wisdom of implementing Council's repeated request....

Mr. Speaker: Are there any further questions?

QUESTION RE  
IRON CREEK  
& BEAVER  
CREEK  
PETITION

Mr. Taylor: Mr. Speaker, I have a question I would direct to the Administration this morning. I would ask them if they are in receipt of a petition from all the highway garage operators from Iron Creek to Beaver Creek dated March 20 of this year in which they say, suggest that there is much illegal hauling, wrecker work and winch truck work going on by people who are not PSV holders to the detriment of the PSV holders. I would like to know if the Administration have received this petition and if they have, what steps have been taken to accede to the wishes of the people therein involved?

Mr. Commissioner: Mr. Speaker, although I have not personally seen this petition but if it is addressed to the Administration and is dated March 20th, no doubt the Administration has been in receipt of it. Might I ask, Mr. Speaker, of the Honourable Member, if this is an indication of the inefficiencies of our Check Point at Watson Lake or is this something that has transpired after the vehicles pass the Watson Lake area?

Mr. Taylor: The petition, in reply to Mr. Commissioner, the petition deals largely with - these people are largely winch truck recovery operators all up and down the highway, the Alaska Highway and they are complaining that this type of work is being done by unlicensed vehicles and this type of thing. I would like to direct the question to probably the Assistant Registrar of Motor Vehicles and ask if indeed this petition has been received by his Department.

Mr. Clerk: Yes, Mr. Speaker, we have received the petition and we have spoken to the law enforcement people about this particular problem.

Mr. Taylor: Supplementary, would this then be the extent of action the Administration will be taking in this matter or are they giving further consideration to dealing with it.

Mr. Commissioner: Mr. Speaker, what, could I ask if we could have some suggestions as to what we could do?

Mr. Taylor: Mr. Speaker, rather than belabour this question period I'll personally get in communication with the Motor Vehicles Branch and see if we can't come up with some ideas.

Mr. Chamberlist: Mr. Speaker, could the Commissioner advise Council at this time whether or not the Vocational Advisory Board is still in existence or whether it has come to an end?

QUESTION RE  
VOCATIONAL  
ADVISORY  
BOARD

Mr. Commissioner: Mr. Speaker, I bow to the Honourable Member who asked the question. He was to supply me in the first instance with constitutional authority under which the Board, the legislative authority under which this Board was required and after that was done he and I were to get together and see where we went from that point. Now I think, with due regard, Mr. Speaker, neither of these things have happened up to this point and I am prepared to share the guilt with the Honourable Member, providing he is prepared to share the guilt with me, and this is a 50-50 proposition.

Mr. Chamberlist: Supplementary, I really want to know if it is still in existence - the rest of the matter would be dealt with afterwards if I know if it is a fact, whether it is in existence? Now, if Mr. Commissioner, Mr. Speaker, could answer whether it is an existent body then I can go from there on in but I would just like to know this?

Mr. Commissioner: I believe that it is in a state of suspended animation, Mr. Speaker. I think it is just prior to being in the embalming process.

Mr. Speaker: Any further questions? If there are no further questions may we proceed to Public Bills and Orders?

Moved by Councillor Chamberlist, seconded by Councillor Shaw that first reading be given to Bill No. 4, An Ordinance to Amend an Ordinance to Regulate the Speed and Operation of Motor Vehicles On Highways.

BILL #4  
FIRST  
READING  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw that Bill No. 4, An Ordinance to Amend an Ordinance to Regulate the Speed and Operation of Motor Vehicles on Highways be given Second Reading.

BILL #4  
SECOND  
READING  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 5, An Ordinance for Granting to the Commissioner certain Sums of Money to Defray the Expenses of the Public Service of the Territory be given First Reading.

BILL #5  
FIRST  
READING  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 5, An Ordinance for Granting to the Commissioner certain Sums of Money to Defray the Expenses of the Public Service of the Territory be given Second Reading.

BILL #5  
SECOND  
READING  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Gordon, seconded by Councillor McKinnon that Bill No. 6, An Ordinance to Amend an Ordinance Respecting the Conservation of Game in the Yukon Territory, be given First Reading.

BILL #6  
FIRST  
READING  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Gordon, Seconded by Councillor

BILL #6  
SECOND  
READING

McKinnon that Bill No. 6, An Ordinance to Amend an Ordinance Respecting the Conservation of Game in the Yukon Territory be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #7  
FIRST  
READING

Moved by Councillor McKinnon, seconded by Councillor Taylor that Bill No. 7, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter Into an Agreement Related Thereto, be given First Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #7  
SECOND  
READING

Moved by Councillor McKinnon, seconded by Councillor Taylor that Bill No. 7, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter Into an Agreement Related Thereto, be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #8  
FIRST  
READING

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 8, An Ordinance to Amend an Ordinance Respecting Credit Unions, be given First Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #8  
SECOND  
READING

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 8, An Ordinance to Amend an Ordinance Respecting Credit Unions, be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #9  
FIRST  
READING

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 9, An Ordinance to Repeal an Ordinance for the Incorporation of Cooperative Associations and to Provide for their Regulations, be given First Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #9  
SECOND  
READING

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 9, An Ordinance to Repeal an Ordinance for the Incorporation of Cooperative Associations and to Provide for their Regulations, be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #10  
FIRST  
READING

Moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting Friendship Centres, be given First Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #10  
SECOND  
READING

Moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting Friendship Centres, be given Second Reading.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the

Mr. Shaw continues...  
Whole to discuss Bills, Sessional Papers and Motions.

Mr. Dumas: I'll second the Motion.

Mr. Speaker: Moved by Councillor Shaw, seconded by Councillor Dumas that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers and Motions. Is the House prepared for the question on the motion? Are we agreed? I declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: When last we rose in Committee we were dealing with Bill No. 3, An Ordinance respecting Securities. Is it your wish that we continue with this Bill or would you rather proceed with some other Bills.

BILL #3

Mr. Dumas: Proceed with some of the other Bills. Mr. Chairman, to facilitate Committee I think we should go to other Bills at this time. We could probably progress faster and further than we could if we started on securities again.

Some Members: Agreed.

Mr. Chairman: Are you agreed?

All: Agreed.

Mr. Chairman: It will then be Bill No. 4, An Ordinance to Amend The Motor Vehicles Ordinance. (Reads Bill #4, 1).

BILL #4

Mr. Dumas: Mr. Chairman, my question is to the Legal Adviser, who seems to be tied up at the moment. Could the Legal Adviser tell us if the Tote Road and Access Roads to Recreation Areas are considered highways ordinarily maintained and used for the passage of vehicles?

Mr. Legal Adviser: Yes, in most cases they are maintained either publicly or privately and would be considered highways.

Mr. Dumas: Mr. Chairman, well then, if the road is maintained by a private company, does this apply, is it considered a road that is maintained.

Mr. Legal Adviser: We had the choice of saying publicly maintained, and we deliberately took it out in order to make it clearer-where it is maintained and used for motor vehicles then anything which goes on that road must have a licence, regardless of whether it is privately or publicly maintained.

Mr. Chamberlist: Mr. Chairman, the point that is being made that even though it is an open field, by continuously running a vehicle up and down over many years it cultivates a trail so that automatically anybody who uses the trail is subject to the laws of the land; it means that some youngster who is using a skidoo just out in an open field, after using that piece of land for six months or a year, cultivates a trail and he is subject to police prosecution for riding on the trail.

Mr. Dumas: Mr. Chairman, I think we are in a touchy area here because there are a lot of private roads around here that people

BILL #4

have put in with lots or into small placer mining, or into their cabins and so forth and they maintain them. The suggestion in this Ordinance is that we cannot run toboggans and motor toboggans, or motorcycles without being licenced and I don't think that this is the intent of the legislation. It may be too far reaching insofar as that is concerned.

Mr. Chamberlist: I would suggest it should be just publicly maintained, Mr. Chairman - that is ordinarily maintained at public expense.

Mr. Legal Adviser: Mr. Chairman, there are many roads that are maintained privately, and well maintained by mining companies, which are clearly maintained for the use of motor vehicles. There is no question in anyone's mind what a motorcycle or skidoo on that road....should have his licence and if a person wants to make a road and maintain it from ... but the purpose of this exercise is to allow skidoos and motorcycles to go on what everybody knows to be trails.

Mrs. Gordon: Mr. Chairman, we are in another bind here. O.K. you have a trail here and there are a bunch of dead trees across it and you take an axe or a power saw and cut them up, you are maintaining it.

Mr. Livesey: Mr. Chairman, I would like to direct a remark to Mr. Legal Adviser. What is the purpose of the section? Now, when we are talking about motor vehicles licences or talking about safety, are we talking about money or are we talking about regulation of traffic, just precisely what is the reason for the .....

Mr. Legal Adviser: There are a class of motor vehicles in this Ordinance, motorcycles and motorized toboggans which are used for pleasure and they are used in pleasure places and they should be treated roughly the same way as a person would be who is going out skiing, but by an act of the Motor Vehicles Ordinance the definitions were drafted so widely that anyone who uses one of these pleasure vehicles on any form of trail more than once has already committed an offence, because a trail becomes a trail when you go back the way you came. We are attempting to take this out of the Ordinance where it wasn't intended to be in the beginning but it is caught by the use of these vehicles for pleasure purposes.

Mr. Livesey: Yes, Mr. Chairman, supplementary question. I am not talking about this. I want to know - what are we aiming at by licencing the vehicles, increase in revenue, regulations for traffic or just exactly what is the aim? I understand the difference between what is and what may be, I understand that part, there is no problem there. I want to know what they are aiming at. When you licence a motor vehicle what do you do; are you regulating traffic, looking for revenue or what are you trying to do. I wonder if the Legal Adviser understands my question.

Mr. Legal Adviser: We are now trying to .....which is already covered by the Ordinance, to excuse it from ridicule.

Mr. Chamberlist; Actually it is not a case of raising revenue, it is a case of depressing the Territory's revenue. The idea is to stop the prosecutions by the police of youngsters who use toboggans and scooters in open land areas where the legislation, as it is now, permits the police to prosecute

Mr. Chamberlist continues....

where there is an unlicensed toboggan or scooter. I think this is a good piece of legislation as it protects youngsters who are going out to have some good clean fun, from being prosecuted in an unnecessary manner. It is as simple as that. Now, we know, most Members here know full well that some policemen, and we have a good police force, but some get a little exhuberant, you know, they will wait somewhere at the top of a hill looking around to see if anybody is around driving a skidoo somewhere and if they see it is a trail they will come down and wait for them and give them a ticket, and this is what is actually happening. In the Whitehorse area up at Grey Mountain police cars have been known to stay put, hidden away from the public until they see toboggans being used in that area by youngsters from the Riverdale area. They wait for them and give them a ticket for not having a licence. Now this is the type of legislation that we must have to encourage our young people to have that clean type of fun instead of getting themselves into jackpots all over the place. We should be helping the youngsters but the policeman forgets that he is a youngster, at times. I think it is a good piece of legislation, this particular piece of section. The rest of it....cut off.

Mr. Shaw: I do notice, Mr. Chairman, that under vehicles it means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used, etc. I suppose it does not matter a great deal, in one sense, at this stage of the game, but according to this, one could apprehend a person out on a trail with a dog team, moved by dog power. It states what a vehicle is, exactly what it is-except moved by human power-and I wonder what would happen in a case like this - arrest all these fellows who came from Fort MacPherson the other day.

Mr. Commissioner: Mr. Chairman, the biggest motivation of that dog team is the human power behind the sleigh.

Mr. Chairman: Clear?

All: Clear.

Mr. Chairman: Mr. Chamberlist, would you take the Chair?

Mr. Taylor: I would like to say a word on this matter. Of course we have not got right through the Ordinance but in the Spring Session we were hopeful that Administration would come up with some ideas as to how we could deal with the question of skidoos. I don't think it is good enough to go by the matter and just say "clear". It has come to the attention of the general public across Canada that there have been a considerable number of deaths, not injuries but deaths as a result of skidoo accidents across Canada and indeed provincial jurisdiction has taken a pretty close look at this. It would appear that the north is one of the few places where presently, or in the near future skidoos will be permitted on any road anywhere at any time except for the purposes of crossing it, and it seems to be the way it is being dealt with in other provincial jurisdictions, that skidoos stay out in the bush and off the trails and can only cross a road, can only go across a road but can't run on one and it may well be useful to consider such a suggestion when we look at the Yukon Territory. Now there is a lot of

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Mr. Taylor continues....

discussion this morning on roads as to what is and what isn't a public road or private road. It does not matter if it is a public or private road anyway; it could be a logging company's private road and maybe the logging company does not want to have a logging truck going down the road and some guy is flying along on a skidoo and get killed. He would not want that responsibility. Regardless of whose road it is does not really matter. I really think that when we talk about skidoos and look at the death, not to mention all the accidents occurring this year. I believe even the wife of the Minister of Highways of the province of Quebec came to her death on a skidoo not long ago so I think this should be looked at, I really do, unless you want to say, fine, we will let these skidoos run around and let people kill themselves off. We don't let people kill themselves off if we can avoid it in other areas, why should we let it happen here.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I asked a question before and the question is that we appear to have a double negative and a double negative is a positive....this is what puzzles me. A vehicle means a device upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks but does not - now where do we go from here? It seems to me you have the insertion of a double negative which is going to confuse the whole thing. This is what I am asking. What does it mean, what are we aiming at?

Mr. Taylor: At this point in time I will resume the Chair.

Mr. Legal Adviser: Mr. Chairman there is no double negative ...an additional subsidiary sentence attached to the first...

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

RECESS

RECESS



Mr. Chairman: At this time I will call Committee back to order. We are discussing Bill No. 4, namely An Ordinance to Amend the Motor Vehicles Ordinance. Anything further on Section 1? BILL #4

Some Members: Clear.

Mr. Chairman: (Reads 49 (1)). Is there something missing?

Mr. Legal Adviser: The only new query to this would be paragraph (d), as in subsection (3) of 49.

Mr. Chairman: I will proceed with the reading. (Reads (3), (a), (b), (c), (d)).

Mr. Chamberlist: Question. Mr. Chairman, I wonder if somebody can indicate why we now have to have another coloured flashing vehicle on the highway. I suppose very soon, the plumber who has to go out on emergency calls is going to get himself a green light, the electrician will have to go out on an emergency call and he will have to get himself a bamboo light or some other colour, purple lights, we are going to have all sorts of lights. Everybody with a particular type of professional green, they have to have some extra lights. Does it mean that there will be amendments to the Ordinances when mechanical trades are going out on emergency heating problems? Is it possible that this might happen?

Mr. Legal Adviser: It is hard to say but a request was made, Mr. Chairman, for this to be done, and the subsection was drafted. It is in the hands of Council as to whether they wish to give this privilege or not. As it is, it needs an amendment to the Ordinance.

Mr. Chamberlist: What I wish to know from the Administration is, that if an application is made by service people and the T.V. repair business, or radio repair business or any other type of business, if they make an application for an amendment to the Ordinance, is it going to be brought before Council so we can amend it accordingly or are we going into something that is outside the realm of the responsibility of the Territorial legislators to get into this type of thing? Surely where there is an area of essential services of ambulance, police, fire engines, people who are on construction work on the roads, to warn the public, this is the idea of having different colour flashing lights, to warn public so they will be aware of certain work that is being carried on. I can understand this. I think the public has to be warned.... the press as well, you never can tell but surely, this appears to me, because somebody in town here, in Whitehorse, happens to have a truck with a ...a radio station, with a coloured light, they have made an application so that the Ordinance can be changed to suit their purposes, I can't see that at all.

Mr. McMinion: Mr. Chairman, I should not speak on this, I won't be voting on this Bill because I do have some interest in it. Of course, this was a specific request made by colourful Radio RW, Radio Whitehorse, closer to the community, and the reason being, Mr. Chairman, that we did equip a new cruiser with a blue light that was capable of flashing in emergency situations which we felt that to get the news to the public

BILL #4

Mr. McKinnon continues . . . is an essential public service and get it to them as fast as possible. And it's standard that news cruisers in various jurisdictions are equipped with this type of flashing light and as the local constabulary told us that it was no where in the Ordinance where we were allowed to do this and that we would have to not use the lights and in fact it would be an awful lot better if we disconnected the blue flashing lights from being able to flash when we were out on a news story. Now these are only used in an area in exceptional circumstance where we want to be identified as a news vehicle going down to cover a news story. A very good example were the fires in the Marwell area where the police were stopping traffic and there were lines of traffic for probably, from the turn off of the Robert Service Road, down to where the actual fire was, and if we had of had the identification of being able to be seen by the police and waved down through the area we could have got news reports and television reports back to the public faster than we did because of the tie up in the traffic that we did get in. And I don't think, -I consider news gathering and of course the news presentation to the public as an essential public service and the faster we can get it to the public I think the better and if this aids us in doing this then I don't think this is an unreasonable request. I think it would be an unreasonable request for every person involved in heating repairs, or T.V. repairs or T.V. service calls to have this type of identification. You'll notice that we haven't asked directly for this type of special treatment on any of our television repair vehicles, even though we consider it is important to get to the public and get these problems fixed as fast as possible too, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I find that the, through my experiences, that the services of the CBC and the Whitehorse Star have also been excellent. They've got the news pretty quickly through to the people without having flashing vehicles. But I don't think there's a necessity for this, and I think that we would be setting a dangerous pattern, by having legislations specifically for that purpose. I would not support this section of the amendment, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I wonder if the Legal Adviser could tell us if the, how this is handled in other provinces.

Legal Adviser: We aren't aware of how this is handled in other provinces.

Mr. Livesey: Well, Mr. Chairman, I think there are three reasons why we should have this. One is that most of the news we're getting today is blue, it certainly isn't any other color, and the second reason I think to give the blue lights to the press is certainly good profit, the third reason Mr. Chairman, you know the old biblical "Let there be light, and there was light", but today these things sound reasonable, I wish . . . they are sound reasons Mr. Chairman, who could think of a better reason. I mean this is an obvious necessity, and once you get people just bubbling with mirth, trying to get this point across I think they should be helped in every way shape and form Mr. Chairman, and this is exactly what I was doing.

Mr. Chamberlist: Mr. Chairman, I would like to put this question to Mr. Legal Adviser. Mr. Legal Adviser, is there anything in the Legislation as it is now, that prohibits the use of a vehicle with a blue light. Which section?

Mr. Legal Adviser: The same section.

Mr. Chamberlist: Well, obviously leave it out.

Mr. Chairman: Councillor Chamberlist, will you take the Chair? BILL #4

Councillor Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I'd just like to comment on this and say I support the amendment as proposed here. I think that the press apart from anything else under emergency situations have a function to fill and I speak possibly more to involving civil defence that are involved in much of this work. The press is an important integral part of communications or an integral part of this whole function in life, because people must know what's going on because if they don't know what's going on often people can panic and cause traffic congestion and this type of thing, and if a press vehicle is indeed on such occasions almost classified as an emergency vehicle. Now I know outside in other jurisdictions in larger urban centres that press vehicles are equipped with lights, warning lights and they're readily identified as a vehicle heading on some, possibly emergency purpose and I really think that this is good. We have flashing lights on emergency vehicles and we have other areas as well where fire department, volunteer firemen, each have amber lights I just don't know, maybe Mr. Legal Adviser will look down the list of provincial, the way the provinces handle this or maybe not I don't know. But I really think it's a good thing because should you try to get somewhere in a hurry, you've got a tourist or two with campers trundling down the road and you've got to get by them, well that will indicate that you are a vehicle that has to get by them sort of thing. So I support the proposed amendment as it is written.

Mr. Dumas: Mr. Chairman, I see no reason why we shouldn't go along with the amendment. The only possible problem could arise if the privilege were abused by any member of the press if that were to happen, then some action should be taken to change the legislation at that time. I can see an advantage in as far as emergencies as the Honourable Member from Watson Lake has said, I've been involved, or I was years ago involved in reporting the forest fires that were coming close to Whitehorse to the local radio station. And that comes to mind as one of the instances where this type of thing could be of service to the community and to the people in giving them hour by hour, or even minute by minute news of any emergency situation. So I too will support the amendment.

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

Mr. Taylor takes Chair.

Mr. Chamberlist: Well I would like to have one thought commented on. The objection that I have to this is that there is a possibility, a very strong possibility that a resident is being . . . and I don't think that it is a function of, it's our responsibility to lean over in favor of anybody. Now there might be suggestions made and I like to hear that everybody's in favor of the press getting this because it might be afraid that with election year this year that somebody might say a dirty word about them. It doesn't apply to the Whitehorse Star they haven't got any transportation services with blue lights on top. But I have to look at it on the basis of whether or not somebody will be coming along next year and asking for an amendment to this Ordinance, whether I'll be here or not. Whether most of you will be here or not, it doesn't matter.

Mr. McKinnon: After this you won't be here.

Mr. Chamberlist: The point is, how do we go, if some other organization, or some other department comes in. If you bend down to it, then I can say we are a group of people that have been treated unfairly. This is why I do not agree with this, vehicles as such, yes, press is not an emergency vehicle I would

BILL #4

Mr. Chamberlist continues . . .  
like to ask Mr. Legal Adviser, this one question. Whether he knows any other part of Canada where there is legislation to this effect **which** permits perhaps special privileges for use of vehicles.

Mr. Legal Adviser: I'm not sure that all these places have the same problems as we do. A particular point that was made, that moved us into putting it into Legislation was that under certain circumstances, the press need equipment which has to be taken to the scene of whatever it is happening. This amendment is not intended in any way to allow a member of the press, going home for lunch or even going to a casual news story to switch on his blue lights and flash it through the town. It's a means of identification whether it's blockages or roads are closed up to the public so that he is easily identified, not alone by the police or other persons which are closing the road but by the members of the public who will not then say, why are you letting that car go through. It is necessary to identify them. They may have to bring their radio equipment or their T.V. equipment fairly close to the scene when everybody has to be kept away, so they can be identified as a vehicle in that regard. Now if no question if people make **representation** and say that we are in a separate category, we need some kind of identification, or identifying lights, then they can write in about it and they can ask and the Council at that time can discuss **whether** they come into that category. There is no particular reason why these should be taken on category A with the possibility that B.C. may.....

Mr. Shaw: Yes, Mr. Chairman, when approaching the average person, and I include myself as such, I'm travelling along the road and I see a flashing light I immediately slow right down, and I'm prepared to stop. I don't even it doesn't bother me if the color is red, blue, pink, or any other color, because there is something happening, an emergency or something such as that. Now, when we have a vehicle flashing blue lights, it's something serious something is important on it's way so you slow down. Now, I can understand whereby it may be necessary for the press vehicle to be identified, and possibly if it has equipment and needs to get close to the scene of whatever the action may be. I have no objections whatsoever for a blue light to be used to identify such a vehicle. That sounds reasonable to be quite frank. But, I am a little alarmed about the fact that if you allow use by a member of the press for news gathering purposes is extremely broad, and every person that is any type of reporter at all and some of them would have their car equipped with flashing blue lights and they can be using them at any time and that will cause a certain amount of disruption among the public. If for example, this light was used and they had regulations, as to its particular use, that would restrict it for bona fide purposes, I think that would be quite alright. I'd like to ask the Legal Adviser, Mr. Chairman at this time, would there be certain conditions under which they would be allowed to use this blue light.

Mr. Legal Adviser: Mr. Chairman, conditions would be imposed by the regulation. This section specifically says that in order to put them up for the first time you must have the authorization of the Registrar, and if you put them up yourself you are subject to various conditions laid down by the regulations.

Mr. Chamberlist: Well, Mr. Chairman, in view of that I'll have no objection because, in the other areas there are no regulations pertaining to this particular section. You see, Sir,

Mr. Chamberlist continues . . .  
this is a different proposition. Now we're going to have it in the Ordinance, and the vehicle with the blue light will be regulated. This is my understanding now. On that basis I will be pleased to go along with it.

Mr. Chairman: Just before, I'm wondering now the effect of the question of the insertion of one word here.

Mr. Legal Adviser: It means more than that, it means the page needs redoing, (a), (b), (c) and (d) are wrong.

Mr. Dumas: What word was Mr. Chairman wondering about.

Mr. Legal Adviser: There is no change in a word at all. It is just that should have been typed 4, 5, 6, & 7, instead of (a), (b), (c) and (d).

Mr. Chairman: It's a typographical error. Are you agreed to the section then? Are we clear.

Some members: Clear.

Mr. Chairman: Reads section 3 (p).

Mr. Chamberlist: There is a question that I would like to put to Mr. Legal Adviser. As I see this this is to give **under** section 155, the power to the municipality to either allow or disallow scooters and vehicles of that, ski-doo~~s~~ of that description. Now, I wonder if Mr. Legal Adviser could not say whether or not, this would tend to have two sets of rules pertaining to ski-doo~~s~~ and scooters, when in the municipality and in the Motor Vehicles Ordinance, if the municipality made a by-law with reference to ski-doo~~s~~ and the like and it conflicted with what has already been granted by the Motor Vehicle Ordinance, surely the municipality then hasn't the power to give it the right. For instance where there are, let's say an area such as Grey Mountain, although, which is in the city limits of Whitehorse, although the Motor Vehicle Ordinance removes the need for licensing the municipality can by by-law refuse to have those units being used in that area. This is not so? I would like an explanation then.

Mr. Legal Adviser: The fact involves an explanation in that we define vehicle in the earlier amendment as when it's not on the highway it doesn't include a ski-doo. The power we are giving to the municipality is to prohibit the use of any highway for any vehicle. So it has power to deal with ski-doo~~s~~ on the highway but it hasn't got power to deal with ski-doo~~s~~ off the highway. I wouldn't like it to be thought that the sole reason for the introduction of this amendment was merely to regulate ski-doo~~s~~. It is not. The city is lacking in the power to deal with heavy trucks passing through streets they don't want them to pass. It has power to regulate highways but it hasn't got the power to regulate the use of any highway by a vehicle or class of vehicle. So in a special circumstance of a very heavy vehicle they do have a change and they go down ordinary avenues or roads where they are not intended to go and destroy the highway with one trip. Now they need the power to have separate routes or specified routes for trailers going through or various types of traffic. They may not always use it, they may not always use it wisely but it's for the municipality to say in each case what road is for what class of vehicle. Now they often need a course for ski-doo~~s~~ because ski-doo~~s~~ can cause damage to certain types of road construction.

Mr. Chamberlist: That's right Mr. Chairman.

BILL #4

Mrs. Gordon: Mr. Chairman, before I ask Mr. Legal Adviser in relation to the outlying Communities that, is there power in this Ordinance for them to make particular application for certain types of this nature?

Mr. Legal Adviser: No, but the Commissioner has the power. And I would anticipate, that where a request was made in respect to a particular community we could make rules applicable to that community **at the wish of the community**, if the Commissioner was satisfied the rules applied to the community. And that's how this comes to be done in the first place, it's just paralleling within a municipality. The power already exists in the hand of the Commissioner in his capacity as head of local government in the Territory.

Mr. McKinnon: Mr. Chairman, I wonder if I might ask Mr. Legal Adviser why the powers are given to villages in local improvement districts, the same as it is to municipalities.

Mr. Shaw: Yes Mr. Chairman, this is a very necessary piece of legislation, particularly in the city of Dawson where you have these huge trucks, gross weight of almost 100,000 lbs. go rambling down the avenues, and the roads, the perma frost is only a few feet low and they're just squashing and breaking the water mains and the sewage lines and things like that. It is very necessary to keep them within certain restricted areas in the district and as we know highway is, verbally saying, the Queen's Highway and once you travel on it there are certain restrictions that must be laid when you come to vehicles that will do serious damage to the road and that's what's been happening in this municipality.

Mr. McKinnon: Mr. Chairman, at the last session of Council the administration was asked to find out the provincial prohibitions of the use of ski-doo's on public highways. I wonder if Mr. Legal Adviser has had a chance to just go through this and whether he has any reports for Committee.

Mr. Legal Adviser: I haven't any report at this time. But we have gained the information of the specific legislation report in each province. I think Mr. Taylor, the Registrar has all this information.

Mr. McKinnon: It seems to me, Mr. Chairman, that this power given to municipalities to regulate ski-doo's on the streets and lanes of the city, I think probably you'll find that at least in the municipality of Whitehorse that there will probably be a prohibition placed on the use of ski-doo's on streets and public lanes. Now I was wondering if maybe we shouldn't be looking towards the same type of Legislation on the Territorial Highways, because I think it's pretty well agreed across the country now that the use of motor toboggans on the public highway are dangerous and I think that perhaps you should be looking towards this type of legislation. I'd like to hear Mr. Legal Adviser's comments on this, if he is prepared to present such legislation to the next session of Council.

Mr. Legal Adviser: There's not much that can be presented in Legislation, but there is some difficulty in formulating a precise policy, and I think that this should be done by presenting a paper outside, and returned to the House so the House can give advice to the Commissioner as to what policy they would like to be followed in the Motor Vehicle Ordinance in relation to highways under the jurisdiction of the Commissioner.

Mr. Commissioner: Mr. Chairman, without prolonging this discussion on this matter, in the course of following up

Mr. Commissioner continues . . .  
the item that was brought to our attention at the last session, I personally perused the the special act that applies in the Province of Alberta, and I may say that this special act in itself is almost as comprehensive as our own Motor Vehicle Ordinance and this only applies to ski-doods. And there has got to be a very, very firm direction from the legislature here before we can even attempt to draft legislation because the policy that is involved in this thing well you could draft half a dozen legislative courses with regard to it, and certainly the courses that have been suggested by the Legal Adviser is the one that we would hope to follow. We would give the alternatives to Council and get their instruction as to what the policy is to be and then we can draft legislation for you, but I would warn Council right now that it is not going to be one face legislation, it is going to be very comprehensive no matter what direction Council wishes to go.

Mr. Chairman: Councillor Chamberlist will you take the Chair at this time.

Councillor Chamberlist takes the Chair.

Mr. Taylor: I just wonder, just in looking at this section, if we shouldn't extend the right of the municipalities to operating and regulating the use of these vehicles anywhere within the municipality, that is give them the right to control whether they can go out with ski-doods on a water reservoir, or whether they should have the right to control them on motor bikes for instance on foot paths, recreation of foot trails and bridges, on sidewalks, and this type of thing. Because indeed we already have a proposed municipality that is 708 square miles at Faro, and this takes in a pretty healthy chunk of the Yukon and if you're going to have a village down there, why not give the people the right to regulate all the areas and all the vehicles within that municipality.

Mr. Legal Adviser: Mr. Chairman, there's no difficulties in giving these powers to a municipality, but the proper place to do it is somewhere else. What we are attempting to do in this piece of legislation, is give certain powers to a municipality in relation to the highways within that municipality. If we want other things which don't apply to highways and other type of motor vehicles then it should come as a different type decision. But they would always have the power over the resevoir and everything else which is their property, to regulate and deal with it in anyway they like. This is highway power, and this is all that is considered at this particular time. A foot path would of course be a highway in the sense of the definitions in the Motor Vehicle Act.

Mr. Taylor: I will resume the chair.

Mr. Taylor takes chair.

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

Mr. Chamberlist: Mr. Chairman, I move that Bill #4 be moved out of Committee.

Mr. Legal Adviser: It is not an error but it has to be retyped.

Mr. Chairman: There is a typographical error.

Mr. Dumas: Can I move it out.

Mr. Chairman: Well you can if you want. I believe that you wish that we proceed by Bill #5, which is the budget and proceed

BILL #5 Mr. Chairman continues . . .  
with Bill #6.

Mr. Dumas: Mr. Chairman, I have the Territorial Treasury here with us, I wonder if we couldn't discuss one or two items in Bill #5 at this time.

BILL #6 Mr. Chairman: Well for the edification of Committee I thought in preparing the agenda for your consideration that we would proceed through the smaller Bills and pick up with the Budget after the Bills. This is Bill #6. (Reads Bill #6, (1),)

Mr. Legal Adviser: Mr. Chairman, this is a right which people in a trapping area holding a trapping licence already have the people involved in the guiding industry requested that they be given the same privilege. Now in fact of course, my advice would be that they have this privilege already as a matter of law. But they had some doubt about it, they needed reassurance and some of the operators operating guiding businesses are putting very substantial improvement on their land by way of cabins and the like and they feel could be taken away in case they're not in the guiding area, or should be taken away. This amendment does no harm, it gives them something they already have and it makes for reassurance that might appear here.

Mr. Livesey: Mr. Chairman, I have a question for the Legal Adviser, I wonder if Mr. Legal Adviser could inform Committee with respect to ownership, if a trapper does build a cabin on the surface of the land, that is not embodied in any of the earth structure or the ground beneath it, it's not on skids but it's still sitting on top of the surface of the ground, does he not already have the power to remove it even though the owner of the ground may be Her Majesty?

Mr. Legal Adviser: I would think so. If it's capable of being removed without more adieu he can move it.

Mr. Chamberlist: This just gives him extra power to move it that's all.

Mr. Dumas: Mr. Chairman, I move that Bill #6 be moved out of Committee without amendment.

Some Members: Agreed.

Mr. Livesey: I second the motion.

Mr. Chairman: It was moved by Councillor Dumas, seconded by Councillor Livesey, that Bill #6 be reported out of Committee without amendment. Are you agreed.

Some Members: Agreed.

MOTION CARRIED Mr. Chairman: To the contrary? I declare the motion carried. The next Bill would be Bill #7 is it your wish to proceed with that this morning? (Reads Bill #7 (1), (2), )

BILL #7 Mr. Dumas: Question. Mr. Chairman, the explanatory note says the Tax Ordinance will have the effect of increasing this ceiling to a figure of \$600,000, the Bill reads \$400,000. Could I have an explanation of that please?

Mr. Livesey: We already have \$200,000.

Mr. Commissioner: Mr. Chairman, we already have a Bill involving \$200,000.

Mr. Chairman: (Reads Bill #7 (3), a,b,c, (4), )



Mr. Shaw: Mr. Chairman, I move that Bill No. 7 be moved out of Committee without amendment.

BILL #7

Mr. Chamberlist: I second the motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 7 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary. I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: At this time we will stand Committee in recess until two o'clock this afternoon.

RECESS.

Mr. Chairman: At this time I will call Committee to order. Just before we proceed I would like to draw the attention of Committee to the fact that in dealing with Bill No. 6 there was a typographical error in the preamble not being complete. I have been informed by Mr. Clerk that this will be attended to prior to third reading. The next Bill for consideration is Bill No. 8, namely An Ordinance to Amend an Ordinance Respecting Credit Unions. (Reads Bill No. 8).

BILL #6

BILL #8

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser can give some explanation as to why this amendment has been brought forward?

Mr. Legal Adviser: Mr. Chairman, there is a Credit Union in Whitehorse, as Members are aware and they are in the habit of giving loans. Now, the limit of an unsecured loan under the Ordinance at present is \$100 and they find this quite unrealistic when dealing with every day matters. An average small loan is now above \$100 so they requested permission to give unsecured loans up to \$1000 instead and it would appear at first glance to be a reasonable request and it is up to them to make their own decision within a \$1000 framework.

Mr. Chamberlist: I wonder if Mr. Legal Adviser can explain, Mr. Chairman, as to why ....in this particular area at all.

Mr. Legal Adviser: The Credit Unions are a form of banks in reality, a form of self-help bank whereby people combine together to invest their money in a group, in what is a co-operative and utilize their money for lending to each other. It is a form of co-operative endeavour and just like the Co-Operatives Ordinance, comes under the control of Government this comes under the control of the Government too. We follow, in Credit Union legislation, the trans-Canada type of legislation. We go with it. I should say that this amendment has the sanction of the parent organization of credit unions throughout Canada.

Mr. Chairman: Anything further on this Bill?

Some Member: Clear.

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 8, An Ordinance to amend an Ordinance Respecting Credit Unions be passed out of Committee without amendment.

Mr. Dumas: I will second that Motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Dumas that Bill No. 8 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: I will now proceed to Bill No. 9, namely An Ordinance to Repeal an Ordinance for the Incorporation of Co-Operative Associations and to provide for their Regulations. (Reads Bill No. 9).

BILL #9

Mr. Legal Adviser: Mr. Chairman,.....you will recall that last Session we put in a complete, comprehensive new Co-Operatives Ordinance modelled on modern Canadian legislation and nothing old-fashioned, colonial-type legislation and it passed the House, but I forgot to put

BILL #9

Mr. Legal Adviser continues...  
in the section repealing the old Ordinance.

Mr. Livesey: Mr. Chairman, in order to assist the Legal Adviser with this problem I would move that Bill No. 9, An Ordinance to Repeal an Ordinance for the Incorporation of Co-Operative Associations and to Provide for their Regulations be moved out of Committee without amendment.

Mr. Chamberlist: I second the motion.

Mr. Chairman: It has been moved by Councillor Livesey, seconded by Councillor Chamberlist that Bill No. 9 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

BILL #10

Mr. Chairman: I will now proceed to Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to enter into and execute an agreement with the Government of Canada respecting Friendship Centres. (Reads Bill No. 10).

Mr. Chamberlist: One question, Mr. Chairman, I wonder if the Legal Adviser can indicate why in Section 2 the specific reference to the funds being granted for non-capital expenditures. When we discussed this at the last Session there was no description as to what the funds were to be used for yet in this Ordinance it says there is going to be restriction inasmuch as this would be, I take it, for operation and maintenance only and not for any capital expenditure. Can I have an explanation of why this was put in this way?

Mr. Legal Adviser: Mr. Chairman, with respect, I think that the understanding with Canada was for non-capital expenditures, in other words, for operating expenses. It wasn't for capital expenditure. This is the method of grants that Canada gives; it does not give capital expenditures grants, it gives operating expenses grants in order to enable ungoing programs to be carried out by what is in effect in this Territory the Skookum Jim Hall. I would recommend that if the Member has any difficulty about it to look up Votes and Proceedings with the relative debate.

Mr. Dumas: Mr. Chairman, I think the Government of Canada determines what these moneys can be used for and they have put these restrictions upon it. It was discussed before.

Mr. Chamberlist: If I recall....discussion regarding the physical needs that were needed at the Skookum Jim Hall at the time and that there was no money available for those physical needs. Now, as I recall it, Council had approved the Sessional Paper which had been brought forward on the understanding that there would be money available for some areas of Capital Expenditure that was needed. Where does the capital expense come from; what is the point of having moneys for operation and maintenance.

Mr. McKinnon: Mr. Chairman, as the Director of the Skookum Jim Friendship Centre I think I can clarify this reason that the Operation and Maintenance Money is needed and this Ordinance is needed and presently there is a great demand for both capital and operation and maintenance moneys to be able to keep the doors of the Skookum Jim Friendship Centre open. The moneys available with the Government of Canada up to a total of \$30,000, or \$15,000 from the Territory and \$15,000 from the Federal Government, there is a policy by

Mr. McKinnon continues...

BILL #10

the Secretary of State who handles this money that they can only be used for operation and maintenance. However, if these monies are available for the operation and maintenance part of the Budget of the Skookum Jim Friendship Centre it means those monies that are now needed for capital projects and indeed for operation and maintenance will be free to be used for capital projects, will make a rather nice balance in the Friendship Centre that there will be monies provided by the, for the operation and maintenance of the Friendship Centre under this Ordinance on a 50% recoverable up to \$30,000 from the Federal Government and that money is now being raised, and monies now being given to Friendship Centres out of Community Development Funds will be able to be used for capital projects.

Mr. Chamberlist: Mr. Chairman, now that the Commissioner is here maybe he can answer this; whether or not the monies that will be available as a result of the passing of this Ordinance will be available to other Friendship Centres other than that of the Skookum Jim Hall or does all the money that will be claimed will be for the Skookum Jim Hall specifically.

Mr. Commissioner: Mr. Chairman, the term "Friendship Centre" is in the plural and there is no intimation that this money will be only available for Skookum Jim and I may say that this money will not be made available to any Friendship Centre at the Commissioner's discretion or the Territorial Government's discretion; it will be based on the recommendations of the Committee which will include representations from Friendship Centres from the Federal Government and from the Territorial Government and it will be on the basis of their recommendations. that the money will be expended and there is also no indication that the full amount of \$30,000 will be used at any one particular time.

Mr. Chairman: I believe, in speaking from the Chair there was a question on the non-capital expenditures mentioned here. I am just wondering what comments Mr. Commissioner might have on this. It states that these are in respect of costs incurred by the Yukon Territory in the granting of funds towards the non-capital expenditures for Friendship Centres.

Mr. Commissioner: This is correct. In other words, are these moneys to be used for what we would term operating and maintenance costs-to permit them to conduct programs. None of this money is to be used for-we will say the erection of a new building or anything of this nature as to conduct programs or specifically the hiring of people such as ....liaison officers or something of this nature, people who would operate these centres, this is the terminology, non-capital expenditures.

Mr. Chamberlist: Mr. Chairman, if during the conducting of these programs the Friendship Centre requires certain pieces of equipment, could they not buy these, especially if they were perhaps replacement for existing pieces of equipment that had become obsolete, would this not also be under .....

Mr. Commissioner: Mr. Chairman, you are getting down to, you are getting down here to a pretty fine point but I would be of the opinion that the area here between capital and non-capital should be fairly easy to define. If the Friendship Centre is looking for a new building to replace an obsolete and worn-out building there is no question this is a capital expenditure. If they were looking for, we will say textbooks or library books, things in order to conduct the program with, I think that this would be looked upon as non-capital expenditures.

BILL #10

Mr. Livesey: Mr. Chairman would this . . . movement as suggested by Federal Legislation, this would be usable in other areas outside of Whitehorse, I would think so and I am wondering if just what do you do; rename your group or set up a different organization or society. Friendship Centers do not exist at the moment as such do they?

Mr. Commissioner: To the contrary Mr. Chairman, the one Friendship Centre that we have is well established in Whitehorse. An Indian Friendship Centre and it is properly constituted, I believe that the process of constituting more or less is going on right here in Dawson at the present time. I am not too familiar with what is going on elsewhere I haven't heard of any, but it would seem very peculiar to me if there isn't some move about to have them constituted elsewhere in the Territory as well.

Mr. Livesey: Yes but Mr. Chairman the point I am talking about is the fact that this Friendship Centre situation seems to be a new thing for the Yukon because it is in the Federal Legislation.

Mr. McKinnon: I have been on it since '61.

Mr. Livesey: Oh I know you have in this particular instance but in my understanding Mr. Chairman, was that the Skookum Jim Hall was not a Friendship Centre as such, in the past, it may be now, but it was Skookum Jim Hall, that is what it was as far as the average person understood. This Friendship Centre support, I believe is something new by the Federal Government, as such by name, this is what I am talking about. If it is well then it, I certainly don't understand how you can operate it if it is new, or how could it operate in the past. What I am getting at is, how can these funds be used in areas which have no designated Friendship Centre as such perse outside of the proposition we have in Whitehorse, such as we needs it, this type of support; how can we move into other areas then, just how will this be done. I would like to direct my question to the Commissioner.

Mr. Commissioner: Well Mr. Chairman there are no hidden mysteries or secrets about this at all. This is money that is available to the Secretary of State under Federal Legislation and they have similar agreements with at least two or possibly three of the Western provinces and the designation of a "Friendship Centre" is one that is part of the Federal Legislation and in order that there is no misunderstanding as to what this means I will see that copies of the Federal Legislation and the regulations under this are available to all Members of Council.

Mr. Livesey: Thank you Mr. Chairman.

Mr. Dumas: Mr. Chairman I would like to move Bill No. 10 out of Committee without amendments.

Mr. Chamberlist: Second the motion.

Mr. Chairman: It has been moved by Councillor Dumas seconded by Councillor Chamberlist that Bill No. 10 be reported out of Committee without amendments. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

SESSIONAL  
PAPER #4

Mr. Chairman: The next item of consideration today will be in motions and sessional papers, I believe Sessional Paper No. 4. Here is a reference for advise and under the heading of Nursing Care for the Aged and Infirmid. Would you proceed.

Mr. Dumas: Yes Mr. Chairman it is our old friend again, it has been three Council Sessions in a row, the recommendations of the paper are fairly clear. The rate out-lined in the table on page 2 in the 1970-71 fiscal year it is suggested that this be established and the daily rate for patients who are not of indigent status and who are resident in our Care Centres. I suggest that this is a fairly reasonable rate, it allows a maximum of about \$300 per month for nursing care for those we can afford to pay it, I suggest this is much more reasonable Mr. Chairman then the rates previously charged which went anywhere up to a \$1,000 per month, simply because somebody happened to have money in the bank at the time they reached the stage when they received nursing care. The total subsidy cost is laid out before us in this paper are not extreme, the suggestions for 70-71 is approximately \$3,285. Naturally these increase year by year and the suggestion for 1975-76 is \$27,000. At that time I think the revenue in the Territory will be such that we will find the subsidy to be a drop in the bucket. I suggest Mr. Chairman that Committee would be making a wise move if they were to adopt the recommendations of this paper in toto.

Mr. Chairman: Any further discussion on this subject?

Mr. Livesey: Yes I would like to say something Mr. Chairman. I think it is an excellent paper and I think the suggestions are very sound, very wise, I do believe that for - we are taking care of a hospital, people who are in hospital and we are looking after all other problems on a non-payment basis as far as hospitalization is concerned. With the age group and especially this certain type of classification, where you have a person that is merely, all they need is their food and clothing later on in life this is one problem, but where you have people that are infirm or cannot look after themselves, and cannot support themselves in anyway, shape or form, I would rather class these people Mr. Chairman in the Hospital Care type and I think you can't - you are talking about anything under Hospital Care today we all know, everyone of us, the cost for DMR is very high, no matter where you go these cost are high. I don't feel that it is right, that during the latter days of anyone's existence here, that they should be charged a price for hospitalization or even a part of that hospital rate, I think that it is far better that we should help them out in the system in the way in which it is suggested in Sessional Paper 4. So therefore Mr. Chairman I would agree with the suggestion made by the Council.

Mr. Chamberlist: Well Mr. Chairman I have no objection to the paper itself, but I cannot help but note under section 2, the section headed Special Care Beds and The Whitehorse General Hospital. The Whitehorse General Hospital appears not to want to worry about those people that need care and attention because they have gone into their twilight years and need care and attention. It has been my understanding that the Medical Officer has persistently requested from the next of kin the people who are in a very aged condition, to get these people out of hospital, although they are willing to pay for the attention that they are receiving there. I wonder Mr. Chairman whether Mr. Commissioner can indicate now what is going to be done about these people that need hospitalization, and need nursing all the time, without having to force them upon the families of people who cannot look after them because they haven't the facilities in their own home to look after them. It is suggested in one particular case that there would be a need for three nurses to be on duty with one woman, because she has to have insulin treatment, she is sometimes in a mental condition, as such she can pick up anything off the table and put it in her mouth and eat it, and yet the doctor has already said, a doctor from the hospital has already said she is not a terminal case and we can't keep her

Mr. Chamberlist continues: there because we haven't got the room. What is being done about these people? Certainly in the Dawson area, there is a place for these people to be taken care of, and I would want to know what the Territorial Administration is intending to do about these people who need care and attention in the Whitehorse area?

Mr. Commissioner: Mr. Chairman I think that you are all aware that the Whitehorse General Hospital, up until a period of a few months ago was in a very fortunate position of excess of beds over requirement and it has been in that position since the day it was built. In recent months this situation has changed and as a consequence the number of beds that are available to us for what would be termed nursing type care has either arrived at a static point or is about to be reduced and in answer to the Honourable Member's question I would say that there was little doubt that the provision of such facilities is going to be a problem that is going to be faced by Council here next year, and no doubt it is going to incur very heavy capital cost and possibly quite heavy O & M cost in order to provide this type of care. What the Honourable Member has said is absolutely correct and has been brought to my attention not only by Members of Council but by the authorities in the Whitehorse General Hospital, likewise by the families concerned and there is simply no way of avoiding coming to grips with the problem. We cannot expect either the Whitehorse General Hospital whose primary purpose is to provide medical care to undertake on a continuing basis nursing home care problems that are the responsibility of the community, and we are going to have to relieve them of this on an organized basis because the families of the people concerned are in many instances in no position to take care of the situation. What the Councillor has raised Mr. Chairman is absolutely accurate and correct. The problem is one that would have to be dealt with in the very near future, in the meantime I think that every thing within reason is being done by the medical staff of the hospital with the facilities that they have available to them. It may well be that the excess facilities that will be available to them in Dawson when the nursing care wing of the Senior Citizens Home is finished here may help to relieve the problem to a small degree. The minimal nursing type care that we can give them in the Senior Citizens Home in Whitehorse no doubt will have certain beneficial affects as well. But the case referred to by the Honourable Member can only be dealt with in an institution that is designed for that purpose, the need of it without doubt is coming very close, if it is not here already.

Mr. Chamberlist: Well Mr. Chairman I wonder if Mr. Commissioner can indicate whether or not he could use his good offices to see if the Medical Superintendent at the Whitehorse General Hospital will remove the pressure from the families, the families have been under considerable pressure now, by having them being called and written on occasion after occasion to take these people out of hospital. Why can't these people be left in hospital until such time as arrangements are made satisfactory to everybody concerned. Could we just get assurance on that basis because it is very harsh on the families if there is a pressure placed on them at this time, in their parents' life.

Mr. Commissioner: Well Mr. Chairman I hesitate to give that kind of assurance, I know that the Honourable Member is well aware of the fact that certainly I am prepared to speak, and I am sure that we will get all the co-operation that we can from the Superintendent, but at the same time the primary responsibility in the community is to see that the type of care that the Whitehorse General Hospital is generally designed to provide is the first call upon their facilities. It is all very well saying that families are being pressured in connection with this, this is accurate, this is true, nothing misstated at all by the Honourable Member, in this case, but at the same time other pressures are brought on the Medical Superintendent to see

Mr. Commissioner continues: that beds are available for those who require the type of Medical attention that is only available in the facilities the Whitehorse General Hospital has to offer. So we are caught between two irresistible forces here, and I am quite confident that the Medical Superintendent will continue to do the very best that he can to satisfy both of these needs, bearing in mind that he has a primary one that has preference over the other.

Mr. Dumas: Yes, Mr. Chairman the discussion on the Paper is. . . I would like to make a motion and I move, seconded by Councillor Livesey that the proposal outlined in Sessional Paper No. 4 be implimented immediately and made retroactive to apply from the beginning of the 1969-70 fiscal year.

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Livesey that the proposal outlined in the Sessional Paper No. 4 be implemented immediately and made retroactive so as to apply from the beginning of the 1969-70 fiscal year. Any discussion on the motion?

Mr. Chamberlist: I wonder Mr. Chairman whether Mr. Commissioner could indicate whether the, having retroactive type of situation like this would in any way interfere with payment of charges that have already been assumed and made in these particular areas.

Mr. Commissioner: Mr. Chairman subject to any correction that the Welfare Director would make, I believe that we have more or less had a more a moratorium on the rates for a commitment that I made to this Council, until this paper would be discussed and an agreement with the Council reached; I am quite confident that any problem that will arise as a consequence of this retroactivity here will be taken care of, I am quite confident that there is authority in the Financial Administration Ordinance to permit us this leaway as far as the public funds are concerned.

Mr. Shaw: Mr. Chairman I say the Commissioner is quite correct in his answer, I do believe that this matter is of some concern, it applies, I think it applies more to one person at this time, although it may apply to a few more which I am not aware of. However it was one . . . . case, I think that this rate is a reasonable rate. It costs the Territory more then that, but these people do have an amount of funds, but you are not taking huge sums of money from them, as it was in the first instance. Perhaps we should say that it should be reasonable, as reasonable as we can do it. I am very much in favour of the motion and the Paper; I might mention to the Honourable Member from the Whitehorse East that we are building a fine institution, a nursing home in Dawson City and if he has any overflow in his area I am sure there is room to have the worthy citizens from Whitehorse up here.

Mr. Chairman: Are you prepared for the question on the Motion ?  
Are you agreed? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Now prior to discussions relevant to the main estimate, we have - I would say that prior to discussions from the budget we have one further item before us and that is Motion #2. Moved by Councillor Chamberlist, seconded by Councillor Livesey and approved in Council that the context of Federal Bill C187 An Act Respecting Inland Waters be discussed in Committee of the Whole. Mr. Chamberlist will you proceed.

MOTION #2

Mr. Chamberlist: Well Mr. Chairman on February 16 of this year in the House of Commons first reading was given to what is know as Bill C187 and it is an act respecting Inland Water Resources both in the Yukon Territory and the Northwest Territories. The



## MOTION #2

Mr. Chamberlist continues: Commissioner's Office received copies of this Bill on March 6 of this year and they in turn forwarded to Members of Council with a covering letter asking for any comments to be sent to Mr. Naysmith of the Department of Indian Affairs and Northern Development., on the 11th of March. At first cursory glance at this Bill, there was just a few minor items that I had found objectionable and as a result of a call from the Chamber of Mines in Whitehorse, Councillor McKinnon and myself attended a meeting with them, with the Executive of the Chamber of Mines and there they pointed out further very significant areas of this bill which would be damaging to the Mining industry generally in the Yukon. I then proceeded to make a further study of this Bill and I find that almost in a dozen sections the damage to the Yukon would be so great that it would retard the development explorations of the mining industry in the Yukon if this was allowed to go through Parliament without the strongest protests from this Council. It would be at this time only proper to point out that in producing this Legislation the Federal Government, and I have received this information from the Commissioner, had not entered into any discussions with the Administration here, in the Yukon, nor had the Territorial Council been consulted as to its contents. Section 3 of the - of this Bill declares that the waters are vested in the Crown. Now this is the first that all the waters are vested in the Crown of Canada, now we already have the land vested in the Crown of Canada, and we have the water vested in the Crown of Canada. I would suggest at this particular time that Members of Council know that in about a week or ten days I will be bringing forward in another area, information in evidence that in fact the waters and the land of the Yukon should not be vested in the Crown of Canada because they have no jurisdiction, in my opinion, over this area at all. However as this Legislation is now, turn over to section 5, and this is a most amazing piece of Legislation that one could really think of. It reads as follows "With the approval of the Governor in Council, and subject with any agreement entered into pursuant to section 4 or 9 of the Canada Water Act, the Minister may, on behalf of the Government of Canada, enter into an agreement with any one or more provincial governments providing for the management, on a cooperative basis, of any waters situated partially within the Yukon Territory or the Northwest Territories and partially within the province or provinces or flowing between the Territory or Territories and the province or provinces." And we have no say whatever in that at all, the Government of Canada can say exactly what they want to do with our waters, no consultation with us at all, no decision as to whether they will consult with us at all. Now section 9, or section 8 is another area that I can't agree with "The Minister shall provide such officers and employees from within the public service of Canada and such professional and technical advisers as are necessary for the proper conduct of the business of the boards." That is the boards that are going to be set up, the boards consist of no less than three and no more than seven people, and not less than one appointed by the Commissioner of the Yukon Territory. So that if you have six areas in Federal Government that are connected with Fisheries, Energy, Transport Public Works, name them they can have one person from each department but only one person on the Board appointed by the Commissioner of the Yukon, we don't have anything else. Now what are the objects, the objects of the board are to provide for the conservation, development and utilization of the water resources of the Yukon Territory, but they do we don't have anything to say in this at all. And it is also interesting to say that it will deal with this in a manner that will provide the greatest benefits for all Canadians and for the residents of the Yukon Territory in particular, that is very thoughtful. Section 12, the areas of renewal for

Mr. Chamberlist continues: a licence have to go to Ottawa, nobody locally attends to this at all. Then you come to my area, that if you have a public hearing in front of the proposed board, that the board can adjourn and then sit at any place, where the board considers appropriate from time to time, from place to place, within Canada. The idea of that is quite clear, that they want to hold the board meetings in Ottawa, not in the Yukon Territory. Now section 20 "Except as provided in this Act, every decision or order of the board is final and conclusive." And then they very nicely give you the help that if you want to appeal, you can appeal to the Supreme Court of Canada; so the little placer operator who needs some water here, to run up into his sluice box, he has to make an application for his licence, and if his licence is refused he has to go to the appeal court, the Supreme Court of Canada to appeal. It really is something that we need to worry about. Then they go on to say that "The Exchequer Court of Canada has exclusive original jurisdiction to hear and determine every application for a writ of certiorari, prohibition or mandamus or for an injunction in relation to any decision or order of a board or any proceedings before a board." And yet they go on to say that the prerogative writs can not be grounds for refusing the limitations. The position of the board is not subject to review nor can it be restrained to remove or set aside by certiorari or prohibition or mandamus or injunction. What is wrong with this piece of Legislation and what Council must be really insistent upon is that we have something to say about our inland waters, if we don't do it and if we don't do it now and let the Federal Government do it you are going to be in the same situation with the mineral resources of the Yukon Territory, with the water as we are with the mineral resources of the Yukon Territory. I think that Members of Council have an opportunity now, before this Bill has been given final passage in the House of Commons to protest more strongly about the manner in which this piece of Legislation has been presented to Ottawa. I think that the important factor, what we have all been asking for and fighting for, for a long time is to have some say in those areas of Government that is really within our own jurisdiction, geographical area. I am holding myself back and not speaking about various other areas because as I intimated already I feel that they have no rights or power over our resources. Right now what we are trying to do is stop this particular Bill. I think that at a later date after I have given sufficient information to Members of Council, I am sure I will be supported in being able to go the Supreme Court of Canada and let Canada know, the Federal Government know that they have no sovereignty over the Yukon Territory and therefore they have no right to control our Minineral Resources and I would like to hear some thoughts about this particular Bill from Members of Council.

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

Mr. Chamberlist: Takes the Chair,

Mr. Taylor: Mr. Chairman just in reflection on this matter I relate back to this past year when the Federal Government was proposing the Canada Water Act, and water regulations or what ever it was. They came to the Yukon and they did indeed find time to sit down with Territorial Council, Members of this body and dicuss matters relative to the use of the environment. I think it was more related to land then anything else. But it involved pollution and environmental changes and damages. They took the time to come and talk to us. We sat down and I don't think we spent more then one-half an hour into the document and briefly pointed out, the document had just been shown to us a short time before, and they were quite satisfied, your right fellows we had better take this back to Ottawa and amend it, so it shows that consultation with the elected representatives of the Territory where not in vain. But here the situation

## MOTION #2

Mr. Taylor continues: which doesn't affect all of Canada, it affects the Northern part of Canada, north of the sixty, the Yukon and Northwest Territories respecting our waters and yet we have not been consulted, as the Honourable Member from the Whitehorse East has stated. I think that behind this is the matter of pollution, and this is a pretty important item, pollution these days, but I do think that people are going a little overboard on this thing. I know for instance that even now mining companies are having a tremendous amount of difficulty with the Health Department over a creek up in the mountain wanting to put in a mining camp, and I think that if the Health Department continue that they will be very successful in running out another enterprise, wishing to come and develop the Yukon Territory. This seems to be the trend these days. I see this as a product of the Civil Service which has become stronger than Government itself. I deplore the fact that we were not consulted and that even now that the Bill has been introduced into the House of Commons that we are still not being consulted. I would suggest that anyone involved in this most surely the Chambers of Mines, I would really hope that a hue and cry is raised in this matter and that it will be deferred until we have a chance to discuss it, to rationalize those areas, that we feel should be rationalized, and I think that we have an opportunity to consider, because this is cold turkey for us here. We received these in the mail not too long ago and we have no one to discuss the bill the bill with, we have no one to ask why they did this and why they did that, we have nothing. I feel, as the Member from Whitehorse East does, that before we ever permit this to become a fait accompli that we should raise a hue and cry and ask for sometime to sit down and consult with the authorities who drafted this Bill and created it before it is passed in Parliament in Ottawa.

Mr. Dumas: Mr. Chairman I am afraid I have a very uneasy feeling about this problem, it seems to me that the implications of Bill C-187 boggle the mind as to what might happen, when we consider the head waters of the Yukon are partially in BC the total Yukon River could be affected and all people living along its shores could be affected by this Bill. The head waters I believe of the Mackenzie River are in the Liard area lying partially in BC, partially in the Yukon. This complete water way could be affected by the results of this Bill, if the Federal Government and one of the provincial governments so choose. We were asked Mr. Chairman to pass legislation put forward to us from time to time by the Government of Ottawa and by the Administration here. We have been told over and over again over the last three years that we are making real headway so far as responsibly Government in the Yukon Territory is concerned and now we are confronted with Bill C-187 which already has been given first reading in the House of Commons in Ottawa. I hold our little hope that we are going to be able to reverse the trend of that Bill because we must remember that the Trudeau Government has given it first reading, there is little hope of setting the Bill aside at this time because it would be a loss of face, and I really don't think that they are concerned with the number of votes which we hold up here in the Yukon Territory. The far reaching and far ranging implications of that Bill Mr. Chairman might better be pointed out when we look at this brochure which was put out by an American Organization called "The Naapa" water for the next one hundred years, talks about American water and power alliance, a completely American Organization sanctioned by the American Government to some extent in so far as the Senate committee in the United States, came forward with something very much the same as the Naapa Program as a suggestion for North American Water, when they talk about North American Water they really mean Canadian water, and they particularly mean Yukon Water, and here the Naapa Program item (1) the Yukon, the head waters of the Yukon and . . . would be dammed to create a reservoir extending from the vicinity of Dawson

Mr. Dumas continues: Yukon Territory and from Cathedral Rapids, Alaska southeast into British Columbia, and eventually all the way down into the southern states. This type of thing could become a fact if the Government in Ottawa decided that it should be so, and if one or two Governments in the provinces decide it should be so. Under Bill C-187 we would have no say what so ever in a project such as this. International politics being what they are who knows what might happen if pressures were brought to bear by the Government in the United States on the Government of Canada, because we must remember that the United States has control on about 75 per cent of the Canadian economy and that is wielding a very big stick Mr. Chairman. All we can do is what we have been doing for many years in the Territory, we can raise a hue and cry, and we can wire the Prime Minister, we can wire the Members of Parliament, we can get a debate going, we can get some arguments and in the final analysis the Federal Government can have its own way. It just shows again Mr. Chairman the farcical conditions of the Legislative set up in the Yukon Territory. We were told very definitely by the Minister of Indian Affairs and Northern Development that anything like this would at least be discussed with the Legislative, we were told that very definitely two years ago just after he took office, we had no reason to doubt. We were very pleased indeed when the people discussing Land Regulations Units for both Territories came up and had a discussion with us and got our views, but here we have a Bill put forward that could affect all of the people of the Yukon, it could affect the whole Territory, not a thing was said to us before it was introduced to the House of Commons in Ottawa. This proposal the Naapa Proposal which many people, many influential people in the United States feel will become an actual fact, would in effect whipe out every major community in the Yukon Territory, we haven't even been talked to about it. Mr. Chairman I think we are getting another snow job, I don't know what we can do, as I say except start yelling and start the arguments going again, but the symbolic mail box that I suggested that we blow up a year and a half ago perhaps should become a real one. There may be a way that we can get ahold of an ear in Ottawa that will listen to us Mr. Chairman.

Mr. Shaw: Thank you Mr. Chairman, one thing I believe we must get straight first is this Naapa project, I believe the Government has very definitely stated or committed itself that it will not export Canada's water, so for a while it seems, the Government is the Government that is in power Mr. Chairman, and they have committed themselves not to export water. Now from time to time we have made every effort to get more control of the resources and other matters relating to the Yukon Territory, we have had very little success, we almost had within our grasp a few of the fish that are floating around in the lakes, we just about had the fish, just like the fishermen's story it was on the hook but it got off. But as far as water is concerned, the facts are, in my estimation and always have been, that the Federal Government is always maintaining that they had complete and sole rights to water, the same as they had to the minerals, and also the land in the Yukon Territory; it was only ours under certain conditions, but they have pretty well always been there the terms and conditions. Now I wonder, I haven't had the opportunity to study this Bill C-187 in its entirety, I looked at some of the sections, I only received it a little while ago, I wondered would the context of that Bill, what change it is going to make to the conditions that are already existing. I remember two years ago south of Whitehorse there was to be a big project there that they were going to divert the water and they were going to shoot that down into the State of Alaska, and there was going to be a huge power house there and so on, and as a result they sold certain property in the chain of lakes such as Marsh Lake and so on, and that is still held for that particular purpose. Now if they had the authority then to control and say this is what we are going to do with this water.

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Mr. Shaw continues: now we have a Bill that really states out how they are really going to take over, and they are going to decide exactly what is going to happen and the people of the Yukon have no say what so ever. Now in my estimation Mr. Chairman this has always been the condition. Now if this Bill comes, now it is before Parliament why is it there, did not they have that power before or did they find out that they didn't have that power before to utilize this water. I wonder what differences are in that Bill to the powers that already exist. I do know that under the mine laws the Commissioner has the power to give grants of water, so many inches for people who are mining, whether it is going to make any difference to that, whether a miner has to send to Ottawa for a little bit of water to wash his pay dirt and then the board has to sit on this. I wonder what actual changes that have been really made that are fundamental changes to what are at present in existence. I wonder if anybody can give me this answer, does the Commissioner know, what changes have been made, what differences it is making at the present moment. They have complete control of it in my estimation now they are just putting it down on paper.

Mr. Commissioner: Well Mr. Chairman I am not competent to answer that question, maybe Mr. Legal Adviser is.

Mr. McKinnon: Mr. Chairman as far as I can understand from my examination of the Bill up to now and this is what I am trying to put it in, as to the terms of how it is going to affect the individual trying to work a claim in the Yukon or the individual trying to use some water for any type of development in the Yukon and from the reading of the Bill that I take it and I certainly would like to be corrected by anybody knowledgeable enough to be able to direct me in this situation, that the terms of the Yukon Placer Mining Act are completely overridden by the terms of the Bill. There are water management sections set up and a person who now has water rights under the Yukon Placer Mining Act can continue those rights for a term of 90 days after the Bill comes into effect. He then, after these 90 days, has to apply before the board that is set up after the Bill to get water to be able to use water on his operations. This board is composed of six Federal Civil Servants from the Department at Ottawa and possibly one Yukon Member appointed by the Commissioner, he may appoint anybody he wants. So in actuality you can have seven Civil Servants and your placer miner goes before this body of Civil Servants and says; hey I got a little placer operation up Hunker and I want some water, and they in turn say; no there is not going to be this type of water usage in the Water Management Board and they say no you can't do it or yes you can do it. If they say no you can't do it this man has one recourse and that is to the Supreme Court of Canada, nobody else, not to the Territorial Court, not to a Magistrate, not to nobody else, from a board of Civil Servants to the Supreme Court of Canada, now in this event. Now if they say OK you have your little operation so go right ahead you can use the hydraulic, notwithstanding the board's approval. The Governor-in-Council can (1) tell the Board not to issue the licence; secondly if the board does issue the licence without the Governor-in-Council saying that they can't give the licence then the Governor-in-Council can turn around and make any fee that he sees fit on the water that the person uses. So there is another way they can get you, even if you go through these twenty steps and you finally get the water, then you can get a hundred dollars a gallon put on it by the Governor-in-Council, if they don't see fit that you should be able to use this water for this type of operation in this water area. Now there is the only one recourse from all this realm of red tape bureaucratic crap, that you go through, and that is to the Supreme Court of Canada. Now these are specifically detailed in this Bill and unless I am corrected

Mr. McKinnon continues: by someone who can read into the Bill a lot more than I have and that can tell me that I am wrong, that is specifically what is outlined in this Bill, that we had no say in, that we were not consulted on, that completely could tie up any source of development in any way shape or form what so every in the way of mining in the Yukon in perpetuity. That is the way I see it and I would certainly like to be corrected Mr. Chairman.

Mr. Taylor: I will now resume the Chair.

Mr. Shaw: Mr. Chairman I would like to get a little more information on this, for example the Yukon Placer Mining Act has been in operation now for just about 70 years with hardly any changes. It worked in an extremely able manner, and I think one of the reasons are that it was originally conceived by the miners themselves, in fact the Yukon Order of Pioneers had a great deal to do with getting that instituted. It has lasted, are we going to get to a stage where if a person wants to operate a dredge, that these characters in Ottawa, these six Civil Servants sit down... you are going to muddy the water, you cannot use that water? I wonder Mr. Chairman if the Commissioner could find out from Ottawa, I think he should be able to do that, we have instant communications now, that the Commissioner could ascertain from Ottawa Mr. Chairman what effect this Bill will have on the Yukon Placer Mining Act. That is the question I would like answered. And I wondered Mr. Chairman if the Commissioner could send that communication to Ottawa and find out. Could I have my question answered Mr. Chairman?

Mr. Commissioner: I am certainly quite prepared to direct any questions that Councillors have. The Act came to us over the signature of Mr. Naysmith who was in charge of the three man group that was here in connection with the with Land Regulations, he himself was unable to account for the two men who came and spoke to the Council. Mr. Naysmith can answer a question of this nature and I am sure that we will get answers back on this, so if you would simply word the question in a manner that is satisfactory to Members we will see that it is forwarded.

Mr. Dumas: Mr. Chairman just one point I don't have my file here on Bill C-187 and its affect on the Placer Mining Act but I believe that there are thirteen or seventeed sections of the Placer Mining Act that are completely illiminated when Bill C-187 comes into effect.

Mr. Chamberlist: Mr. Chairman in this Bill there is section 39 which is the transitionel section and it reads "Section 54 to 69 of the Yukon Placer Mining Act cease to be of any force or effect within a water management area upon the establishment of such area by the Governor-in-Council pursuant to paragraph (d) of section 26." Now what it actually does is this, it dispenses immediately with those areas of the Yukon Placer Mining Act and the Yukon Quartz Mining Act(section 121) which up to now has protected the mining industry. In this Bill if - and this was an example that was given to both Councillor McKinnon and myself by a very prominent geoligist, that if this geoligist is taking samples of water, he must declare to the board where he has taken these samples of water, so that it is letting it be known publicly where his company is interested in doing exploration. It would destroy the mining industry in as much as geoligists who are working on behalf of companies looking for minerals, would be declaring where they are looking. Now this is not proper either. I think the remarks of the Honourable Member from Whitehorse North made are quite sound we have not, again, been consulted in an area where we should have had consultations immediately from the beginning and this the Commissioner now has brought back to mind that Mr. Naysmith was indeed in charge of those group of people who came in and to

## MOTION #2

Mr. Chamberlist continues....

whom the Honourable Member from Watson Lake referred to. Obviously they went back and ignored the very things that we were discussing with them. They said to us that they would take back these recommendations. Now they took them back with them and dealt with them on land but at the same time we also made reference to waters as well and they said that they would add this on. Now, either they did pass it on or did not; if they did, I say that they were ignored because certainly no Member of this Council can recall ever having anything of this particular legislation discussed with them. The Commissioner has indicated that his administration has had nothing to do with discussions on inland waters.

Mr. Commissioner: Mr. Chairman, with respect, I do believe that the discussions with the group referred to, had with Members of Council were related to land, land regulations and I would like to assure Members of Council that the matters they brought to the group's attention and similar matters brought to the group's attention by other interested groups in the Territory have certainly been taken into account in Ottawa and that is the particular reason that as of, right up to this date these lands regulations which were promised practically six or seven months ago to be coming into effect, have not even been finalized as yet. Now, as far as the water situation that is before you now, I don't have the content of the covering letter that went out to Members of Council in connection with this but this is from the same group. I realize that it is at a different stage but this is the reason that this is here, to seek Council's comments with regard to the content of this and anything that Council could enumerate on a point by point basis certainly I would be only too happy to forward it to Mr. Naysmith and the group that brought this matter to our attention.

Mr. Chairman: I think, in light of the time, we will call a recess.

RECESS

Wednesday, April 1, 1970  
3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order. Have you anything further on the matter?

Mr. Chamberlist: I'd just like to itemize Mr. Chairman, by suggesting that we leave the discussion as is now, and that when we get back to Whitehorse we decide how in the best interests of what we are seeking to gain would be the manner in which we should get in touch with the Federal Government to deal with the situation.

MOTION #2

Mr. Chairman: The next matter for discussion then will be Bill #5. Mr. Clerk, would you have a spare copy of Bill #5? I will declare a brief recess.

BILL #5

RECESS

Mr. Chairman: Well at this time we'll call Committee back to order. We are discussing Bill #5 and I will proceed with the reading of the Bill. (Reads Bill #5 (1), (2), (3)) Schedule A, the breakdown will be found in your O & M breakdown book. Page 4&5. The first item is advertising \$150.00. Are you clear?

Some Members: Clear.

Mr. Chairman: Travel and Living expenses \$6,200. Are you clear?

Some Members: Clear.

Mr. Chamberlist: No, why have we got an item in here for a Financial Advisory Committee trip to Ottawa? I was just lost, for a couple of years there hasn't been any such trips to Ottawa. Are we going to put that in again?

Mr. Commissioner: Mr. Chairman, you have to make provision for these kind of things because from time to time there are travel requirements for Councillors and this is exactly what the money is used for. Mr. Chairman, I could go along the table here and indicate various trips that were taken by Councillors this last year, including a trip to Carcross by the Honourable Member who asked the question.

Mr. Chairman: Are we clear? Under Special Services \$36,900.

Mr. Commissioner: There's no problems at all to increase the budget, all we need is more funds in order to meet the bills.

Mr. Chairman: The next is Material and Supplies in the amount of \$11, 571. Might I ask, does this include the Staff wages?

Mr. MacKenzie: No, this is under personnel.

Mr. Chairman: Clear. Next is Utility Services \$340. Repairs and Maintenance \$200, Rentals of equipment \$368, This gives us a total appropriation of \$55,729. The next item is the Territorial Treasurer, Collector of Taxes, amounting to \$34,172. This is enumerated on page 9 & page 10, and 11. Advertising is \$500, travelling and living expenses \$3,000, Special Services \$2,800, order please: Materials and Supplies \$20,000, Utility Services \$1200, Repairs and Maintenance \$3,000, Rentals \$3,672. I would like to ask a question from the Chair at this point. How much consideration is still being given or is being given to computerization in this department?



BILL #5

Mr. MacKenzie - That is very much a great concern. Computerization would be applied into payroll, effective the 1st of April, 1970. As soon as we have digested that we then can move to other fields such as the appropriation accounting. Eventually we shall dispose of the NCR machine which we are renting now.

Mr. Chairman: A further question from the Chair. In the consideration of computerizing, will this extend into other areas of the administration as well, using the same equipment?

Mr. MacKenzie: As much as possible. Mind you, at the outset we propose to rent time, not to rent a machine or buy or install a machine. We propose to rent time and machine in Vancouver, and have the work done there. In due course we shall feel ourselves able to occupy a machine in Whitehorse. When that time comes we will install one, providing the maintenance facilities are there.

Mr. Chairman: Have you anything further on this item? This gives us a total appropriation of \$34,172. The next item is education, Book 3, page 14. The first item is Advertising, in the amount of - pardon me, Administration in the amount of \$81,429 as enumerated. Primary 60, Advertising, \$91,494, Travel and Living Expenses \$23,390. Clerk have you a spare copy of the O & M? Next is Primary 63, \$16,768. Primary 64, Materials and Supplies \$15,087. Primary 65 Utility Services \$6,566, Primary 68, Rentals, Leases \$1,884.

Mr. Chamberlist: Dictating equipment, four units for \$14,673; that is pretty expensive for dictating equipment. Who is supplying it?

Mr. Chairman: Page 19, Primary 68.

Mr. Chamberlist: Thirty-six dollars for rental on dictating machine?

Mr. Dumas: That would be twelve dollars a month for a machine.

Mr. Chairman: Clear? Primary 71. Miscellaneous staff upgrading \$16,240.

Mr. Chamberlist: I have something to say about this, Mr. Chairman. I hope Mr. Commissioner will take notice of it. Here is payment made to teachers, for them to go outside and have staff upgrading, yet the students who are educated here and go out to get further education outside, the Territorial Government is measly and niggardly and aren't even willing to pay them education after they have received their Bachelor of Arts to go on and get higher education. They refuse to pay it to them and when the people coming in here for one year, or to get upgrading as teachers for their second year, to give them more money; Mr. Commissioner is shaking his head but this is what is happening and it is plain to see. And the youngsters that get educated here and to get good professional training and come back here and be of some use to the Territory, they are refused additional funds.

Mr. Commissioner: Mr. Chairman, with respect, this is not correct at all. The only means that teachers on the staff of our education department have in getting educational leave is under the terms of the contract that is entered into between the Territorial Government and the Yukon Teachers' Association. That's the only way that this is available and there is a time during which they must teach in the Territory and there is a commitment concerning returning to the Territory; if not the costs that are involved become applicable for the teacher to return to the Territory. The staff situation that is referred to

Mr. Commissioner continues . . . here is the Civil Service staff of the Department of Education. It is a different situation here, there is no doubt some of this money is applicable under the Teacher's contract, but there is no such thing as a teacher coming here to teach for one year and then getting educational leave under the contract as we presently have with the Y.T.A., and as far as the whole secondary education programme is concerned the whole secondary education programme that we have for the students in Yukon schools irrespective of this inefficiency, Mr. Chairman, is still the finest of this kind for the students in North America. I realize that, and I am prepared to stand behind that.

Mr. Chairman: Total appropriation under this establishment \$81,429. The next item is under Schools Administration. Materials and Supplies \$2,691, School Curriculum Supplies \$239,852.

Mr. Chamberlist: I wonder, at this time, Mr. Chairman, if the Commissioner could indicate whether or not as we have already spoken about the subject, whether or not the administration intend to examine the educational programmes to see if any of them are obsolete. That we're not using money in areas where we could use the money elsewhere.

Mr. Commissioner: Mr. Chairman, if the Honourable Member would allow me to answer the question by using the word ALL Territorial Government programmes instead of just using the word education the answer is yes. Unless we examine all these programmes and examine every last one of them very carefully, we're rapidly running out of bodies and money to continue to propogate many of these programmes. I pass no judgement as to whether or not we are going to find many programmes that Council in their wisdom will want us to do away with. But I want to assure Council that before another budget is promulgated before this Council that every programme of the Territorial Government has got to be examined and very very closely and Council has got to indicate very clearly if they wish these programmes continued and they are going to have to judge each and every one of them on practically an individual basis.

Mr. Livesey: I'd like to direct a question to Mr. Commissioner. Now in relation to this particular page that we're working on right now in regard to curriculum changes in books \$25,000, what has been done in the thinking of the Territorial Administration towards an examination of the curriculum that we have right now to a point where we are going to consider a Yukon Curriculum rather than a B.C. curriculum and I'm thinking of this trend rather than a complete change.

Mr. Commissioner: Mr. Chairman, there's a considerable amount of work being done on this at the present time, and I want to warn our Members that we have to be very cautious in this because we not only have to bring about curriculum changes that are going to be applicable in areas where we have a considerable number of native population going to the schools we have to adapt a curriculum to the needs of these people but we have to make certain that we don't adapt a curriculum throughout the school system that is going to be unacceptable for entry purpose into full secondary educational institutions. This is a very, very, thin line that can be very easily deviated from.

Mr. Chairman: School Custodial Supplies \$36,169. Next is Sport and Recreational materials and supplies \$6,775. Schools library supplies \$7,472. The next is schools service \$608,306.

Mr. Chamberlist: Mr. Chairman, I wonder if any instructions have been given out, perhaps Mr. Commissioner could answer, that the outside floodlights of the F.H. Collins school could be

BILL #5

Mr. Chamberlist continues....  
turned off during the summertime?

Mr. Chairman: These school bus contracts, are they out on an annual basis or on a two or three year basis?

Mr. Commissioner: No, I would affirm that, as per Council's wish, they are out on an annual basis. Now, I believe that there is only one contract in the Territory that is not on that basis and I believe it terminates in June of this year and that is the one I believe at Teslin.

Mr. Chamberlist: There is an area here with provisions for leasing a radio-telephone in emergency cases on buses? Are these buses on the contract and if they are, why should the bus people not be supplying them?

Mr. Commissioner: Mr. Chairman, this was definitely considered but as we do not require them on all buses we consider all that we are doing was complicating the contract and this was probably a much more practical way of servicing in the areas where it is needed. In Councillor Gordon's riding I believe we have the bus equipped, the one that travels between Elsa and Mayo, and I believe in the particular area between Jakes Corner and Carcross. I believe this type of equipment is available.

Mrs. Gordon: Mr. Chairman, to enlighten the Commissioner a little on the situation, it was voted that it be put in but as far as I can ascertain at this point in time there are no radios in.... and they put in one auxiliary heater. It was an auxiliary heater to provide heat in the event the bus was not running but the heat in the bus when it was travelling is not adequate. The kids come down wrapped in all their clothes and sleeping robes besides. We are fortunate we had a very mild winter.

Mr. Chairman: Are you clear? The next is item on Student Accommodations, Territorial at Tagish House, \$15,465. Student accommodation, Private, \$55,560.

Mr. Livesey: Mr. Chairman, before we pass the student accommodation situation I wonder if Mr. Commissioner, at this particular point in time, could inform me whether we do have something to our benefit that he could tell us about the north Alaska Highway between Whitehorse and the Alaska border at Mile 1221, whereby we are considering an advance towards higher education for the school children in this particular area where at the moment they have little if any of this type of education, which also takes into consideration the possible buildings that are now available at the Farm now that this has been practically abandoned. I wonder if the Commissioner could give the Committee any information on any thinking along this line?

Mr. Commissioner: Mr. Chairman, the Superintendent of Education informs me that he has been in contact with the current bodies, or the Advisory Committee in Haines Junction in this connection and I do believe that there have been representations made from other areas on the Alaska Highway north. In the first instance there would have to be a firm indication from all the people on the Highway north that this is indeed what their desires are. Secondly, they have to decide upon a central point and then there has to be some understanding which would have to come before this Council for their consideration as to what student numbers are going to be looked upon by Council as being the minimum requirement for establishing these higher brigs. This is going to be a very costly exercise, Mr. Chairman and as desirable as it might be, it is going to be a decision of this Council as to whether or not they are prepared to make the funds available for such a programme.

Mr. Livesey: Mr. Chairman, could the Commissioner inform Committee whether or not the Administration has done anything towards communicating with the Federal Government in regard to the buildings that are, without knowing any of the technical details, apparently available at the Farm site, whereby costs of building new buildings that we talked about could perhaps be eliminated by using some of the buildings that the Farm now has, where the costs have already been spent by another Federal Government Department?

Mr. Commissioner: Mr. Chairman, I am committed to answer that on our return to Whitehorse. I believe this was a question that was answered by Councillor Dumas this morning. The indications that I gave you this morning must stand at this time, Mr. Chairman.

Mr. Chairman: Are we clear? The next item is Handicapped and or retarded Childre, \$10,522. Secondary Training appears to be \$12,476, as enumerated.

Mrs. Gordon: Mr. Chairman, could somebody indicate why there is a drop in the number of students making application, from previous years?

Mr. McKinnon: We are just given a certain amount of money and we set certain priorities in the Budget. With all the students now, with the increase in population, that are going to receive full grants and bursaries, it would amount, I think, to something like 180, going on close to that kind of figure and we just said we believe everybody should get the grant and the bursaries. There should be a criteria on the marks that a person has while he gets to University, as long as he remains with his year, every year he gets the \$500 grant from the Territorial Government and if he maintains a B+ average, which is not that great in University and not that difficult to attain, then he is also eligible for a further \$500 a year from the Territorial Government. It is just a simple matter of a B+ average, I believe, which is not that great or difficult. It just makes a person give a little application and do a little work to make sure he will be eligible for a bursary the following year when he is at University because there is just not that much money to give a universal grant and bursary to everybody - who has a passing grade.

Mr. Chamberlist: Yes, Mr. Chairman, this may be and may have some strength as to what has been said by the Honourable Member but where is it right to remove the transportation passage, the fare from students who are being educated outside, just because they have passed the age of 21 or have their first degree, they are still attending University, they are still students. Somebody better go and tell the Superintendent of Education, who is refusing to pay the students this money.

Mr. McKinnon: Well, they better, because under Primary 72 it says...

M. Chamberlist: Well, this is what they are doing. They are refusing to pay it. They have sent it back to three or four students that have come to me but I tried to raise this every time and you go to the Superintendent of Schools and he gives you some gobbledegoog; why he is better than the Commissioner in suggesting how we can get around this particular subject.

Mr. Dumas: Mr. Chairman, The grants for those who go past the fourth year are not there, it has nothing to do whether you are 21 or over. If you are over 21 and in your third year of university you get your transportation, \$166 requirement but after the fourth year, which is the normal year in which you receive a degree, B.A., there are no more grants. This is a privilege, this is something that is an incentive for students from Yukon to go to university

BILL #5

Mr. Dumas continues . . .

The Territory helps out and I think that is great. But to try and carry this on ad infinitum as long as they want to go through University, and some students go to University for 15 or 20 years. And all validly so, picking up various Ph.ds and Masters Degrees etc. ect. and there has to be a cut off line, there has to be some division line between the, a balance between the monies that are available and the people we want to help. Certainly the people we want to help are the people that are starting out in University and this is exactly what's happening for the first 4 years they get assistance. After that they're in a position, one certainly where they can have a good income during summer months because they've had four summers in which to train to be survey rs etc., two they can get teaching grants at University if they qualify, three, they know the ropes well enough to get part time jobs at University and still carry on their studies. So I think that's a programme I've laid out now, it's a fine balance between what we can afford and what's desirable, Mr. Chairman.

Mr. Chamberlist: Well, I don't think, I think that a student that receives his education in the Yukon Territory and goes outside for higher education, and is successful in receiving his higher education, should not be deprived of every benefit that the people of the Yukon are prepared to give to them. Now, as I say, if they withdrew their, if the \$500 which is withdrawn, this is fine and dandy, but to refuse even to pay their fares in and out, now I think that's something worse, and when I see that at every opportunity that's available the teachers are allowed to enter into contracts to receive payment for fares out who will only be here a few years and then go out to another jurisdiction to teach. But our own children who are coming back to the Yukon mostly they are deprived of our \$166 which is a measly matter I think. I think we are dealing in an absolutely improper manner by refusing to pay the fares of our youngsters. After all they're our greatest resource everyone of us has said that. And yet we're not prepared to gamble with a few hundred dollars to our new resource, and it's wrong.

Mr. Dumas: Mr. Chairman, I just want to correct a couple of statements that the Honourable Member made that are absolutely wrong. One, less than 30% of Yukon students who graduate from University, come back to the Yukon. Two, to tie in the teacher improvement programme with this is utterly ridiculous because it is the Territorial Government who required the teachers to take an improvement course. They have to within five years, every five years they have to take an improvement course or else they're frozen at the salary that they're at at that time. So we're forcing them to take the course, we say, we'll pay for you because it's going to benefit the students of the Yukon. There's no way you can tie that in with this programme. Third, most students in most provinces pay their own way all the way. What we're doing is giving an added benefit, and if a student, after his fourth year at University can't afford to pay \$166 return to University and back then he better quit University and go out and earn some money.

Mr. Chamberlist: Well, Mr. Chairman, when we deal with children that are in Provinces they have universities within their own Province. But we haven't got a University within the Territory so they have to go out to get education, and the reason, Mr. Chairman, why only 10% or 20% or the students don't come back here is because they realize how cheap the Territorial Government is.....

Mr. McKinnon: Mr. Chairman, I've heard this argument every council session, I think, for the six years I've been a member of Council and I still maintain and I want someone to correct

Mr. McKinnon continues....

me, and I want someone knowledgeable to correct me, that the Yukon Territory and the Northwest Territories provide the finest, post secondary school educational grant and bursary system in the whole North American continent, bar none and that is a fact! I went to University, and I'm still paying \$40 a month on a student loan plan because there was nothing available for me from the Government of the province that I came from or the Yukon Territory. And after I had donated three years of my time to the Government of the Yukon Territory and had an average to qualify me for a grant or a scholarship in the province that I came from, because I said I was a Yukoner and damn proud of it, I couldn't qualify for a grant or a bursary in Manitoba, and because I wasn't a graduate of a Yukon school, although I put in a term with Council and implemented this grant and bursary programme, I couldn't qualify for a grant or bursary, under the Yukon system and I paid my own way, and I'm darn proud of it. And you tell me that in a post graduate training that a person can't find a job can't keep at his graduate studies, can't correct exam papers and can't pay his own way, then Mister, there is something wrong with the student and nothing wrong with the programme of scholarships and bursaries that this government provides, which I say again is the finest on the North American continent.

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Mr. Chamberlist: Mr. Chairman, it appears that the Honourable Member from Whitehorse North has worked himself up into a lather, simply because he didn't have the fortune to continue his education in the Yukon, if there was a University here of course he wouldn't have had to worry about it, and I hope the day will come along when we have got a University here. But, and I'm not arguing against the point that the programme itself is not fair, I say that it stops too early. And certainly there are some people that can afford to have their children educated. I think there is a responsibility upon the Territorial Government of providing students who are completing their education outside, and come back here and give the Yukon their benefits that they have learned, and I am sure that many students will do that. My concern is not for, as I say for those that can afford to continue with their education but it is, there are occasion where there are some people that cannot afford it, and I think there should be some flexibility where there is a case of where there is a student not being able to afford the fare money to come back in they should be given consideration and there should be somewhere or other in the Committee sufficient area where they can come and appeal to the Committee for distributing these funds. This is what I think should be done.

Mr. Dumas: Mr. Chairman, this is a matter of interest. Could the Honourable Member give us an example of a student who is by virtue of the fact that he has already graduated, at least 21 or 22 years old, who can't afford to pay his way back and forth.

Mr. Chamberlist: I'm prepared to give the circumstances where there is one student, he is now just about 22, he has a sister of 16 and a brother of 11 with a widowed mother who has to go out to work to supply the extra money to complete his education. This is the particular instance that I was thinking about, and I was thinking about the same with the particular case I was speaking about the last time. But you see the Committee's terms of reference are so narrowed that they don't leave any room for the Committee to decide, and be flexible enough to say, okay in this particular instance I think that it warrants at least the fare money should be given him, and this is what I ask for, that consideration be given in that particular area. Now, up in Dawson City, another 350 miles North of Whitehorse, and unfortunately we only think of terms of transportation between Whitehorse and Vancouver, or Whitehorse and Edmonton, but there might be instances of where they're to return to the parents the extra

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Mr. Chamberlist continues...  
travelling expenses between Whitehorse and Dawson, and this is why the Committee which is distributing the funds should have sufficient flexibility to make the extra money available to a student who has to go back to the Dawson area, or Beaver Creek. I don't think I'm being unreasonable in not recognizing the fact that, certainly we have limited funds, but there should be in the Committee terms of reference that will allow them to expend some of these funds. This is the reference that I am making.

Mr. Shaw: Mr. Chairman, I think that the whole object of this is to assure that the residents of the Yukon, the students, have at least an opportunity the same as the person in the provinces has, living close to a university. At the same time we have, the Yukon people, I would say, have a much, much better opportunity and better break than say the people of Fort St. John and areas such as that. However this same subject Mr. Chairma, has come up with exactly the same questions, exactly the same answers by the same Members in the last number of years at this spring session. The actors are becoming more proficient each time. I would like to ask a question, Mr. Chairman, as sometimes happens in communities, rumours run around and run around and one rumour got to my ears and I would like the assurance of the Commissioner, why, insofar as respecting Grades eleven and twelve in the Dawson High School - I have had the assurance that it is government policy that providing there are sufficient children attending these grades, these grades would continue to be taught and I would like to ask the Commissioner if that policy is still in effect as it now is?

Mr. Commissioner: I think the answer is in the affirmative, Mr. Chairman. As long as there is a sufficient and reasonable number of students available to present themselves for these two higher grades, there is no policy to change what our present and past practice has been. I think the Committee must understand that if only one or two children present themselves for grade twelve it is just an impossible and impractical situation to give them the depth of instruction that they are entitled to and at that point it would become an impractical and impossible situation. That is another set of rules altogether.

Mr. Chairman: Are we clear on full secondary training?

All: Clear.

Mr. Chairman: The next item is Yukon Federation of Home and School Association \$530. The next is Kindergarten, \$10,721. Clear?

Mr. Chamberlist: Under Primary 78, there is \$1 set aside, grants to enable the payment of a grant to the Kindergartens operating under the Societies Ordinance. Is there any possibility that this might be changed? There is an Establishment 70, under Grants, has this notation \$1 to enable the payment of grants should the Kindergartens now operating under the Societies Ordinance as approved in Supplementary Estimates No. 3, 1968 and 1969. Now, what is the purpose of that being in there? It has been in there for a few years now.

Mr. Commissioner: I think it is very obvious what it is in there for. We are seeking authority to make payment to them should this particular circumstance arrive.

Mr. Chamberlist: Is there any possibility that it will arrive?

Mr. Commissioner: We can't tell, the Territory is large and diverse and new communities are springing up and old ones deteriorating and circumstances change.

Mr. Chamberlist: Well, I'm not satisfied, Mr. Chairman, because

Mr. Chamberlist continues...

there must be a reason that this is in there. I think the explanation is not very good that the Commissioner has given. At least I'm not satisfied with it; it does not tell me anything.

Mr. Commissioner: Well, Mr. Chairman, it depends on the detail with which the Councillor wishes to have an answer. If it is simply a contingency situation and if we are to be given authority, this is the means of getting it. We don't have a legislative authority. We have to seek the authority as a budgetary. And this is precisely what it is all about.

Mr. Livesey: We could probably explain it to the Honourable Member from Whitehorse East that it is probably the unique opportunity to supply another Supplementary Estimate.

Mr. Chairman: Next is Special Students Events Education \$5,700. Next is Recreation and Amateur Sports, \$71,421.

Mr. Chamberlist: I take this, Mr. Chairman, that Mr. Thorsen's department is now under the Department of Education. Will we be able to have break-downs this year in the proper form; not what was given to us last year in lump sums without any items showing what they were used for. I asked for them in previous years and all I got were lump sum break-downs, not itemized breakdowns so that you can't find out where this money went. I would like to know where this money was spent.

Mr. Commissioner: Mr. Chairman, I agree with the question the Councillor has raised. I was far from satisfied myself with the document that was brought forward for me to give to Council and the only thing that I would ask with regard to this is that Council would permit us to get the present fiscal year completed and then compile the details.

Mr. Livesey: Mr. Chairman, I wonder if I could ask Mr. Commissioner how these questions, matters of necessity, arise; are they compiled by....amount compound? That to me in relation to anything beyond capital ..this is obviously the operation and maintenance, or is that other than capital, as far as recreational analysis is concerned. That was, I imagine, including transportation for school students, and I wonder if he could tell Committee, just how these figures are arrived at?

Mr. McKinnon: Mr. Chairman, I am aware of how the Department works and they are well defined regulations under the Federal Amateur Sports Ordinance which we signed with the Federal Government, much along the lines of the Friendship Centre Ordinance which was discussed in Committee and the are under well defined programmes which can only be used in things like coaching clinics and things like travel expenses. It cannot be used for capital grant projects, it is money shared with the Federal Government under the Amateur Sports Programme. The procedure is that every known club, organization, community club, clubs under the Society Ordinance, are all sent out, every year a mimeographed form saying that you may be eligible for grants under the Fitness and Amateur Sports Programme, and would you please fill in your request and return it to the Department of Recreation in Whitehorse. These are then processed by a Committee known as the Advisory Committee on Amateur Sports which is composed of members from all seven electoral districts and I think three Members at large. The majority of these Members being from outside the Whitehorse area. Then they sit down and disperse the money in a manner of priority that they see fit and these monies are then distributed to the various clubs and organizations that have made application for these grants. The only thing that may be lacking is not as complete a detailed list of every club and organization imaginable. I've gone over



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Mr. McKinnon continues . . . the lists of clubs and community clubs that we know to be available and I find it extremely comprehensive and if members think that certain organizations in their area are not on it I would suggest that they forward these names to the Director of Recreation so that they will get their forms out and be able to make application for grants under the Fitness and Amateur Sport Act.

Mr. Livesey: Yes, Mr. Chairman, I would like to thank the Honourable Member for his reply, however there is still another point in my question which wasn't answered I don't think. As far as the schools are concerned it is the principal that lays down the, or attends to the requests especially in rural areas and sends it into the Department of Recreation but just where does the request for a school come from?

Mr. McKinnon: We're completely different, Mr. Chairman, and they work right through to the Superintendent of Education. There is a separate grant for capital items for recreation under the educational budget that we've already gone through the finery. As far as I understand it's a simple request from the principal for this equipment and the equipment is forwarded. There is a certain amount allotted for each school in the Territory each year and in talking to principals throughout the Territory, they told me they have had no problems in requesting athletic equipment from the Superintendent and this equipment will be made available.

Mr. Livesey: Mr. Chairman, how about these sections which arise out of this particular vote which are not capital but O & M?

Mr. Commissioner: Mr. Chairman, I think that the Councillor, in posing a question here, which is part of the total educational system or method of operation. Now, as far as the schools are concerned, the issue of all supplies to the schools is on a standard issue basis, in other words a two room school qualifies for certain items of equipment, not only athletic but also teaching-wise, a four room school and so on down the line. Now, if the Honourable Member has some specific item that has been brought to his attention that is not being made available then one school or one area that is being made available under certain circumstances elsewhere, then I think we can answer the question or we will do our best to answer it. The generalized answer to it and the generalized question is based on standard issue as far as equipment is concerned and as far as O & M is concerned the necessary O & M money to my knowledge are made available so that the equipment can be used. I'm not aware of any restrictiveness that has been placed in the education vote in this matter. Now those items that come under fitness and amateur sports Councillor McKinnon I think has explained in detail how this money is dealt with. There is no discretionary power left in the hands of the administration at all, it is done through the Committee who pass a judgment on these matters.

Mr. Livesey: Yes, Mr. Chairman, but, the question I'm trying to ask, let's take transportation. We'll say at Destruction Bay who wants to get into a baseball game or something with the students from Carmacks or they want to go to Whitehorse, now who originates the request in this aspect of the budget, the O & M under this vote, which has nothing to do with capital who originates it? Is this the Principal of the school or just where does it come from, in relation to the school?

Mr. Commissioner: Mr. Chairman, if it is a school team, school children that is connected with the school programme it originates with the school principal. If it is a community programme under fitness and amateur sports it originates with the organization that sponsors it.

Mr. Chairman: I have two questions from the Chair. First of all I'd like to ask a question of Mr. Treasurer. Is this not a partially recoverable item?

Mr. MacKenzie: Yes, up to a total of . . . I forget what it is.

Mr. Commissioner: With a ceiling overture Mr. Chairman.

Mr. Chairman: My second question would be, is there anyone in the administration who could give me information as to the relative positions in the dispensing of money, between how much goes out, per centage wise to adult programmes and how much goes out to Youth programmes? In other words where does the larger portion of this money go, to Youth programmes or to Adult Programmes.

Mr. MacKenzie: Mostly Youth.

Mr. McKinnon: Mr. Chairman, it does go to youth programmes because the majority of the money can only be used under **stringent** terms laid down by the Federal Government and this is in coaching clinics and bringing people in from areas to attend coaching clinics and transportation and transportation is given primarily and in priority to juvenile teams. There's very little that an adult can benefit from the terms of Fitness and Amateur Sport and if you know the way the Fitness and Amateur Sport works in Canada, everything is geared toward the younger competitor and to the young athlete and the older competitors and athletes are being thrown out completely from the funds that are being made available. For instances the first Canadian Winter Games were open competition, the second Saskatoon Winter Games will be entirely, I think there is only one or two open categories and all the rest will be junior categories done for young athletes involved, so the majority of the money does go to the younger people.

Mr. Chairman: Well, possibly when we get that break down we can determine. Anything further on Recreation and Amateur Sport? Next is Administration Vocational and Apprentice \$9,120. The next is the Yukon Vocational and Technical Training Centre including dormitory, \$356,397.

Mr. Chamberlist: I would like to ask a specific question, that I wonder if Mr. Commissioner could answer. I note that when we're dealing with the Department of Education and you have a **minor expenditure** for Assistant Superintendents, you have there 12¢ a mile. Now, in this vote here we have 3,000 miles at 17¢ a mile, boarding, 20 days at \$25 a day and in the Department of Education we 20 days at \$30 a day. Now, who's setting the policy for this? Is it the Department Heads that set the amount of money that would be paid to an individual for using their vehicle or using, or their board and lodgings for the day, or is it going to be just the administration setting a set figure for everybody?

Mr. Commissioner: Mr. Chairman, it is done by regulation. The Councillor's have copies of this regulation, and it is fixed and it is only those fixed rates which the Treasurer will permit payment under. It is fixed by regulation.

Mr. Chamberlist: That isn't the point that I'm making. The point that I'm making is why, when we are given an operation and maintenance budget here, on the same day that we're going through it we're going through different votes. One vote is 12¢ a mile another vote is 17¢ a mile. One vote is \$30 a day, and another vote is \$20 a day. Surely we must have some uniformity in the Public Service in conducting themselves in their charges.

Mr. Commissioner: Mr. Chairman, if the Honourable Member would

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Mr. Commissioner continues . . .  
 be kind enough to simply read the item as a total of transportation as voted as X number of dollars and room and lodging voted as X number of dollars, and refer to his regulations under the terms and conditions under which it will be paid. This is the accurate manner in which it is done. The compilation of the estimates is done in the various departments and there is no question at all that this is where the differentials creep in. But as far as I know where payment is concerned the Treasurer will confirm it. The amounts that are involved are in the regulation.

Mr. Shaw: Mr. Chairman, the question hasn't been clearly answered, I think the 12¢ a mile is when you're using a government vehicle and 17¢ a mile is when they use their own vehicle. I think that is the difference in the answer. It costs more to operate an individual car than it does to operate a whole fleet of cars, and furthermore the poor tax payer has to pay a lot more for his automobile than the Government.

Mr. Chamberlist: By that same token, Mr. Chairman, is the Honourable Member from Dawson suggesting that the people that take their own kitchen stove only get \$25 and the others get \$30. I'm just making reference to the fact that surely the departments should be told when they're preparing their budget that this is the amount of dollars and the amount of cents they get for transportation and it should look the same, not have in the same budget in the same year, have a different figure. I think I've raised it a few times and I get the same answer, but we're still getting differential in figures, why not get one figure down so we know where we're going in these things. I pity the poor new Councillors that come along next summer and start going through the same thing. They are going to pick that up too.

Mr. Chairman: Have you anything further on this item?

Mr. Chamberlist: Yes, I still want an answer. Is this, Mr. Chairman, going to continue, or is the administration going to give instructions to the heads of Departments that what they ask for, for travel expense, they should say 3,000 miles at 12¢ or 3,000 miles at 17¢ whatever it is. But every department surely should conform.

Mr. MacKenzie: That will be done.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Chairman: I will. . . Are we clear? The next is adult and continuing education night school, \$18,750. The next is apprenticeship and tradesman qualifications, \$15,400.

Mrs. Gordon: Last year, or the year before last we asked about the setting out of programing for qualification examining of apprentices and tradesman. Now, I take a particular interest where someone has gone to vocational school. They've put in their apprenticeship but the examinations have not been set, and there has been no date for them. When is this person going to receive their certification? I think this is ridiculous. I mean it's one of these instances where that person is, the examination as I understand, are set beyond the scope in certain ways, of the vocational training, and they end up, with their help, in subservience as an apprentice, and could be for years because they haven't had the examination, and can't take it, there's no date set.

Mr. Commissioner: Mr. Chairman, it seems to me that I'm signing certificates on a fairly regular basis I don't know what trades they are but these things come from the Department of Education and if the Honourable Member would be good enough to let me know a specific instance, why I will give a specific answer, because there must be at least some of the trades any-

Mr. Chairman continues . . .  
way that are being dealt with because these certificates come to me for signature.

Mr. Chamberlist: Mr. Chairman, if I only was able to know when the next Vocational Advisory Board meet I'd be able to advise Members of Council.

Mr. Chairman: Are you clear.

Mr. McKinnon: Actually there are two parts to this question and one is, if there are several people graduating at approximately the same time from the Yukon Vocational Training Centre there is monies in the budget now to either bring in an examiner to allow this examiner to hold examinations for these people that pass their courses at school and there is also monies, if these people can't come in, for people to go from Whitehorse who have passed their training here, to go out and write the apprentice examination to come back fully certified. Now these examinations are not held at all times. They're held at certain times during the year, and probably, I would think this person just got caught either between a person coming in to administer the examination and when the examinations are being held. But in both instances there is money provided under this vote for these examinations to be written by the students who have completed the course at the Yukon Vocational Training Centre. I would like to see the Honourable Member bring the question to Mr. Baffin, because there can be specific dates given, as to when this examination will be written.

Mr. Chairman: Are we clear on this? Next item Rehabilitation services in the amount of \$1. Now this gives us a total appropriation of \$1,593,336. It does not agree with the amount of money in the Bill. The Bill gives us \$1,664,757, and your estimates show \$1,593,336.

Mr. Clerk: Mr. Chairman, the final figure wasn't corrected on the last page. The corrections are shown on your copy, on page 13 the breakdown of the complete Bill.

Mr. Chairman: Alright, I got you. That should give us \$1,664,757. Are we clear. I wonder if Mr. MacKenzie could be excused at this time.

Some Members: Agreed.

Mr. Chairman: Thank you Mr. MacKenzie for assisting us this morning. What is your pleasure at this time.

Mr. Dumas: Well, Mr. Chairman, I think we've spent enough money for today. I'd like to move that the Speaker do now resume the Chair.

Mr. Shaw: I second the motion.

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

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:00 a.m. to discuss Bill, Sessional Papers, and Motions. I can report progress on Bill #4. It was moved by Councillor Dumas seconded by Councillor Livesey that Bill #6 be reported out of Committee without amendment and this motion carried. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill #7 be reported out of Committee without amendment and this motion carried. Committee recessed at 12:00 noon and reconvened

CHAIRMAN OF  
COMMITTEES  
REPORT

BILL #5

Mr. Taylor continues . . .  
 at 2:10 p.m. this afternoon. It was then moved by Councillor Chamberlist, seconded by Councillor Dumas that Bill #8 be reported out of Committee without amendment, this motion carried. It was moved by Councillor Livesey, seconded by Councillor Chamberlist that Bill #9 be reported out of Committee without amendment, and this motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill #10 be reported out of Committee without amendment and this motion carried. It was then moved by Councillor Dumas Seconded by Councillor Livesey that the proposal outlined in Sessional Paper #4 be immediately implemented and made retractive so as to apply from the beginning of the 1969-70 fiscal year. This motion carried. Mr. Ken MacKenzie, Territorial Treasurer attended Committee to discuss Bill #5, I can report progress on Bill #5. It was moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: We have heard the report from the Chairman of Committees, are we agreed?

Mr. Chamberlist: One point, with respect Mr. Speaker, an error, I think the Honourable Member said that Committee started at 10:00 a.m., I think it should have been 10:30 a.m.

Mr. Speaker: Are we agreed with the correction.

Some Members: Agreed.

Mr. Speaker: May I have your directions for the agenda tomorrow?

Mr. Taylor: Mr. Speaker, for tomorrow we have before us Bills and I believe it is intended that we continue with Bill #5 tomorrow.

Mr. Speaker: Are we agreed?

Some Members: Agreed.

Mr. Speaker: Is there any further business?

Mr. Shaw: Mr. Speaker, I move that we call it 5:00 o'clock at this time.

Mr. Speaker: A motion has been made, are we agreed. Order, the House now stands adjourned until 10:00 a.m. tomorrow morning.

ADJOURNED

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now Council to order.

Mr. Chamberlist: Mr. Speaker, I wish to rise at this time on a question of privilege, question of privilege that I am sure will not be controversial, and I am sure that all Members of Council, Mr. Speaker, will join with me in recognizing that in fact it is a great privilege. I refer, Mr. Speaker, to being amongst us the daddy of the Territorial Council who has a birthday today. I think it's necessary for us all to recognize that this is probably his last birthday during the attendance of a Territorial Council Session and I'm sure all Members will join with me in wishing him a very, very happy new year and many more good years to come.

Mr. Shaw: Mr. Speaker, thank you. It is not often that I ... there are not many people that have the pleasure and privilege of having their thirty-ninth birthday as a Member of this Council, and I very much appreciate the kind sentiments as expressed by the Honourable Member for Whitehorse East and the other Members of Council. Thank you very much. It's a pleasure to be here with you.

Mr. Speaker: As Speaker of the House, I would like to add a few words and say that I hope Mr. Shaw, who has been the Member for Dawson for many, many years, will have many more happy birthdays to come.

Some Members: Hear, hear.

Mr. Speaker: I would like to draw your attention to the tabling of Sessional Paper No. 6. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would like to move Notice of Motion that Sessional Paper No. 6 be discussed in Committee of the Whole, and it is seconded by Councillor Taylor. MOTION #5

Mr. Speaker: Are there further Notices of Motion? Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? May we now then move to Daily Routine, under Motions, Motion No. 4, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse North, and the text reads: "It is respectfully requested that the Administration give permits or licences to allow the Klondike Visitors Association to operate games of chance, commonly known as 'Klondike Nights', where the proceeds therefrom are used for the purpose of tourist promotion for the area." I wonder at this time if the Honourable Member for Dawson would be prepared to proceed with Motion No. 4? MOTION #4

Mr. Shaw: Thank you, Mr. Speaker. The other evening, the majority of Council very kindly attended a meeting of the Klondike Visitors Association and at that time I talked at some length on the desirability of this association being allowed to continue their Klondike Nights as they have in the past. These are, Mr. Speaker, to put it briefly, games of chance, seven over and under and ... it's so long now it seems I've forgotten the games almost. They have roulette and sundry games such as that. We're not talking about a huge gambling casino. It's something that is done in many, many other parts of the Yukon on a regular basis, however, there is one little hitch here. The Klondike Visitors Association is not considered a

MOTION #4

Mr. Shaw continued ... charitable organization and possibly technically that is correct. They are not a charitable organization but it is an organization that works and works and works for the benefit of the community and only the community benefits from it, and of course the Yukon Territory, by the tremendous tourist promotion activities which they introduce every year. I would ask, Mr. Speaker, if it were possible, that they be given a permit or licence or whatever is necessary under the terms of the new act which has been passed by the Government of Canada permitting provinces or territories to have a certain amount of jurisdiction in this particular line. As I stated when I first rose on my feet, I think that Members are all very well conversant with the many details of that, and I would beg Council's indulgence to assist me in seeing that this motion is passed so that we can get this show on the road so that the whole program which will do nothing but benefit the Yukon on the whole can get going. I'm not endeavouring to start up a gambling casino, that isn't the point. The point is that this association can proceed with what they have proceeded with in the past. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, it gives me great pleasure to second the motion of the Honourable Member from Dawson. I supported the Member in previous motions requesting the Federal Government to amend the Criminal Code to allow for the ability to have such things as Klondike Nights in the City of Dawson and indeed in other areas in the Yukon Territory. I think finally the Federal Government has realized the fact that even if we don't like it, people are going to gamble and the government may as well have some control over the gambling regulations and over the licencing of what seems to be a person's natural desire to do. Of course, we all recognize, I think most of us have seen the way that the Klondike Days have been run in Dawson City, we all know that the way the Days of '98 and the Sourdough Rendezvous games of chance are handled in Whitehorse during the celebrations, and I certainly can see nothing wrong with this type of gambling during these celebrations and, as I say, it gives me a great deal of pleasure to second the motion of the Honourable Member from Dawson to allow the K.V.A. to raise the money to aid in tourist promotion to the heart of the Klondike and the City of Dawson in particular. I would like to hear other Member's comments on whether we should at this time include a clause saying that this should also be for other similar type organizations. Through this motion, we're just allowing the K.V.A., and it means that if the Yukon Sourdough Rendezvous, the Days of '98 Carnival in Whitehorse, or a similar Sourdough Rendezvous or association in any of the communities throughout the Yukon, wanted the licence from the Commissioner to be able to hold these types of games, they would have to have a particular motion naming the particular organization before the Territorial Council before they were allowed to enter this type of endeavour, and if this were so, I think that possibly if we just added "or other similar organizations" in this motion and then we would give this ability of licencing to the Administration for other types of association such as the Klondike Visitors Association who wanted to raise money in the community to have the ability to do so. As I say, I would like to hear Councillors' comments on this and if so, we could possibly amend the motion so that this could all be taken care of at this time, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I think generally in principle I concur with the motion, but it is a two-barrelled motion. It speaks of permits and licences which of course would then actually include other areas of the Yukon. I think it's very important that in the second area where we speak of the Klondike Visitors Association, that here in the Klondike and in Dawson, certainly this privilege should be extended to this association to carry on the good work of the association in the promotion of travel and this type of thing. It seems ironical, Mr. Speaker, that here in the Klondike

Mr. Taylor continued ...

and here in the Yukon, we have no legal right at this particular point in time to grant licences or do anything else to my knowledge in respect of Klondike Nights, and yet across Canada, and more particularly in the City of Edmonton, Alberta, they have Klondike Nights and indeed, Klondike Days. So, it seems that we find ourselves in a position where anywhere else but the Klondike you can have these things quite legally. I really feel that when the motion is carried, as I'm sure it will be, the Administration should sit down and attempt to blast out a piece of legislation for this Session of Council which would enable the various organizations throughout the Yukon to hold raffles, to hold Klondike Nights, and this type of thing. I think it's very important. I personally have had a request for a Klondike Night in my own community, or home community, of Watson Lake for June the 3rd, and I haven't the foggiest notion how we can legally do this. Now, if the Administration ... I know there are other communities wish to do the same thing ... if the Administration takes this into account, I'm sure we can come up with something. I think it's well to remember that man is an inherent gambler and right now if you want to gamble legally or illegally as the case might be, much of our money is going to Ireland, West Germany, Jamaica, and indeed to Montreal in Canada on raffles and this type of thing. I see no reason why lotteries, Klondike Nights, and ice pools, this sort of thing, should not now be legally recognized in the Territory. In closing, I would only say that I would support the motion; I think it's a good one. I hope the Administration will take immediate action on it.

Mr. Chamberlist: Mr. Speaker, the request that has been made really is far to reasonable and we should accept it, no doubt. But, I don't think it goes far enough. I would like to see, and I can visualize the Dawson Area turned into a Los Vegas. I would like to see funds move into this area which would indeed strengthen the economy of the area. I can visualize new buildings being built. I can visualize more people coming into the area which would in turn create a construction industry up here and in turn create a field for consumer goods to be sold up here. It might even create bills large enough that a cable television system could be put into the area. I feel that every opportunity should be given to the Dawson Area for expansion of its economy. I think we have now the opportunity because of the changes in the Criminal Code to make provision for these things to happen. But, I feel there should be some greater discussion. I feel that we should not deal with this motion immediately, or perhaps approve it and then discuss this in Committee so that we can get Mr. Legal Adviser into the discussion where he can't be in Council discussions by way of debate. I think it's necessary to have the opinion of Mr. Legal Adviser for some of these matters. I think we should all support the motion right now and let the people of the Yukon know that we're not going to take a back seat to Edmonton and its method of promoting their area. Let's start promoting our own area. Thank you, Mr. Speaker.

Mrs. Gordon: Mr. Speaker, I support the motion wholly, and I would like congratulate through the Council Member, Mr. Shaw, the K.V.A. for being so farsighted, because they want to do within the legality of the law something that is prohibited. We've all experienced within the last two or three months carnival type celebrations in Whitehorse, in Mayo, and other areas of the Territory, where they have a sort of one-shot Klondike Night of gambling. There has been a blind eye essentially turned on this type of thing by the law, but the K.V.A. wanted to operate on a regular schedule basis, and I must congratulate them that they had the foresight to do this and apply for the legal right to do it. I think this is a precedent, is a precedent that certainly deserves recognition, and it certainly is something that will benefit the Territory as a whole. Other areas have, as I say, one-shot Klondike Nights. They aren't on a regular basis. They are accepted in a way, but it isn't necessary that they do have it; it isn't always



MOTION #4

Mrs. Gordon continued ... part of it. But, this is on a regular schedule basis over a period of time and it must come within the law. I wholly support the motion, Mr. Speaker.

Mr. Dumas: Mr. Speaker, I think it's a good idea and I'll support the motion.

Mr. Shaw: Mr. Speaker, I would like to thank the Members very much for their support in this motion. The suggestion of the Honourable Member for Whitehorse East is one that of course has always been in the back of my mind. A couple years ago, I introduced a motion in Council of which I had full support in permitting legalized gambling under government control in Dawson City, however ... and I also wrote to every Member of Parliament, an individual letter, three hundred and sixty-five letters to get support.

Mr. Chamberlist: Two hundred and sixty-five ...

Mr. Speaker: Order, please.

Mr. Shaw: All right, two hundred and sixty-five, you know you can always be a hundred out one way or the other. At any rate, it was a big deal and I received answers from about I think it was sixty-five Members and they all agreed that it should be but they couldn't do anything about it. That is why at this time my motion is somewhat watered down because when one makes a motion, one always has to be as sure as possible that one will make it sufficiently reasonable that Council will go along with it and make the original start. Perhaps it would be, we'll say, not necessarily advisable, but it may be the wish of Members of Council that they would like to discuss it further in Committee where we have more latitude of discussion, in which case, being the introducer of this motion, I couldn't introduce a motion that this be put further than where it is at the present moment. So, I will conclude my remarks in this respect.

Mr. Speaker: I would advise the House that it's perfectly all right to move it into Committee by motion if the House so desires. I would further advise the House that the motion to this effect is not an amendment to the main motion. Question has been called. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: You may now proceed with the Question Period.

QUESTION RE  
LEGALIZING  
GAMBLING

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Legal Adviser just how far the Territorial Government can go in legalizing gambling in the Yukon Territory under the amendments to the Criminal Code of Canada?

Mr. Legal Adviser: Mr. Speaker, I don't think, given legislation, there is any limit, but without legislation we're limited to the Commissioner in his capacity as Lieutenant Governor in Council giving authorizations or licences to individual people to do certain things such as running raffles, running things like the Klondike Nights and this sort of thing. This is within his power, but if he wants to run sweepstakes and that kind of thing, we would need legislation.

QUESTION RE  
LEGALIZING  
GAMBLING

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. I wonder if Mr. Commissioner could prepare legislation for the purpose of having legalized gambling in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, at the direction of Council, we would be very happy to.

Mr. Taylor: Mr. Speaker, I have one last question. I would pose a question to the Administration respecting the steamer unit at Watson Lake for the L.I.D. I was informed that it was already there in no uncertain terms. I'm wondering this morning if Mr. Commissioner could advise me when it will be already there?

QUESTION RE  
STEAMER FOR  
WATSON LAKE

Mr. Commissioner: The information I had at that time apparently proved to be incorrect, Mr. Speaker, and I would suggest it probably is still incorrect, but if the Honourable Member would be good enough to pose the question upon our return to the Seat of Government, I can secure the answer for him and I would be very glad to give him an up-to-date answer as to when it will already be there, Mr. Speaker.

Mr. Dumas: Mr. Speaker, I will get back to the question I asked yesterday. Could the Commissioner or the Legal Adviser advise as to how licences can be issued under the Liquor Ordinance and restrictions put on those licences when they are very clearly explained in the Ordinance?

QUESTION RE  
LIQUOR  
LICENCES

Mr. Commissioner: Mr. Speaker, we can only issue licences up to the 31st of March, 1970, on the basis of the Ordinance that was in effect up to that date, Mr. Speaker. After that date, a new Ordinance came into effect as of midnight on the 31st of March, which has a whole entirely new set of rules that were laid out very explicitly by this Council. Under that Ordinance, there are certain forms or certain procedures that have to be undertaken to secure licences, and some of the licences of not of a continuing nature. They are entirely new in their context and it was very specifically and clearly laid down here by this body that in the securing of these licences, the procedures that have to be followed. One of these procedures is that the licence applications will be considered by the Liquor Board set up under the Ordinance. Now, I do not know exactly what the specific instance or instances are, that the Honourable Member is referring to, Mr. Speaker, but if there is a specific instance that he could bring to my attention, I'm sure that we could clarify the procedures one way or the other.

Mr. Chamberlist: Supplementary, Mr. Speaker, I had hoped not to ask questions on this matter because I have an interest in a liquor establishment and I so declare at this time, but would the Commissioner indicate if an application for a renewal of a licence is made in accordance with the words on the application forms, why licences are being refused by the Superintendent of Liquor Control?

QUESTION RE  
LIQUOR  
LICENCES

Mr. Commissioner: Mr. Speaker, with respect, I would have to have a specific instance before I can properly answer this question.

Mr. Dumas: Supplementary, Mr. Speaker, and this is the last question I'll ask in Council on this, is the Administration aware that instructions are being put out by the Liquor Department which say that dining rooms can only be open a total of fourteen hours, notwithstanding the fact that they may not, Mr. Speaker, be selling liquor and don't want to sell liquor longer than fourteen hours but merely want to sell food for the public's consumption. These instructions have been issued by the Department and I wonder if Mr. Commissioner is aware of this.

QUESTION RE  
INSTRUCTIONS  
ISSUED BY  
LIQUOR CONTROL

Mr. Commissioner: Mr. Speaker, we have no jurisdiction, nor do we intend to have any jurisdiction over the hours of operation of retail businesses, and the only jurisdiction that we have as a legislative authority that was granted to us by the Council, and it indicates very clearly the hours of sale of liquor under certain and varying conditions. The limiting of hours of retail sale to my knowledge does not appear in any Territorial legislation of any kind.

QUESTION RE  
PLACER MINING  
ACT

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, I wonder if you could inform Council at this time whether or not the Act which is now before the Senate of Canada, namely, Act S4, An Act to Amend the Yukon Placer Mining Act, whether there was any consultation with the Administration with reference to amendments to that Act?

Mr. Commissioner: Mr. Speaker, I'm afraid you will have to give me the opportunity to check into this. This Act, and I believe the companion Act, the Yukon Quartz Mining Act, have been subjects of enumerable public discussions for a considerable period of time, and if I could be permitted the opportunity of researching the files on this, I would be very pleased to give an answer to the Honourable Member early next week. I'm afraid it covers too great a span of time for me to recollect.

QUESTION RE  
PLACER MINING  
ACT

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner during the time that he is examining this would take a specific look at section 93 of the Act which is an additional amended section, which reads: "Whenever in the opinion of the Governor in Council any land in the Territory is required for a harbour, airfield, road, bridge or other public works or for a national park, historic site, town site or other public purpose, he may by order prohibit entry on such land for the purpose of locating a claim or prospecting for gold or other precious minerals or stones except on such terms and conditions as he may prescribe." I wonder if Mr. Commissioner would look specifically at that section and what may happen as a result of that section.

Mr. Commissioner: Mr. Speaker, I see that the Honourable Member has this written down. Could we have the information that he has so that we can get a copy of it?

Mr. Chamberlist: Yes, gladly, Mr. Speaker.

QUESTION RE  
NARCOTICS  
EDUCATION  
IN SCHOOLS

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to the Administration this morning. I would like to ask, in view of the influx of narcotics into the Yukon Territory, and the use by the younger people in our Territory, I would like to ask this morning of the Administration, Mr. Speaker, if the Administration is not only actively considering but will be implementing a program of narcotics education or drug education in the schools beginning at the Grade 4 level and up during this current school year?

Mr. Commissioner: Mr. Speaker, we are already under a firm request from Council on this matter by a motion at the last Session, and we are looking into this right now, but if I may say while I'm on my feet that this particular subject is taxing the best brains in the social welfare and educational fields throughout North America, in fact, throughout possibly the whole western world at the present time. While I cannot make any firm assurances that we are going to get this going at the Grade 4 level of the current fiscal year, I will be advising Council as soon as a program has been developed and seeking their concurrence to it. I think that this is a matter of very grave public importance and it is not something that should be embarked upon without a lot of thought and consideration as to just exactly what is going on; likewise the matter cannot be left alone. It has to be dealt with. I appreciate the interest that Council takes in this and I appreciate the support and the instruction they have given the Administration in this matter, Mr. Speaker, but I would ask that I do not be committed at this time, or asked to make a commitment at this time as to just exactly what form a program would take and at what level it would be started at, Mr. Speaker.

QUESTION RE  
NARCOTICS  
EDUCATION  
IN SCHOOLS

Mr. Taylor: I have a supplementary question, Mr. Speaker. I am wondering if Mr. Commissioner could indicate this morning as to whether or not ... if the Administration feels that such a program is workable and desirable, would funds be made available to implement this program?

Mr. Commissioner: Mr. Speaker, there is no other source of funds left to us in this coming year. These types of programs have either got to be worked into available funds or we have to come to this Council to seek new sources of funds, Mr. Speaker. So, the funding of these programs is just as important a situation as the programs themselves.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, at the last Session of Council, during the amendment to the Motor Vehicles Ordinance, strict prohibitions were placed in the Ordinance against the littering of public highways in the Yukon. It was my thinking, and Council's contention at that time that this legislation would be useless unless there were signs placed along the highways informing the public of the anti-litter laws, and also barrels placed for litter disposal along the highways, and I wonder if these signs and these barrels are being built at this time and will be placed on Yukon highways this summer?

QUESTION RE  
ANTI-LITTER  
SIGNS AND  
LITTER BARRELS  
FOR HIGHWAYS

Mr. Commissioner: Mr. Speaker, could I have the opportunity of bringing back a written answer to that question. I do not have the exact information at my fingertips this morning.

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have just one final question, Mr. Speaker. I raised this at the last Session and I would like to raise it again today. We have this little article, Mr. Speaker, "Talk is cheap and we are determined to keep that way", from Canadian Telecommunications. I am wondering if Mr. Commissioner has, between last Session and now, received any indication C.N.T. is going to implement such a program as they have advertised?

QUESTION RE  
C.N.T. RATES

Mr. Speaker: I'll have to rule that question out of order. As I am sure the Honourable Member knows, the Commissioner will not be able to answer that question. Are there any further questions?

Mr. Chamberlist: Mr. Speaker, a question to Mr. Speaker. Can Members of Council accept it now that if the Commissioner is not able to answer a question then it becomes an out-of-order question?

Mr. Speaker: I will also have to rule that question out of order. The Honourable Member knows he cannot question the Chair. Are there any further questions? If not, may we move to Public Bills and Orders?

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Bill No. 6, An Ordinance to Amend An Ordinance Respecting the Conservation of Game in the Yukon Territory, be given Third Reading.

BILL #6  
THIRD  
READING

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that the title to Bill No. 6, An Ordinance to Amend An Ordinance Respecting the Conservation of Game in the Yukon Territory, be adopted as written.

BILL #6  
TITLE  
ADOPTED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare that Bill No. 6 has passed this House.

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 7, An Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be given Third Reading.

BILL #7  
THIRD  
READING

MOTION CARRIED

MOTION  
CARRIED

BILL #7  
TITLE  
ADOPTED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the title to Bill No. 7, An Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter into an Agreement Related Thereto, be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 7 has passed this house.

BILL #8  
THIRD  
READING

Moved by Councillor McKinnon, seconded by Councillor Gordon, that Bill No. 8, An Ordinance to Amend An Ordinance Respecting Credit Unions, be given Third Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #8  
TITLE  
ADOPTED

Moved by Councillor McKinnon, seconded by Councillor Gordon, that the title to Bill No. 8, An Ordinance to Amend An Ordinance Respecting Credit Unions, be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 8 has passed this house.

BILL #9  
THIRD  
READING

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 9, An Ordinance to Repeal An Ordinance for the Incorporation of Co-operative Associations and to Provide for their Regulation, be given Third Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #9  
TITLE  
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that the title to Bill No. 9, An Ordinance to Repeal An Ordinance for the Incorporation of Co-operative Associations and to Provide for their Regulation, be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 9 has passed this House.

BILL #10  
THIRD  
READING

Moved by Councillor McKinnon, seconded by Councillor Taylor, that Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting Friendship Centres, be given Third Reading.

MOTION  
CARRIED

MOTION CARRIED

BILL #10  
TITLE  
ADOPTED

Moved by Councillor McKinnon, seconded by Councillor Taylor, that the title to Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into and Execute an Agreement with the Government of Canada Respecting Friendship Centres, be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 10 has passed this House.

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

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

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

Mr. Speaker continued ...  
I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: Just before we proceed with where we left off when last we rose, I wonder if we could take a look at Bill No. 4. We have before us the amended sheet which corrects the typing error that was evident yesterday when we discussed this Bill, wherein the sections on page 2 of the Bill are numbered rather than lettered.

BILL #4

Mr. Dumas: Mr. Chairman, I would move that Bill No. 4 be passed out of Committee without amendment.

Mr. Chamberlist: As amended ...

Mr. Dumas: No, it wasn't really amended.

Mr. Chairman: There has been no amendment to this Bill, it was a typing error.

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

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 4 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: May we now proceed to Bill No. 5. Mr. Clerk, may we have Mr. Treasurer with us at this time?

BILL #5

Mr. MacKenzie enters Chamber.

Mr. Chairman: The next Vote is Vote 4, Territorial Secretary and Registrar General, in the amount of \$36,130 as enumerated on page 53. The first item is advertising in the amount of \$1,350. The next is travel and living expenses, \$8,560. I have one question from the Chair. Mr. Clerk possible could answer this. In relation to the operation of the office of Public Administrator, is it anticipated that the Administrator's office will be moved to quarters which are a little more private during the coming year?

Mr. Commissioner: Mr. Chairman, I think that Council is aware that there are several subsidiary problems involved in the provision of office space that are going to become very important and will have to be dealt with by this Council at the time of the transfer of the Justice function. Also, we are under instructions from Council to move the administrative functions of workmen's compensation to the Territory and possibly even fund itself. In the process of dealing with these things, such matters as the Chairman has asked for right now hopefully will be taken care of, but they are part of a total package, Mr. Chairman; they can't be dealt with in isolation.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, the reason I raised this question is because the office of the Public Administrator largely deals with estates and this type of thing, and I've noted that the desk or the office of the Administrator is right in the middle of a sea

BILL #5

Mr. Taylor continued ...

of other desks and offices, and it's rather difficult when you have relatives of the deceased or the next-of-kin of the deceased attempting to sit down and discuss matters which are not very pleasant for all concerned with the Public Administrator with all these other people sitting around and all this other function going on. It seems to me that of all the departments of administration, this one certainly, with all the individual offices of the Administration around, this department could be considered to have an enclosure or a little more privacy than this department now enjoys. It is for that reason I raise the question. I think it's rather important both for the Public Administrator and the people who must unfortunately deal with these matters. I'll resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Chairman: Anything further on travel, on \$8,560? The next item is special services, \$2,000. The next is materials and supplies, \$17,000. Just another question from the Chair on the motor vehicle licence plates. Will "Land of the Midnight Sun" be disappearing from these plates next year and "Home of the Klondike" inserted?

Mr. Commissioner: Mr. Chairman, could the question that has been raised at this time be raised at the Question Period tomorrow morning? Is this satisfactory?

Mr. Chairman: Committee agree?

Some Members: Agreed.

Mr. Chairman: The next item is utility services, \$3,200. The next is repairs and maintenance, \$800. Rentals, \$3,220. This gives us a total appropriation of \$36,130.

Mr. Chamberlist: Mr. Chairman, I would like to know why a cash register is being rented at \$60 a month with a cost of \$720 in one year when you can buy a cash register new for about \$1,150?

Mr. Commissioner: Mr. Chairman, we're talking here of two different ball parks altogether. The type of a specialized machine that we are talking about is a capital outlay of between \$4,000 and \$5,000, Mr. Chairman. It is not quite the simple machine ...

Mr. Chamberlist: With respect, Mr. Chairman, the Commissioner shouldn't be so surprised at the question being asked. All I could read is a cash register; it doesn't say anything about a special piece of equipment. This is why I asked the question, because it says a cash register. It seemed to me that if we're spending \$60 a month on a cash register, it should be questioned.

Mr. Chairman: Are we now clear on this appropriation? Are we clear? All right, the next is the Department of Health in the amount of \$493,362, Vote 5. The breakdown begins on page 57, or the details are on page 57. The first item is venereal disease control, \$10,000.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Commissioner could indicate whether we are winning the battle against V.D. or is the V.D. situation increasing in the Yukon?

Mr. Commissioner: We are losing, Mr. Chairman.

Mr. Chairman: Are we clear? Tuberculosis control, \$38,380.

Mr. Dumas: I have a question on that, Mr. Chairman. I wonder if we could find out whether the T.B. problem in the Territory is on the increase as it is in many other parts of Canada?

Mr. Commissioner: Mr. Chairman, if I could be permitted to bring forward a written answer to this, I would appreciate it very much because there is some very interesting statistical information that I think should be available for Council on these matters, not only that relate to T.B. but to other health matters. I will have Dr. Black prepare a paper for this information for Council. BILL #5

Mr. Shaw: Mr. Chairman, I would like to know in respect of this tuberculosis unit, the portable tuberculosis that travels around the Yukon, that will be a continuing program will it? I wonder if the Commissioner could assure that; there was some doubt a while ago.

Mr. Commissioner: I have no reason to believe, Mr. Chairman, that there will be a change in that program.

Mrs. Gordon: Mr. Chairman, I would like to direct a question to Mr. Commissioner on this. I note that it says specifically tuberculosis control. As a member of the Yukon Tuberculosis Association, it is the Tuberculosis Association and Health, T.B. and Health Association, because the trend and the treatment and the examination of people by our x-ray unit which travels doesn't just pick up tuberculosis or treatment for tuberculosis alone. There are many other upper respiratory diseases that are taken care of in it. I'm wondering if it is separated in this vote?

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, a rose by any other name, I think it's providing the x-ray and we pick up other things which certainly the Honourable Member for Mayo is correct in. I don't think that by changing the name it's going to change the situation. I have another question that I have to ask here. It has been raised with me at several points in the Territory and it's causing some concern. There has been a regulation established by the Health Department by our good friend, Dr. Black, and he is now insisting that employees working in hotels, cafes, and this type of thing, must now have an x-ray or they cannot be hired. This goes right to the chambermaid and I suppose the man in the boiler room. It's a fairly extensive operation. I might say I don't find fault with this, but these x-rays cost them \$8 or \$10 apiece. Now, I understand that we just made an added benefit to our Y.H.I.S. coverage for diagnostic services. This diagnostic service apparently includes x-rays. I am wondering, if this be the case, why these people cannot get free x-rays and why they should be forced to pay for the x-ray themselves when the service is already provided, or why the employer should have to pay for this.

Mr. Commissioner: I don't have the answer to that right on hand, but I may say that this is not a new regulation, it has been in effect for years. Maybe now they are starting to enforce it and I may say, Mr. Chairman, it's just about twenty-five years late. The public is entitled to this protection and as far as the question about the cost of the x-ray and the charging of it is concerned, Council will have to allow me the opportunity to get a proper answer to this. But, after having spent the best part of my lifetime in the food business and serving the public, I would say this, that anything less than this, no person should be permitted the opportunity of serving the public. I am very glad that Dr. Black and his staff have seen fit to enforce this particular regulation. The answer to the Councillor's question, Mr. Chairman, I will get full details on the accounting end of it.

Mr. Taylor: Mr. Chairman, the Commissioner's answer would indicate that I was opposed to this and I think I must reiterate that I did state that it was a very good thing. Where I'm finding problems is how to answer these people when it comes to x-ray costs and I'm glad Mr. Commissioner will provide me with the information.



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Mr. Taylor continued ...  
I will again resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Are we clear on this item?

Mr. Livesey: Mr. Chairman, my question relates to tuberculosis control. As all Members know, there is a regular checkup made throughout the entire Territory with regard to tuberculosis control and x-rays. Now, in some instances, I am informed that there are certain trucks and vans being used for x-ray purposes with regard to native people only. Now, I was wondering if the Commissioner knows whether we are working in full co-operation with the Department of Indian Affairs and Northern Development or do they operate in a separate way that we are not aware of in Committee?

Mr. Commissioner: Mr. Chairman, this is complete and utter news to me. This is the first I have ever heard of it and if the Honourable Member would be good enough to bring to me the specific situation to which he refers, I will be very pleased to see that he gets a full explanation, but it's entire news to me, Mr. Chairman.

Mr. Chairman: Anything further? Next is cancer control, \$22,380. Are we clear? Next is mental health services, \$84,715. Clear? The next item is disease prevention and sanitation which appears to have disappeared.

Mr. Livesey: Mr. Chairman, I wonder if Mr. Commissioner could inform Committee why we have no vote under disease prevention which seems to me one of the things we should have. Care should be more here than in looking after the diseased.

Mr. Commissioner: Probably ran out of money, Mr. Chairman.

Mr. Livesey: Mr. Chairman, there's a zero under 505. It's one of the most extensive establishments in the entire budget. Without disease prevention, the rest could go up to triple.

Mr. MacKenzie: I think this now is covered in the general health services vote, establishment 506. It used to be separate and now is joined to the general health services vote.

Mr. Taylor: Next is the general health services, \$289,287, as enumerated. Mr. Chamberlist, would you take the Chair a moment?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, it is noted here that the Territorial share of general health services is set down on a Federal-Territorial percentage basis. Mr. Chairman, I have a question to direct to Mr. Commissioner when he's available. I would again say that the Territorial share of these general health services is determined by a percentage which was set I believe quite a number of years ago and possibly it does not reflect truly the actual percentage that we should be paying back. We may gain or we may lose on this. What I would like to ask, my first question is if Mr. Commissioner could inform Council today if we have made any progress at all in dealing with the Federal Department of Health and Welfare in respect of who will take over the total running of this operation as discussed at the last Session, and just how much say the Yukon Territory is going to have in the application of these funds in the operation of these services.

Mr. Commissioner: Mr. Chairman, we can have as much say I believe as we wish to observe in the matter. The health plan that we are operating under at the present time, Mr. Chairman, and Mr. Treasurer can correct me on this, I believe that the health plan effectively

Mr. Commissioner continued ...  
 terminates at the end of the next fiscal year. Am I correct on that, Mr. MacKenzie.

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Mr. MacKenzie: 1967 to 72.

Mr. Commissioner: That's right. 1971/72 is the terminal point of that and the whole matter of percentages, programs, controls, etc., will be coming up for complete renegotiation at that time. So, the very question that the Councillor has raised is a pertinent one from this point on and Council should be directing their attentions and their questions towards items that they want to question in the negotiations that will be coming up in this regard, Mr. Chairman.

Mr. Taylor: Mr. Chairman, the reason I cite this is because every time we find in the health plan, for instance, we provide for a nursing station at Ross River which I spent years fighting for at this table and gone through health plan after health plan, budget after budget, and it's been turned down, refused, and now they went and built it over at Faro. When we wanted a doctor's residence at Watson Lake and wanted it sited, they said, well, you put it where we in Ottawa want it and if you want to put it over where you people in the Yukon want it, then you pay the total bill. That building cost us something like \$120,000 for this house for a doctor when they got it all finished and all the contracts finished and everything else. I feel that at this table, we as elected representatives of the people are always looking for \$15,000 for a narcotics program, and something for Skookum Jim and something for some useful worthwhile program, and here is a place where we could have found money. You know, we could have put this facility up for maybe \$40,000 and had the rest of this money to establish something else. We can not do that with this department because the Federal Government dictates. The other thing that I think is really deplorable, and it has relation to what I just discussed when last I rose over health and sanitation regulations being enforced, and that is this, why do the health people not target in as equally as strong at the villages, in the places where there is debility diseases and tuberculosis and hepatitis, and where these things seem to be stemming from largely is from many of our native villages as a result of poor nutrition, poor sanitation, and this type of thing. Why are we not targeting in to help a system curing that from a Health Department's point of view with as much vigor as we are when going down to local hotels, local shops, and enforcing cleanliness and such. In other words, why not stamp out the disease at the source if possible. I think this should be taken into account. Now, we have said this to Northern Health but they apparently don't say anything. So, obviously, we do not exercise the influence which the Commissioner would indicate this morning; we don't exercise that influence or maybe they would be doing this. This is why I asked my first question, when will we be able to exercise influence in this department.

Mr. Commissioner: Mr. Chairman, with respect, the co-operation and the assistance that we are getting at the present time from the administrative arm of Northern Health Services located here in the Territory has never been better, and I rise to stand in their defence at this time of any indication that they are not giving the fullest possible co-operation to the Territorial Administration and the wishes of Council. I may say that the point that is raised by the Honourable Member in connection with getting at the root of some of these problems is not only the responsibility of the Department of Health, but is an absolute responsibility of the total community, and when I say the total community, I mean the total community of the Yukon. I think we have some of the most deplorable conditions that exist on the face of God's green earth within our Territory here when it comes to the living conditions that prevail in some of the villages referred to by the Honourable Member, and I think it is not only the responsibility of the Department of Health, I

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Mr. Commissioner continued ... think it is the responsibility of all government departments and all citizens in the Territory to see what we can do to divert some of our energies toward these things. We go to a place like Watson Lake and see a government village at the airport to house the people who are required to work there to operate the airport and then you go to the other government village at Upper Liard, you wonder if you're on the same planet. I couldn't agree more with what the Honourable Member has to say and I think it is high time that we stopped pussy-footing around some of these matters and taking care of those who already have to such an extent and lets start taking care of the people who have not. I certainly don't think though that this is a proper criticism of the Department of Health that they are not doing more about this; I think this falls upon all government departments, both the senior government and our own government, to take these matters as a total community requirement and do something about it. I go back to the point that the Honourable Member has raised from time to time about having community development type workers from the Department of Indian Affairs located in these villages to assist these people in adjusting themselves to the social conditions in which they are surrounded in this world. But, I also don't think that the criticism is correct, Mr. Chairman, that we should not be insisting upon those people who serve the public and who take the public's money should not in the first instance be required to maintain proper standards when they are going to be inviting the public onto their premises. So, in closing, Mr. Chairman, I couldn't agree more with what the Honourable Member has to say.

Mr. Taylor: Mr. Chairman, just before recess and I'll resume the Chair at that point, I can only say that my criticism is valid about work in the villages. I feel that the same care and attention and enforcement should be leveled upon Indian Affairs by the Department of Health, who are responsible for conditions largely in these villages. Why then does this department not go to the Department of Indian Affairs and the total community and say, all right, you built those houses, these people are under your control, you are here to assist them. Why don't they go then to the other department of administration and enforce the laws as they enforce them upon the people of the Yukon. I think the people of the Yukon have been darn good in the way that they have reacted. They have grumbled a little bit, but they have reacted well, at the community level as well as individuals, to these programs. This is what I'm saying, I'm saying the Department of Health is not doing the job that they should be doing in the Indian villages, and I feel it's a just criticism. Although they may be co-operating with the Administration, I find no fault here. This is my one criticism, we've got to do this because in making life a little easier and a little better health-wise and otherwise, socially-wise for the native population in the Territory, we also assisting all those of us who live around and in the midst and among these people in matters of health. Thank you, Mr. Chairman. At this time I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: I will call a recess.

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Mr. Chairman: We will call Committee back to order. We are discussing the item General Health Services, page 67.

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Mrs. Gordon: Mr. Chairman, I would like to supplement the remarks that the Member from Watson Lake stated ..problems we have with some of our Federal Government Departments who do not follow through on things that happen in the Territory. In Mayo in 1965 the grounds and area on which our native people live were condemned by our Territorial Officers as detrimental to health. Since 1965 there have been two Indian houses built and the people who lived moved out of that area, but every other area, and indeed the houses they lived in are still occupied, in an area that was condemned and unfit for human habitation in 1965. I find this disgraceful.

Mr. Chairman. Anything further on General Health Services?

Mr. McKinnon: Mr. Chairman, as Chairman of the Financial Advisory Committee it is amazing to come before Council and find that after you have gone through the Estimates an asterisk added to the Vote telling you that the amount of \$350,135 is reduced by \$25,848 to \$289,287 and details of reduction not available at time of preparation of Estimates. I was wondering if the Territorial Treasurer could make knowledgeable to the Chairman of the Financial Advisory Committee, the Members of the Committee and Council what the details of reduction are.

Mr. MacKenzie: No, Mr. Chairman, I have no details.

Mr. Chairman: Is there anything further on General Health Services? Next item is Child Welfare Services in the amount of \$5,100. Next is Social Assistance - \$20,500. Next is Whitehorse General Hospital - \$8,000. Next is subsidization of Travel, Medical Necessities - \$10,000. Next item is Ambulance Services - \$5,000.

Mr. Livesey: I wonder, Mr. Chairman, if the promoters of this section of the programme were thinking entirely of the ambulance service that we discussed during a previous Council Session which is going to operate on the Klondike Highway, possibly in the Pelly River-Carmacks area. This area certainly needs an ambulance service. I wonder if this is what they are thinking about; is there provision for the operation and maintenance of an ambulance?

Mr. McKinnon: Mr. Chairman, I understood that the promoter of the whole project was the Honourable Member from Carmacks-Kluane and the Members of the Financial Advisory Committee just took his recommendations and put them into fact and the ambulance, in fact, will be stationed in Carmacks to serve that area.

Mr. Livesey: This is wonderful, Mr. Chairman. I appreciate the assistance on this ambulance situation but I was really looking at what it said in the Budget where it did not describe anything beyond an ambulance and an ambulance could be operated almost anywhere. This is the reason why I brought up the question. Thank you Mr. Chairman.

Mr. Chamberlist: One question from the Chair, a question of the Administration in this regard. There are three points in the provision of this ambulance that might be considered and I am wondering if they have been; that is, the universality of the stretchers so that they are changeable to Government ambulances, other ambulances in the Territory, oxygen equipment, radio and telephone. Have these been considered?

Mr. Commissioner: Mr. Chairman, when it comes to dreaming up ideas, why I get more helpers than you can shake a stick at. I am sure that they have not only got radio, telephones and inter-

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changeability and probably got about seventeen more schemes as well. I am sure that the whole package would be integrated and inter-changeable and a total package.

Mr. Chairman: This gives a total appropriation, then, for this Department of \$493,362. Next is Department of Municipal Affairs-\$1,052,665.

Mr. Chamberlist: Mr. Chairman, I wonder if any explanation could be given as to why, when the 1969-70 votes were only \$82,000, the 1970-71 votes is \$282,000, an increase of \$200,000 for Administration.

Mr. McKinnon: This wasn't a separate Department of the Government last year, Mr. Chairman, and it was reflected in the Engineering Vote up until last year when it became a separate Department of Government.

Mr. Chamberlist: How much was taken out of the Engineering Vote for Administration at that time?

Mr. Commissioner: Mr. Chairman, I cannot give you the exact dollar bills but very obviously it was with the concurrence of this Council that the Department was separated from Engineering and Municipal Affairs was set up as a separate Department and the administrative support that the Municipal Affairs section was getting from the general administration services and Engineering naturally did not go along with them. They had to set up their own and this is a reflection of it.

Mr. Chamberlist: This does not answer my question, Mr. Chairman. I am talking in dollars and cents. Perhaps the Treasurer can answer how much is the difference between the amount of money that has been removed from the Engineering Department for last year on the administration of Municipal Affairs?

Mr. MacKenzie: That information is not available here and I would need the estimates for the current year to answer your question and they are not available here. If I have a chance I will answer it in Whitehorse.

Mr. Chairman: The first item is Administration - \$27,500. Clear? The next item is Beaver Creek Services - \$2,890. Clear? Burwash Landing Services - \$360. Clear? Canyon Creek Services - \$250.

Mr. Livesey: That is a question I would like to know. How many people are getting this Canyon Creek Services of \$250? How many homes are provided there with services. It seems to me that we hear a lot of noise about what goes on in the rural areas but believe me some of these things need explaining, Mr. Chairman. How many people are there? Order please, can I have the floor, Mr. Chairman? On this Canyon Crescent proposition we have in the budget, how many houses are serviced for \$250. Is this a sort of home-owner's grant like Mr. Bennett has in British Columbia?

Mr. Chairman: To whom did you address that question?

Mr. Livesey: Well, I'd left it to the Chair hoping that someone with the knowledge to answer it would kindly rise on his feet.

Mr. Dumas: Mr. Chairman, may I rise as this is my area? Whitehorse West has fewer demands on the budget than any other area in the Yukon Territory. We ask here for \$250 and we got static. There are four homes up in the Canyon Crescent area and because it was a subdivision of a former commission - at the instruction of a former Commissioner lots were sold out there, people built homes and then the subdivision was shut down. However, these lots still

have to be serviced and roads provided, so \$250 goes for road maintenance, in that area.

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Mr. Chamberlist: That was a subdivision, Mr. Chairman, that was approved at the time the Honourable Member from Carmacks-Kluane was one of the Members of Council.

Mr. Livesey: Mr. Chairman, I object to that, it was not, it was turned down but it was prevented from becoming a subdivision in favour of a subdivision for the Honourable Member from Whitehorse North in the name of Porter Creek.

Mr. Chairman: The next item is Carcross Services - \$2,950.

Mr. Chamberlist: Why is there a decrease, Carcross, I understand there is a decrease and I don't care if it is a decrease of \$1; there is more going on this year than at any other time in the history of the Carcross area and they are getting decreases.

Mr. Chairman: Next is Carmacks Services - \$2,740. Clear? Crestview Services - \$2,090. Clear? Dawson City General Purpose Grant - \$14,000. Clear? Dawson City Road Maintenance Grant - \$4,500. Clear? Dawson City Conditional Grant - \$45,000.

Mr. Dumas: Mr. Chairman, one condition that caused this grant to be reduced this year.

Mr. MacKenzie: It was submitted by the Dawson City Council. They estimate their needs and we accepted them. It eventually appeared on the budget to be approved and of course the amount varies from year to year.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Treasurer could give us the amount of money, in toto that the Territorial Government gives by way of grants to Dawson?

Mr. MacKenzie: They get three grants, Statutory, Maintenance and Conditional; Maintenance is \$4500, Conditional is around \$40-60,000, it varies and the Statutory is \$14,000

Mr. Chamberlist: Plus \$16,000 for sewer and water, for sewer services.

Mr. Shaw: Mr. Chairman, I would like to say, in respect of this Conditional Grant, directly from the Federal Government, and it is in the five-year plan or three year plan, or two or one year plan, whatever you may call it. It is a plan for necessary expenditures only; everything that is expended will have to be justified in order to get the grant. In many years they do not use the total amount of the grant; they just use a portion of it as per requirement for extra services on keeping the water mains flowing, etc.

Mr. Chamberlist: Well, it would appear, Mr. Chairman, that about \$130,00 a year is given to Dawson, and the population is how many?

Mr. Shaw: Seven hundred.

Mr. Chamberlist: So that is quite a lot of money per person.

Mr. Shaw: That is not correct.

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Mr. Chairman: Are you clear on this item? Next is Dawson City Sewer Services - \$16,510. Dawson City Water Service - \$50,000. Destruction Bay Services - \$2,000. Faro Townsite - \$70,000. Mr. Chamberlist, will you take the Chair.

Mr. Chamberlist takes the chair.

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Commissioner and ask him if he has selected a date upon which he will be instituting a municipal status to the Faro townsite?

Mr. Commissioner: Mr. Chairman, there is no set date on it. Whatever the legislative requirements are, they are in the process of ... but as far as a fixed date is concerned I have not been informed.

Mr. Taylor: Mr. Chairman, it was suggested, and notices were given by administration that it was their intention, by virtue of the Municipal Ordinance, to institute a village, the townsite of Faro. I believe now they have expanded the area of the village to 708 square miles, that being an area fifteen miles circle around the Faro townsite, and unfortunately the people really didn't know what all this was about. In the interim since these notices took place and through public meetings and other meetings we have now tried to get some liaison between Administration and the people of Faro who indeed have formed a small committee to look into the matter. It seemed to them, as it seems to me, that until the Administration resolves the problem of fire protection and services in general in that community and can fully acquaint the people of Faro with the responsibilities and benefits of village status, that it would be unwise to implement at this time a village in that community. Number two is, in looking at the Municipal Ordinance, it is not possible under the Municipal Ordinance, that I can find, anyway, unless it can be shown to me where it is, to incorporate the village because indeed there are not 25 ratepayers. There are two ratepayers. When the Administration, in their wisdom, increased the size of the village, the proposed village of Faro, from a ten mile radius around Faro to fifteen and they took in the Ross River Saw Mill which no doubt will now have to move to a place outside the village, if this is implemented. This gives two ratepayers and there are not twenty-five ratepayers to oppose this. Also the Commissioner must be satisfied under the Ordinance that there are indeed sufficient ratepayers and a figure much increased over two ratepayers so I would think if it was the intention of the Commissioner to institute a village of Faro that he would have to seek a change in the Municipal Ordinance in order to enable him to do this under the current provisions of the Ordinance. I would also suggest that if this was the intention of the Administration they had better take a closer look at that too because, as Mr. Commissioner, Mr. Chairman, has pointed out from time to time that one man's dish of fish might be another man's poison. I would like to know or have some assurance that this is being looked into and that indeed, until the people of Faro, the majority, or some type of vote, and also until the Municipal Ordinance is changed to make it possible, there will be no implementation of village status at Faro until those things have been done.

Mr. Commissioner: Mr. Chairman, I am not going to give any assurance on this matter. We have a paper that was tabled in Council and it was clearly indicated that unless we receive instructions to the contrary from Council that we were proceeding and this has been done and unless Council in its wisdom see good reason that this matter should not be proceeded with, well this is where I get my direction from. As far as saying that Faro should be a village or not, I have no strong feelings in the matter. I can assure that there will be no world-shattering consequence if it is not a village but if anyone thinks for one minute that the administrative machinery in the Territorial government is geared and engineered to provide detailed municipal services from a central place in Whitehorse; we are about as well equipped to do that for the communities in the Territory as what Ottawa is equipped to deal with the government office of the

Mr. Commissioner continues...

Yukon Territory and there is just absolutely no way, Mr. Chairman, BILL #5 that these matters of local government can continue to be shoved under the table and the Territorial Administration told, well do the best you can with these problems. The people have to run these things and I am quite confident that any subversion of this is simply an indication that the people of Faro haven't got the capabilities of running their own affairs, from where I sit in the matter. As far as giving any assurances that we are going to do anything differently to what has been indicated by the Council that we are expected to do, why I am not going to give this assurance.

Mr. Taylor: Mr. Chairman, I don't think there is any doubt at all that the people of Faro would enjoy and indeed accept the responsibility of running their own affairs. There is no question in this whatsoever. When that Paper was tabled in Council I was working on the assumption that the Administration of the Territorial Government had been in close contact and communication with those people who are going to have to accept this responsibility; that is the men, women and children of Faro, the adult population therefrom. Indeed I found that this had not been done, that there was no liaison between the Administration and Faro; it was just a cut and dried thing. Well, that was not the intent. This is why, when I went to Faro I held a public meeting and I asked for a volunteer protest committee, just someone to get together and I assured them at that meeting that I as a representative would approach the Administration and try and get the two parties together so that they could start negotiations as to how this worked. I didn't have the foggiest notion what this was all about. They did not know what their taxes were going to be, what their responsibilities were going to be. All they knew was they had a water system which was freezing, breaking, shattering, and all the ills of a new community. A community that came too quickly. Most of those people haven't been there, I think the oldest ones have only been there six months or so, with very few exceptions. So, as far as running their own affairs is concerned they are quite agreeable to this but it behooves the Administration to get out there and sit down and talk to these people and work with them. They had one meeting I know of, a public meeting with the Administration and it was the usual type of thing that when the meeting was over nobody really knew anything except I do believe the Fire Marshal did answer a few direct questions and really dug in and tried to get that end of it worked out but even today there is no fire protection in the community. So, it behooves the administration to sit down and work closely with these people and spend some time in Faro and explain and negotiate back and forth with this new committee which is not appointed or volunteered, but elected and this is the problem Mr. Chairman. I don't think it is in the best interests of anybody apart from Administration; it would be in their best interests. But for the people of Faro to have imposed something upon them until they at least have had an opportunity to attempt to understand what the responsibilities are, and their obligations as well, have some idea of what they are talking about in taxes. When you have \$40,000 lots in Faro, in some instances it costs you that much to buy a lot, what is it going to cost you in taxes. These things must be made known to these people and then you also have the problem of who can run for office. It appears that not only is it contrary to the Municipal Ordinance to create this village under these set of circumstances but you have nobody to run for office because these people are on a tenant basis and there are no ratepayers. There is one, Anvil Mining Corporation, and second is the Ross River Sawmill who came in as a consequence of this great circle, 707 square miles. So I think it is very important and I do make the point on behalf of the people of Faro that they are not just throwing this thing out; they want to know first what they are going to accept before they buy the cake. I feel that it is our responsibility to ensure that this information and these negotiations have taken place and the necessary proper legal provisions have been made in conjunction and with the concurrence of these people before a village is established.



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Mr. Dumas: Mr. Chairman, I agree that there should be some discussion for information purposes, but it seems to me that the rules relating to the development to the Faro townsite and the plan of development in so far as becoming a village, so far as the actual layout and everything else is concerned was all set up before anybody lived in Faro and the Company that was involved knew exactly what they were getting into and we would hope that they would have passed this information on to the people that moved into the town. So that was a foregone conclusion what was going to happen before these people moved into this town. They moved in to work for the company and moved into company residences with the understanding of what in fact they are getting into. We run into a problem that can keep cropping up every time we have a new town; people get in there and immediately we start a hassle as to whether it is going to become a village, what is going to happen, whether the Territory has to look after broken water pipes etc. etc. There is no way that the Territorial Government should be carrying on municipal affairs. The other point that comes to mind is that the principle of village status is wrong. I still don't agree with that because the principle of government under which we work here is wrong but apart from that, practically speaking, these things should be handled on a local level and I believe that this taken care of two years ago when the contract was negotiated with the company and it was discussed and looked after then and I remember this specific thing being mentioned; when we get people moved in there we are going to start having problems. I may be wrong, Mr. Chairman, in my understanding of it but I think we have to proceed on that basis.

Mr. Shaw: Mr. Chairman, the concept of local government is good, but it seems to me that the big problem of this, I am not conversant with all the personal viewpoints but it appears to me that the big problem is that of liaison. It is a matter of the Department of Municipal Affairs going down and explaining to the people. The Honourable Member has stated and I must take that it is so that when he was there these people didn't know what it was all about, didn't have a clue. Surely these people are entitled to, and I think they should get complete information. A person going down there should be able to answer all the questions, should be able to present exactly what kind of a format it is, how it works. We all know that any community you go into, Whitehorse, the largest one; you go into Dawson, the second municipality; they have problems on a continuing basis. We have problems. Any government has problems. Nothing is ever going to go smoothly but we all subscribe to the principle of being able to determine our own problems ourselves and that is why this Ordinance is passed for local improvement districts and villages and so on down the line and I think it is fundamentally sound. I believe in it. I think it is good but it is the lack of liaison that appears to me to create the real problem, right from the start and I would feel, Mr. Chairman, that what we are going to require is certainly the Municipal Affairs Department under whose jurisdiction it comes, when they go down to these places they should go down there and be prepared to spend two or three days or three or four, or whatever is necessary to meet with these people and to really give them a thorough insight to answer all the questions that are possible to answer and make them as knowledgeable as possible and I think we would alleviate a lot of this friction that seems to be centred around this kind of thing. That is what I think is lacking, Mr. Chairman, liaison, and if that can be resolved I think a lot of other things can also be resolved.

Mr. Chairman: Committee will recess until two o'clock at this time.

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Mr. Chairman: Committee will now come to order. The Faro Townsite Grant.

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Mr. Taylor: Mr. Chairman, prior to rising for the noon recess we were discussing the Faro townsite and I was attempting to lay out some of the problems that we have surrounding the implementation of the Municipal Ordinance as it affects the municipality in this area. Now, through use of the noon recess I had an opportunity, first, to scrutinize the Agreement that exists in respect of the establishment of a village in the Faro area. I have here a copy of the Agreement between Her Majesty the Queen and the Anvil Mining Corporation and nowhere in that Agreement is there any understanding that under this agreement must develop a municipality. I might say that it says here that subject to the laws of the Territory the Minister will request the Commissioner to establish the development area within a circle having a radius of fifteen miles from the center of the proposed town and to control all land within such area. I have here all the other agreements relating to the establishment, or whatever, the Anvil development and the townsite, the draft agreement between Anvil and the Commissioner and nowhere in this agreement is there an undertaking contained within the agreement whereby the Commissioner must establish a municipality. We have draft budgets and everything else but I don't find anything in there under those agreements. I would like to acquaint you of what happened at Faro. In the first instance I had gone to Faro and had held a public meeting and advised them that there was going to be a municipality. This was prior to the posting of these notices, just prior to it. I would like to briefly extract from the local Faro newspaper called the 'Raven', a good-sized little newspaper, one quotation in respect of that meeting. It says "Mr. Lew Holmes opened the subject of private enterprise in Faro. He suggested that lot prices were so far out of line that no private citizen could possibly establish a business here." Mr. Holmes went on to say that this certainly is not encouraging people into the north and in turn is robbing the citizen of services they need and want. He added that for some reason White Pass and Hougens seem to have the place tied up tight and no one could dispute that. Competition is a healthy thing and keeps consumer prices in line and here we are in Faro with prices comparable to Whitehorse, which is probably the most expensive town in Canada. Then following this meeting Mr. Darychuk, at my insistence, went to Faro and it is quoted again in the paper that on February 9th Mr. Darychuk and three of his associates were in from Whitehorse to meet with a volunteer protem committee. They volunteered at a previous meeting with Don Taylor. Because of incorrect publicity the meeting was open to the public. I guess somehow there was an error there and it goes on to say that the time limit of fourteen days on the legal notice of a village status for Faro proved to be of some concern. Mr. Darychuk gave us his assurance that this time limit would not be strictly enforced (although he could not give us the Commissioner's assurance) and it was felt that the protem committee to be elected could lead us to investigating the pros and cons of adopting such status. Following this the community did elect a protem committee of five members. This was reflected in an editorial which, and I quote "Do we want to be a village? We all must have known this question would arise sooner or later but somehow when Mr. Darychuk, Director of Municipal Affairs, brought up the subject in a town meeting last week, it came as a shock to many of us, especially when we learned that the legal notices had already been posted and this notice gave us only fourteen days, fourteen days during which we must investigate what is involved in becoming a village, call meetings, make a decision; then if we decide against it to register a formal written protest to the Commissioner. Considering the often and pretty poor mail service between Faro and Whitehorse, a written protest alone might take fourteen days to get there. Mr. Darychuk gave us his assurance that the fourteen days would not be rigidly enforced but he obviously could not speak for

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Mr. Taylor continues...

the Commissioner so how long have we got, fifteen days, one month, six months, rather indefinite, isn't it? I suggest we do not wait too long. On Sunday night we elected a protem committee to act for us until we determine our fate, five very capable and approachable men and they are already hard at work trying to get some of the information we need to make our decision. Watson Lake has just had a real furor over village status. Their situation is very different from ours but by learning their reasons for and against we might determine if any of their reasons are applicable to our unique situation. Maybe we don't want to be a village, perhaps not even a local improvement district, but we do really want to remain as we are, pardon me, do we really want to remain as we are, no voice, no power but administered from Whitehorse by interested but uninvolved people." This pretty well speaks for the people of Faro. They want time to consider this. As I stated, I have gone through all the agreement and there is nowhere in it whereby the Commissioner is forced, by agreement with Anvil Mining Corporation or any federal department, there is - it is not required that he do this. This first appears in a Sessional Paper to Council dated 1968, Third Session, June 19th, 1968. Under Section 11 of that Sessional Paper it just merely states that the Territorial Government would establish a municipality under the Municipal Ordinance and upon completion and acceptance by the Territory the roads and the water and sewer system would become the responsibility for future operation and maintenance. And in concluding on the paper, the Commissioner indicated that the Council should agree to, and one of the things they should agree to is authorize the Commissioner to establish a municipality under the Municipal Ordinance. This was the first indication. All right, Council did that, they did it by a resolution and it read this, incidentally I should say that I have a copy of the resolution "pursuant to Section 5 subsection (1) of the Municipal Ordinance (I will be referring to this section in a minute) I am satisfied that the proposed village will have not less than fifty ratepayers so I place before you the formal approval, for formal approval, the following resolution proposing the establishment of a village in the development area." This is what it says: Be it resolved that this Council approves the incorporation by the Commissioner in accordance with the provisions of section 5 of the Municipal Ordinance, and subject to the safeguards therein contained, of a village within the development area designated as such by the Commissioner's Order 1968/14. Now this resolution was approved by Council. I draw you back to those words "and subject to the safeguards therein contained". Now, let us take a look then at the meat of the whole problem. Section 5(1) "Where it appears to the Commissioner that conditions of settlement in any part of the Territory make the establishment of a village desirable and he is satisfied that the proposed village will have not less than fifty ratepayers, he may place a resolution before the Territorial Council proposing the establishment of a village in that area." Now, I submit that the Commissioner could not be satisfied that there are fifty ratepayers when indeed, that was in 1968 and it is now 1970 and there are only two ratepayers in the municipality of Faro today; even three years after this was proposed so I would submit that the Commissioner cannot be satisfied three years ago or let alone even today that there are fifty ratepayers and consequently I think that that would nullify any resolution made by the Council at any time in the past respecting the establishment of the village of Faro. As it goes on, subsection 2 of that section states that where the Council approves the resolution, which was done, the Commissioner causes notices to be established and, notices in the paper and in the district and in 3(e), within two weeks of posting the notices, which is for fourteen days mentioned in the Faro, the matters I referred to earlier, then not less than twenty-five ratepayers of the area to be established as a village may complain. There aren't twenty-five ratepayers, there are only two! So the people cannot avail themselves of that subsection of section 5 but were there that many then the Commissioner must then refer the complaint to the Council. Now, were this possible then where the Commissioner receives no petition of complaint or where petition of complaint has been referred to the Territorial Council and the

Mr. Taylor continues....

Territorial Council has not by resolution withdrawn its approval of the proposed village, the Commissioner may by order establish a village. What I am trying to say here is that in my opinion, if I interpret the section of the Municipal Ordinance, and if I interpret the resolution which we approved, there is no legal means by which the Commissioner has any right under the existing Municipal Ordinance to establish a village and I would like to hear comments from the Legal Adviser as to whether he feels I am correct or whether he may feel I am incorrect. If he feels I am incorrect I would like then to be advised where. I think just before getting this information from Mr. Legal Adviser I want to make one point abundantly clear as I did so this morning; that the people of Faro are not opposed to village status but they want to know what it is all about. As I said this morning they want to know what they are going to be responsible for, they want to know what levels of taxation they are going to have to levy upon themselves and everything about it. I would also like to hear from Mr. Legal Adviser as to how the Ordinance would have to be amended in order to provide legally the Commissioner the power to establish a village.

Mr. Legal Adviser: Mr. Chairman, as far as I can see Section 5 has been carried out by the Commissioner. He brought it before the Council. The Council discussed it. A resolution was made..... I don't know what has gone on in terms of explaining to the people...clearly all they wish for is for some information on the subject. They are not opposed to the proposal of a village. I don't particularly see any difficulty except a difficulty of communication between the officials involved and some of the people who will be involved, presumably as a ratepayer....only two ratepayers, or if there are only two ratepayers, what the other people are doing at all, involved in the matter, this puzzles me. But the Commissioner appears to have acted in accordance with this section.

Mr. Taylor: Mr. Chairman, the reason I asked the question is because in the Resolution of this legislative body, approved by this legislative body, this Resolution was proposed or accepted, subject to the safeguards therein contained in section 5 and all the provisions of section 5 and it is quite clearly obvious that those safeguards that are in there, the fifty ratepayers and the twenty-five to oppose it. How is this possible when there are only two ratepayers. I am wondering if Mr. Commissioner could advise me how he is confident in 1968 that there were fifty ratepayers. You say I am satisfied that the proposed village will have not less than fifty ratepayers. How is this possible? There are only two today.

Mr. Chairman: Would the Commissioner like to reply to the Councillor's question.

Mr. Commissioner. Mr. Chairman, I can say this, that I am not aware of any advice that any of my officers have given to me in this regard up to this time that is incorrect advice and if and when we get to the point where we, in the process of dealing with this matter that is brought before us that if there is an amendment to legislation required in order for us to perform what apparently is wanted, we will have to come to this body and seek those legislative changes but until the time actually comes when we have gone into that it is very difficult for me to presuppose what kind of legal obstacles we may run into and as far as I know the Ordinance has never been put to use in this area, or these sections of the Ordinance.

Mr. Taylor: Mr. Chairman would the Commissioner give me the

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Mr. Taylor continues....  
assurance, in light of the fact that the Commissioner must be satisfied that there are fifty ratepayers and in light of the fact that this is part of the resolution that Council adopted in 1968 and also in light of the fact that there indeed are two ratepayers in the community of Faro, that he will not implement municipal status or attempt to implement municipal status in the village of Faro or any other village for that matter, until there are indeed fifty ratepayers and that these sections of the Ordinance can be....

Mr. Commissioner: Mr. Chairman, I am not about to give any such assurances at this time.

Mr. Dumas: Mr. Chairman, that is asking a little too much of the administration; what if the people out there decide that they would like to form a village and get the okay of the ratepayers that do own the property. Surely if all of the ratepayers in the district said they would like to form a village it is their prerogative to do so. If it is not, Mr. Chairman, then it should be because notwithstanding the bandying of words that we are getting here, all around the table, the fact is that you have a number of people living in the area, they need services. The Honourable Member has already mentioned there are busted water lines, road problems, there is that and that and somebody has to look after it; there are ratepayers and people living there in these houses and renting the houses and they are going to be there many, many years, hopefully. They are interested in their community and the best way for them to look after and build their community is for them to be involved in the running of it. If we put a restriction on the Commissioner that he can't form a village out there, even if the people there request it, we are tying his hands completely and the people's hands.

Mr. Taylor: Mr. Chairman, some part of what the Honourable Member says is quite correct. What I am asking, in essence here is, we legislate laws in this Council Chamber and we ask the people to respect those laws. What I am saying here is will the Administration respect their own Municipal Ordinance, the Administration, not the people. This is what I am asking, will they wait until all these ratepayers and all this type of thing and all conditions can be met within this Ordinance before they try to implement a municipality in Faro. This is what I am trying to say.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, we are bound by the terms of the Municipal Ordinance and we do our best to carry them out. It is slightly unfair and particularly here for a member of Council to protest our carrying out the terms laid down here and appealing to us not to carry out a resolution of this House followed by this Ordinance which was only amended, this section was only amended in 1967.

Mr. Taylor: Mr. Chairman, this is my very point. We haven't proposed a motion permitting the Administration to proceed under Section 5 of the Ordinance and subject to the safeguards therein contained, those safeguards have not been met, unless you can stand and tell me right now there are 50 ratepayers in that community, twenty-five of which are, fifty percent of that number which could oppose this, and logically do so under the terms of this Ordinance. It is clear, everybody admits that there are only two ratepayers in Faro. So you can't implement this section of the Ordinance until there are fifty. Am I incorrect?

Mr. Legal Adviser: When the Commissioner is satisfied, at a certain point in time, on the advice he receives, that there will in future times be fifty ratepayers, now I am not quibbling as to whether people pay rates or live there, or anything else, but he has got to be advised that in a future point in time there will be and that he is satisfied with that advice. With that he brings the facts before the Council which was in fact done and a debate pursued. Then from that point on, once the resolution in Council is passed the machinery should go forward in accordance with the Ordinance and a person would be very open to criticism if we didn't in fact proceed in accordance with our undertakings and in accordance with the law as was laid down in the Ordinance.

Mr. Taylor: Mr. Chairman, I can only say that if the Administration proceed under section 5 of this Ordinance to implement a village in the Faro area, Vangorda townsite area or whatever you want to call it, they do so at their peril because they would be in contravention of this Municipal Ordinance and I don't think there is a Court in Canada that would not back me up. Yes, I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Mr. Chairman, the first thing that strikes me is the error that the Honourable Member from Watson Lake has made in asking the Commissioner for his assurance on something, because every Member of this Council knows that the Commissioner never gives assurances so that he can be on the safe side at a later date. Now, the resolution that was passed by Council was passed subject to certain conditions being fulfilled, one of those conditions was that there would be fifty ratepayers. This was the innuendo that was given at that time. Now, I don't know whether Mr. Legal Adviser is trying to suggest that a village, in fact, could be formed under the terms of our Municipal Ordinance when there are only two ratepayers, when in any event one of them is a company and a company cannot stand for office, and in any event the offices of the aldermen and reeve of the village would have to be ratepayers so where do you find the people to be elected if you haven't got people who are ratepayers? Now, it seems to me a ridiculous situation that we are being involved in now because we must recognize the fact that the only way village status, which is a municipality within the meaning of our Municipal Ordinance, can come into effect is when there are 1) sufficient ratepayers to form a village, 2) when there are sufficient ratepayers from whom an elected body could come about. Until such time as that takes effect, certainly there is no possible way of overcoming the legislation that the Administration is bound by to keep in effect, especially Mr. Legal Adviser, Mr. Chairman, with due respect, Mr. Legal Adviser must see that the Ordinance is not contravened by having a village status set up when there are not sufficient ratepayers to form the elected government of that village status. Certainly I approve and agree that we should, more and more, give local autonomy to areas, something that unfortunately we, of this body, haven't got the powers to go and give to local areas. But as it is now, we must be very careful not to do the things we are unable to do. The Honourable Member from Watson Lake is quite right because I was very surprised indeed to see a publication in our local press declaring that the Faro area would become a village status and I would like to know, perhaps Mr. Legal Adviser can tell me, how and from where you would get the elected body on the village status.

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Mr. Legal Adviser: Well, I can quite conceive that there will be some problems if for some reason most of the people there are not technically ratepayers and we can see that the Ordinance may even have to be amended. If what the Honourable Member says is true, that there are in fact only two ratepayers, the situation becomes somewhat ... because if one of them is a company then one person will hold all the various offices and so forth so it becomes not a legal impossibility but a practical impossibility to go any further than we have gone now. So, if this is true then we may need an amendment to the Ordinance to resolve the situation. But this is not to say that at this point, going for it in the normal way... if the ....behaved in a normal reasonable manner..... Apparently they are anxious for village status, they want this, and all they want is more information; this is what I gathered from the terms of the documents read by the Honourable Member. It resolves itself without any earth-quake and upheaval between here and Faro.

Mr. Chamberlist: Mr. Chairman, with respect, it might not be earthquaking but it is an upheaval indeed. It is an upheaval because it appears that the Administration wish to impose something that is outside the powers of the existing Municipal Ordinance and really, I know there is no point in asking again for the Commissioner's assurance that this will not be done because I am sure the Commissioner, in his very adapt manner, will say "I cannot give you assurance at this time but." you see, it is the "but" that I am worried about. That is what his thought is. What we really do want is assurance that there will be no attempt to foster on the people in the Faro area a village status until such time that they have ~~the~~ ratepayers, which is required under the terms of the Municipal Ordinance and the ratepayers to form the elected body of that area. It is a simple thing that we ask for and that assurance should be given, if it is an inability for the Commissioner to give that assurance I am sure that Mr. Legal Adviser can say that I will advise the Commissioner that this will be the matter, it will be done.

Mr. Legal Adviser: I think I can stand and say the Commissioner will uphold the law as he always has done and as he always will do.

Mr. Shaw: Mr. Chairma, I would like to ask a couple of questions and one is, we have the Collector of Taxes with us at present and is it correct, according to his records that there are only two ratepayers?

Mr. MacKenzie: That I am afraid I could not say.....

Mr. Shaw: The second question then is, I recollect that when Faro started there was an enormous fan-fair that it was going to be an open town and people were going to flock there. It would appear to me that right now we have what you might call a company town and nobody wants to assume any property rights. Another question that shook me up this morning, another statement that the Honourable Member from Watson Lake had made is that these lots sell, and I assume that this is the residential lots, \$40,000 a lot, is that correct? Well, a commercial lot can be a block square. How much is a residential lot; could the Honourable Member give me that information?

Mr. Chairman: Councillor Chamberlist, will you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: I was talking about ratepayers in the village, not tax payers, these tax payers could be paying Income Tax or anything else. I am talking about ratepayers there are two, one of which is the Anvil Mining Corporation and the second one got sucked in and I assume will move out of the 15 mile radius is the Ross River Sawmill, the Indian's people sawmill and I am sure that they can't afford to pay taxes to the Anvil Mining development so when they move out there will be one. Now the White Pass and Yukon and Hougen's are in there on a tenant basis, they don't own any land. Apparently they don't have enough money to buy a \$40,000 lot for a garage, this is just one Commercial lot. Now as for the prices of land it was published in the second to last issue of the Whitehorse Star, and I have been tempting for days to get a copy of it and I just haven't been able to. When I get a copy of that newspaper I will, as the Member of that district be able to inform you what the prices of those residential lots are, but I believe they run anywhere from \$1,500 to several thousand dollars. I don't know.

Mr. Commissioner: Mr. Chairman the only property that is available for sale in Faro is fully serviced property, the full details of it where in a public notice in the newspaper, I don't have the details of it. They are - the price of it includes the servicing of the property and I believe a residential lot is somewhere in the neighborhood of four to five hundred to five thousand dollars, and they are being sold on a partial downpayment and I have reason to believe it is a twenty year payment scheme.

Mr. Chairman: From the Chair I wonder if Mr. Commissioner could indicate how many lots have been sold to date.

Mr. Commissioner: I am sorry Mr. Chairman, the manner of dealing with the property situation at Faro, I believe is to transfer a title, or transfer of title to the Anvil Mining Corporation for certain portions of the property who in turn have mortgaged the property to the Central Mortgage and Housing Corporation who have financed the building of the homes in the area, but of the total lots I have no idea.

Mr. Shaw: Well Mr. Chairman one thing that it does indicate which excuse me is unfortunate, is that we - the concept of having an open town is very sound and very good, but it almost appears that the way this Anvil or Faro townsite is going that it is going to end up being a company town just the same as Clinton Creek is at the present moment. In other words whether you can call it an experiment it was certainly done with the best of intentions but it doesn't seem to be working. I realize that we just - the only way that you can organize these communities is by providing services first before people get in there, then providing them after. But it does raise the problem of the initial cost of the lots in the Faro townsite.

Mr. Taylor: My final, unless there is any questions that arise or debate, my last comment would be this, and I wish to reiterate and make it abundantly clear to all Members of this Council, the Administration alike, that what I am trying to do is point out that there is a section in the resolution we placed forth on the implementation of this village, or of any villages for that matter, but mostly in this instance that subject to the safe guards there in contained, I think the Administration must bow to the comment that I make, that we are very, at times are very highly suspicious of the motivations or actions of the Administration, and from time to time this is reflected in such, those statements and the resolution have come out of the House in the past year subject to the safe-guards therein contained, all I am trying to do is to buy a little time for the people of Faro to make up their minds hopeful that within this period of time that the Administration will get off their behinds and get out there and sit down with these people and rationally, intelligently discuss this matter



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Mr. Taylor continues: provide them with details, hide nothing from them, openly discuss this thing back and forth, so that the people themselves, there are some 600 people out there men, women and children, and from them - they themselves depend or decide what they want to do. Whether they want to accept or reject it, we have nothing under the Municipal Ordinance to provide for that type of situation. We have nothing under the Municipal Ordinance at this time to provide a village in that area until there are fifty ratepayers. I would certainly be more than willing, and happy to entertain any reasonable amendment to the Ordinance which would not in effect hurt any other area in the Territory. I would like to see the Administration really look at this. But I do point out today in trying to buy this time for people to make up their minds that they can't do it under the existing Municipal Ordinance. Thank You Mr. Chairman.

Mr. Chairman: Is there further discussion on this item.

Mr. McKinnon: Every time the Honourable Member from Watson Lake stands up in public about the unrest and turmoil and social up roar going on down in the South end of the Territory, I am always a little worried that the Yukon Militia has left the Yukon at this time, because the way he puts it I am always afraid that we are going to have to send in the troops at any moment. It does seem to me and I had two extremely fast growing areas in my area namely Porter Creek and Crestview. We have gone through exactly the same difficulties in trying to establish what kind of Municipal development will come about in these communities, and I am sure that every other Member at this Council has had these problems, and it has always been my believe and I have always gone through the Administration to ask them to do certain things or not to do certain things because as far as I could ascertain it was the wishes of the majority of the people that I represented. I have always been successful in this endeavor and told the Administration that if in the final analysis they weren't willing to listen to the elected representatives that I was unfortunately the only other alternative that I would have was to bring it before the Members of Council. It seems to me that the Honourable Member from Watson Lake before he has brought it to the Administration's attention and before he has asked them whether this can be done in a certain manner, he continually brings the problem before Council, gets Council involved in the affairs of his constituency before the Administration has given their consent or not as to the plan of action that he would like to see followed. And as I say I think that Council could be going on continuously involved in the local affairs of everybody's constituency and everybody's communities that they represent, if Councillors all saw fit to react in this manner, and I hope that the Honourable Member is satisfied that - I told him before that if he finds the Administration is doing things against the Ordinance and doing things that are not in the best of the people that he represents that I am sure that he would always find Council more than willing and ready to back him up in this respect. And up until this moment I don't see where the Administration has gone against the terms of the Ordinance that are well defined and laid out in the Municipal Ordinance.

Mr. Taylor: I rise again to enlighten the Honourable Member, but I would first like to deal with the differences that have occurred between relationships between the Honourable Member and his constituency like Porter Creek and the Administration I believe he can jump in a car and talk to any Member of the Administration in a matter of a few minutes, or he can phone on the local phone system, but unfortunately I represent a piece of hinterland which puts every thing two or three hundred miles away from the Administration. It becomes rather difficult.

Mr. Taylor continues: Number two is, that on Tuesday February 10, it was the date I my first meeting and we got to work on this, or Monday February 9 and on the 10 I communicated with one of the Executive Assistants of the Commissioner and set up the meeting which went on. At a much later date I phoned again to the Administration, to the Executive Assistant and asked how things were coming, he said no he couldn't give me any .... this was after these notices were booked. I have indeed negotiated all the way along with the Administration, and I finally in desperation phoned the Commissioner, he himself told me that he was unable to give me any assurance that he wouldn't implement this in spite of these arguments that I presented today. It is for that reason I bring it to the table, otherwise it wouldn't be here. I am looking for that assurance, apparently I can't get it, so the best I can do, in all futility, is to lay it before my fellow colleagues at this table, in the presence of the Administration in the hope that they will not proceed until they legally - as I feel, until they legally have the right to.

Mr. McKinnon: The Commissioner says that he will not go against the terms, and the Legal Adviser said that he would not allow the Commissioner, on his advice to go against the terms as laid down in the Municipal Ordinance. This seems to me to be pretty solid assurance, is this what the Honourable Member is looking for.

Mr. Taylor: Yes very much so, but it would appear that the Administration places different interpretation upon this section of the Ordinance. It is supposed to be designed for laymen to understand and for Judges to interpret quite clearly, but obviously they will not give me that assurance. I have asked for it twice this afternoon, and I can't get that assurance.

Mr. Taylor: At this point I will resume the Chair.

Mr. Chamberlist: I had hoped that I had finished saying what I had to say but now that the Honourable Member from Whitehorse North stood up and distorted the point, and I say distorted because the point is distorted, when he mentioned the differences that he has had, or something similar that he has had in Crestview and Porter Creek, I say that that is a ridiculous anomaly which exists between both of them. Porter Creek they are ratepayers, they own their own lands, the same thing with Crestview, where they can get the fifty ratepayers out of there that is required, this doesn't exist in Faro. I think that the - because there has been a publication to the effect that Faro is to be given village status that in fact the Administration has commenced to do something. The Honourable Member from Whitehorse North has not recognized this point, that they have started doing something and I think that the Member from Watson Lake has properly raised this before Council because we have a function to see that there is no abuse of the Legislation that this Body places on the books and I say that if it is not brought to the attention of the Administration loud and clear they will attempt to do something that they really cannot do by law. Now I know for sure that Mr. Legal Adviser watches very closely and as closely as possibly that the Administration will not act in a manner that might upset me because he knows full well that I am going to fight it out very soon and I will raise the question strongly as well, and Mr. Legal Adviser knows to that he cannot under present Ordinances go ahead with this village status and I would challenge the Administration to attempt to do it under the Ordinance the way it is written, especially under this section that was being referred to. I would suggest the Honourable Member from Whitehorse North certainly is attempting, in my opinion, to smooth out a rough hoe, the Administration is entitled to get, because of the attitude that is being adopted. Now I am not suggesting that

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Mr. Chamberlist continues: the Commissioner is responsibly but I know that he has a very effervescent officer of Municipal Affairs and this is where it comes from, where the Director of Municipal Affairs probably initiates the advertisement that suggested that village status is going into effect prior to there being any amendments to the Municipal Ordinance. I support the attitude that the Honourable Member from Watson Lake is taking in bringing this forward to Council. I think it is the proper thing to do and I am pleased that he did, so I can watch even closer the Administration.

Mr. Chairman: Is there anything further on this item Faro Townsite \$70,000. Clear. Next is the Haines Junction Local Improvement District \$22,000.

Mr. Livesey; Although I know that we have got past this Faro Townsite situation, I would also like to advise Committee, Mr. Chairman, that this is the place to bring our problems. If we can't bring our problems to this Table in this House then we may as well go home. Lets face it, I am not saying that we should eliminate any other avenue, I say we should explore every other avenue as often as possibly, but this idea of condescending because we are coming to the table is ridiculous.

Mr. McKinnon: Mr. Chairman I am going to rise on a point of privilege, that is not what I said at all the Member from Carmacks-Kluane knows full well that that is not the way I worded it. Exactly what I said is exactly what he is saying, that you explore the other avenues and if you don't get an answer you come to this table.

Mr. Livesey: Maybe I give a better description than the Honourable Member from Whitehorse North. This is the place to discuss our problems, there is no question about that especially I think this year when you consider that this is probably the last session, and now a Member says no, we should try some other method, yes I think that is wonderful, but I don't think that will get enough publicity. Yes there is no question about that, you can sweep anything you want under neath the carpet but when you start sweeping the truth under that is when it bothers me. However my main point in rising as far as this Haines Junction Local Improvement District situation is concerned, we don't need to take this one to Sherlock Holmes Mr. Chairman. This local improvement district situation it needs a lot of cleaning up in my estimation, I am not referring to that local Improvement District what I am referring to is the situation whereby we now have a - various sections squared off on the map as being a local area and it seems to me that these local areas, now that we have them set up as LID, they have suddenly become incommunicado to the Member that was elected to that particular area, in other words I am not saying that there is any alternative motive, I am not saying that this is the way it was planned out, or imagined or anything, but this is simply the practical aspect of the situation. The representatives for the district communicates with the Administration and they do this without the Councillor even being present or without him even being informed as to what is going on. Now it is a fact there is no use denying it it is a fact, and a question that I would like to raise at this time, Mr. Chairman, with reference to establishment No. 626 is that I noted that the first appropriation I believe is in the seven hundred dollars bracket, the second appropriation is an addition of supplementary estimates and now we are in, for the Haines Junction, we are in the 22 thousand dollar bracket Now the question I would like to ask the Administration, at this time is, do we feel now, this is the Spring Budget, do we feel that this is an adequate amount to operate the Haines Junction Local Improvement District for this year, or is it possible that there may have to be another supplementary estimate to provide the necessary services?

Mr. Commissioner: Mr. Chairman under the best of circumstances what we have put before you is a very best considered information that we have and I think that the members of the Financial Advisory Committee and the Treasurer will agree with that this information is like any other forecast of the future it is subject to change, if change is needed, if there is somekind of a local problem that arises in the Haines Junction area, if they have a serious flood there could be many things that could happen, they may wind up with a particularly heavey snowfall next year which calls for more money to remove snow. We have placed before you the best estimate that we can, based on experience and anticipated expenditures as to what costs are involved in that district for the coming year. For me to stand here and I give you an absolute guarantee that either more money or less money will be spent in the district then what we have estimated here would be a most improper thing for me to do. It is the best estimate that we can come up with.

Mr. Livesey: Mr. Chairman then I may assume then that the main fundamental ground work covering propositions for the normal operation of this Local Improvement District. As far as the basic are concerned it is in the 22 thousand dollar bracket and if we are then thinking of any additional, then we are talking about an emergency of some situation, or a new line of thinking is this correct.

Mr. Commissioner: The answer is in the affirmative Mr. Chairman unless Mr. Treasurer has something to add.

Mr. MacKenzie: It will depend on the change in a situation, if we need more money it will be because the situation changed.

Mr. Commissioner: I think that this is what the Honourable Member from Carmacks-Kluane is alluding to, Mr. Chairman.

Mr. Chairman: Clear on this item. Next is Hillcrest Services \$14,850. Clear. Next is Hillcrest Water Services \$18,000.

Mr. Chamberlist: I will like to know Mr. Chairman if there is going to be any money set a side for the improving of the water services at Hillcrest?

Mr. Commissioner: Unless there is something in the Capital Budget that I don't have recollection of, why I am not aware of any provision for Capital Expenditures in the up-grading of the sewer-water system in the Hillcrest area.

Mr. Chamberlist: Is it the intention of the Administration to allow the unhealthy condition of the water in the Hillcrest area to remain, in view of the many cases of hepatitis which have evolved from that particular district.

Mr. Commissioner: Mr. Chairman I may be wrong in this but I think we are talking about the source of the water not the water system, and the source of the water, we are buying the water from the Federal Department of Public Works as far as I am aware this is where we are getting the water from.

Mr. Dumas: Mr. Chairman I have taken up this problem several times. The last time Council met we pass unanimously a motion suggesting that the Administration initiate some meetings between the various Government Departments and the various people that are involved and concerned with the whole water system and the whole problem in the greater Whitehorse area. Has anything be done in this respect Mr. Chairman?

Mr. Commissioner: Mr. Chairman the answer is in the affirmative and I believe there is a report on this which will be available when we get back to Whitehorse, which will be given to Councillors.

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Mr. Chairman: The next is Hillcrest Sewer Services \$6,000. Clear. Next is Keno Services \$2,690. Clear. Mayo Local Improvement District \$24,000.

Mrs. Gordon: When this primary was passed last year Territorial Council Members were provided with the details of the budget for the Local Improvement District. May we have this . . . . at this session.

Mr. MacKenzie: I shall be glad to supply that in Whitehorse.

Mrs. Gordon: . . . . we do but there is a lack of communication other wise.

Mr. Chairman: Is this item then clear. McRae Subdivision \$855. Clear. Next is Old Crow Services \$756. I have one question from the Chair here, who is going to cover the cost of maintaining the Old Crow Airport should it not be reflected here, or is it reflected in a separate column.

Mr. Commissioner: Mr. Chairman it will be two years before the Old Crow Airport is completed, and if it needs any kind of maintenance money at that time I don't see why it will not appear in the Public Works or the Engineering Votes and will be part of the . . . . . But we are two years away from it.

Mr. Chamberlist: I wonder if Mr. Commissioner will not agree at this time that it was given to private enterprises we would have had it built this coming year.

Mr. Commissioner: Mr. Chairman I would not agree.

Mr. Chairman: Alright the next is Pelly Crossing Services \$770. Clear. Next is Porter Creek Services \$13,624.

Mr. Chamberlist; There is a lot of questions that have to be asked here.

Mr. Chairman: Are we clear. Next is Porter Creek Water Services \$12,000. Clear. Next is Ross River Services \$1,908. Clear. Next is Ross River Water Services \$1,700. From the Chair again, am I to understand that there will be a water line taken over to the Indian Village this summer.

Mr. Commissioner: Mr. Chairman I will have to have the opportunity of checking on an answer.

Mr. Chairman: It would be most appreciated. The next is Teslin Services \$6,160. Clear. Teslin Water Services \$600. Clear. Upper Liard Services \$1,660. Clear. The next is Watson Lake Local Improvement District \$38,000. Councillor Chamberlist take the Chair.

Mr. Chamberlist: Takes the Chair.

Mr. Taylor: Well Mr. Chairman subject to an election which was to be held in Watson Lake last night, . . . . . but I as the Member from Mayo would ask that the Administration would provide me with a copy of the budget as they did last year, the budget for the Watson Lake Local Improvement District. I have other things to say about Local Improvement Districts but I will do that another time. May I have that assurance first Mr. Chairman.

Mr. Chairman: You will never get assurance not from me, I can't give you one but perhaps the Commissioner, Mr. Commissioner will you give assurance this time please.

Mr. Commissioner: I will only be too glad to.

Mr. Taylor: Thank you I would like to resume the Chair now.

Mr. Chamberlist: I would like to ask one more point on this Mr. Chairman, it seems to me that Members of Council who do not know what is in the Budget except those. . . . . all I have before me here is an amount of \$38,000, and I think that it is only proper that Members of Council should be supplied while we are going through this budget with breakdowns as to what the amounts are for, now this is the reason I take it, that the Honourable Member from Mayo has requested it, and the Honourable Member from Watson Lake has requested it to. They are concerned because their constituents are involved, I am concerned because I have to also think of the money for people in the Territory, all paying their portion towards it, and yet I am not able to study this and say well - ask questions on whether the money is being properly used, these breakdowns should be available. I wonder if perhaps Mr. Commissioner could indicate that in future years whether I am here or not, that these budget breakdowns are supplied at the time of the Budget.

Mr. Commissioner: Well Mr. Chairman the amount of details that Council would like to have at any given time, I think that it is up to Council to indicate it. In this instance we are very pleased to supply any breakdowns of these matters. I think there is a limit, beyond which the Council would want to reserve the right at least to have before them at any one given time a certain limit to the amount of breakdown that is given. But this is public money Mr. Chairman and we have to be able to give a proper accounting of it, and certainly Council is the body that is entitled to have that and there is absolutely no reticence of making these items available and we would be pleased to supply them.

Mrs. Gordon: Mr. Chairman may I please draw to the attention of the Honourable Member from Whitehorse, that it is because I am a Territorial Councillor concerned with the Yukon tax payers money that I request this . . not because they are my constituents. I want to see money of the Territory well spent.

Mr. Shaw: Mr. Chairman I am not going to make a big speech because I have been around a couple of years in this business. And I would say this, that at no time, that I can recollect has there been an occasion when full particulars are not given on any matter, I am referring to the budget as far as money is concerned, if all the details Mr. Chairman are put in this book here, I think one year they did put it down in detail and we had a pile that high. I can assure you that when we were going through the budget in order to find out where these different things where you had to have a real filing system set up in order to do that. There is no time upon request that, unfortunately we do not happen to have the department next door or the Municipal Affairs where we can phone them up and say bring up this particular detail on the Watson Lake Improvement District Service. Otherwise it would be delivered right now. I can quite understand the Honourable Members wishing the details, and I think they should have these details but in the past they have just asked for them and they were given.

Mr. Chairman: Would you take the Chair again Mr. Chamberlist.

Mr. Chamberlist: Takes the Chair.

Mr. Taylor: I think I should make a point here that as the Member from Mayo pointed out, we are very interested in where the tax payers dollar is spent, but nobody is more interested than the tax payer himself, then again down here in Watson Lake I think the Administration will recall the Capital cost of the sewer system which they upped 11 cents a foot at the last session. The people in Watson Lake to this date don't know it, nobody has been able to give them the details, least of all the

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Mr. Taylor continues: LID, I have seen as many as I could, but I feel like the town crier knocking on doors and telling them, so many of them still don't know that unless they were told that last night. I believe they have gone out and bought a grader and put somebody out of work down there, the people don't know that either unless they were told that last night. This is the Local Improvement District of Watson Lake. This is the reason why we have an expenditure of \$38,000 we would like to see that budget and see where the money comes from.

Mr. McKinnon: Mr. Chairman I am certainly glad to see the interest that all Members are showing in the dollars that are spent by the Territorial Government. It strikes me a little strange that the grants that were applied to the City of Dawson, and nobody asked to see the Dawson budget and I am sure that when the Whitehorse Grants come up, the people, before the money is passed will want to see the Whitehorse budget....

Mr. Taylor: Mr. Chairman I have no doubt that the budgets of the city of Dawson and the city of Whitehorse are in good capable hands, I have no doubt what so ever. I can't say in the case of the LID, you are looking at an entirely different situation. Because the LID are an experiment which I don't feel that have fully worked as of yet. I think that in most cases that the people are trying, but again there is still a lack of communication between the Administration and the LID but it is slowly coming along. But we do not have the expertise in these areas, that you have in these areas, which are involved with the Municipal Administration, remembering that we are not talking about apples and oranges.

Mrs. Gordon: Mr. Chairman the Council Member from Watson Lake has put it very well and I would add to this that our people have a lot to learn, the information they need to learn to make it possible that they be as capable as the city of Whitehorse and their operation of Whitehorse, and the City of Dawson in the operation of their city is not forth coming from this Department that should be giving them the education the knowledge, the guidance and this is where we have fallen down in this whole area.

Mr. Shaw: I do not understand this, possibly I do not understand the position that the Honourable Members have with the Local Improvement Districts in their area. Myself, I go to the Council and I know what is on the budget that is forth coming, in other words is it not possible for the Members who do have these Local Improvement Districts in their particular areas that they can't communicate to the aldermen or the Councillors and ask them if they will give you a copy of their budget for their forth coming year. Will they not give you that information, or do they not have that information. I am at a loss to understand why the Honourable Members do not have this information.

Mr. Taylor: In my case all you have to do is read your local newspaper, I think there is a serialized one going now all about that nasty Mr. Taylor, but this information is not as easily obtained in our areas as other areas.

Mr. Livesey: I would like to add something to that and that is the fact that this is something new to them and a good many of the people when this Local Improvement District situation started out they felt that they were cutting off their usual contact with the elected representative on the Council and substituting it with members of the Local Improvement District situation. A lot of people in various areas argued on that basis against it, because they felt that they were switching sources of information and switching sources of confidence and so on. This was the argument. I admit that the newness of the thing, possibly caused them to think this way. At the moment it is more or less an

Mr. Livesey continues: exclusive club, at the moment this is what it looks like rather than being a part of the whole it is a sep rate thing, sort of look at what we have done boy. The glue between the Administration and the LID solid, there is no question about that it is written right into the Ordinance, when I first read it I remember thinking well there certainly is no loop holes here. But what we have to do with public representatives and elected representatives, what ever we are we still have to be responsible for public funds of the Yukon. BILL #5

Mr. Taylor: I just had one more question, I am just wondering now that we are discussing this if the Administration has sufficient confidence in their Improvement Districts as they would appear to indicate that they have, this year if the Administration has sufficient confidence to say give, in this case the Watson Lake Improvement District the \$38,000 for their Administration and allow them to administrate it and collect the accrued interest. and let them administrate their own funds. Could this be done?

Mr. Treasurer: Well that is what happens this money will be paid to the Local Improvement District Trustees in an amount, we are certainly not going to pay \$38,000 in a lump sum now and it will be spent in 11 months time there is now need for it, it would just cause trouble.

Mr. Taylor: May I conclude from that then that the Administration do not have sufficient confidence in the ability of the LID to administrate their own \$38,000 so they portion it out.

Mr. MacKenzie: No that is a mis-understanding, there is just no need to pay out now \$38,000 because it will not all be used at the same time.

Mr. Shaw: Mr. Chairman the Government of Canada pays the Yukon Territory money every three months I think, and it is my experience in dealing with municipalities that you get the money on a monthly or bimonthly basis, the big problem quite frequently of course is getting the money after you have spent the money and having to go to the bank to borrow money, which I had to do on various occasions on behalf of the City of Dawson. This is a common practise, I think all over Canada in relation to the provinces and the municipalities, they are paid from time to time when it is required. I don't think that any of them give the lump sum because the senior Government have the money and they are collecting the interest, they are prepared to give the sums of money as created by legislature but not the interest too.

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

Mr. McKinnon: I would like to put the question the other way Mr. Chairman, would I be correct in assuming by listening to the remarks of the various Members who have LID in their districts that they do not feel that the LID are in good hands at this time.

Mrs. Gordon: Please may I answer that, I have every confidence in the LID but they have lost any confidence in the Territorial Administration because they are receiving no cooperation. They are receiving no education, they are receiving no advice, they go unanswered, they order material but don't get it. We have got a sewer and water system that is going to take a small fortune to repair this summer. There had better be money in the bucket to do it. You have lots of Territorial Buildings there and if they are going to be serviced then it seems to be the criteria we are setting up; we must have services. You'll need money for repairs.

Mr. Chairman: Are we clear on that item? Next is the Whitehorse Industrial Area \$2,326. Clear. The Whitehorse General Purposes Grant \$245,000.



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Mr. Chamberlist: You see there Mr. Chairman, here is \$245,000 on a piece of paper and nothing else. But I want to know what the money is being given for.

Mr. Commissioner: It is part of the agreement that we have with the Federal Government.

Mr. Chamberlist: A lump sum deal with no breakdown.

Mr. Commissioner: That is right because we can't break down the money down because we don't know .....applies to the city, it is under the agreement that we have with the Federal Government.

Mr. Chamberlist: But surely Mr. Chairman, Members of Council should be given the information on what the city is - how it is budgetted for. I think so because you are asking me to approve a large sum of money without any information. Now it is the usual thing, get the stamp, bingo, passed.

Mr. Shaw: Mr. Chairman this particular item is based on the assessed value of the property in the Municipal Area of Whitehorse the same as it is in Dawson. They get I think 10 mills on the first million dollars on assessable property and 8 mills on the ones afterwards, that is a statutory it is something that we can't monkey with and we can't refuse them and we just have to pay them on this amount, how they spend it is just up to them.

Mr. Chamberlist: This is not disputed, but there should be at least some explanation as to what this money is going to be spent on. I think that we have a responsibility of checking on the budget of the city. Now the Administration may do this through the Commissioner but the Members of Council do not know about it.

Mr. MacKenzie: But Mr. Chairman the estimates show that this money is intended to arrive for payment of the General Purposes Grant in Whitehorse.

Mr. Chairman: Next is the Whitehorse Maintenance Grant \$38,000. Clear. Next is Whitehorse West of 8th Avenue \$3,500.

Mr. Livesey: If you turn the page Mr. Chairman you will see Water Services and I notice that you are dealing with this on this page. It seems to me that some time ago there was a formula laid down whereby Mayo, Watson Lake, Porter Creek and I believe Haines Junction were all listed on the basis of priority in relation to water services, it seems that we now have water services in Mayo, Watson Lake and in Porter Creek. I am talking about functional systems before we turn the page.

Mrs. Gordon: You are jumping the gun.

Mr. Livesey: Not necessarily, I am just raising a question on water systems in operation for this grant. I wonder if the Commissioner could tell me if the list is still be adhered to and if Haines Junction is going to be considered.

Mr. Commissioner: Mr. Chairman I am not to sure about this situation that is spoken of but if the experience that we are encountering at the present time of the installation of these water systems in some of these communities is not improved why there is no point in trying to put them in because the people can't afford to pay for them after they are installed and the information that the Honourable Member is asking for, I will have to find out just what order of priority, I know this was tabled as part of a long-range plan and I will look this up.

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

RECESS

Thursday, April 2, 1970  
3:30 o'clock p.m.

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Mr. Chairman: Order please. At this time we will call Committee back to order. Are we clear on the item Whitehorse, West of Eighth Avenue in the amount of \$3500. The next is the Whitehorse Sleepy Hollow area, \$200. Clear. The next is water services for areas adjacent to Whitehorse, \$24,360. Clear. The next is sewage eductor services \$6,330. Some of this is recoverable I believe, is it not?

Mr. MacKenzie: Yes, we recover, Mr. Chairman, approximately 50% of the costs of water services and the sewage educt services throughout the Territory.

Mr. Chairman: The next is insect control, Yukon Territory \$40,000. Are we clear?

Mr. McKinnon: I was wondering, Mr. Chairman, if the Administration could provide Council with the trade names of the insecticides that will be used during the insect programme this year.

Mr. Commissioner: Yes, we can table that information if Mr. Clerk would be good enough to make a note of it. It is one that meets the approval of the Fisheries Department.

Mr. Chamberlist: Do I understand the DDT has been withdrawn?

Mr. Commissioner: I'm sorry, I don't really know for sure.

Mr. Chairman: The next is dust control Yukon Territory \$30,000.

Mr. Livesey: Yes, Mr. Chairman, I'd like to ask a question in relation to this particular vote. I believe during the fall discussion, the Fall Session, when we were discussing this dust control, that I brought the attention of the Administration the question of a more firm form of application, a more lasting form of application of crude oil or whatever the actual chemical substance may be which we're laying on the roads towards perhaps making these areas dust free, or dust free if possible during the summer months, and at the same time, a more practical application. And the suggestion that I made which came from a number of individuals in my particular electoral district who actually work on the highway was that they thought that after the oil was laid that a grader should scrape it into the earth surface and thereby mix the oil with the surface of the highway, thereby creating perhaps a deeper penetration of the oil being laid than would otherwise occur if the truck merely zoomed along for a quarter of a mile with taps full on and then shut them off and kept on going down the road. And this is how it's done right now. It has to be laid heated, and I wonder if the Administration had raised any questions with either the Department of Public Works as far as the Alaska Highway is concerned or their own Department in relation to this and if so just what was the result.

Mr. Commissioner: Mr. Chairman, I have to utter complete ignorance on this point. I know the matter was raised but as to whether anything or any conversations have been conducted on it along these lines, I'm afraid I don't know but the Councillor is right, if he asks a question he's entitled to an answer.

Mrs. Gordon: Mr. Chairman, in relation to this dust control, I believe last summer there was an experimental mileage of road between the Mayo cutoff and the Mayo road for approximately 50 miles, in which a substance was spread for dust control measures and I wonder how successful and what possible report we will get from the Territorial Government on this experiment.

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Mr. Commissioner: Well, Mr. Chairman, this is part of a series of experiments, and I think that Council Members are aware and that they are being conducted in co-operation with Federal authorities on the Territorial Road system, and I think that we could get a fairly well detailed report on this and table it for Council's information. I'm personally not competent to pass judgment on these things but I know that there has been considerable conversation between Mr. Baker, the Territorial Engineer and the Federal authorities on this and they apparently must have made some decisions concerning the effectiveness of certain aspects of it because I notice that they have many thousands of sacks of one type of product stacked along the highway between Whitehorse and Carmacks.

Mrs. Gordon: I would also ask, if possible a comparison could be made between this experimental material and the areas along the highway that have a good clay base. I find these areas are just about as near to pavement as is possible for them to be and not be pavement, and are practically dust free.

Mr. Commissioner: Well, Mr. Chairman, I'll see what information we can provide but the question the Honourable Member is raising is getting into the area of soils and the availability of this surfacing material. There becomes an economic point beyond which you cannot haul certain surfacing material and this places limitation on where it can be used and where it cannot be used, but if the Honourable Member would be good enough to leave the question with us I will determine what reasonable condensed information we can get. I must say that there had been several books the size of our Territorial budget published on this particular item particularly with regard to the Alaska Highway in the last few years, so it will be condensed information that is brought forward.

Mr. Livesey: One more question, Mr. Chairman, on dust control. I was wondering if you're going to include one on insect control. I wonder if the Commissioner is looking at the question I just raised previously with reference to dust control, if he would also ascertain whether we're going to have an earlier application of the fall application of oil much earlier than we had last year. I believe that last year due to circumstances I don't believe were entirely the fault of anyone, under the circumstances I believe we were short of materials at that time but I felt they were too late to be of real service to summer traffic, the last application, and I would certainly appreciate if an earlier application could be made than was made last year. Now, on insect control, I would like to raise a question once again, with regard to Beaver Creek. So far I have no indication that their wishes are to be changed with reference to no airplanes. They want to do the job themselves and this I'm sure the Administration is very interested in when they want to see good honest Canadian citizens wanting to help themselves in an area. The airplane usually arrives in Beaver Creek at 5:00 o'clock in the morning then it comes over and buzzes over the whole place and everybody's in bed and the washings out on the line, and this is what we get out there. Well we don't want that, and I've said so and I know the Administration knows this, but unfortunately there was some kind of an accident last time, there was a slip up last spring and the airplane came anyway. So anyway in order to eliminate all the irate housewives that have their underwear soaked in fuel, why I would suggest that we just eliminate the airplane. Let's do it cheaper, we'll save about \$3,000 anyway.

Mr. Shaw: Mr. Chairman, I'd like to ask a question of the Member from Carmacks-Kluane. That is, how this hand spraying system is working in this area? Is it keeping down the insects, is it satisfactory, has proven satisfactory? I'd just like to know because there is one area in my district, mainly Old Crow for the last couple of years, three years, they have had the machinery and the insect repellent which they put on

Mr. Shaw continues . . .

in that area which has proven fairly satisfactory. That is an awful place to send an airplane out, 300 miles North, and I wonder how it works in the areas at Beaver Creek?

Mr. Livesey: I don't mind answering that question. I think we are the only people doing this, outside of Old Crow. What happens is, we borrow, the local citizens borrow the equipment from the Department of Public Works and we have to take a course that the Department recommends. What they would like to use is DDT but now DDT is out because we're talking about pollution, we've got everybody coming down with their hammer on DDT so we can't have that, so we take the next best thing. So what they do is they mix it up, and they make a proper mixture and they put it on the back of a pick-up and they, whenever it gets bad and whenever you have damp conditions and the mosquitoes are real thick, they just come down, and they usually choose an hour - or a two-hour period where there's no wind. That's when they benefit, no wind drift at all and it could be in the evening or it could be late at night. But anyway this is what the fellow in charge does. He picks it and then he sprays the whole area off the back of his pick-up and that stuff just floats right through the bush and it goes like . . . you've got to close all your doors and windows tight too because fuel oil really smells. But everybody breathes easier for a week or two after that, that's the way we've noticed it and we're quite happy with it.

Mr. Chairman: Are we clear on this item?

Mr. McKinnon: Mr. Chairman, I must say that I've had the misfortune of visiting Beaver Creek in 1967 just following the ground application by the citizens of Beaver Creek and I can assure you that the mosquitoes in that area will be very happy to learn that they are again going back to the ground technique.

Mr. Livesey: I hope it didn't defer the Honourable Member from Whitehorse North, it wasn't really made for his benefit, it was the small biting animals.

Mr. Chairman: The next item is removal of condemned buildings and clean up campaign \$1,000. Cemetery maintenance various localities \$1200.

Mr. Chamberlist: I wonder if at this time, they're in Dawson and I have given some thought to reasons why the cemeteries in the Dawson area have not been brought up to a standard of cleanliness and is it possible that any funds be made available, further funds to the municipality as I understand the cemeteries are within the Dawson city limits towards a programme for at least proper fencing and general clean up of the cemetery. I understand it was some years ago there was an arrangement made between the Territorial Government and the Municipalities for cleaning up the cemeteries. We have spent some money, and turned the Carcross Cemetery into a more or less historic site and certainly there is a lot of history involved in the Dawson City area. I wonder at this time, Mr. Chairman, if the Commissioner could make a comment whether or not this money could be made available for this particular purpose.

Mr. Commissioner: Well, Mr. Chairman, there is no use of me being optimistic if there can be any additional money made available in this coming year, because the answer is very obviously no, unless other programmes are stopped. What may well be practical if possible, is that they use some of the Corrections labourers, that they be made available in this area. I think that the Councillors are aware in this capital budget you approved the purchase of a mobile living unit and it may well be that a project of this nature or some-

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Mr. Commissioner continues . . . thing could be undertaken by Corrections. But as far as specific money is concerned, the answer will unfortunately be no. I will be very pleased to let Council know just what program can be undertaken if they will provide the Corrections people during the course of this summer. I agree very much that particularly the historic sites or the cemeteries that have historic significance in this area are more a Territorial responsibility than they are a Municipal responsibility and we should endeavor to undertake to look after them. We certainly are not doing it at the present time.

Mr. Chamberlist: Mr. Chairman, supplementary, I wonder if the Commissioner can indicate whether or not under the historical sites scheme, whether or not some money could be made available from that particular source?

Mr. Commissioner: Mr. Chairman, the monies that are made available under the Historic Sites vote is extended only on the recommendation of the Historic Sites and Monuments Board. There is representation from the Dawson area on that Board and I am sure if they were to take this matter up, and make representations along these lines it may well be that the group will be well prepared to accept a recommendation along these lines. But, when you start applying a very limited amount of money for a type of clean up and repair that is necessary, in most instances I think it is a matter of labour more than material and the Corrections programme would appear to me to be the proper answer in the Dawson area where we have a pretty considerable amount of cleaning up to do. In the Carcross area that the Honourable Member has referred to, this was done with a minimal cost, because it is really a very limited area that we are speaking of, and the job will be completed this year by the finishing and fencing and doing the painting. But it is very limited in relation to the job that has to be done.

Mrs. Gordon: Mr. Chairman, I would like to ask Mr. MacKenzie, I know the previous year's expenditure, 69-70 was \$1200 for cemeteries. And I know we have two cemeteries in the Mayo area; one I don't think would come within the scope of this vote but I don't remember one penny being spent on either one them.

Mr. MacKenzie: I don't know which cemeteries are involved.

Mr. Commissioner: Mr. Chairman, generally speaking, this amount of money is what is required to, literally speaking, to even maintain entry ways, road access to cemeteries throughout the Territory; it does nothing to amount to anything.

Mrs. Gordon: Mr. Chairman, this is the point I'm getting at. The highway goes right past ours and even the road into the cemetery has never been graded twice. I know there hasn't been a penny spent on that. Our fence has been falling down for five years,

Mr. Shaw: Well, Mr. Chairman, about three years ago when we started this Correctional Institute minimum security program, that is what this was going to be. All members of Council visualized that at that time there would be two or three, what you might call work groups that were going to travel through various parts of the Territory to do certain, what you might term, public works projects. And one of the priority items was the cleaning up of cemeteries. And I know, being a Member of the Council at that time, that all Members were very happy to see a program like this come into effect, and that we were going to have these trailers. Well, I think as you are well aware, we have a little more say now than we used to have but it was a case that we approved the money and the Administration spent it the way they wanted to spend it and this Wolfe Creek Camp was the result of that expenditure. So instead of having a mobile

Mr. Shaw continues . . . . . institution, it would cost about \$25,000 to move it, we did not have this program. But the present Commissioner embarked on a program for a start at treating the Skagway Trail.. Now that has been a very successful program and now we have an expenditure for real mobile units and I'm hoping that this plan of taking these minimum security people, inmates, or what you might call them, throughout the Territory to clean up cemeteries, I think that's about the first step we can start on, and it appears that we are, we actually have started on this program now. This has taken three years and a lot more money to put it into effect.

Mr. Chairman; Are we now clear on this item?

Mr. McKinnon: A point of clarification, Mr. Chairman, I raised this point exactly with the Director of Corrections when we went through the budget. I'm dead serious, when I asked him why this very program couldn't be followed, he very seriously told me that he had tried this very program in other areas cleaning up the graveyards and he got in so many problems, it ended up that the Catholics wouldn't work on the Mason's plot and the Protestants wouldn't work on the Knights of Columbus' plot. His phone came off the wall with relatives and people complaining of having those prisoners working in the graveyard, and he finally had to give up the project because of the complaints and because of the difficulties he got in, in this program that he was endeavoring to do. I thought at the time that this problem wouldn't come about if they were working in graveyards that were historic sites more than anything else in the Yukon Territory, and he said that he would see whether he could organize a program to work in historical site graveyards throughout the Yukon. But he said that there are very real difficulties and he finally had to bow to the pressure of people complaining about criminals working in graveyards and had to give up the program that he wanted to do.

Mr. Chairman: Are we now clear? Next is the Zoning Appeal Board, \$3,000. The next is the Intergovernmental Committee on Urban and Regional Research, \$500. I wish somebody would explain what this is.

Mr. Commissioner: Some kind of an eggheaded operation that we got apparently sucked into here. I don't know what it is to tell you the truth - probably to justify some of these trips back to Moncton, New Brunswick or something. It looks like another name for a squire removal program to me but I would feel that there is some justification for it or the Budget Programming Committee would never have allowed it to stand, and so that we're not going to hold up Committees progress on it, I will see that the question is properly answered for you. I'm sorry I don't have the proper answer to give you.

Mr. McKinnon: Mr. Chairman, when we took a look at all the trips that every Government Head had planned for the next year, when we had the original budget report in Budget Programming Committee, it appeared to us that the Heads of these Departments and their immediate assistants would be spending more time travelling across the country and outside of the Yukon Territory fulfilling their functions than they would be inside the Territory, and we very stringently curtailed all the trips of various Government Departments and we let them have one or two that they and their immediate assistant could have and that was it, just determine which was most important and one that you'd have to attend so that you'd be able to keep up with contemporary thinking in the various areas. And other than that, the ones that were absolutely necessary, that was the end of it. And I think this is the only one that we left in Municipal Affairs after all the rest were sorted through and were curtailed from the budget.

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Mr. Chairman: The next is Fire Training Program and Fire Brigades \$2,100. Fire investigations \$1,000. Beaver Creek Fire Protection \$1655, Carcross Fire Protection \$1725.

Mr. Chamberlist: I'd like to ask a simple question, Mr. Chairman. We have a fire truck with a tank to hold water. Now is there any way that we can get the water pumped into the tank instead of people having to take it up in buckets? Is there any possibility that we might get something like this in Carcross?

Mr. Commissioner: Carcross is provided, Mr. Chairman, with probably one of the most up-to-date fire apparatuses known to mankind. It's got everything including a well. The only thing is that the people decided to use the wells as a source of water instead of going to the lake, and the sand point has become clogged up and we're having some difficulty in purging it but it may well have been done by this time and I think the Honourable Members concern about having to bail the tank full of water is now over with. I do believe the well is functioning but I don't want to get caught as I have been on this steamer at Watson.

Mr. Chairman: Are we clear? Order please. The next is Carmacks fire protection \$1500. Destruction Bay fire protection \$1585. Burwash Landing fire protection \$1585.

Mr. Livesey: Do I understand now, I know it's unfair for the Commissioner because he may not be terribly involved in this discussion right up to date on this particular point, but, Mr. Chairman, I wonder if I might ask the Commissioner if the Department has now decided to do something about fire protection in Burwash Landing?

Mr. Commissioner: Mr. Chairman, it is not within our financial capabilities to do anything of a nature in the way of fire protection in Burwash Landing at this time. And the only way that anything can be done there is to have the full-fledged participation of the community and possibly the Honourable Member from the district might consider making available some of his Community Development funds to assist to build a fire hall and the Territorial Government I believe has surplus equipment available which would then be made available to the community.

Mr. Livesey: I have discussed this question with the Fire Marshal and he said this idea expecting the Councillors to put out \$8000 to go build a fire hall, this is ridiculous. Mr. Chairman, I have six communities in my electoral district that want assistance for community development funds for Community Halls out of \$8000 and the Commissioner suggests that you go build yourself a fire hall too. Nobody else is building fire halls out of their Community Development funds, only the one from the electoral district of Carmacks-Kluane Lake. I don't see, it, there's no sense in discussing that question, because the money simply isn't there, let's face it. You see, it's just common sense, you're not going to build fire halls on \$8000 when everybody else is crying for \$4,000 and \$5,000 for Community Development. What are we talking about, nonsense, that's what we're talking about. I'm talking about the suggestion made by the Commissioner, with respect, and I understand that several people out there have been advised ... and I understand that there is an approach being made to the Department of Indian Affairs to see if something can be done to the Burwash Landing area. And this isn't exactly a laughing matter, if they really did have a fire in that area with it being in a high wind area, and they can certainly get high winds at Burwash Landing, no question about it. I have personally helped the holding down an airplane with one on each . . . I'm not talking about the wind that comes from Whitehorse West, but anyway, Mr. Chairman, I don't mind if I'm getting paid for it, I can be humorous. The point is what we want for this fire protection in Burwash Landing and I'm not going

Mr. Livesey continues . . .  
to be side tracked by this idea, "Well John, it's your job, you look after it, you handle the whole thing." This isn't good enough. I think the Administration should get down to brass tacks and start doing something about it and not just turning a blind eye and a deaf ear to the thing, and saying, "Well, come on Councillor, you fix it, we haven't got the money." This is what they did to the airport at Beaver Creek. The Government said they didn't have the money. They built a Correctional Institution at the top of the hill in Whitehorse, they got \$300,000. And all you get from some people in Whitehorse is laughter. But I'll tell you, if the position . . . are coming out of Dawson they can see what's out here, otherwise they would never know what's out here, they are told but they laugh when they hear about it. That's the same thing in Beaver Creek or Carmacks, or anywhere else. They don't understand what these places are like, but I think that if they had to live in them they would understand then. They'd have to face these things and try to solve these problems.

Mr. Chamberlist: What are you telling these people out here?

Mr. Livesey: Well, Mr. Chairman, I thought there were other Members to my left at this table other than the people sitting in the gallery. Anyway, Mr. Chairman, I'd like to thank Committee for their great respect and their interest in the point I brought up.

Mr. Chamberlist: Mr. Chairman, there are a couple of points I'd like to refer to. I hope as a result of what we've heard the Honourable Member from Carmacks-Kluane say there'll be no attempt at all to remove the amusement tax. What does seem funny in this particular item is they've got power sirens, \$5 for six months. Do you shut the sirens up in the fire department the other six months in the year? This I don't understand, why would we do that? Surely a fire siren is a necessity for 12 months of the year. I wonder if we could have an explanation on that particular item. It is a minor item, but is there any reason why we should cut the power for fire sirens?

Mrs. Gordon: Mr. Chairman, I can see where there should be a forecast position here in a way. Item 4 under primary 65 should be fuel oil for 6 months, and let the fire horn blow and have power in the fire hall for 12.

Mr. Chairman: Are we clear on this item?

Mr. Chamberlist: Well, no. Can I get an answer to that? I think it's important. Well, are we going to keep the fire sirens going for the 12 months of the year or are we going to shut them off?

Mr. Chairman: Well, might I ask from the Chair of the Honourable Member from Carmacks-Kluane is there a fire hall presently in the community of Burwash Landing? May the Chair assume that it is anticipated that six months hence there might be a fire hall or there may be a siren in the community. Could this possibly account for the fact that six months only is provided for this year?

Mr. Livesey: If we just get this thing a little bit organized and discuss the question with the Honourable Member for the district, maybe we'd get something sensible on this piece of paper. But this is what I've been hammering at for months and months, trying to get something reasonable, so we'd know where we're going in this particular area and I go to one slot and I pull out the handle and I get one answer and I go to the other and I get another answer and in the middle there I'm sitting and the other one says "Come on, get up and use your Community



Mr. Livesey continues . . .  
Development funds." This is really something. I think we'll get this thing resolved, I really do. I've got faith in this Government. I think we'll solve it, it'll be difficult, but I'm willing to try.

Mr. Chairman: Order please. Mr. Clerk, would you endeavor to ascertain for the Member the answers to the questions raised in this discussion today. Are we clear on this item?

Mr. McKinnon: No.

Mr. Livesey: The Honourable Member from Whitehorse North doesn't have to be clear on this item, he can be confused and still help the issue at Destruction Bay or Burwash Landing. I would suggest that we certainly don't scratch this money out. We need it, there's no question about that; still, let's get the answers straight.

Mr. Chairman: Alright, the next item is Keno fire protection \$1725. The next is the Porter Creek and Crestview fire protection \$1870. Clear. Next is Ross River fire protection \$1585, the next is the Teslin fire protection \$1725, next is the Whitehorse Metropolitan Area fire protection including Hillcrest \$5000. Housing accomodation \$227,781.

Mr. McKinnon: What recovery, Mr. Chairman?

Mr. Commissioner: Mr. Chairman, I think that all Members are aware that recovery is very, very high on this item.. To my knowledge the only subsidy that is involved is the amount of money that Council voted at the last Session to take care of a rental differential that was placed upon us in the DPW accomodations, the rent, and then, of course, from time to time we incur certain deficiencies that detract of 100% recovery when we possibly have a rental unit on a lease basis that was vacant for a few weeks or a month or so until a new tenant comes in to buy it. Recoveries are substantially 100% in this item.

Mr. Chairman: Clear. This gives us a total appropriation of \$1,052,655. Next Department of Game found on page 140 and the first item is under training \$4000. Councillor Chamberlist, will you take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, Mr. Chairman, once again as I have for the last 8 or 9 years, this little item rolls around, I rise to ask the Administration if and when we are finally going to get a Game Department with Conservation Officers in the field and properly equipped and organized to do the work, trained and ready to go for this most important department. I'm wondering if Mr. Commissioner could advise me now why this year we do not have trained proper Conservation Officers in the field?

Mr. Commissioner: Well, we can't correct the errors of the last 7 years in 70 minutes, Mr. Chairman, and you're off and running as far as your Game Department is concerned with this year's budget and it's one of the two departments in the Territorial Government that have got financial budgetary increases over normal growth requirements, which will include, you will see in the personnel vote I believe it is two or three, three I believe is the number of Game Guardians plus the staff that is already available and these could be supplemented I believe by seasonal type employees. The training money that was referred to is designed along the same lines as what the Honourable Member has been asking for for some time, that these be fully trained and fully equipped and you are certainly off and running in this direction, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I'm speaking of Game Guardians, I'm talking of Conservation Officers, trained. It has been suggested that the B.C. ... and it's been told personally by the Director of that Department that they'd be pleased and proud to train the representatives we send down to be Conservation Officers in the Yukon Territory, through their school and with their own Game Wardens, and this has never come to pass. I'm told that we're going to have Game Guardians in the field. We've gone through this little bit about Conservation Officers. Apparently the only reason I found why you couldn't call a Conservation Officer, a Conservation Officer in the Yukon was because the Legal Department spotted the fact that Mr. Hunt of the Federal Department of Indian Affairs and Northern Development had called an oil inspector a Conservation Officer somewhere up in the Arctic Islands so we couldn't call our Conservation Officers, Conservation Officers here in the Yukon like they do in other provinces. But I feel it is very important. This is the only one single natural resource that we are given any control over whatsoever in the Yukon Territory. We have not control of our land, we have not control even of our fisheries. It is here in game that we must look for not only game management, but we have to get Conservation Officers in the field. Here at a time when everybody's crying the blues about the ecology of the country and about the pollution in our water and our air, I think it's just jolly well about time and it was jolly well about time 20 years ago that we started developing a Game Department and training the personnel to operate that department. And I think that when we next discuss, if indeed we do have that right to discuss official agreements with Ottawa, that we've got to lay it on and we've got to develop this department, and so far we have been unsuccessful. I consider what I see here a step forward but a very small step forward, and for the kind of money we're talking about here, I don't think that we have sufficient to develop the Game Department to the extent we should. We must make more money available and to get a little bit on the ball.

Mr. McKinnon: Mr. Chairman, I can only say that after the requests of the Honourable Member from Watson Lake that Department went from last year in expenditures of \$64,000 compared to this year including the 4 new personnel that will be in the field, 3 Game Officers as casual help, that has doubled to over some \$122,000, one of the only departments in the area of Government that was allowed any normal growth increase this year. There's money in the budget for these people to go out on exactly the type of training courses the Honourable Member is speaking of so they'll be qualified in both the field of Game and Conservation and we felt that with an increase of this sort that certainly we were more than just taking a small step, that we were going along exactly the lines that the Honourable Member has been hoping that the Game Department would go for many years, and a substantial budgetary increase, substantial personnel increase. We hope that this will provide answers to some of the ills that have beset us in the Game Department in the years past. And we feel that we've done a, quite a good job in providing monies and facilities and programmes so that the Yukon in the field of Game Management and in Conservation will no longer be taking a back seat from every other Province and Territory in Canada.

Mr. Taylor: Well, I only hope, Mr. Chairman, that this proves to be some sort of a success because I've seen in budgets and I've heard promises around this table for ever and ever and now we'll see if it works.

Mr. McKinnon: I've never seen the money in the budget before, Mr. Chairman, and that's where it is now.

Mr. Taylor: I see for Game Guardians, a pretty well voluntary

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Mr. Taylor continues . . .  
situation or temporary situation, I see no Conservation Officer here as yet.

Mr. Chairman: Well, from the Chair, might I point out the first item reads, to provide funds for the Game Director and officers for Conservation and Wildlife Management Courses. So there's some money being spent while they train for that purpose.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor takes the Chair.

Mr. Chairman: Is there anything further on item training? Next is advertising \$1,200. Travel and living expenses \$12,000, special services \$4,000, Material and Supplies \$4,510, utility service \$1,300, repairs and maintenance \$600, rentals \$14,000, and miscellaneous \$750. This gives us a total of \$42,360.

Mr. Livesey: Before we close discussion on this vote, Mr. Chairman, I wonder if anyone of the Administration could advise Committee on the extent of buffalo that now exists in the Territory, because we're spending money on game and I understand it cost money to bring the buffalo here a number of years ago. I wonder how we're progressing with this item. Have we more buffalo, less buffalo, or no buffalo?

Mr. Commissioner: Mr. Chairman, the latest information that we have on this is contained in the last Council Newsletter and it is simply an area that was checked, was not particularly promising as far as the buffalo were concerned. That's the only current information that we have on it and I would be pleased to see if we can't supply more information, but I don't think it is too encouraging as far as the buffalo themselves are concerned.

Mr. Chairman: Are we now clear? This gives us a total appropriation of \$42,360. The next item then is general page 145 and the first item is travelling and living expenses \$2,650. The next is materials and supplies \$1,000. Clear? The next is utilities \$23,720.

Mr. McKinnon: Mr. Chairman, I wonder about the Assistant Commissioners' telex and telegram \$5,000. Is this the whole of the Executive and Administrative Assistants' vote or ...

Mr. Commissioner: Isn't this the whole communications?

Mr. MacKenzie: I think it will be, yes.

Mr. Chairman: Clear. The next is repairs and maintenance \$100, and miscellaneous \$600. Could we have an explanation on this for Federation of Home and School and Professional Engineers?

Mr. MacKenzie: Well, you know this Federation of Home and School is not a new grant. It has been made several years past, and the same thing applies to the Professional Engineers.

Mr. McKinnon: I may be mistaken, Mr. Chairman, but I know the Federation of Home and School has been an annual thing but the Professional Engineers, I understood that this was a one shot deal for a banquet that was held by the Engineers of Whitehorse; we gave a special grant for one year for this banquet that the Territorial Government hosted, and I don't think it is continuing.

Mr. Commissioner: Mr. Chairman, the Councillor is absolutely correct on this situation and I would suggest that the item there is not an anticipated expenditure.

Mr. Chairman: What is your pleasure? Is it that this money not be spent?

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Some Members: Agreed.

Mr. Chairman: Central Registry, under Materials and Supplies \$18,091, Repairs and Maintenance \$500, Rentals \$1,044, Departmental Vehicles \$1,200. This gives us a total of \$20,835.

Mr. Chamberlist: Is this right that three manual typewriters are being rented at \$14 a month? We can buy manual typewriters for \$250, it means that in two years based on the same thing we'd be paying out over \$1,000 for three typewriters when you can buy three typewriters for that amount of money and own them. Can we get an explanation somehow on this?

Mr. Commissioner: Mr. Chairman, I would assure Committee that I will undertake to personally look at it. There's something the matter here some place.

Mr. Dumas: Well, Mr. Chairman, could somebody tell me what's the matter? When I rent typewriters for my office that's what I pay, \$14 per month.

Mr. Chamberlist: The point that I make is a manual typewriter, you can buy for about \$250. Now it means that you're paying here \$504, you're paying rental for 3 of them, it is costing about \$168 a year to rent a typewriter that you can buy for \$250. Now to me that's bad business. If it was an electric typewriter, this is different, but this is a manual typewriter. The Commissioner said he's going to look at it, and he knows what he's talking about at this time.

Mr. Chairman: Order please. The next item is Personnel under training \$1.00. Exactly what are you training for \$1? Staff training?

Mr. Commissioner: That's exactly what it is, and if there are any staff training requirements, the money can be made available for this.

Mr. Chairman: Can you do this for \$1?

Mr. Commissioner: Only within that vote.

Mr. Chairman: The next item is Materials and Supplies \$2,786, next is Utility Services \$1,000, Training \$1, next is Repairs and Maintenance \$818, Rentals \$1,000. This gives us a total of \$5,605. Commissioner's entertainment \$12,000. Are you clear?

Mr. McKinnon: Mr. Chairman, I wonder if there's any consideration ... this is provision for entertainment given of an official nature required of Commissioner relative to the interest of the Yukon, was there ever any consideration given to the Councillors having an entertainment fund that's for entertainment of an official nature that's required and relative to the interest of the Yukon? I see Mr. Commissioner out of \$12,000 in 68/69 spent only \$4,277 and in 67/68 \$2,764. Seriously, Mr. Chairman, I know the Honourable Member from Dawson has spent thousands of dollars of his own money, entertaining dignitaries who have come to the city of Dawson. I know the Member from Mayo has entertained dignitaries in Mayo, I know every Member at this table has at separate times because he was a Territorial Councillor earning the grand sum of \$5,000 a year unlike the \$20,000 a year demanded by the Department Heads of Government, to entertain and entertain well and a credit to the Yukon out of his pocket. I'm just wondering, seriously, whether any consideration was ever given to the Councillors having some kind of an account so that when these dignitaries come that they could entertain them, do some public relations for the Yukon and be reimbursed for this entertainment that they perform.

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Mr. Commissioner: The routine at the moment, Mr. Chairman, is that if Councillors do this when they're out, at least I know of a couple of instances last year where this was done and the money was reimbursed to the Councillor from this particular fund.

Mr. Shaw: Mr. Chairman, I just want to state that I have been reimbursed and at any time I just take it as part of the public relations job that one has to accept as a representative of the people. I think I must get an average of about, well in the summer time possibly about 2 people a week and in the winter time less than that so that it's, it amounts up at the end of the year but the Federal Government is very generous, they give you \$1,000 to pay all these expenses. That includes the people you entertain up here and spending about 4 months of the year in Whitehorse. That covers it, you know, I doubt if this could have been done in the depression but it could still be done now because that's what the Department of Internal Revenue figures should be done.

Mr. Dumas: Well, Mr. Chairman, I think the Commissioner has just indicated that the problem is now solved. If any of the Councillors feel that they must entertain, any reasonable expenses that are incurred can be sent on to the Commissioner and he will look after them. I must admit that last year during the course of my duties down in Halifax, the Canada Summer Games, for Yukon Territory we had an evening sponsored by Yukoners, and the sport committees bput up half of the money and the other half of the money came from the Commissioner's Entertainment fund.

Mr. Shaw: Well, Mr. Chairman, I'm a little behind the times. I'm 12 years behind; they should have started a little sooner on this.

Mr. Commissioner: This is a rightful charge against this account and there is just no way that any individual from his private means of Council, is able to stand this type of expense and certainly there's no hesitancy as far as I'm concerned that in circumstances as I say which have already happened on a couple of occasions that I can remember and there might have been even more in the course of last year, and this is what this type of money is available for and what it should and can be when needed.

Mr. Chairman: Clear. The next item is the . . . Miscellaneous \$1,800.

Mr. Chamberlist: Well, I wonder if there's any possible chance that I could get some of this money towards the cost of my residence.

Mr. Chairman: Next is the Legal Department \$874 travel and living expense, Special Services \$1,200, Materials and Supplies \$1,200, and Rentals \$336. This gives us a total of \$3,610. Clear. The next is Insurance - General. First item \$6,000. Might I ask from the Chair if any decision has been made in respect of the bidding of insurance, Territorial insurance.

Mr. Commissioner: Mr. Chairman, the decision was made at the last Council Session when we spoke of this and it is predicated upon us being able to participate in our fire insurance in the Federal Fire Fund. Perhaps my terminology isn't absolutely correct but the Honourable Members know what I'm speaking of and we have no reason to believe that we will not be able to participate in this fire fund at a tremendous saving in premiums in the Territory and we are hopeful that this is going to transpire in the course of the next few months. I make it abundantly clear, Mr. Chairman, that we are talking only about fire losses. Other insurance will still be the responsibility

Mr. Commissioner continues . . . .  
of the Territorial Government.

Mr. Chairman: The next item, insurance \$81,541, the next is insurance \$15,675. Clear. Next is insurance \$74,000.

Mr. Chamberlist: Under what case are uninsured employers covered by this?

Mr. Commissioner: Supposing that you, as a workman go to work for an employer and you have an accident and when the Workmen's Compensation Board or however we term them, goes to pay for this accident under the Ordinances of the Territory, it is found that your employer has no coverage. This is where the coverage will come in. You as an employee will not suffer as a consequence of your employer's lack of compliance with the law. This is one of the finest insurance policies that we have, Mr. Chairman, and as a course of the last 2 years has been put to not too much use but to enough use that it has been well worth the continuation.

Mr. Chairman: Are we clear?

Mr. Livesey: I wonder if we could have the coverage involved, Mr. Chairman.

Mr. MacKenzie: That covers, Mr. Chairman, employees of the Territorial Government flying on business.

Mr. Chairman: The next is the grant to Yukon Museums \$1,000. Might I ask from the Chair why this was not considered, due to the fact that Teslin was looking for a grant for a museum, why was it not considered in this budget?

Mr. Commissioner: Well, Mr. Chairman, it isn't a matter of not being considered. It's a matter of it's only so many dollars.

Mr. Chairman: I see Dawson and Whitehorse here, why not some other communities?

Mr. Commissioner: Well, this is up to Council, if Council feels that this \$1,000 should be split up 4 ways, 5 ways, this is Council's prerogative. But as far as the whole dollars are concerned there is no way of increasing this unless you're going to take it away from some other program. But the handing out of the money or the division of the money, Council might want to give the Administration other instructions.

Mr. Chamberlist: I would like to suggest that we give \$300 that's available to the Teslin museum. We've just found \$300.

Mr. McKinnon: Well, Mr. Chairman, if these requests reach my hand I'd make sure they were brought forward to the Budget Programming Committee and these requests I've never seen, from either the Teslin Museum or a request from the Burwash Museum or Destruction Bay Museum, whichever one it is. And I assure the people who are guiding lights that if they bring these requests forward, as sometimes the Administration brings forward only those requests that they want to, I'll get them before the Committee.

Mr. Shaw: Mr. Chairman, as one of the recipients of this, I have no objections if there are, if you have a bona fide museum in Teslin, which I was not aware of, if you have one in Destruction Bay or Burwash, and I've no objection that some of this money, this \$1,000, be put towards those museums. Give them \$100 or \$200, there's not a great deal in there, it's mostly a community effort proposition, but I personally have no objections, I didn't even know these two museums were operating, to be quite frank, Mr. Chairman. And I'm sure that all Members in

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Mr. Shaw continues . . .  
the Committee would, Finance Committee would feel the same way.  
Perhaps this is the time that something can be resolved in that  
respect. I have no objections whatsoever.

Mr. Chairman: To clarify one point, the museum at Teslin is  
not operating. It's looking for capital to get on its feet  
so it can operate.

Mr. Livesey: Mr. Chairman, the one at Burwash is operating and  
they have quite a number of animals in there right now and they're  
really working hard.

Mr. Shaw: There is just one thing, Mr. Chairman, I'd just like  
to bring to your attention that it hasn't been going for too  
many years, I think about 4 or 5 years, and it is necessary in  
order to get this grant that it has to be an incorporated  
society. In other words, a community, a real community effort,  
not a private museum or someone's personal effort. It is nec-  
essary to have a community affair and I also believe, now I'm  
not quite sure but I think it has to be incorporated because I  
think we had to become incorporated in order to receive the  
grant when it first came out, I think about 4 years ago or  
something like that. So I'd just give that for Council's  
information and state that, and I think I'm stating it for  
the other Members of the Committee.

Mr. Livesey: Yes, the one at Burwash, Mr. Chairman, for  
clarification, is a registered society.

Mr. Chairman: Are we clear on this item? The next is Grant  
for Boy Scout Association \$1,000. Then, Grant for the  
Girl Guides \$1,000. I would like to ask what happened to  
the grant for the Yukon Chamber of Mines?

Mr. McKinnon: It's a simple matter of this number of monies  
being available for grants, whether we split it between the  
museums, the Girl Guides, and the Boy Scouts and the Chamber  
of Mines and we were made aware that the Chamber of Mines  
probably didn't need a grant as they were in a much healthier  
financial position than either the museums or the Girl Guides  
or the Boy Scouts Associations.

Mr. Chamberlist: Mr. Chairman, the Yukon Chamber of Mines is  
not in a healthy financial position because it does the  
work that is necessary and I'm absolutely surprised that the  
Members of the Financial Advisory Committee would even  
think of reducing or removing that amount of money from the  
Yukon Chamber of Mines, money which is well spent and they  
work real hard for the Yukon and it should never have been taken  
away from there.

Mr. Dumas: The Honourable Member realizes, of course, that the  
Yukon Chamber of Mines now owns a building somewhere in the  
neighborhood of \$50,000 on the corner of 5th and Main. The  
Honourable Member also realizes that the mining frater-  
nity is the richest fraternity in the Yukon Territory, and  
he's got gall enough to stand up and tell us that they need the  
\$1500 that we have cut out of here.

Mr. Chairman: Councillor Chamberlist, will you take the  
Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, I was hopeful that maybe we could . . .

Mr. Chairman: Order please.

Mr. Taylor: I know that the Chamber of Mines has

Mr. Taylor continues . . . anticipated and I think at one time or another has asked for an increase in their annual grant. They have heavy responsibilities, they've been trying to put on prospecting courses, they've done more for industrial advertising for the Yukon Territory than any other single organization that I know of, but their work is costly and although they own a lot that might be valued as being worth something, it's been by negotiating and upgrading of their position. They don't have enough money to carry on and build a building but the monies that have been going to the Chamber of Mines over the years, the \$1,500, has been a small sum in comparison with what these people have been doing, and I really think that it's essential that this grant money we have got to continue to the Chamber of Mines because we're getting a tremendous amount of benefit from this. I deplore the fact that the Budget Review Committee has seen fit to throw this out and I would ask and encourage and offer any encouragement I can to having this grant reinstated. When next we sit tomorrow morning I'll have more to say on the subject in view of the lateness of the hour today.

Mr. Dumas: Well, if the Honourable Member from Watson Lake can tell us where we're going to get the \$1,500, I have no doubt that the Chamber of Mines does a good job in the Territory and is a big asset to the Territory, but I also have no doubt that with the increased mining activity in the Territory that there are more monies made available from private sources to the Chamber of Mines for its operation. Now, Mr. Chairman, the objective Mr. Chairman is shaking his head no; I wonder if he could explain.

Mr. Taylor: Well, Mr. Chairman, in view of the lateness of the hour, I wonder if we could continue this tomorrow morning.

Mr. McKinnon: Well, Mr. Chairman, I have no objection to continuing this debate tomorrow. The only thing I can say, and I have made this point time and time again and I was not, I don't think, really supported on the issue about the way that we were given a certain amount of money, to live within that frame work, no new programs, curtailment on already specified programs, this is the money, take it or leave it, like it or lump it. We received requests and requests from every organization for grants from every organization in the Territory. We said, "Let's examine these grants, let's decide which ones are going to benefit most from the monies that are available," and there is no objection at all within the grant money available to curtail the grants for the Dawson museum, Whitehorse museum, the Boy Scouts and the Girl Guides, and split it all up and give the Yukon Chamber of Mines some of these monies. We were aware of the physical assets of the Yukon Chamber of Mines that none of these other organizations had, and the monies that were available to them through the mining fraternity to continue their work that is much needed I agree. So we said, "Let's put priority on those areas where we thought the money was most needed and could be worked to the best advantage to the people of the Yukon." This is the decision that we made and if we were wrong we can be over-ruled by this Council. I can just tell you that these are the monies available for grants and to take it, you'll have to take monies from some of the other grants that were made available. It's as simple as that.

Mr. Taylor: Take it out of Physical Fitness and Amateur Sport.

Mr. Chamberlist: Right, they're not using it properly.

Mr. Taylor: They've got \$50,000 for people to run around with.

Mr. McKinnon: This is the point, Mr. Chairman, that under Physical Fitness and Amateur Sport, you're stuck to a program



BILL #5

Mr. McKinnon continues . . .

which you made by an Ordinance with the Federal Government under the well-defined terms of the Fitness and Amateur Sport Act. These are the only ways that you can use these monies to be able to share in a cost recovery program, 50% by the Federal Government. We don't have the ability of saying, "This is the way that we would like to spend the money under Fitness and Amateur Sport," so it's great to say, "Take it out of Fitness and Amateur Sport." We don't have the say in how the money is being spent there, the Federal Government does under a well-defined and laid out program, and that's why you can't say, "Just take it out of this fund and put it into that fund and it will be alright," because it doesn't hold true.

Mr. Taylor: Well, Mr. Chairman, obviously the Honourable Member has been a Member of this Committee for the last couple of years or so and had the opportunity of influencing the establishment of priorities on expenditures for preparation of this budget, and certainly were I or some other Members of Council on this Committee or had that opportunity, the money, most certainly, the money would have been found. It is rather difficult to face a book like this when you weren't a part and parcel to its development, because most certainly this grant would have stayed. I feel that this money has got to be found in places in this budget before we pass it. I wish to debate this in the morning.

Mr. McKinnon: Mr. Chairman, I'm also saying I don't disagree. That is exactly what I told you before that we've got priorities within a well defined, within an absolute edict from the Federal Government that this is what you have, period. There is no negotiation, there's no coming back if you don't like it, that's it and I told this Council exactly that, and I told the public of the Yukon that this is the way it was. Now under that unilateral arrangement that the Federal Government forced upon this Council, we set priorities in what we thought would be the right way, and I say again that we could be proven wrong and Council can say, "You were wrong." It wasn't one of those years where it was fine, we went and negotiated a fiscal arrangement with the Federal Government and said, "This is the program that the Yukon would like to do, would like to continue and would like to expand upon." We didn't have that opportunity. Where was the outcry from the Members of Council when I raised this point to the public of the Yukon and to this Council? Where was it? So now it's coming back that we didn't face it, that we didn't accept our responsibilities, that we didn't raise an outcry, that this is the way it was. Unfortunately, you may not agree with our priorities but that was the money that was available and the fact remains that to change the budget means to take this from other areas that you don't think are as important under this vote as the ones that we did. And that is exactly your prerogative and if you do I'm just telling you that you have to take it from other areas.

Mr. Livesey: Mr. Chairman, surely isn't this just something of a myth. If you want another \$275,000 later on in the year for supplementary estimates, you're going to get it. Right. This is strictly some local thinking, this is. That's what it is as far as I can see. There is certainly no expansive thinking in this one.

Mr. Taylor: Mr. Chairman, I would suggest that this debate be curtailed at this time. I would move that Mr. Speaker do now resume the Chair.

Mr. Chairman: There is a motion that Mr. Speaker do now resume the Chair. Do we have a seconder for the motion?

Mr. Livesey: I second it.

Mr. Chairman: We have a motion that Mr. Speaker do now resume the Chair. Agreed?

BILL #5

Some Members: Agreed.

Mr. Chairman: Division? (two voted for; four voted against)

Mr. Dumas: Yes, the contention made by the Honourable Member from Carmacks-Kluane is that you know if you want something in the budget, just put it in and the money will be there. With that kind of thinking we could spend another 5 million, 10 million. You know everybody in the whole Territory would be after money, and the money's there? He seems to think it's going to come; I don't know where it's going to come from, manna from heaven or somewhere. The thing is we had guidelines, we had priorities, we set them, I think we did a good job. I don't think the mining fraternity in the Yukon needs our \$1,500.

Mr. Taylor: Well, Mr. Chairman, certainly every Member of the Committee thinks they did a good job, because if they did a bad job we wouldn't admit it either. I don't think they would have gone in there to do a bad job, and I think basically they did a good job. But in this instance to the Chamber of Mines, and it's unfortunate that I don't have the material that I require right now to give you a little history of the Chamber of Mines, because that's all sitting in my desk at Whitehorse, but I just thought it unthinkable that this budget could be presented without a grant to the people who were doing a tremendous amount of work in the Yukon. These are the people who put up the first Resources Conference to try and sell the Yukon, to try and encourage development here in the North, in all parts and areas of the Yukon. Apparently now the Chamber of Commerce in the City of Whitehorse are involved in this thing and maybe this would lead me to believe that maybe this might be a squeeze out too. But the Chamber of Mines have done nothing but raise and expend monies to the good of the Territory and continue to do so, and they're dependent upon this and a Federal grant from Ottawa to assist them in their endeavors. Look at the training programs we've got, prospectors courses, and this sort of thing throughout the Territory. This is what we get from our Chamber of Mines, the assistance to industry. This costs money and the only monies that the Chamber of Mines have otherwise are the Federal Government Grant and the memberships that they sell, co-operative and individual memberships. It is very exceedingly important that we find the money somewhere to continue this grant, and it was a pity that this wasn't known prior to us anyway, prior to the preparation of this budget. Now, you might say that Physical Fitness and Amateur Sport is a firm cut and dried thing. I don't think it's so cut and dried that we can't find \$1,500 from that fund to transfer prior to the acceptance of this budget, to transfer it over and place it here. Now certainly there must be somewhere else, possibly in education, it might be found anywhere I don't know, I'm quite convinced that somewhere in this budget we can find \$1,500 because in my experience with budgets, Mr. Treasurer over here seems to be able to find money. If things get a little tough, he's always able to find money. Now if we can't find \$1,500, there is something wrong, but we don't know where to look to find it. Possibly the Budget Review Committee knows, but we, the other Members of the Council, don't know. That's a secret between them and the Administration. But I say find \$1,500 and put it back in the budget on this grant because this is a most worthwhile grant.

Mr. Dumas: Mr. Chairman, I agree that the Chamber of Mines is a really fine organization that's doing a tremendous job for the Territory, but the Honourable Member is correct when he says the Budget Programming Committee has had a look at this thing and tried to find it. We were unable to find it under the system of priorities that we set. Now during the course of the rest of the review of the budget, we can find the

BILL #5

Mr. Dumas continues . . .

\$1,500 somewhere and we can all honestly feel that it can be moved from one to the other, then fine. If the money's there, if there is a priority, if we made a boob somewhere and actually the priority was wrong, whether it's education, physical fitness or any of these, I'm all for it, because the Chamber of Mines certainly is an organization that needs our support. However, under the system of priorities as we saw it, this is one of things that had to be cut out. Now if Members can point out during the course of going through the budget, where we can pick up \$1,500 for this vote and I suggest that we've already picked up \$300 earlier on in the budget, so all we need is \$1,200, and you think it's reasonable, fine, but understand that we looked. We didn't want to cut the grant out, it wasn't just done, it was cut out after studying the whole program. Now if Members can point out where we can pick up another \$1,200 for the Chamber of Mines, great.

Mr. MacKenzie: Mr. Chairman, would you like to leave this point with me over night, and I will report back tomorrow morning?

Mr. McKinnon: Mr. Chairman, the only information that the Financial Advisory Committee has to go on is the information that is given to us by the Administration and the Treasurer, that with the budget that we have, we're going to have a deficit position of \$183,016. That was the information that we received even after we went through the budget 3 and 4 and 5 and 6 occasions trying to tear it down to where it was balanced, and we still came out with a budget deficit which Mr. Treasurer says is an actual deficit of some \$183,000. Now fine, if Mr. MacKenzie can now find another \$1,200, if he can find \$700, we'll put it in. Do you think that we enjoy taking a budget and saying we have to slash here, we have to do this? I was so incensed about it I went on the air almost livid, to try and arouse the public of the Territory to what had happened, and as usual, got an absolute blah response from my fellow colleagues and from the public of the Yukon Territory. Now, it was one of the most painful experiences in my life, having dictated to us a Federal budget with no negotiating whatsoever.

Mr. Taylor: I just might say, Mr. Chairman, I'm just not too clear on this, how I might have been involved, I don't recall it, having an opportunity to go on the air ... maybe the radio station that the Honourable Member refers to doesn't carry as far as down my way. But in any event I might say this, that I realize, I was a Member of the Budget Review Committee, and I realize the frustration of it all, when you have to sit and cut and then they walk in and say, "Well, go find another 6 million dollars." So you've got to go further and start reshaping again. I've gone through that and I have sympathy with the Members of the Budget Review Committee in this regard, but when we've got for instance \$8,000 as the Honourable Member from Carmacks-Kluane pointed out today, to spend in about 48,000 square miles, you've got to spread this \$8,000 around, it's a pretty tough proposition. But this is money for the people that they can do something with, \$1,000 for museums to protect the history of our Territory. We're the first guys to howl and cry when we watch the Americans come in and pack all our stuff back to Fairbanks or down to the States for some shop outside, but when we try to encourage museums in the Territory, and this is done by the people themselves remember, this isn't Government, and we try to encourage them to try to treasure and put away and protect and retain a little of the treasures of our country, for them we've got \$1,000 that'll do it; and for cemeteries, I didn't say anything on the cemeteries debate, but I would doubt that there is one cemetery in the Territory outside of the environs in Whitehorse that is in any kind of reasonable shape at all and it might be a historic site, because the cemeteries around the Yukon are in disgraceful condition, and \$1,200 is not going to solve that problem either.

Mr. Taylor continued: Now we come to a most important reoccurring grant; it's almost statutory. It occurs every year and it was intended by the Chamber of Mines to ask for an increase to that grant, to face the increased costs that they're being faced with in the promotion of industry in the Territory. And I really think, and I think very, very strongly that we find this money; not if we can, and what we can, we've got to find the money and we've got to put it in.

Mr. Chairman: Gentlemen, the tape is about to run out and I think we should entertain a motion for Mr. Speaker to resume the Chair.

Mr. Dumas: Well, Mr. Chairman, I'd like to move that Mr. Speaker do now resume the Chair.

Mr. Shaw: I second the motion.

Mr. Chairman: Are we agreed at this time?

Some Members: Agreed.

Mr. Chairman: The motion is carried.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:45 a.m. to discuss Bills, Sessional Papers, and Motions. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill #4 be reported out of Committee without amendment and this motion carried. Mr. MacKenzie, Territorial Treasurer, attended Committee to discuss Bill #5. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. I can report progress on Bill #5. It was moved by Councillor Taylor, seconded by Councillor Livesey that Mr. Speaker do now resume the Chair and this motion was defeated. It was then moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: You have heard the report from the Chairman of Committees. Are we agreed?

Some Members: Agreed.

Mr. Speaker: May I have further indications of your pleasure for the agenda for tomorrow?

Mr. Taylor: Mr. Speaker, tomorrow we are working on Bill #5.

Mr. Speaker: Are we agreed on the agenda for tomorrow?

Some Members: Agreed.

Mr. Shaw: Mr. Speaker, I would move that we adjourn at this time.

Mr. Speaker: It has been moved that we call it 5:00 o'clock. Are we agreed?

Some Members: Agreed.

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

ADJOURNED

MOTION  
CARRIED

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion respecting Yukon licence plates. MOTION #6

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting land use and the disposal policy in the Yukon Territory. MOTION #7

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Passing to Daily Routine, under Motions, Motion No. 5, moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake, "That Sessional Paper No. 6 be discussed in Committee of the Whole". Would the Honourable Member be prepared to now move Motion No. 5? Question has been called. Are we agreed? I will declare the motion carried. MOTION #5

MOTION CARRIED MOTION CARRIED

Mr. Speaker: We will now proceed to the Question Period. Are there any questions?

Mr. Taylor: Mr. Speaker, I have a question I would direct to the Administration this morning having reference to a letter which hangs in the Recording Office in Watson Lake stating that the area proposed for a village some time ago in Watson Lake is now withdrawn from occupation in respect of land applications. Land applications will not even be considered in this area. I am wondering this morning if the Commissioner could tell me why? QUESTION RE LAND APPLICATIONS REFUSED

Mr. Commissioner: Mr. Speaker, subject to getting more information on this, as far as I am aware, this is one of the areas in the Territory that has been removed from Federal control and put under Territorial Government control, and this, as far as I am aware, would be the reasoning for this notice. I would like the opportunity, Mr. Speaker, of checking this matter out in detail so that I could answer when I have a more accurate knowledge of it.

Mr. Taylor: Yes, Mr. Speaker, inasmuch as this is 172 square miles involved here, I would be most pleased to direct the Commissioner into his files where he might find a copy of that correspondence.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, Mr. Speaker, I have a further question this morning, and I am wondering if Mr. Commissioner could advise me if there are any new developments in the proposal for the Territorial Government to take over the Alaska Highway? QUESTION RE TAKEOVER OF ALASKA HIGHWAY

Mr. Commissioner: Mr. Speaker, the answer I have to give is simply an extension of the answer that I gave to a similar question at the last Session of Council, that conversations are continuing and I would say that I am very optimistic that there will be developments in the near future which I will be able to bring before Council on this matter, and I am quite confident that they will be along lines that Council would find to be acceptable and I trust that they will look upon them favourably

Mr. Commissioner continued ...  
so that this long outstanding matter can be brought to a fairly soon conclusion.

QUESTION RE  
SUPERINTENDENT  
RESIGNING

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Commissioner could answer whether there is any truth to the rumor that the Superintendent of Schools is intending to resign at the end of this year for employment elsewhere?

Mr. Commissioner: Mr. Speaker, if this is the intention of the officer that is referred to, it has not been brought to my attention.

QUESTION RE  
INVITATION TO  
RON BASFORD

Mr. Taylor: Mr. Speaker, at the last Session of this Council, an invitation was extended by Council to the Honourable Ron Basford to come to the Yukon to discuss matters related to the White Paper on Taxation. I'm wondering if we have had the courtesy of a reply and if so, when this visitation will take place?

Mr. Commissioner: Mr. Speaker, the invitation was extended and if my memory serves me correctly, we have an acknowledgement that it was received but we have had no firm reply from the Minister referred to as to whether this invitation can be accepted by him.

QUESTION RE  
INVITATION TO  
RON BASFORD

Mr. Chamberlist: Supplementary, Mr. Speaker, I wonder if Mr. Commissioner would follow up the invitation and ask if a reply to the subject could not be obtained from the Minister?

Mr. Commissioner: Mr. Speaker, I will but we have had the courtesy of an answer from the Minister's office and I am sure that as soon as the Minister is in a position to give a firm answer, he will do so, but we will certainly follow up on the request that was made by the Honourable Members.

QUESTION RE  
INVITATION TO  
PICKERSGILL

Mr. Shaw: Mr. Speaker, while we're on this matter of these very important Cabinet Ministers and so forth visiting the Yukon, I wonder if the Commissioner ever did receive the courtesy of an answer from Mr. Pickersgill, the Director or the Head of the regulating agency of airports and so forth, to visit the Yukon? He's had about a year to reply, I think.

Mr. Commissioner: To be more accurate, Mr. Speaker, it is closer to two years. Certainly I am not aware of any different development in this than when I was asked the question in Council, Mr. Speaker, but I am quite prepared to ask Mr. Clerk if he would check further on this matter. I am quite confident that if we have had a reply of any encouragement at all, it would have been brought to my attention so that I could bring it to Council's attention.

QUESTION RE  
OPENING UPPER  
CANOL ROAD

Mr. Taylor: Mr. Speaker, I'm wondering if Mr. Commissioner could advise me this morning as to when the ... or effective what date will the Upper Canol Road be open?

Mr. Commissioner: Mr. Speaker, a date has been set for this, but I just don't have it at my fingertips, but in recent conversations with Mr. Baker, he did tell me the date and if the Honourable Member would be kind enough to pose this question again in the Question Period early next week, I will definitely have the answer available for him. It is available, and it's just a matter of checking.

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

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 4, An Ordinance to Amend An Ordinance to Regulate the Speed and Operation of Motor Vehicles on Highways, be given Third Reading. BILL #4  
THIRD  
READING

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 4, An Ordinance to Amend An Ordinance to Regulate the Speed and Operation of Motor Vehicles on Highways, be adopted as written. BILL #4  
TITLE  
ADOPTED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare that Bill No. 4 has passed this House. May I have further indications of your pleasure?

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

Mr. Chamberlist: I'll second the motion.

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: Mr. Clerk, I wonder if Mr. Treasurer could join us at this time?

Mr. MacKenzie enters Chamber.

Mr. Chairman: We are dealing with Bill No. 5, and we will proceed to page 155. We're discussing establishment 818, grant to Yukon Chamber of Mines. BILL #5

Mr. Chamberlist: Mr. Chairman, I wonder if the Treasurer has any information for us today as to whether or not he will be able to obtain \$1,500 from another source?

Mr. MacKenzie: Well, the answer is, Mr. Chairman, that we could but we shouldn't. We shouldn't because we have substantial commitments coming up and we must conserve whatever money we can, even a small amount of \$1,500. I could find it, and I could find it in this way, on page 112, the Whitehorse General Purposes Grant is shown at \$245,000. I have checked this morning by telephone and I find that according to the revised City budget, they are now expecting from us \$241,807, so we have an excess here of \$3,193. So, if everything else was equal, this \$1,500 could come out of there. In addition to that, I have to report that this \$300 on page 146 for the grant to the Yukon Federation of Home and School Association was last year a one-time deal. In other words, it has got to come out. So, we deleted the Professional Engineers of \$300, now here is another \$300, so that is \$600. Now, we need as I say, and I can't emphasize this too much, as much money as we possibly can to meet the claims that are going to be made upon us as we move through this fiscal year. We should not, I think at this time anyway, commit ourselves to paying a grant to the Yukon Chamber of Mines. I suggest that we shelve it for the time being and deal with it a little later

BILL #5

Mr. MacKenzie continued ...

on this year when we can see the picture more clearly, we can see what petitions we have received and how we're going to meet them. If we can see our way to finding the money, then vote it.

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, it has been the practice over the years to make a grant to this organization. Considering the work it does and considering the importance of the work it does, I feel that this grant should continue. I feel that if the grant is lost now, it will never be picked up again. We're talking about shelving something, something which is ongoing and which should really be increased. We're talking about \$1,500, and this \$1,500 is put to very, very good use for the benefit of the Territory. Were it not, I wouldn't stand on my feet and argue for it. But, for the \$1,500 that we expend on the Chamber of Mines and for the work they do, I don't think it really covers all the programs that they undertake. I would like to ask once again that provision be made at this time for the continuance of this grant of \$1,500 to this worthy organization.

Mr. Chairman: Is there further discussion in this matter?

Mr. Livesey: Yes, Mr. Chairman, I would like to support the request of the Honourable Member for Watson Lake with regard to this particular item. I would also like to point out to Committee that I think it's quite necessary that we should be supporting the museum at Burwash Landing in view of the talk we're doing about molding the tourist industry and then just letting it go by the board. I think this is a worthwhile operation and I see no reason, Mr. Chairman, why it should be bypassed. It certainly wouldn't do any harm at all to get some of this public taxation money out circulating in the outside districts.

Mr. Chairman: Anything further on this item?

Mr. MacKenzie: Mr. Chairman, I would like to comment further. I mentioned that we could proceed now. Some substantial items are going to be presented to us and I might mention what they are. Teachers' salaries, for instance, I have a figure here for that of \$136,018. I don't know whether that takes into account the revision which is currently under consideration or not; I haven't got the details but I rather doubt that it does. Now, there is \$136,000 there. There is at present \$345 for removal expenses for Education, teachers, not provided in the main estimates. There is \$8,004 similarly not provided in the main estimates for advertisements, equipment, for Education. That's \$180,000. Then, these Friendship Centres in the Yukon, that's the main thing that has been dropped in our lap which we have to handle. School teachers again, for leave, \$20,000. This is a commitment which we meet every year and we have no provision for it in the main estimates.

Mr. Dumas: Mr. Chairman, why not?

Mr. MacKenzie: That I don't know. We were cutting back as much as possible. And, \$30,000 for substitute teachers also not provided. \$30,000 salary adjustment on certification, 1970/71 ...

Mr. Commissioner: That, Mr. Chairman, particular item will be part of the salary negotiations. That's not a pertinent item at all.

Mr. MacKenzie: You can see \$25,161 for accommodation, Territorial Administration. It shows \$44,000 attributed to '69 and there's a difference of \$20,000, so all in all, these add up to quite a substantial sum of money that we can see now, and we never know what



Mr. MacKenzie continued ...  
is going to come up later on, shortly, which we can't see.

BILL #5

Mr. Taylor: Exclusive of the one item mentioned, we already have a shortfall or a possible shortfall of \$251,000 for the public service of the Territory, and we're asking for \$1,500 for the general good of the Territory and the people of the Territory, something to give them a hand to keep going with development work and with prospectors' courses, education, representation, and so forth, to try to bring in the industry and the ratepayers and the taxpayers that it's going to require to help pay these bills that we're talking about. All these items mentioned are civil service items, public service items. It seems to me that we can find \$1,500 out of this budget which is \$17,000,000; we're asking for \$1,500 and I don't think that's too much to ask for, more particularly when you consider it contributes towards a very, very great deal of good.

Mr. Shaw: Mr. Chairman, I think yesterday we agreed that we go along further to see whether we could pick up a few dollars to make up this amount. I think so far we have picked up \$600. We should proceed through the budget and see if there is any more money. At that time, I believe the question was posed to the Territorial Treasurer, who said that we would look and see if it could be done. Well, the Territorial Treasurer has already indicated that there was a deficit so I had very little doubt of him picking up \$1,500 when we have a \$180,000 deficit or a deficit of something like that, but we have picked up \$600, and I would suggest that we leave this matter until later, until we can see if we can pick up some more.

Mr. Taylor: Mr. Chairman, as long as it's agreed by Committee that this matter be held in abeyance until we have concluded the budget, I would be most agreeable.

Mr. McKinnon: I wonder, Mr. Chairman, if the Honourable Member would be prepared to submit to Committee a financial statement of the Yukon Chamber of Mines, plus a list of membership in the Yukon Chamber of Mines?

Mr. Taylor: Mr. Chairman, unfortunately I am involved in a debate where I have no access to my files for any such information, but if this be a request of Committee, I can attempt to do so. I will resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chamberlist: That, Mr. Chairman, is a most ridiculous request. If you keep quiet, I'll tell you why, Mr. Chairman, because you might just as well go through every grant that you're proposing and say that you want complete details as to why you're making a grant for \$500, \$1,000, \$1,500, and it would just tie up this Council for evermore. It appears to me that the two Members who are opposed, and I hope there's sufficient publicity given to these points, that the Honourable Member from Whitehorse North, and the Honourable Member from Whitehorse West seem to be opposed to the mining fraternity by just simply removing the \$1,500. They made their position quite clear as far as I'm concerned. As far as I'm concerned, this is what you've done, you've made it clear. Now, this is not much money for this organization to be given by way of a grant in view of the work it does participate in for the good of the Yukon Territory, and if you people can't afford \$1,500 from the taxpayers, perhaps something else will have to be done about it at a later time, but I think it's disgraceful that you people can't come forward and agree to give or making a grant of \$1,500 to the Yukon Chamber of Mines. I think that is a pretty poor show for you people.

Mr. McKinnon: Mr. Chairman, the only other grants that are given under this vote are to the Yukon Girl Guides and the Boy Scouts Associations, and the Whitehorse and Dawson City Museums. If the

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Mr. McKinnon continued ...

Honourable Member wants a financial statement from these organizations to make sure the money isn't wasted, I would be only too happy to ask these organizations to provide a financial statement for this table.

Mr. Shaw: Mr. Chairman, I have produced financial statements every time I come before Council; I won't say every time, but many times, particularly with the K.V.A. I have had to produce these financial statements and I had to produce them on a continuing basis. There's nothing wrong, if anybody wishes to have a financial statement, I think that's their prerogative whether it is the Chamber of Mines or whether it's some other kind of chamber. It is public money that is to be spent, and I think that the Member is entitled to know just how and where and when it was spent. When we are talking about grants, grants are made generally speaking on the basis of need, not on the basis of some right to have that grant. I think that it has to be considered from all angles, however, a suggestion has been made, Mr. Chairman, and we have picked up \$600, now let's go through and we might obviate all this discussion and find the money before we're through. We're only about half way through the budget and we've picked up \$600. At the same time, if an Honourable Member wishes to have a balance sheet from any organization who receives a government grant, I think that's perfectly within their right. I'm sure that the Honourable Member from Whitehorse East would agree with that.

Mr. Chamberlist: No, I do not agree with it.

Mr. Chairman: Order, please.

Mr. MacKenzie: May I please speak further on the question of a grant of \$1,500? The votes you have in front of you show in operation and maintenance a deficit of \$174,595, and that's what we've been considering as a basis for deleting this \$1,500, but that's not the whole story. Capital is in a worse plight. The deficit here shows \$27,900, but we have supplementary submissions now amounting to \$1,000,000 or more. So, you can see the truth of what I'm saying. We need every dollar we can find to meet these unexpected demands that have been made upon us.

Mr. Chamberlist: Mr. Chairman, when I wander around this Territory and see some of the government waste that takes place, and I see it, actually see it taking place, and I think to myself that here is an opportunity to show the mining fraternity and those who are looking after the interests of the mining fraternity that we as legislators acknowledge their help that they're giving to the Territory, and we refuse and in fact take out of the budget \$1,500, there's something the matter with the thinking of the Members of this Legislature.

Mr. Livesey: Mr. Chairman, just in support of that statement, I would like to say that it seems to me that we've become involved in a stereo type situation in relation to taxation, and the money raised by taxation, and the money raised from grants. It's strictly stereo type over the years where the elected Members have no say in it whatsoever, and here is a situation whereby out of millions of dollars, the elected representatives want to make a slight deviation; so what are we faced with, here's the line, gentlemen, we'll draw it here and beyond that point we will not move. Now, surely this is ridiculous, totally ridiculous. There's no question about that, that the taxpayers in the Yukon Territory, the people who support the government are entitled to their representatives to make representations in this House, and certainly to bring about changes as they

Mr. Livesey continued ...

see fit. Surely this infinitesimal suggestion this morning, to turn around and say that we can't even bend the whole question to this extent after the support by the people of the Yukon towards the taxes that are being spent, well, I think it is an insult to the whole of the Territory when the representatives can't even make this kind of suggestion, and can't receive some moral support. It is all very fine for the Honourable Member from the Whitehorse North to try to interfere and say who is doing this and who is doing that. We know who is doing it, we know who has the influence. I think that it is high time, Mr. Chairman, that this type of thing got far more publicity than it is getting right now. Surely, we can check the records and find out what is actually coming from the people, the amount of taxation support that is coming from the people, and compare that to elected representation in government, and then turn around and say that they can't alterate to the tune of \$1,500 or \$300 or \$2,000. This whole thing is completely ridiculous. Thank you, Mr. Chairman.

Mr. Shaw: I have listened to the speeches on this until I'm exasperated. There are tears in my eyes for the mining companies, for the mining fraternity. About eight years ago, and over my objections, this body, I am not saying these individual Members, I am saying as a body, Mr. Chairman, gave exemptions to the mining companies on taxation on their mills and so forth. This amounts to about two hundred and fifty thousand dollars a year, that the mining companies are getting exempt taxation which the average citizen has to pay out of his pocket. That is a lot of money, a quarter of a million dollars. That Bill has been before Council for passage this last six months or so and Council hasn't considered the Bill and is not prepared to consider the Bill for some reason or other. Now when we talk about the poor mining companies, if we could get the two hundred and fifty thousand dollars a year in taxes I think we could well afford to give the Chamber of Mines \$2,500, I will be generous about it. So those are the facts, Mr. Chairman, and I don't think that we can say that the mining fraternity has been neglected.

Mr. Chamberlist: Mr. Chairman, I think the Honourable Member from Dawson is messing up his exit from the Territorial Council when he talks like that, because we are not talking about the companies, the mining companies, we are talking about the organization that looks after and watches for the interests of minings generally in the Territory. Now that means the little prospector, every little guy, and these are the people that you are forgetting. Quite often these people haven't got large amounts of funds to pay towards the operation of the Yukon Chamber of Mines. The companies pay fifty dollars for corporation memberships and the individual pays ten dollars. I can't gather why there should be any objection raised to a continuing amount of \$1,500, which is not asking for an increase, just let it be exactly the same as we have done years before. Why we are arguing about that, I do not know. It seems to me if there could be hundreds of thousands of dollars set aside in areas for monies to be spent, certainly we can take \$1,500. I know if Ken Baker, the Territorial Engineer, were here and he were asked if there was a way of saving \$1,500, he would say, "Yes, there is a way," because he cuts off a Cat from cutting or gravelling the top of a road for a little while. There's money wasted all over the place. I don't care, if you want to cut down on some of my expenses, I get nothing; let's cut out some of the Commissioner's expenses if we have to. This Yukon Chamber of Mines is more important to the Territory than the Commissioner entertaining any visiting farmer. I think that \$1,500 should go into this without question, and should be supported by everybody. The Honourable Member from Mayo, she should be quiet and say nothing ... she is just watching which way the progress is going if it came to a vote, this is all.

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Mrs. Gordon: I would like to inform the Honourable Member from Whitehorse East that there was a Yukon Chamber Branch in Mayo that was supposed to receive the full support of the Yukon Chamber in Whitehorse, and the support was nil. We wanted some of the \$1,500 and we got nil. We needed it very badly.

Mr. Livesey: If that is the case in Mayo, then I would think that the Honourable Member from Mayo would certainly support our taxes upon the concrete foundations of an institution that says, "No," to every request, and this giggling derision is not a proper answer.

Mr. McKinnon: Mr. Chairman, giggling derision? We said right from the very beginning that nobody on the Financial Advisory Committee wanted to drop any grant whatsoever. There's no way that, to any worthy organization that appeals to the Yukon Territorial Council for grants, we didn't want to give the grants. All I'm saying is the factual financial position, that we are in a deficit situation of \$183,000, we set priorities on items that we thought should possibly be kept because of the tight-money situation we were in. We said from the beginning of this debate that if we could pick it up, we would be more than willing to reinstitute it, the budget, and all we have had is political harangue from all corners of this table for the common sense which we thought we were putting before this table. Now we have already been told by Mr. Treasurer that we have picked up \$600, one from the National Home and School Association and from the Professional Engineers, and instead of proceeding with the budget to see if we can pick up further money, we are just wasting time hitting the same tune and the same old political arguments over and over again. Why don't we continue with the budget and see if we can't pick up another \$900 and reinstitute the grant instead of this carrying on?

Mr. Chamberlist: Well, Mr. Chairman, I protest to the suggestion that we are wasting time. It appears that the only time we are not wasting time is when the Honourable Member from the Whitehorse North has something to say, and every time anybody else has something to say, it is a waste of time.

Mr. Chairman: Alright, we will hold this matter in abeyance and we will proceed with Grant - Yukon Research Institute \$1.00.

Mr. Livesey: Well, there again, Mr. Chairman, you have an escape hatch for further expenditures, but they are not saying what these expenditures are going to be. All your \$1.00 in here means to say is, "Well, if we don't have \$1.00, we can't do anything about it, but as soon as you put \$1.00 in there, then we can work between Council Sessions without Council's advice." This is what it means.

Mr. McKinnon: Mr. Chairman, the reason for any monies in any vote being established is because these monies were to be made available if the Touche-Ross Study on taxation became the frame work by which the Federal Government were going to impose taxation upon the people of the Yukon Territory. Now we could have put in a sum here of \$2,500, \$2,000, \$5,000 to counter by a professional organization if the Touche-Ross Study becomes law. We haven't got the money to be able to put in, but certainly can the Honourable Members say that if the Touche-Ross Study ... and he knows the basis of this tax which has taxed the people of the Yukon to the hilt the same as every other Canadian is taxed without considering the high cost factor of living in the Yukon, that we shouldn't have \$1.00 for the continuency of such a study if the Touche-Ross Study in fact becomes law? Certainly, Mr. Chairman, though we haven't got thousands of dollars to be able to put in the budget for different grants and different organizations, we have to provide for the contingency if such a thing does in fact become law. I just can't reason with the Honourable Member for saying that we shouldn't have a contingency in this item for such a budgetary commitment if it is in fact needed. I am sorry I don't follow this.

Mr. Livesey: Mr. Chairman, the Honourable Member is referring to the Prairie Schooner skipper that abandoned ship in Ashihik. That is about the size of it, this whole situation. BILL # 5

Mr. McKinnon: Well, Mr. Chairman, now I am more confused than ever.

Mr. Livesey: I wonder if I could explain, Mr. Chairman, to the Honourable Member? Has he forgotten this Research Organization was going to set up shop at the Ashihik Airport? I haven't seen them there yet and I don't think they are ever going to get there. Is that clear?

Mr. McKinnon: No.

Mr. Chairman: The next item is Studies - Government of the Yukon Territory \$1.00. Would this include an efficiency study, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, from time to time we find it necessary to seek professional advice on various matters, and this is precisely the same reasoning as was given by the Honourable Member in connection with the Yukon Research and Development. If these contingencies arise, we want to have the ability to talk to the Budgetary Programming Committee on it, and if funds can possibly be made available, this gives us the opportunity. It is not done as a Commissioner's prerogative, it is done in consultation with the Budgetary Programming Committee.

Mr. Chairman: The next item is the Plebiscite Contingency \$1.00. Move to Lynn Building \$1.00. Clear? Would this indicate that the Fisheries Department will become a Territorial department very shortly?

Mr. Commissioner: Mr. Chairman, could I just use the same answer I just used a couple of days ago? I am more optimistic now than I was six months ago in this connection. I would like to leave it at that.

Mr. Chamberlist: I take it then, Mr. Chairman, that the Commissioner cannot give any assurance.

Mr. Commissioner: Mr. Chairman, the Commissioner is not in the habit of giving assurances unless he knows that he can deliver on the assurance.

Mr. Chairman: Page 157, Witness Fees and Expenses of the Territorial Court \$4,000. Clear? The next is Accommodation - Territorial Administration \$142,523.60.

Mr. Chamberlist: Mr. Chairman, I wonder if at this time we can get any further indication of when a study will be made to have a Territorial Building? I understood that we were thinking about getting a study for a Territorial Building.

Mr. Commissioner: Mr. Chairman, there are two aspects of this; first and foremost is location and the second is what accommodation needs are going to be. The site situation, I believe there is something in the Metropolitan Area Plan up-dating, copies of which are available to Councillors when we get back to Whitehorse. I am sorry, I haven't had time to look at this report myself carefully, but I do believe there is something about siting in there. When it comes to analysing our needs in offices of the future, I think that we must understand at the moment, Mr. Chairman, that there are many, many major changes coming about in the context of what Territorial responsibilities are going to be. We have spoken around this table here at recent months about the takeover of the Department of Justice. While we anticipate there is going to be ample room in the Federal Building, we don't know if this is going to carry on in the future. We are continuing to press for Fisheries which is another accommodation problem; we likewise are under instructions from the Territorial Council to bring into the Yukon as soon as possible the administration of the Workmen's Compensation Board and also the funding of the Workmen's Compensation Board.

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Mr. Commissioner continued:

Council asked a question of me this morning concerning the Alaska Highway. Now right at this moment, while I would very much like to see an accommodation analysis made, I think that in the state of flux that we are in at the present time, and the pressures that Council is bringing, and rightfully so, to get these matters under Territorial jurisdiction, we had best wait until we have a pretty clear idea of how much we are going to have so that we will have the appropriate space. Another thing is Legislative requirements; there has got to be proper provision made for a proper Legislature, proper office accommodation for the Members of the Legislature and the staff of the Legislature, and these things we cannot do at the present time.

Mr. Chamberlist: Mr. Chairman, there is another point I will like to make now. It has always been my understanding from the Administration that the Council Chambers at the Federal Building were being given to us at no charge. This was the understanding that I had received when I asked why we could not leave our documents and books in there on the tables. Now I notice there is an item under General - Federal Building, Council Chambers, 1,538 square feet, \$3.50 a square foot, \$5,383. Now how come I have a different story than what is in here?

Mr. Commissioner: Mr. Chairman, in this instance this is the first time that we have been called upon to make a payment for this. It is now looked upon as a Territorial space situation in which there will be no Federal Government interference.

Mr. Chairman: Are you clear on this item? The next is Frontage Tax \$3,000. Clear? Emergency Measures Organization \$4,000.

Mr. McKinnon: We should be able to get \$1,500 from that, shouldn't we?

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I hardly know where to begin with this subject because it is very, very ... laugh and laugh long and laugh well, gentlemen. Those of you who may feel that this is a laughable item, keep laughing through June, July and August of this year. I suggest that you won't be laughing through June, July and August this year. If all meteorological forecasts are right, we could be in for another hot, dry summer. When hot, dry summers come, it burns out towns; this is what happened at Faro last year, nearly at Pelly, nearly at Watson Lake and nearly in other such communities. If anybody can laugh at that, I think that they are quite irresponsible. In relation to the amount of money that is put here, the amount of \$4,000, again I say I think it is insufficient. This provides for Territorial participation as it states here in this national organization. I suggest to you this, that there is every possibility that we are going to have a real rough time of it again this summer, and I suggest to you though we have a Forestry Service, though we have tankers, we have fire fighting apparatus, we have manpower, what this provides us with is the organization, hopefully, at a community level to deal with the getting together of all these people and indeed evacuation of communities, etc. I think that if we are ever going to cope with this situation in our communities, we are going to have to involve ourselves in communications, there are certain pieces of equipment involved, but I think communication is important. I know I was involved in this thing as a coordinator down in Watson Lake for the last two or three years, and on two occasions I have had to implement the Emergency Measures Group, but this is always done by the coordinator paying most of the bills. I think that from my own point, the fire last summer, just involved around the one emergency,

Mr. Taylor continued:

cost me \$200 or \$300. I think that this is asking a little much of your Emergency Measures Group. This is why I raise it at this time. I think that some consideration should be given to taking another look at this general situation throughout the Territory and if we are going to implement programs in other communities as we do in, I believe, Dawson, Whitehorse and Watson Lake are the only three that are functional ... I believe Dawson and Watson Lake are the only two that are functional. I don't think that Emergency Measures functions in Whitehorse during the fire season from the information I have, and if we are going to change that situation and try and develop Emergency Measures Organizations in other areas, then I think that we had better take another look at this budget.

Mr. Livesey: In support, I would like to add that we have further obligations to look at this situation from a national point; we are also part of Canada, irrespective of our problems at the moment. This is a form of insurance, and a very cheap form I would say on the basis of which it appears in the budget. This seems an infinitesimal amount in comparison to what we are spending on ordinary insurance for buildings, there is no question about it. This whole organization is set up to ... the main purpose is to save the country from disaster, whether it is large or small, whether it is national or international, or whether it is provincial or territorial, it doesn't matter. This is what this institution is working for and the amount here is, as I say, nothing. What this organization needs is more help from the public and more help from the Government, and I think a better understanding between the works of the Emergency Measures Organization and the needs of the country as a whole. This organization is also thinking about and preparing for the problem of atomic catastrophe in the entire country, in the north just as anywhere else, and despite a lot of pessimists in relation to this, we are and could be in an exceedingly vulnerable position on account of the fact that Alaska is our neighbour; they have various installations over there that any enemy would want to strike at. I don't want to go into length, Mr. Chairman, on what could be said about this particular aspect but I would ask at this time, Mr. Chairman, that we as an elected body take more serious concern with the need for Emergency Measures Organization and the need for the preparations of organizations to save our necks in the future in the event of possible catastrophe.

Mr. Dumas: Mr. Chairman, I wonder if the Treasurer could give us an idea of how much was spent under this vote in 69/70.

Mr. MacKenzie: \$55.70. I should explain before laughter takes over and that is, expenditure first takes place in Edmonton, that is where the head office is. We pay a share of the costs and we receive an account once a year. We haven't received it yet.

Mr. Commissioner: But, Mr. Chairman, it will be coming soon.

Mr. MacKenzie: It will be coming soon.

Mr. Commissioner: We are committed.

Mr. Chairman: Did you want to commence, Councillor Taylor?

Mr. Taylor: Yes, just to say that in thinking about the types of disaster we could be faced with, I think basically what the Honourable Member from Carmacks-Kluane says is quite right; there is a great interest in fallout. If something happened in Alaska, it could kill people here, but basically right now our immediate concern is in fires and floods, and nobody knows better than the City of Dawson about floods and the problems that happen. Money is designed, I thought, to provide the steering, and to get committees together to cope with this situation, do the organizing, but in any event I really hope that the Administration will take a second look at this item and especially in view of the matter which causes me a great deal of concern, and that is what is going

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Mr. Taylor continued:

to happen in the Territory this summer as a result of fires. If further funds are required, I think they should be given priority over such items as enumerated by Mr. Treasurer this morning.

Mr. Shaw: Mr. Chairman, the Emergency Measures Organization, to me, seems a long way away from here, and we have had floods here many times, but it seems to me that it is the citizens here, with the assistance of the Territorial Government, that we combat the floods and we have to do it right now, we can't wait for weeks for some organization down in Edmonton to start operating. I am quite in accordance with leaving the money there and staying with this organization because, as the Honourable Member from Carmacks-Kluane has stated, we could have a more serious ... fallout or something like that, that creates an emergency over the whole of the Territory. But, when we have these smaller catastrophies, they are very large for the individual area but they are not things that the Emergency Measures Organization gets involved in except perhaps a month after it has happened. I wondered what part the Emergency Measures Organization played, we will say when the village of Pelly was threatened, when the village of Faro was burned up, when Crestview was just about to be burned up until the wind changed, or in fact in any of the floods that we have had here. I wonder if Mr. Commissioner could recollect whether we had any people up in the Territory at that time that were organizing, which I presume the Emergency Measures Organization is set up to do.

Mr. Commissioner: Mr. Chairman, we get the organizational support through Mr. Billing, the Emergency Measures Organization's Coordinator for the Northwest Territories and the Yukon. This money that is here is by a prior agreement by Council that this is our contribution towards the cost of the up-keep of some semblance of administrative competence in this field. I would have to research the files to give you the identical things that were done by this organization last year during our fire emergencies that we had in the Territory, but it was considerable. Not only that, but we have to have some central place to go when we are seeking outside aid and this centre has got to be prepared to justify the aid that we are looking for. At one point in time during the fire emergency last summer, through the Emergency Measures Organization to which this money is made available, we had on a standby basis the Canadian Armed Forces operations in Edmonton, plus their field equipment, and I believe there was an emergency field hospital and several other items that were ready on a standby basis to come here in a matter of a few hours. There is much more to this than meets the eye, Mr. Chairman. While I agree with the Honourable Member when he says that Emergency Measures Organization looks to be far away, I will agree with him, it is far away, but there is no way that in a sparsely populated area that we can have the organization in every community except on the basis of the individuals that are named in the community. I may say that we do anticipate, if the meteorological forecasts are correct, there may be a very bad fire season again this year and I will assure Council that we have already entered into conversations through Forestry officials in the Territory with the Federal Department to see that all our forces are at least in the state of readiness so that they could cope with what could be a disaster.

Mr. Livesey: Mr. Chairman, there seems to be a problem in relation to the understanding of the Emergency Measures Organization and what it stands for and what it actually is prepared to do. Now this is common throughout the country, not only in the Yukon. We find it in the provinces as well that the public doesn't really understand that the Emergency Measures Organization is there for the organization of this program; it doesn't take on responsibility for emergency work in the provinces or the Territory. This is a supervisory group and they help the various provinces, municipalities and territories to organize, but it is up to the people involved in these various areas to organize these groups and to get them operating like the



Mr. Livesey continued:

one that they had in Stoney Plain just north of Edmonton, it is one of the best organized Emergency Measures Organizations that we have in Canada, if I understand it correctly. I also think that Alberta has been far more conscious in this respect than any other province in Canada and has a better system. No question about it anywhere. I attended the course at Arnprior College in Ontario on fire fighting and I certainly did my best to take notice as to what this organization is working for. They are prepared to assist territories, provinces, and municipalities all they possibly can but we have to do the main work ourselves. So, if we are going to get the Emergency Measures Organization operating, you are not going to turn around and say, "Well, what did the Emergency Measures Organization do at the flood?" The question is what did we do in relation to this, what did we do? They are there to organize these groups; they are there to give all the help they can on the proper procedures to use, how to get yourselves organized, but they are not here, they are not here at all. It is up to us to organize these institutions; it is up to us to defend ourselves with their assistance. Now this is the position.

Mr. Taylor: I will resume the Chair.

Mr. Chairman: Are we clear on this item? At this time I will declare a recess.

RECESS

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Mr. Chairman: I will call Committee back to order and the next item is the Public Utilities Board \$1.00. Clear. Next is Public Enquiries Board \$1.00. Clear. Special and Unforeseen \$8,000.

Mr. Chamberlist: This is amazing for the simple reason that you have a Public Utilities Board that could cost you \$20,000 or \$30,000 so you put in \$1.00. Public Enquiries Board could cost you thousands of dollars, so you put in \$1.00. Special and Unforeseen, you put \$8,000 in.

Mr. Shaw: Mr. Chairman, one knows when one has a Public Utilities Board but I don't think anyone knows when something unforeseen might happen.

Mr. Livesey: Mr. Chairman, why is Unforeseen \$3,000 more than last year?

Mr. Chairman: There was more unforeseen.

Mr. MacKenzie: Mr. Chairman, \$8,000 has proved to be inadequate, and really it should be more.

Mr. Chamberlist: An unforeseen amount ...

Mr. Livesey: Well, Mr. Chairman, let's look at the last four years: 1967 - \$6,000; 1967-68 - \$8,000, and in 1968-69 it went down to \$7,000, 1969-70 - \$5,000, and now it is \$8,000, and we can't find \$1,500.

Mr. MacKenzie: But those are for different years. For the current year, Mr. Chairman, we voted \$5,000. The expense by the end of January was \$5,300.

Mr. Chamberlist: On what?

Mr. MacKenzie: On Special and Unforeseen.

Mr. Chamberlist: What was it?

Mr. MacKenzie: I couldn't tell you; I haven't got the details.

Mr. Chamberlist: So, it is unforeseen?

Mr. Chairman: Are we clear on this item? That concludes the discussion on General pending consideration of the Chamber of Mines Grant. Next is Vote 9, Department of Engineering. The breakdown is on page 169. The first item is Administration \$62,550. Clear? Next is Territorial Building Maintenance \$243,735.

Mr. Chamberlist: Just a minute. There is an item here, Provision of Funds to Establish an Appliance Maintenance Repair Shop. Is this suggesting that the Territorial Government is now going into the electrical repair business? I wonder if Mr. Commissioner could give us some information on this item.

Mr. Commissioner: I am sure that the item was satisfactorily taken care of in the Budgetary Programming Committee or it would not appear in the budget, Mr. Chairman. The small appliance situation, particularly as it applies to those items that we have in government housing and government institutions, has come under a lot of scrutiny in the course of the last couple of days by Budgetary Programming Committee and the officers of the Territorial Government, and it is in the face of all the known circumstances, this is the decision that has been arrived at and it hasn't been arrived at with regard only to electrical appliances; it has been with regard to all these similar items that we find it practically impossible to get dealt with by any other means.

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Mr. Chamberlist: Well now, Mr. Chairman, I wonder if I can get the answer to my question, and tell me why. It is alright to say that the Budget Review Committee has looked into it and all the information is available, etc., etc., but as far as I am concerned no information is being made available to me now. I would like to know on what information the \$15,000 is being used to set up a repair shop.

Mr. Commissioner: The very best professional information that we can get, Mr. Chairman.

Mr. Chamberlist: Well, who are these professionals and what professional information; tell us something.

Mr. Commissioner: The Territorial Engineer who heads this department, he's a professional engineer.

Mr. Chamberlist: He is not professional at electrical maintenance and repair.

Mr. Commissioner: I am sure that you are quite right. I am sure that he doesn't claim to be, but the problems that we are having in getting these things taken care of is such that it is looked upon as an economical situation to set this up. Therefore, you find this item in the budget, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I have to raise strong objections to this for the simple reason that again we are being told that this is what the departments have told us they want and because they said they want this, this is what they are going to get. That is just not good enough because I think there is a responsibility on the Administration on an item of this description where they are in fact entering into competition with private enterprise and say, "These are the reasons why." Now the Territorial Administration has not brought forward today in answer to my questions, why this amount is being put forward to enter into repair business. It amazes me too that two Members of the Financial Advisory Committee sitting at this table who are on this Budget Review Committee and have expounded their theories on private enterprise being interfered with, all of a sudden allow an item of this description to go past them. I would like an explanation perhaps from Councillor McKinnon as to why this is going through.

Mr. McKinnon: Mr. Chairman, the Honourable Member is making a beautiful speech and he knows as well as anybody at this table that this is impossible at a decent nominal price to get any appliance fixed in the City of Whitehorse at this time.

Mr. Chamberlist: Mr. Chairman, by the same token it can be said it is not possible to get a carpenter to work at a decent price, it is not possible to get any construction done at a decent price, it is not possible to get anything done at a decent price, and in that case that justifies the reason for the Territorial Government to open up its own stores, its own construction department, sell groceries, milk cows and go on and on and on. I mean that is a ridiculous argument there.

Mr. McKinnon: Mr. Chairman, I disagree with the Honourable Member because I believe that all the things he mentioned, having dealt with all these different trades, can be done at a price that the public can pay, but in the field of repairing appliances there is nobody who will guarantee their work, there is nobody who will get the job done satisfactorily, and at a good price. The facts of the matter are just that simple and that is the truth. The Honourable Member, if he has any dealings at all with the different services of small appliances in the Whitehorse Area, I don't know how it is outside of the Whitehorse Area, knows this in fact to be true.

Mr. Dumas: Mr. Chairman, I can only add that the Territorial Government has its own garage for maintenance of vehicles and so forth simply because you can get the job done right away when you need the equipment. It is the same thing with the appliances, it is the same type of thing. You are not going into business, they are going to look after their own equipment. I think it is a very reasonable item in the budget.

Mr. Chamberlist: Mr. Chairman, by the same token, I wonder whether now if the Honourable Members from Whitehorse North and Whitehorse West are going to say that because the government can do it better that they will be in favour now of the government supplying all the electrical needs, such as distribution of electricity by the government. Are they talking contrarily to what they have spoken before? Are they arguing that? Just listen to this. You cannot have a suggestion on one day that you are opposed to government interfering with the free enterprise system, then the following day try to sneak into a budget an amount of money to set up a business within the Territorial Government. I think if you start doing that, you will finish up by getting into the other realms of businesses. I think that we must benefit the public by stamping it out wherever it is possible. Now I have spent many years, I am not in it now, as you know, so I can speak quite freely of it, I spent many years in the electrical business. Now I know that the government cannot carry out electrical repairs to appliances or any other equipment. This is why the Federal Government, the Department of National Defence, the Department of Public Works, gave all of their repair work out to contracts on a bid proposition. I am suggesting that the Territorial Government should do that as well; they have never tried to do that. The reason why they are having trouble, from my information, in getting service work carried out on their appliances is because they send people who are not qualified to do it on their own staff to attempt to play about with the technical type of apparatus. I would suggest that this item come out of there and a sum of money be set aside for repairs, a sum of \$10,000 be set aside for repairs to be sent out on a contractual bid basis. We will then have \$5,000 left to play about with; \$1,500 for the Yukon Chamber of Mines and still have \$3,500 available for elsewhere.

Mr. Livesey: Mr. Chairman, I would certainly like to raise a question here. I wonder now if we can get clarification on this point? The point I wish to raise is this, is this economic justification, in other words, this is what we are after because it is economically cheaper to provide for the repairs, is this justification for the government to set up this particular item? Now could we have clarification on that point from the Honourable Member from Whitehorse North?

Mr. McKinnon: Mr. Chairman, there were two criteria that were given to the Members of the Budgetary Programming Committee; one was an economic justification and the other one was the justification that there was no place that the work could be done at this time. I probably won't have a job when I go back, but this happens to be a fact because the biggest service repair centre in town happens to be my employer. I say that the trouble of keeping people to repair appliances is so great, and to get the work done efficiently and to get the work done at a price that the public can afford to pay. It is better to throw the small appliance away rather than attempt to get it fixed in any repair shop at this time. This is the only justification that was used and it was the one that we accepted. I think the Honourable Member from Whitehorse East was wrong because different repairs have been done on a contractual basis by the Territorial Government at various times. I think that Mr. Clerk can give the information on this and the results were, to the best of my knowledge, not satisfactory. The argument that if you believe in free enterprise and you go along with this, that you can't see government moving into a field that free enterprise can't fulfill, I think is a red herring because at any time that government proves to me that they can do the job more

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Mr. McKinnon continued:

efficiently, cheaper, to the benefit of the taxpayers of the Territory, and do a better job, then I am willing to listen to a government agency moving into any field.

Mr. Shaw: Mr. Chairman, we are talking about appliances. That doesn't state any particular appliance, it doesn't mean necessarily it is going to be toasters and hairdryers. These appliances are also furnace appliances and things like this. Now, Mr. Chairman, you have a line of installations down at Whitehorse and you have all kinds of contracts to do this and to do that, but when you live in an area like this and you want something done, you wait a month, if you get it done, at the price that has to be charged. That is what the people have to put up with. Now, we have these government installations here, we have these government buildings and we have to have that fixed and we have to have that fixed right now. By getting this equipment fixed, by having spare parts for this equipment, endeavoring to standardize as much as possible, we can keep service going in these buildings, that is particularly important. That is what I am concerned with and as a Member of the Committee, that is the reason that I agreed to something like this because these buildings had to go. Now, myself and other people that live here, if their furnace goes and it is 50 or 60 below they are in a pretty bad spot unless they have a duplicate complete set of all these parts that go wrong in the furnace. They have to do that because they know if they don't, by the time they send it to Whitehorse and by the time the people get to the business of fixing it, they have been frozen up a long time. Therefore, I think that it is the duty of the representatives of the area to assure that at least this installation or maintenance, particularly for outlying areas, are operated as efficiently as possible. That is the reason that I for one agreed to this particular amount of money being spent. It is not a case of getting into private enterprise; it is in my estimation a case of necessity to get the job done when it had to be done.

Mr. Livesey: Mr. Chairman, I have another point of clarification. In view of the statements of the Honourable Member from Dawson in relation to his explanation of the problems of the people of Dawson, what is the perimeter of the operation of this particular establishment? Where are they going to draw the line? Are they going to repair Territorial equipment only, or are they going to repair other forms of equipment? Let's get that clarification.

Mr. Shaw: Mr. Chairman, I can't give you the exact conversation of what happened, but I assure you that I would have been the first one to object if it was fixing somebody else's equipment. This is the equipment that belonged to the people, to the government; that is what they repair. They are certainly not going into competition with private enterprise.

Mr. Chamberlist: Well, I can't understand the remarks of the Honourable Member from Dawson. He has got me a little bit confused. He stands up and speaks in an area that the people locally have got to be protected, and now he says that it's for only government purposes. Surely if the Honourable Member from Dawson would have been over the years encouraging service businesses to open up in the Dawson area and the people paid their bills, they would still have service areas here. The people in private enterprise go into areas where they see that they can make a profit out of their operations. This has nothing at all to do with the matter here and \$15,000 is being put up by the government to set up a business in competition with private enterprise and this is improper. Now, very soon, if it goes along with this idea, there may be areas of government that will step into other areas that might affect directly the people, the Members of Territorial Council, who seem to be so interested in pushing private enterprise out of the picture in this area. I would like to ask at this time whether the Clerk can give information on where there were domestic appliances put up for public bid and when.

Mr. Clerk: The repair?

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Mr. Chamberlist: Yes.

Mr. Clerk: Mr. Chairman, I couldn't say on domestic appliances; however, the repair work on all office equipment, which I believe this shop is also going to be working on, is put out for bid. We have maintenance contracts at the present time.

Mr. Chamberlist: The understanding that I received a few moments ago when the Honourable Member from Whitehorse North spoke of it he said, "Ask the Clerk, he knows that there were areas of bid dealing with this, the appliance maintenance repair shop." Now an appliance is an appliance and a piece of office equipment is a piece of office equipment, they are entirely different operations. I want to know why \$15,000 of the Territorial Government's budget is going to be used to build a competition against people who are in a business of repairing appliances.

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

Mr. Chamberlist: Yes, I just want to know what is going to happen about this. I don't want to rubber stamp this item because then there is no point in going through the rest of the budget if we just ask, "Is there anything further?" and nothing else is done about it. I want to know why this can't be withdrawn out of the budget and put up for tender for repairs. I object most strongly to seeing a repair job going into the Territorial Government.

Mr. Dumas: Mr. Chairman, it may be that this word, "appliance", shouldn't have been in there because certainly there aren't enough toasters and hairdryers owned by the Territorial Government to justify an appliance repair shop. The purpose of this shop will be to look after office equipment, look after all equipment of that type for the Territorial Government. The problem right now is that you can't get it done by bids, you can't get qualified people to do it when you want it done. The department says they would like to do it themselves, and it seems like a reasonable request.

Mr. Chamberlist: Okay, I want to get this understanding, that it is not specifically for appliances? I am just going by what it says here. I feel that there is justification if it is for office equipment because I agree there is quite a problem. The way this item reads now it is appliances, and, to me, appliances means your electric range, your refrigerators and that type of equipment that is in homes; that is what is meant by appliances. Now, if it means office equipment, it should say office equipment. Can I please be given the assurance, perhaps Mr. Commissioner will give an assurance in this instance, I know it's pretty difficult for him, but can I be given assurance that this indeed refers to office equipment primarily?

Mr. Commissioner: Mr. Chairman, no. The idea of setting up this small item repair shop is to get those things repaired within the confines of government that are owned by government which at the present time we can't get repaired anywhere else. This may include adding machines, calculators, toasters, refrigerators, small motors; it can include a host of things. When the Honourable Member asks me to say that this is going to be primarily for office equipment, the answer is no, Mr. Chairman, it is not being set up primarily for office equipment. It is being set up primarily to improve a situation which we are constantly being criticized for; namely that we are so damned inefficient, we can't make up our minds as to what in the name of goodness we are going to do next. We're suggesting that this is one way that we can become a little more efficient and we think that it is going to result in considerable savings to the taxpayer or we wouldn't even be proposing it, Mr. Chairman.

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Mr. Chairman: I wonder if we can keep our language just a little more parliamentary. Are you now clear on this item?

Mr. Chamberlist: No, I am not clear but what's the use, stamp it.

Mr. Chairman: Are other Members of Committee clear on this? The next item is the Dawson Dome Road \$2,120. The Bonanza Road \$2,760. The Granville Road \$17,490. Next is the Atlin Road \$27,560. The Tagish Road \$36,040. The Duncan Creek Road \$4,980. The Mayo Lake Road \$900. The Cowley Lake Road \$430. Tok Trail Assistance \$100,000. Is this not recoverable, Mr. Treasurer?

Mr. Commissioner: Mr. Chairman, it is not listed as a recoverable item. The funds are made available as part of the deficit.

Mr. Livesey: Mr. Chairman, I wonder if Mr. Commissioner can provide us with an up-to-date description as to how this money is handled right now. It seems to me that at one time the elected Members had at least an interest in it, but at the present moment it doesn't really seem that we have any interest at all, at least I certainly haven't heard any in the last three years, and I wonder if Mr. Commissioner could advise how this money is handled now.

Mr. Commissioner: Mr. Chairman, there is no difference in the way the money is handled now than what it has ever been. For the fiscal year that is just completed, I will have the full report on it tabled for Council as quickly as possible.

Mr. Chairman: Mr. Chamberlist, will you please take the Chair?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I get a little hostile every time I ask a question such as I just asked and get an answer such as I just got, that this is covered in a deficit grant. This is why this fallacy exists around the Territory about how badly or how greatly the people of the Territory are subsidized by the Federal Government. Now here is an item, Tok Trail Assistance, which is a Federal Government responsibility. Instead of getting this money directly paid to us in order that we can pay it out through our budget, they say, "Well, you put it in your budget and we will cover it in a deficit grant." Alright, then we go to the people of the Yukon and say, "Well, our deficit grant last year was this much money, those poor people in the Yukon." We have in the Educational Department alone, the Federal Government pay us for services which the Territory renders to those people who are the responsibility of the Federal Government. We don't get payment earmarked as such; that is a deficit grant. It seems to me that this paints a very bad picture as far as the Territorial finances are concerned, and in truth what we are getting is not a deficit grant at all, not in its entirety. Much of this is payment for services rendered by the people of the Territory to the Federal Government. Why call it a deficit grant? Why not call it a payment for services or something of this nature? I will resume the Chair.

Mr. Chairman: The next item is the Tagish Microwave Road \$300. This is a 100 per cent recoverable. The next is the Faro Access Road \$5,750. Next is the Range Road \$2,580. The Sawmill Road-Watson Lake-Ross River Road \$350. Dawson City Flood Control \$1.00. Third Party Services \$100,000. Clear? Next is Administration - Dawson Area \$9,480. The Kookatsoon Lake Road \$150. Grey Mountain Road \$850. The Lewes Lake Road \$100. The Annie Lake Road \$3,800. The Fish Lake Road \$2,760. The Jackson Lake Road \$550. The Takhini Hot Springs Road \$4,245. The Miles Canyon Road \$3,710. The Chadburn Lake Road \$2,000. The Whitehorse Ski Hill \$500. The Marsh Lake Road \$3,000. The Hansen-McQuesten Lake Road \$4,000. The Deep Creek-Lake LeBarge Road \$425. The Horse Creek-LeBarge Road \$565. The Minto Lake Road \$2,500. The Kathleen Lake Road \$250.

Mr. Chairman continued:

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The Pickhandle Lake Road \$100. The Simpson Lake Road \$100. The Tagish Lake Road \$250. The Ethel Lake Road \$5,150. The Tatchun-Lake-Frenchman Lake Road \$5,100. The Road Near Lewes River Dam \$265. The Sydney Lake Road \$250. The Pine Lake Road \$100. The Kusawa Lake Road \$5,000. The next is the Aishihik Lake Road, to Otter Falls only, \$4,000. I am wondering, Mr. Commissioner, if there is any possibility of a grader making one grade into Aishihik Airport and out and the same time for after the spring runoff.

Mr. Commissioner: Well, I will be pleased to inquire of the Engineering Department, but I think that Council Members must understand that you are talking about a fair stretch of road here. This road is something in the neighbourhood of 70 miles, so it is a 140-mile round trip. The question of putting the grader in is not only a question of the funding of it, but is also the matter of culverts and other things of this nature. I may say for Committee's information, Mr. Chairman, that representation has been made by my office to the Federal Government, in view of the amount of prospecting that is going on in there, that they will consider that this road will be one of the 100 per cent Federal maintained roads. We have not received an answer, which would indicate to me that we are at least getting consideration. I can't give any assurances of any kind, but I want you to know that we are at least trying. For the other question that you raised, all I can say is that I will make inquiries of the Territorial Engineer and see if this is at all practical or possible.

Mr. Livesey: Mr. Chairman, when we were discussing the sale of Aishihik Airport at the last Session, unbeknownst to most persons, private enterprise was clearing that road out and working on an amount of prospecting around Sicklemen Lake, but, as far as I understand, they have pulled out. It hasn't changed in any other way since I last heard this information, and I am quite certain my understanding is correct that they aren't in there anymore.

Mr. Chairman: Are we clear? The next item is Snag Road \$1,500.

Mr. Chamberlist: I thought that was closed down.

Mr. Commissioner: Mr. Chairman, the idea is minimal maintenance to at least keep it open, but this doesn't mean to say that the road is not gradually deteriorating.

Mr. Chairman: The Robert Service Road \$4,200. South Access Road \$9,700. West of 8th Avenue \$1,000. The Dawson Airport \$5,100. At this point I am wondering again, I have a question from the Chair, and I am wondering what would have to be done to apply to D.O.T. to put a string of lights down there to give a little light.

Mr. Commissioner: Mr. Chairman, it is like grinding the same old gramophone record; I don't know what the answer is. We will keep on trying all the time, that is all that I can say. It is not only a matter of lights on the Dawson Airport, Mr. Chairman. You know better than I do that it's the up-grading and lighting of strips in order for them to handle more modern types of aircraft and many other things in this connection. I'm not optimistic at all with our dealings on this question.

Mr. Chairman: The next item is the Mayo Airport \$5,100. The Ross River Airstrip \$1,550. The Seaplane Dock at Mayo \$430. The Carmacks Airport \$200. The Old Crow Airstrip \$300. The Braeburn Airstrip \$340.

Mr. Livesey: Mr. Chairman, I have asked this question time and time again, why do we spend \$340 on the Braeburn Airstrip and \$200 on the Carmacks Airstrip, when Braeburn has one building and



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Mr. Livesey continued:

Carmacks is a town. I just simply am amazed at this situation and I don't want to deride the vote if it is a necessity and if there is some real need for having that thing maintained where there is little or no habitation. I am quite prepared to go on with it, but why have \$340 on the Braeburn Airstrip and an airstrip like the one at Carmacks for \$200, and you go to Beaver Creek Airstrip which gets nothing and is a better airstrip than the whole works because it is maintained by private enterprise because the government couldn't afford to do it? Now here we have a conglomeration of various aspects of foolishness that I just can't rearrange and get common sense out of it. They just don't add up, not one thing in here adds up. Right at the border where we have an attractive point at the end of the Alaska Highway to bring in American planes from Anchorage if we make sure we get the Department of Transport interested and if we get the Territorial Government interested in this thing, I think there is something like 7,000 small airplanes in the Anchorage area that can come into the Yukon and use our lakes; they can fly over here into the Dawson area, they can fly into the Carmacks area, all the other beautiful places. One man that I was talking to in Anchorage said that he is certainly not going to fly to Whitehorse to check into customs. I keep talking but nothing happens, and this is what I don't understand. Is it my thinking that is wrong, or have the experts got better answers? If there is a better answer than what I am proposing, well, I am quite willing, Mr. Chairman, to sit down and say, "I am totally ignorant of what I am talking about, I don't know what I am talking about." Here is the Honourable Member from Whitehorse North that sat in on the Financial Advisory Committee. I have not had that opportunity in my entire time on this Council since I was elected in 1967, and there are not too many Members on this Council who can say that, that they have not had the opportunity at least once to sit on this Committee, and I am getting derision from someone who has had the opportunity to sit and discuss these questions, day after day, hour after hour. When I rise on my feet to ask these questions, I think that at least I can expect a reasonable attitude from those who have had this opportunity. I would certainly like to ask, Mr. Chairman, if there is any particular reason.

Mr. Chamberlist: I think I can answer it, Mr. Chairman, that both are in the Honourable Member's constituency, both Braeburn and Carmacks; one has got \$200 and the other has got \$340, and I think that we can answer this question by just reversing the amounts. We will give the \$340 to Carmacks and the \$200 to Braeburn. Will that answer the situation?

Mr. Livesey: I don't want the answer from one of the friendly spirits in this Committee. I want it from the people who made the decision. They put this in the budget; I want to know why.

Mr. Shaw: I can sympathize with the Honourable Member from Carmacks-Kluane on this airport situation. It is a bad situation in the Yukon Territory all the way around. The airports are the direct responsibility of the Department of Transport, the Canadian Department of Transport, and as far as our airports in the Yukon Territory, with the exception of the ones on the main line down below, north of Whitehorse, you wouldn't even know you had an airport in these places. The situation is such that when we read in the papers about how the north is expanding, everybody is interested in the north now because they see on the outside that possibly they can make a buck on the deal; they weren't interested before. Now one of the most essential things we require in this Territory is airport facilities, good airport facilities, and I am talking about facilities that you can do better than land a Beaver on; one that you can land a pretty large plane on because that is necessary in this day and age. We have tried in Council and have agreed with the philosophy of the Honourable Member in respect to putting an airport facility at Beaver Creek so that the Americans can come in and that can be a port of entry instead of

Mr. Shaw continued:

going three hundred miles down to Whitehorse and then coming back and doing their fishing at Kluane Lake and then going back to Whitehorse to check out. We have tried to resolve this situation; Council has supported all of these motions, but we just don't have any success. We have invited some of the top members of the Canadian Transport Commission to come and visit and to see our airports, and we can't even get a reply to the letter. I don't know where we are going to go from there. The Territory hasn't got the money to enter into large airport expansion facilities, which is unfortunate. I wish we did have, I wish we could improve these airports. It isn't the fault of any of the Members of this Council that we haven't the money. It is just that we can't get the Federal Government sufficiently interested to expand these airport facilities. Now with the excitement over the oil in the north, there may be a possibility that they are taking a second look. Roads are just part of our communication and transportation systems, we have to build up airport facilities, and that includes Beaver Creek as well as other areas in the Territory.

Mr. Livesey: Mr. Chairman, I still have lots of stamina left. May I repeat my question? Why do we have \$340 for the Braeburn Airstrip and \$200 for the Carmacks? Could I have an answer, please?

Mr. McKinnon: Because according to the Territorial Engineer, that is what money that is needed to maintain the strips in a minimal condition so that they can be used next year.

Mr. Chairman: At this time I will stand Committee in recess until 2:00.

RECESS

Friday, April 3rd, 1970.  
2:00 o'clock p.m.

Mr. Chairman: At this time, I will call Committee back to order. BILL #5  
Have you anything further on Braeburn Airstrip - \$340.00? The  
next item is the Minto Airstrip - \$340.00? The Float Plane Dock -  
Ross River - \$430.00? Next is the Aishihik Airport Guarding -  
\$6,100.00?

Mr. Chamberlist: Are we still responsible for the guarding of  
this?

Mr. Commissioner: Mr. Chairman, the requirement for the funds  
will automatically cease to exist when we have authority from  
Ottawa to permit the disposal along the lines that I answered the  
Honourable Member's question a couple days ago on this, but I  
certainly think that it's an item that has got to be allowed at  
the present time. You can't eliminate the item, Mr. Chairman.

Mr. Chamberlist: Can we reduce it by \$1,500.00 so that we can  
put it in the Yukon Chamber of Mines' vote?

Mr. Commissioner: I would be quite prepared to take this matter  
up with the Budget Programming Committee, along with other supple-  
mentary requirements, and if in their wisdom they see fit to make  
such a recommendation to me, fine.

Mr. Chairman: I wonder what the Budget Programming Committee  
Chairman would have to say on this matter?

Mr. McKinnon: Mr. Chairman, I've said right from the beginning  
that if this money can be found from other sources and replaced,  
then I'm more than willing to go along with it. I said this right  
from the very beginning of the debate.

Mr. Chairman: The next item is Second Avenue Exit, Whitehorse -  
\$3,000.00.

Mrs. Gordon: Mr. Chairman, we have a campground at Mayo Lake, and  
beyond the N.C.P.C. Dam there is a stretch of road there that cer-  
tainly should be maintained when we're maintaining a campground at  
the lake. I don't see anything in this vote to cover it.

Mr. Commissioner: Mr. Chairman, could I ask the Honourable Member,  
does this road go by any specific name?

Mrs. Gordon: It's part of the Mayo Lake Road but in the vote that  
we have already passed, there is only provision for the dam and  
this is in probably a mile or a mile and a half.

Mr. McKinnon: Has it been maintained in the past?

Mrs. Gordon: Yes, it has been. There's a campground there.

Mr. Commissioner: Mr. Chairman, I would be quite confident that  
although the terminology might not infer this, I'm confident that  
this is part of the vote, Mr. Chairman.

Mrs. Gordon: Mr. Chairman, quite specifically in the vote it says  
to the dam, N.C.P.C. There is another item too, there's an access  
road to Williams Creek connected with this area from Elsa, and last  
year there was a path made to make a road. Could you put the road  
in use for the residents of that area?

Mr. Commissioner: This will be done.

Mrs. Gordon: Thank you.

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Mr. Chairman: The next item is the Stewart Crossing - Dawson Road - \$193,672. Clear? Next is the Dawson Boundary Road - \$140,300.

Mr. Chamberlist: I wonder if we might get an explanation as to why the Stewart Crossing - Dawson Road is \$1,720 a mile, and the thirty-eight miles of the Dawson Boundary Road is \$3,280 per mile?

Mr. Commissioner: If the Honourable Member has the opportunity to go over there sometime when there is a snow-blow going on, then he would know what the difference is as far as the cost is.

Mr. Chairman: Next is the Dawson Boundary Road Ferry - \$95,400.

Mr. Chamberlist: \$95,000 a year? It's 85% recoverable though.

Mr. Chairman: The Whitehorse-Keno Highway - \$774,060. Clear? Two-Mile Hill, Whitehorse - \$15,900? Canol Road - \$210,730?

Mrs. Gordon: Mr. Chairman, before we go any further, with the Whitehorse-Keno Road, I notice a difference of ... oh, I beg your pardon, my apologies.

Mr. Chairman: The next item is the Dempster Highway - \$80,340? Campbell Highway - \$734,640? The Carcross Road - \$55,040?

Mr. Chamberlist: I don't know whether we're using enough money on this road.

Mr. Commissioner: It's per mile, Mr. Chairman.

Mr. Chairman: The Nahanni Range Road - \$76,000? Next is the Skyline Operation - Dawson Boundary Road - \$26,500? Why does this have to be dismantled in the summer?

Mr. Commissioner: Mr. Chairman, there are so many things that have to be done to this thing it would take all day to enumerate them. If you want to bring in the road foreman, he'll tell you all about it. It's on the ice today if you want to have a good look at it.

Mr. Chairman: This gives a total appropriation at the moment of \$3,108,613, subject to the deletion of one possible item.

Mr. Commissioner: Mr. Chairman, these matters, potential excess in these items, are going to have to be matched up with the other things that we have that are necessities, and they will all go to the Budget Programming Committee for discussion. You've heard what the Chairman of the Financial Advisory Committee has stated.

Mr. Chairman: The next item is Yukon Hospital Insurance Services. The first item is Travel and Living Expenses - \$200? Special Services - \$3,750? Materials and Supplies - \$1,000?

Mr. Chamberlist: Does this Medical Referee, Mr. Chairman, come into Whitehorse, or is he the Medical Referee that is at Ottawa? Ottawa? Then why are we paying him travelling ... oh, we're paying his \$.25 per capita.

Mr. MacKenzie: This is the arrangement that we have with Ottawa, and it's a very good one.

Mr. Chamberlist: How can any arrangement with Ottawa be a very good one?

Mr. MacKenzie: His efforts are saving us many time \$3,750, believe me.

Mr. Chairman: Next is Utility Services - \$250? Repairs and Maintenance - \$50? Rentals - \$336? Miscellaneous - \$6,000? Hospitalization - \$932,389?

Mr. Chamberlist: What does N.B. mean?

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Mrs. Gordon: New born.

Mr. Chamberlist: \$7.00 a day to feed a new born child?

Mrs. Gordon: To feed and care for.

Mr. Chairman: Are we clear? Have you anything further on that item?

Mr. Chamberlist: Yes, just one moment, Mr. Chairman. Mr. Chairman, I wonder if Mr. Commissioner could indicate what he expects the diagnostic payments to be to the Medical Clinic as opposed to the hospitals themselves?

Mr. Commissioner: Mr. Chairman, the best information that we have on this was tabled in the Paper that went to Council at the last Session on this matter. The only thing that I would suggest is that we will attempt to keep Council advised in the monthly Newsletter as to what the progress is on this. It's very difficult to identify any better than what we have already done for you, but I wonder, Mr. Chairman, if Mr. MacKenzie would make a note and ask the Y.H.I.S. people who are looking after this to make sure that in the Council monthly Newsletter cost factors would be isolated so that the Councillors can have an opportunity to see what is going on?

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Chairman: Are we then clear on this item in the amount of \$943,975? The next item is Travel and Information; page 199 has the detail. I think it goes backwards here. 70 is Grants and Bursaries - \$10,000 ... page 199. We'll start at Advertising then on page 201 in my book. In any event, Advertising - \$50,000. Clear? Travel and Living Expenses - \$7,000? Special Services - \$750? Materials and Supplies - \$5,000? Utility Services - \$1,500? Repairs and Maintenance - \$500? Rentals - \$11,010?

Mr. Chamberlist: What size building, Mr. Chairman, are we going to get for the rental area in Vancouver at \$670 a month? Where is this going to be? I think that question has already been asked. What are we getting for \$670 a month?

Mr. Commissioner: Mr. Chairman, this will be part of the answer that I have promised Council as soon as I get back to Whitehorse.

Mr. Chairman: Grants and Bursaries - \$10,000? Miscellaneous - \$70,000?

Mrs. Gordon: Mr. Chairman, in my particular constituency there is a possibility of another campground not created by the Territorial Government, and I would ask at this time that note be taken that the possibility may exist that we may ask for maintenance and operation of this particular campground. It will be of benefit to everyone in the Territory.

Mr. Chairman: This gives us a total appropriation of \$155,760. Are we clear? Next is the Yukon Regional Library, and the first item is Advertising - \$500, page 204. Travel and Living Expenses - \$3,820? Materials and Supplies - \$7,194? Utility Services - \$7,700? Repairs and Maintenance - \$7,850? Rentals - \$348? Grants and Bursaries - \$9,830? Purchase of Library Books - \$61,960?

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner could indicate what happens to books ... let me put it this way, every year we spend for buying new books \$50,000, \$60,000. From '67, we have spent \$125,000, and now another \$61,000; it's \$186,000 on books. Where do the books go from the previous year because sooner or later we'll have to expand the size of the library. What happens to them?

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Mr. Commissioner: Well, the appetite for reading them or stealing them doesn't deteriorate at all, Mr. Chairman. Also, we are continuously opening up new deposit stations for library purposes and those that we have are continually getting a greater amount of usable due to the very generous librarian pay program which the Honourable Member from Dawson City got propagated around this table a while ago, and all these things add up to the fact that we need more books. Also, I may say that if we quit buying new books, the library would soon become non-usable because if nothing else, reference books alone that are kept up-to-date are very, very costly.

Mr. Shaw: Mr. Chairman, the Honourable Member from Dawson merely decided that if we were going to pay librarians, we might as well pay them all or have them all on the voluntary basis.

Mr. Chairman: Are we clear on this item in the amount of \$9,202? The next item is the Department of Welfare, page 210. The first item is Administration - \$17,920. Are we clear on this item? Page 214, under Child Welfare Services, \$220,055. Clear?

Mr. Chamberlist: Mr. Chairman, what ... I see Mr. Commissioner has already indicated that there is to be some investigation as to the increase in costs for looking after foster children by foster parents, but I notice there is no additional provision in the budget to take care of any additional payments which would be made to foster parents who are looking after children. What does Mr. Commissioner propose to do if it is decided that these people should receive extra money, or if they are not going to receive extra money, who will be taking care of the children if the foster parents want to return them to the Territorial Government?

Mr. Commissioner: Mr. Chairman, this is one of the most serious problems that the Welfare Department is faced with at the present time, and I was not misleading Council, Mr. Chairman, when I told you that we are actively looking very carefully into the provisions that are made in the way of allowances at the present time for the care of foster children in private homes. There is without doubt going to be a substantial need for more money in this area, and as with other items that are possibly pluses in this budget, they will have to go as part of a package to Budget Programming Committee to seek their advice as to just how we should go about meeting these potential extra costs. This is why I told you a few minutes ago, you cannot deal with any of these things in isolation; they have got to be part of the whole package.

Mr. Chairman: The next item is Social Assistance - \$97,225? Blind Persons' Allowance - \$5,400? Next is the Disabled Persons' Allowance - \$3,600? Next is Alcoholism Services - \$1,680? Mr. Chamberlist, would you take the Chair a moment?

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I'm wondering if within the primary, Primary 61, or Establishment 1507, if co-linked with this department ... if we include Alcoholism Services with drugs, these two can be co-linked so that the same department could eventually be equipped to deal with both problems. I wonder if we could have some comments, Mr. Chairman, from Mr. Commissioner on this suggestion?

Mr. Commissioner: Mr. Chairman, on the surface it looks to be a very practical suggestion, and indeed I do believe that this is the area in which the Department of Education is working at the present time on the program that Council has already asked about, in fact, was asked about at the last Session of Council, and it is with the Welfare Department that they are working on this matter. Probably the suggestion that is inherent in the question the Honourable Member raises is no doubt where the practical application of these

Mr. Commissioner continued ... two programs would lie as being joint programs, although they are not necessarily related at all as far as the individuals are concerned, they are certainly related as far as the community is concerned.

Mr. Taylor: I'll resume the Chair.

Mr. Taylor resumes the Chair.

Mr. Chairman: Are we clear on Alcoholism Services? The next item is Senior Citizens' Home - Nursing Home Complex - Dawson - \$32,640. Are we clear? The next item is Senior Citizens' Home - Riverdale - \$19,900. The next item is Senior Citizens' Home - Downtown Whitehorse - \$5,430. Are we clear? Children's Group Home No. 1 - \$11,810? Group Home No. 2 - Riverdale - \$30,000? What was the capital cost of this?

Mr. Commissioner: Too much, Mr. Chairman, and as a consequence, it is not going to get built.

Mr. Chamberlist: Then what do we need this money for?

Mr. Commissioner: Because we going to have a proposal for something to take its place.

Mr. Chamberlist: Mr. Chairman, could we get \$1,500 out of this?

Mr. McKinnon: Sure, or why don't you take it out of the Blind Persons' Allowance?

Mr. Chairman: Next is the Group Home for Multi-handicapped Children - \$60,940.

Mr. Commissioner: It has just been completed in Riverdale. I believe it is to be turned over to the department some time in the course of the next week or ten days. Then it will be furnished and put into operation. It is a very badly needed facility, Mr. Chairman.

Mr. Chairman: Next is the Dawson Welfare Office and Residence - \$18,000.

Mr. Chamberlist: That's needed, no doubt about that.

Mr. Chairman: The Watson Lake Welfare Office and Residence - \$3,080. Clear? Next is a Grant to the Yukon Social Services Society - \$12,000?

Mr. Livesey: My question, Mr. Chairman, is not on this particular item, but it is generally about this Welfare Vote. I wonder if Mr. Treasurer could inform Committee as to the percentage of increase generally in welfare in the Yukon; is it going up by 5% per annum, or 8% per annum, without me having to work it out from all the various figures?

Mr. MacKenzie: The pertinent figures I don't have available immediately, but I would be glad to work them out for you and supply them next week if that would be satisfactory.

Mr. Livesey: Very satisfactory, Mr. Chairman.

Mr. Chairman: This gives us a total appropriation in Vote 15 of \$471,145. No, Mr. MacKenzie could you explain? Oh, I see where the correction is. Probably there was a deletion in this vote.

Mr. McKinnon: Juvenile Probation went to Corrections, Mr. Chairman.

Mr. Chairman: Right. This gives us a revised total of \$470,270. Are we clear? Next is Personnel Services. Do we start on page 242?

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Mr. MacKenzie: Yes, the total appears on page 244.

Mr. Chairman: Right. The first item is Territorial Treasurer and Collector of Taxes - \$241,703, page 242. Are we clear? Next is the Territorial Secretary and Registrar General and what is this amount, Mr. Treasurer?

Mr. MacKenzie: The next is really Education, isn't it?

Mr. Chairman: Oh, pardon me.

Mr. MacKenzie: There is a figure of \$3,248,615, which is broken down on the following sheets, 242-2, and it goes on for several pages, ending with ...

Mr. Chairman: What is the figure on Education again?

Mr. MacKenzie: On page 242, \$3,248,615.

Mr. Shaw: Mr. Chairman, I wonder if Mr. MacKenzie has on hand now the cost of education per pupil, the average throughout the Territory? Do you have those on hand?

Mr. MacKenzie: No, I don't. It's over \$1,000 anyway.

Mr. Commissioner: It's just bordering on the \$1,000. This was the target figure for this year's budget, operation and maintenance cost of \$1,000 per pupil during the coming school year. That might not relate exactly to a fiscal year, Mr. Chairman, so if the Members are working on the figures before them, there might be some difference due to the fact that you're only voting money here for a portion of the school year.

Mr. Chamberlist: I wonder, Mr. Chairman, if we can get the average relative costs in the provinces per pupil?

Mr. Commissioner: We will gladly table that information; we have it available, Mr. Chairman. If Mr. Clerk would make a note of it, I will have it tabled for Council.

Mr. Chairman: Are we clear on Education?

Mr. MacKenzie: It carries over to page 244-14; that's the end of the explanation.

Mr. Chairman: How valid are these figures in respect of salaries for this coming year?

Mr. Commissioner: This is another set of rules altogether, Mr. Chairman. The salaries that are before you at the present time are those in effect at the present time and will remain in effect until the end of the school year which is, theoretically, the 31st day of August. New contract negotiations are underway for the following school year which will start in September.

Mr. Chamberlist: Does the Administration know approximately what the percentage of the salary increase will be for the ensuing year?

Mr. Dumas: I hope not. Mr. Chairman ...

Mr. Chamberlist: I'm addressing the Commissioner.

Mr. Dumas: Mr. Chairman, if I might rise then on a point of order concerning the negotiations, Mr. Chairman, on that subject with the teachers, as a Member of the Negotiating Committee, at the request of this committee, I would ask that the question be withdrawn.

Mr. Chairman: Yes, the Chair would agree. I think if there are negotiations going on, I don't think the Commissioner should be put in a position such as this.



Mr. Chamberlist: I wonder if the Commissioner could say whether he contemplates an increase? BILL #5

Mr. Commissioner: Mr. Chairman, I don't think the Lord Himself would dare contemplate a decrease.

Mr. Chamberlist: I just want to get an idea of how far we're going to be asked for supplementaries in the next while, and if there is going to be an increase, we should perhaps know that we are faced with an increase.

Mr. Commissioner: Mr. Chairman, with respect, you were told that in very clear language by Mr. MacKenzie this morning.

Mr. Chamberlist: I wanted to hear it from you, Mr. Commissioner.

Mr. Commissioner: You've got the word.

Mr. Chairman: Have you anything further on Education?

Mr. Livesey: Mr. Chairman, as far as education costs are concerned, and I know it wasn't too long ago we were talking about ... especially when we were talking about grants from the Federal Government in relation to the cost of educating children in the Territory who are children of parents employed by the Federal Government was \$150 a year. Now, you say that's an awfully long time ago, but it's not too long ago really. It went to \$250, \$350, \$400, and now I understand it's \$1,000. Are we thinking of any form of limitation or change of system or what? How far do we have to go before we feel that we're actually paying too much or more than the Territory can possibly afford? What do we do in this situation? I wonder if Mr. Commissioner could advise Committee whether the Territorial Administration has been coming up with any formula along this line?

Mr. Commissioner: Well, there are two simple choices to make, Mr. Chairman, you've either got to pack all the kids and send them down to Hawaii where I understand the cost of education is a little bit less, or you can have schools here and bring in teachers, and pay the shot to get them and educate the children at home. It's very simple. If you're going to have the children educated at home, these are the costs you pay. They are real, they are not fictitious, and they are certainly far from being padded in any way, shape or form. Those are the simple facts of life.

Mr. Livesey: Mr. Chairman, in other words, we're talking about \$100 per child per month. Is this what we're talking about?

Mr. Commissioner: Well, you can make it even simpler than that, Mr. Chairman. You can say that there are effectively 200 school days in the year, and you can divide that into \$1,000, and as far as I am aware, this will give you the cost per pupil per day. This is all there is to it. You've got effectively 4,000 kids going to school.

Mr. Chamberlist: Mr. Chairman, I wonder if at this time Mr. Commissioner could indicate the percentage of replacement teachers that will be required this year, or is the teaching staff of the Yukon appearing to be content and happy in their present conditions and are going to remain without resigning and moving away?

Mr. Commissioner: Mr. Chairman, the percentage number of turnover is a very unreal figure. When we had 50 teachers on the staff and 25 of them left, we had a 50% turnover. When we had 100 teachers and 25 of them still left, we only had a 25% turnover. I think you want to talk in absolute numbers, and as far as we contemplate, and I may say that the final day for anticipated resignations does not come I believe until the 1st of May, is that correct, Councillor Dumas? And, as far as we are aware, the absolute number will be

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Mr. Commissioner continued ... quite small. As far as retention factors are concerned, it has improved considerable percentage-wise, but still the absolute number is still a pretty fair number of people that will be leaving and will have to be replaced.

Mr. Chairman: Are we clear on Education? The next item here is the Territorial Secretary and Registrar General. Where do I find that page?

Mr. MacKenzie: Page 244-15, \$209,969. The summary is \$209,969 on page 242, the breakup sheet is 244-15 with the same total.

Mrs. Gordon: Mr. Chairman, I would like to ask a question. I know that in this particular vote there has been a retirement, and it is retained, 04-36, on page 244-15.

Mr. MacKenzie: What figure are you questioning?

Mrs. Gordon: It's not a question. I understand the person has gone into retirement; is this office vacant or ...

Mr. Commissioner: The name should not be construed with the position, Mr. Chairman. The name may well be there, but not necessarily filled by that person. The position is vacant.

Mr. Chairman: Are we clear on this item?

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner could indicate at this time whether or not it is proposed to engage more people for this particular department?

Mr. Commissioner: When you're talking about this department, you had better split up the question, Mr. Chairman, into either administrative staff or teaching staff.

Mr. Chamberlist: I'm talking about the Territorial Secretary.

Mr. Commissioner: I'm sorry, I'm off beat here on this. In the Territorial Secretary's Department?

Mr. Chamberlist: Yes.

Mr. Commissioner: I think there is a small increase contemplated in staff. I believe that there is one more member in the Inspection Branch, and three Clerk-Typists are involved in this department.

Mr. Chamberlist: Mr. Chairman, I notice there is no vote made for guns and badges for the Inspectors.

Mr. Commissioner: I understood from the Honourable Member, Mr. Chairman, that he welcomed these Inspectors with such open arms that it was practically a love and kisses proposition, and they didn't need any guns.

Mr. Chamberlist: They're swarming the country.

Mr. Chairman: Are we clear then on Territorial Secretary and Registrar General in the amount of \$209,969? The next item, I believe, is Health in the amount of \$26,384.

Mr. MacKenzie: It's 244-15A.

Mr. Chamberlist: Are we opening a separate dental department here? Now we've got two dental hygienists and one dental assistant, \$20,000 in pay.

Mr. Commissioner: Mr. Chairman, the Honourable Member's memory must have lost it. It isn't any more than two Council Sessions ago that

Mr. Commissioner continued ... he was patting the Administration on the back for introducing the finest dental school program in North America.

Mr. Chamberlist: The understanding I had, with respect, Mr. Chairman, at that time was that the program was being given and worked in conjunction with the dental people already in Whitehorse. I didn't realize that there was additional staff being taken on. This was not explained at that time.

Mr. Commissioner: It was in the Paper, Mr. Chairman, and Council was quite concerned that we were not bringing it into the proper grade levels fast enough in the outlying districts. This is what the whole question was that was raised around the Council table, Mr. Chairman.

Mr. Chamberlist: Our government is growing, Mr. Chairman, so large. I am pleased to see that now we have a military force in Whitehorse, with the Commissioner as the Commanding General.

Mr. Chairman: Next is Municipal Affairs. I'm not sure and I stand to be corrected, but is this \$221,009, Mr. Treasurer?

Mr. MacKenzie: \$221,009, and that should be on page 244 there.

Mr. Chairman: I note that the Land Officer position has been marked vacant. Does this mean that the government is now going to turn the land back to the people?

Mr. Commissioner: Do you just want the 207,000 square miles in one block or do you ...

Mr. Chamberlist: Mr. Chairman, I notice this Housing Administrator has had pencilled in "Land and Housing Administrator". How does his responsibilities work? Does it work separately from the Land Office itself?

Mr. Commissioner: Can I answer that question? Mr. Chairman, the lands that come under the Territorial Government's control and administration are now located in the Department of Municipal Affairs as distinct and separate from those lands which are still under Federal control that are handled under Mr. McIntyre in the Federal Government in the downtown Federal Building. As a consequence, this is the terminology used and it's used correctly. The Head of that branch of Municipal Affairs has land disposal and Territorial housing under his direction.

Mr. Chamberlist: The Land Offices as such in two different buildings?

Mr. Commissioner: This is correct.

Mr. Chamberlist: Well, how does the liaison take place, Mr. Chairman, between situations that are sometimes involved where both and Federal and Territorial lands are concerned. Is this a matter of Territorial conversations that these things come about?

Mr. Commissioner: Mr. Chairman, the situation as it was was not working out satisfactorily. I was personally very reluctant to consider the split of these facilities because it has potential difficulties as far as the public is concerned, however, the amount of land that is now coming under the Territory's control is getting to be very large, and it was not practical to carry on in conjunction with the Federal authorities in Whitehorse. The liaison on these matters where there is an over-lapping of jurisdiction in these lands is carried on between Mr. McIntyre, as the Head of Resources at the Federal level, and with Mr. Darychuk, who is the Head of the Department of Municipal Affairs. As far as I am aware, Mr. Chairman, I can report that it appears to be working out in

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Mr. Commissioner continued ...  
a much more satisfactory basis than it was when we had them both located in the one office.

Mrs. Gordon: There is some other land in the Territory which disturbs me, it's in this grey area where it has gone back for taxes. I don't know who owns it; it doesn't come under either one of these categories, and when people go to buy it they get a runaround from here to Hershiel Islands and back again. I wonder when the Territorial Government is going to assume full and complete control of these lands and get a cut-off date as far as reversion of taxes, delinquent taxes, on land.

Mr. Commissioner: I tend to agree very much with you, and Mr. MacKenzie, as you know, by statute, is the Collector of Taxes, and I think that now we have a very well-defined Lands Section in the Department of Municipal Affairs, the liaison between the Collector of Taxes and that Department will tend to overcome this very real problem that the Honourable Member raised. I couldn't agree more with what she has to say. It is an absolutely farcical situation where people know very well that land has reverted to the Territory for taxes, they want to buy it, and it takes about two years to even resolve the fact that it really has gone to the Territorial Government, and even then nobody can make up their mind whether they have got the authority to sell it or not. So, I couldn't agree more with what the Honourable Member has to say.

Mrs. Gordon: In the same area, I would ask that there be an up-dating in who owns what, because I had an instance in the last month where one Territorial Department advised another of land belonging to the Commissioner, and he's held a certificate of title for more than twenty-five years.

Mr. Chairman: Are we now clear on Municipal Affairs? The next is Game, and I believe there is \$58,344 here.

Mr. MacKenzie: Correct. It's on page 244-18.

Mr. Chairman: Are we clear on Game? The next is General and the figure I have is \$233,385.

Mr. MacKenzie: \$233,385, and it's on page 244-19.

Mr. Chairman: Are we clear? The next is Engineering. I believe that it is \$201,435. Is this right, Mr. MacKenzie?

Mr. MacKenzie: \$201,435 on page 244-20.

Mr. Chamberlist: Mr. Chairman, there is one area, I think most people get paid fairly well in the Territorial Government, but I think the Legal Adviser is not getting paid enough for the work that he has to do, and I think you should put him in another category and give him a few more dollars.

Mr. Commissioner: Mr. Chairman, this will coming up for a whole entirely new set of rules when the Justice function comes under the Territorial Government, so I don't think that this is the time to be discussing this matter.

Mr. Chairman: Clear? The next item is Yukon Hospital Insurance Services - \$22,125. Are we clear? Travel and Information - \$129,779. Are we clear on this item? The next item is the Yukon Regional Library - \$81,448. Are we clear? The next is Welfare - \$327,770.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Commissioner could indicate why there are so many changes in staff in this particular department. Is there some dissatisfaction in the Administration's operation of the department?

Mr. Commissioner: There may well be, Mr. Chairman, but I think that social workers are very much in the same category as school teachers. They do not tend to stay in any one place for a considerable length of time. All I can say is that with one or two exceptions, we seem to be able to recruit the people to fill the jobs in a satisfactory manner.

Mr. Chairman: Are we clear on this item? Next is Personnel Services and what figure do we have here, Mr. Treasurer?

Mr. MacKenzie: \$654,734.

Mr. Chairman: Is that \$659,000 or \$654,000?

Mr. MacKenzie: \$659,734, I beg your pardon.

Mr. Chamberlist: I wonder if I could ask a general question of the Chairman of the Financial Advisory Committee? I wonder if Councillor McKinnon could indicate whether all these operations have been perused by his Committee prior to the budget being presented to Council?

Mr. McKinnon: Mr. Chairman, I would have to admit that there has been certain deletions to the budget, asterisks in several occasions and deletions I haven't seen before.

Mr. Chamberlist: I wonder if we can have an explanation in that case, because does this not defeat the purpose of the Financial Advisory Committee? Could Mr. Commissioner indicate why this takes place without them knowing that these alterations are going to take place?

Mr. Commissioner: I am not aware of anything that has taken place in the way of major operation. I think that anything that has been done, subject to what Mr. MacKenzie would tell me to the contrary, is more in the way of arithmetic corrections.

Mr. MacKenzie: This is news to me. I am surprised that any change has been made without first receiving the approval of the Budget Programming Committee.

Mr. McKinnon: Mr. Chairman, what I am saying, I think I brought up the other day where there was a change in one of the votes where there was a saving in that department. I hadn't seen that before, the \$25,000, and I made it clear to Committee that I hadn't seen it. I'm not excited at all about the changes in Personnel Services because I realize that positions have been marked out to bring the budget up-to-date and that position is now open. When we went through the budget, it wasn't there before. I'm not making a point on this at all; I'm just saying that it has changed because there have been positions deleted because personnel has changed since the time we examined the vote, but the arithmetic figures, as far as I can ascertain, remain the same. There have been deletions and names crossed out since I have examined the budget.

Mr. MacKenzie: That's not, I think, a material change.

Mr. Chamberlist: No. What I'm trying to get at, have there been any changes in the actual total figures? This is what I'm concerned about.

Mr. McKinnon: The only figure that figure that I know is different was the question that I asked of the Territorial Treasurer the other day where there was a department with an asterisk and there was a saving of \$25,000. He didn't have the information and I had never seen it before; it had not been made knowledgeable to me why this saving took place in that department. I would never question that strongly the savings that are made by the Territorial Administration because they are so few and far between.

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Mr. MacKenzie: I don't quite recollect this amount of \$25,000, but I have no doubt that it's right.

Mr. Chairman: Are we clear on this item? The next item is Corrections, and I believe that should be \$425,530. Do you want the breakdown? It's on page 244-28.

Mr. MacKenzie: Page 244-28 and -29 and the amount of \$425,530.

Mr. Chamberlist: Mr. Chairman, at this time I would like to get a report from the Commissioner as to why the Corrections Department appears to be continually changing its staff. There are some who have remained for many years, and there are other who are changing continually because of dissatisfaction in the operation of the Correctional Institute. I wonder if Mr. Commissioner could indicate whether there is any intention of having a review of the situation of that department to see if there could be anything done to bring the morale of the people connected with it up to a better standard? I will at this time say that there is no question that the Director himself is trying to do a very good job and I think he is doing a good job, but there are other areas and other people concerned who I feel are facing the Institution itself into a bad light and there has been a possibility that members of the government who are employed in that department may be on the verge of a general walkout. I wonder if the Commissioner could indicate if he has heard anything to this effect?

Mr. Commissioner: Mr. Chairman, I am quite satisfied that this question is after the fact. The necessary review I think has already been undertaken and one or two things in connection with it will be the subject of a public announcement and information for Council that I think will tend to correct the situation that the Councillor has brought to our attention. It is not without foundation, Mr. Chairman.

Mr. Chairman: This gives us a total appropriation then of \$6,770,230. The next department is Corrections. The first item under Administration, General - \$210 for Advertising. It's on page 247. Next is Travel and Living Expenses - \$1,244. Materials and Supplies - \$2,075. Utility Services - \$394. Repairs and Maintenance - \$100. Rentals - \$150. The next item is under Adult and Juvenile Probation Services - \$1,041. Utility Services - \$800. Repairs and Maintenance - \$175. Rentals - \$835. Subsistence and Maintenance - \$350. Next is the Medium-Minimum Security Institutions. Travel and Living Expenses - \$1,507. Special Services - \$5,000. Materials and Supplies - \$21,650.

Mr. Chamberlist: Mr. Chairman, under Special Services, there's a provision for medical examinations on admission and release by the Whitehorse Medical Clinic. Why cannot, when dealing with inmates, Dr. Black, who is Superintendent of the Hospital, Medical Health Services, why can't he do the admission and release instead of having bills sent in from the Medical Clinic?

Mr. Commissioner: Mr. Chairman, this is not a practical situation. The medical practitioners of Whitehorse are in business for this specific purpose, and I think that when we use the word "Clinic" there, I think we should use the terminology "the Whitehorse Medical Group". I think that that is the way it is, because actually the medical examinations for the most part are done in the hospital by the doctors of the group, and this is the cheapest and most economical way for this to be done.

Mr. Chamberlist: What I would like to know is why deal specifically with one medical group. There are others and there might soon be more.

Mr. Commissioner: At the time we made up the estimates, we were still with only one group of medical practitioners in the Whitehorse area.

Mr. Commissioner continued ...

There is no inference being made that just because the name is used here, we are not prepared to use others.

Mr. Chairman: One question from the Chair, what would be the situation when the second medical clinic comes into being in Whitehorse?

Mr. Commissioner: Mr. Chairman, it is matter that if they wish to participate in this type of service for the government, I think it is up to them to indicate it and I am sure that the necessary arrangements will be made for them to participate.

Mr. Chairman: Are we clear? The next item is Utility Services - \$47,498.

Mr. Shaw: Mr. Chairman, in this Utility Services, I think that involved in this someplace is about \$20,000 for heat, and that is provided by the D.P.W. steam plant they have there. Now, if this costs \$20,000 to heat the Correctional Institute, if you take into consideration that one building in all the buildings they heat in Takhini and gosh knows where else in that area, we must be thinking about \$500,000 a year to run that plant on that basis. I wondered if the Commissioner has found out just exactly the ratio of costs in this particular factor to see whether we're not really paying more than we should pay, in relation to the whole of Takhini that is being heated by this one plant?

Mr. Commissioner: Mr. Chairman, this was gone into very carefully about three years ago now, and if Council wishes to have it, I can table the technical information that was given in answer to this question at that time, and I am quite satisfied that we are not only not paying an undue share of the cost of operating this heating plant but indeed are saving considerable money in the use of the central heating plant as opposed to putting a heating plant of our own into the Correctional Institute. The technical information has been made available and it certainly is readily available for tabling in Council, or to any individual Councillor who wishes to have it.

Mr. Chairman: Clear? Next is Repairs and Maintenance - \$1,200. Next is Rentals - \$5,240. Miscellaneous - \$2,750. Transportation - \$800. Subsistence and Maintenance - \$42,255. This makes a total expenditure of \$120,900. Pardon me, there is one page to go here. Under Juvenile Detention - \$350 for Special Services. Materials and Supplies - \$1,750. This makes a total appropriation of \$137,099.

Mr. MacKenzie: The total for Corrections is on page 245, and is \$137,974.

Mr. Chairman: Then we have a corrected total of \$137,974. Are we clear?

Mr. Chamberlist: I wonder if at this time, Mr. Chairman, Mr. Commissioner could indicate the success or otherwise that the Juvenile Detention Home is having?

Mr. Commissioner: Mr. Chairman, of all the Corrections' programs, this is the one area in which I think we are making real progress. I am very hopeful that we will be able to come forward in the not too distant future to Council, outlining the actual experience we have had, what the result have been, and seeking Council's advice and concurrence as to just how we are going to make this a complete aspect of the Corrections program. The boys that are involved in this situation have taken on a completely new lease in life, and it's a very great credit to the members of the staff, the interest they have taken in them and the manner in which they have attempted to bring these boys into a realization of the responsibilities that

BILL #5

Mr. Commissioner continued ...  
they carry in the world in which they find themselves. Certainly,  
to Mr. Ogison and staff, we owe a great debt and a community debt  
for the attitude that they have taken and the manner in which they  
handled the boys that are coming under them.

Mr. Chairman: At this time, I'll declare a recess.

RECESS

RECESS



Friday, April 3, 1970

3:30 o'clock p.m.

Mr. Chairman: At this time we'll call Committee back to order. BILL #5  
We have a further item in amortization in the amount of \$2,289,694  
which you'll find in the capital book, page 71.

Mr. Chamberlist: How much interest are we getting out of there?

Mr. MacKenzie: Not very much because what we get, we largely  
pass on to Ottawa.

Mr. Chairman: Mr. Treasurer, I wonder if you could give us a  
rundown on this?

Mr. MacKenzie: The several amounts of money involved in the way  
of money borrowed by the Territory is around \$16,000,000 altogether,  
and this figure, as you see, presents the amortization payments  
due in the current fiscal year. The principal cause of all these  
loans is, of course, the financing of the projects and such loans  
are settled by amortization grants received from the Federal  
Government, so they cost the Territory nothing. In effect, it's  
money handed over to us by the Federal Government to pay for the  
construction of schools. They do it by means of a loan and they  
give us the money to repay the loan. That is by far the largest  
factor in this figure that you see in front of you. There are,  
of course, other loans which we make to the City of Whitehorse  
for the sewer and water system, Centennial Buildings, and so on,  
and also there are the Low Cost Housing Loans and this is why we  
require the figure from Ottawa of \$1,916,394, and that figure  
plus recoveries from parties which have borrowed money other than  
from Ottawa. I think that just about finishes that for you.

Mr. Chairman: Are there any questions or are we clear? This  
gives us a total of \$17,075,584.36. Is it your wish that I report  
progress on this Bill? Is Committee agreed?

Some Members: Agreed.

Mr. Chairman: Now, this concludes all the work on Bills that  
we're able to do at this time. We have one Sessional Paper in  
Committee, Sessional Paper #6, and is it your wish that we  
discuss that Paper at this time?

SESSIONAL  
PAPER #6

Mr. McKinnon: On Sessional Paper #6, I'm asking for witnesses  
as soon as we get to Whitehorse, in fact I can ask Mr. Commissioner  
for, as a witness, the person who wrote the paper for sure. I  
want him present when we discuss this equalization plan. I'm also  
going to ask for witnesses from N.C.P.C. and Yukon Electrical  
Company at that time.

Mr. Chamberlist: I agree, Mr. Chairman, there is not much point  
in going through this Sessional Paper now without the people that  
are required to answer the questions that are to be asked.

Mr. Shaw: Well, Mr. Chairman, I would like to ask why this  
Council is not willing to discuss this. It will utilize some  
of the time we have between now and 5:00 o'clock. I would agree  
that it is not the time to come to decisions on the matter, but  
I think it's a very good article to discuss, a very good Paper  
to discuss and perhaps come up with somethings that we can utilize  
for further discussions in Whitehorse.

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

Mr. Chamberlist takes the Chair.

SESSIONAL  
PAPER #6

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member from Dawson, I know that this is a matter that we'd like to get into rather quickly, but for my own part, I requested a copy of the Bill, the Federal Bill which is in copies for all Members, which make these funds possible. I think first we should see that, and secondly, as Councillor McKinnon has pointed out, we're certainly going to need advice and assistance when we discuss this, and thirdly, to be quite honest with you, I haven't had a chance to study it in any detail at all, and what I have, I don't understand. I don't think that any useful purpose could be served in discussing the Bill until Members have had an opportunity to have this assistance, these witnesses, and an opportunity to give consideration to it so that they can rationally and intelligently discuss the matter. That is my own point, Mr. Chairman.

Mr. Livesey: Mr. Chairman, as long as I can remember, the people in this area of Dawson City have suffered from the high costs of light and power, far more so perhaps than any other area in the Yukon. One of their biggest griefs and their biggest problems has been the cost of light and power, and I personally think that this is why the Honourable Member that represents this area would like to discuss this question this afternoon. I don't think it is in his mind that we're going to make any conclusions. I can agree that other Members who have spoken on this have certainly a good point when they say we need proper witnesses and so forth, but I do feel that the Member has a point and so, even if you're just going to consider the people that are presently in the Chambers, surely they would like to hear this question discussed to a certain extent, in view of the fact that this has been the area that has been really taking it as a heavy load, a constant heavy load, the cost of power and light. Surely, under these circumstances, why, a short discussion on this item will do no harm whatever, in fact I can't see that it could do anything but good.

Mr. Taylor: Well, just before I resume the Chair, I can only say that there are other areas in the Yukon as well who are experiencing high power costs and problems in relation to power, and I don't think this is really the criterion because the matter is going to be discussed in any event at some point in time in this Session, but as I say, I see no way that this can be discussed intelligently or rationally until we have the information available to us which, of course, is forthcoming within the next week or so or whenever we get these witnesses and people together. So for my point, I feel there is no useful purpose in discussing this at this time.

Mr. Shaw: Well, Mr. Chairman, ever since I brought up this particular matter, I've had opposition to discuss it at all times. Now we have the same sort of thing, for some reason or other. There are many things that we can't possibly finalize in this Session because we have to have certain data, we have to have certain witnesses, but what harm is there in discussing anything? Why the opposition? The time is here and the time is available.

Mr. Taylor: Mr. Chairman, I can try again to point out to the Honourable Member, he'll recall I've raised this just about every day in the Question Period of the Commissioner; when is this forthcoming? But I think also that it should be understood that it is a rule, that it is a Standing Rule in the Legislature that until a matter is tabled in the House it does not become public information, and indeed in many of the Bills we've had, in Securities Legislation, we've had the Bills for two or three weeks but we can't talk to anybody about it because it's secret information. In this case, this document was handed to us at the

Mr. Taylor continued:

table only a few short days ago. How are you going to talk about PAPER #6 something you have yet to read, yet to understand, and yet to get information on? I don't think there is anybody more interested in this subject than myself. Indeed, as I've stated, I asked and asked and asked, just about every day I asked the Commissioner in the House where this was.

Mr. Shaw: The Honourable Member has my sympathy, but when we talk about having knowledge, I didn't have any knowledge about the change in the electoral districts until 24 hours before. We've had this 48 hours anyhow.

Mr. Dumas: Mr. Chairman, I might suggest that if anybody wants to talk on the Paper or they want to say anything about the Paper that they just go ahead and do it.

Mr. McKimmon: Mr. Chairman, I'd just like to make myself clear. I've tried as long as I've been at this table to prevent as much as possible from putting my foot in my mouth down to about my knee, and in the question as basic and as difficult as this ... I received this paper several days ago, I don't even know who J. Barnett is, who prepared this paper, who he worked for, what were his terms of reference or what his qualifications are. I also see that there were two submissions, one by N.C.P.C. and one from Yukon Electrical Company that I've seen or heard nothing of and they're dismissed in two short paragraphs in this Paper. I frankly don't know what in the hell I'm talking about when I start looking at this Paper and when he starts talking about N.C.P.C. and Yukon Electrical Company Limited proposals. On a matter as basic and as important as this, I'm going to make sure that I know what my facts are, what I'm talking about, before I start debating it in this House. I don't know it at this time and this information isn't available to me in this House at this time either.

Mr. Shaw: All I know, Mr. Chairman, is the price of the power rates; that's what I know, that's what I've been paying for, that's what the people around here have been paying for for umpteen years. They have been soaked to the very limit, and that's what I know. I don't know the qualifications of these persons. All I know is that the rates are very high; I know that to me it's fundamental that power rates in the Yukon Territory should be equalized, and unless we can get, at a reasonable cost, power to go all over the Territory in the same manner, we are creating hardships and we are stopping communities from growing by virtue of that fact. I think it's just about time that we did get down to brass tacks to try to figure out some formula whereby this could be made equal on such a thing as a necessity of life, a necessity of today's age, such as electricity. That is why I wanted to discuss the Paper. I think when I rose to my feet first, Mr. Chairman, I said that this wasn't the time to come to any decisions. We'd likely have to have someone to discuss some things.

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

Mr. Taylor resumes the Chair.

Mr. Chamberlist: Well, might I just before we go into discussion say that I see no reason why Council surely can't discuss the electricity rates in the Dawson area and I'd be pleased to hear all these problems relating to it.

Mr. Shaw: Thank you, Mr. Chairman. I'm not very pleased to hear of all the problems, but they are there, nonetheless. Now this is a proposal which is quite sound. They have gone through all the costs of electricity in the various areas in the Yukon and they

SESSIONAL  
PAPER #6

Mr. Shaw continued:

have different graphs indicating how much people pay in certain areas, and they have come up with a proposal, that up to an amount of, say 300 kw, this is something that's applicable to all of the Territory, up to an amount of 300 kw, now that is what is necessary to operate the average house without counting the luxuries of having an electric hot water heater, and an electric stove and all this stuff, just the necessary use. They have recommended that the residents pay at the rate of 2.5¢ per kw for the first 300 kw. In other words, that is quite a lot different to paying about 11¢ for the first 300 kw. The costs as outlined, they vary in different parts in the Yukon for different reasons. Now I've got some graphs here. In Beaver Creek, they have a rate of 14.1¢ average rate per kw. In Whitehorse, they have a rate of 3.8¢ and in Mayo they have a rate of 3.3¢, so that, as you notice, there is a vast difference in the rates that people have to pay. Now, there is one very pertinent point, Mr. Chairman, and that is where they have cheap power, the cheapest power is ... we hear about private industry, it's not private, it's public hydro electric power. That is the reason that these people have cheap electricity. The private installation in these places are merely wholesalers or retailers, I should say. When the government and all the people of Canada put in these millions of dollars to provide these hydro plants, it is my belief that this should benefit all the people of the Yukon, not just one particular segment. I'm not interested in just exactly where it is; that shouldn't make any difference; it doesn't make any difference at all. What should make the difference is with taxpayers' money, certainly in the Yukon it should be spread fairly equally. Now I think they have stated in this Paper that the people where they have this extremely cheap power will pay, to equalize this on the rate as I have mentioned, \$1.00 a month more, that's \$1.00 a month on their light bill. In other words, it's an amount that I don't think that they are going to feel but certainly these people in the other areas of the Yukon that have their bill reduced by \$20 or \$30 a month, it is going to make a difference to these people. It's just and it's quite fair. We can't make decisions on that now. I realize that we have to have the witnesses, Members want to have them from the Yukon Electric, they want to have them from N.C.P.C., but it doesn't alter the fact that there are things that are right and there are things that are wrong, and eventually in this Territory, if we are going to advance we have to have programs such as this where the costs of living are equal. I think the same thing should apply to heating fuel oil costs, but certainly we have a start on power now and I'd ask Council to consider this very strongly in the ensuing few days or weeks or whatever it takes us to see if we can come up with some program. This amount of \$167,000 in which the Honourable Member seems to be interested in and has raised questions on on very many occasions. It's very sound and I can assure, Mr. Chairman, that I'm not endeavoring to take this \$167,000 which is money earned by Yukon Electric in which they are turning over to the people in the Territory who used it at that time, I'm not concerned about that particular amount. I'm concerned with the future. We can't do much about the past; that's gone. Let's get a program up for the future. As far as I'm concerned, if they took this \$180,000, I think it's grown since that time, if they turn that back to the people, the customers of Yukon Electric completely, without anybody else, I would not object to that, providing there was a program for the future that will give some relief to the people who have to pay this pretty doggone high power rate and which they'll have to continue to pay for many years. It just happens to depend on where you live in the Yukon whether you can use power or whether you have to keep switching off the lights.

Mr. Chairman: Is there anything further on this subject? Is it your wish then that this matter remain in Committee for further discussion? SESSIONAL  
PAPER #6

Some Members: Agreed.

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

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

Mr. Dumas: I second it.

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

MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 a.m. to discuss Bills, Sessional Papers, and Motions. Mr. MacKenzie, Territorial Treasurer, attended Committee to discuss Bill No. 5. The Committee recessed at 12:00 noon and reconvened at 2:10 p.m. I can report progress on Bill No. 5. It was moved by Councillor Shaw, seconded by Councillor Dumas, that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committee. Are you agreed?

Some Members: Agreed.

Mr. Taylor: In respect of the agenda, we have in Committee one Sessional Paper and about four Bills for further discussion when we return to Whitehorse.

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

Mr. Shaw: Mr. Speaker, I wonder at this time, on account of some Bills being ready for assent, is it necessary to ask the Commissioner to give assent? I believe some of them could be utilized at this moment.

Mr. Speaker: We'll clear up the agenda first. Is there any addition to the agenda?

Mr. Dumas: Yes, Mr. Speaker, I'd like to rise on a question of privilege if I may. On behalf of the Members of the Territorial Council, particularly those of us who do not have the good fortune to live in the Klondike, to thank very much the many people of Dawson City who have shown us such a wonderful time while we've been here, and we certainly hope that this Council is setting a precedent in travelling to other areas outside of Whitehorse for meetings, Mr. Speaker, because if the success that we've had here both business-wise and socially is any indication of future successes we might be able to look forward to, then I believe it was a well worthwhile exercise. Once again, thanks to the people of Dawson City, and thanks to the Member from Dawson.

Mr. Speaker: I'd now like to call on Mr. Commissioner and ask if he is prepared to give assent to any of the Bills that have been passed.

Mr. Commissioner: Mr. Speaker, would you have Mr. Clerk enumerate the Bills that have completely passed this House?

SESSIONAL  
PAPER #6

Mr. Clerk: Bill No. 4, An Ordinance to Amend An Ordinance to Regulate the Speed and Operation of Motor Vehicles on Highways; Bill No. 6, An Ordinance to Amend An Ordinance Respecting the Conservation of Game in the Yukon Territory; Bill No. 7, An Ordinance to Authorize the Commissioner to Borrow a Sum Not Exceeding Four Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to Enter Into an Agreement Related Thereto; Bill No. 8, An Ordinance to Amend An Ordinance Respecting Credit Unions; Bill No. 9, An Ordinance to Repeal An Ordinance for the Incorporation of Co-operative Associations and to Provide for Their Regulation; and Bill No. 10, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into and Execute an Agreement with the Government of Canada Respecting Friendship Centres.

Mr. Commissioner: Mr. Speaker, I'm pleased to give my assent at this time to those Bills that have just been enumerated by the Clerk.

Mr. Speaker: Before calling for a motion for adjournment, as the Speaker of the Yukon Legislative Assembly, it gives me great pleasure at this time to thank all those in Dawson who did much service to the Yukon in helping our staff members from Whitehorse, Mr. Commissioner, and all other executive members of the Administration and assistants to this House for the work that has been done here in the City of Dawson. I would also like to thank, generally, all those associations in Dawson who have shown such a friendly spirit to this Legislative Body, this Assembly, in all our endeavours, and have provided I think some of the finest entertainment we have ever seen anywhere in the Yukon. Thank you very much. What is your pleasure?

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

Mr. Speaker: A motion has been made that we call it five o'clock. Are we agreed?

Some Members: Agreed.

Mr. Speaker: The House now stands adjourned until 10:00 a.m., impossible time, in Whitehorse.

ADJOURNED

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Order, please. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? Notices of Motion for the Production of Papers? Under Orders of the Day, may we proceed to Motions. Motion No. 6, MOTION #6 moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake, "That in the opinion of Council, the Administration consider having the wording changed on motor vehicle licence plates from "Land of the Midnight Sun" to "Home of the Klondike" at the earliest possible date". Is the Honourable Member for Dawson now prepared to move Motion No. 6?

Mr. Shaw: Thank you, Mr. Speaker. This particular motion we discussed at some length a few sittings ago, but apparently we did not give clear direction, I don't believe, at that time to request the Administration to make this change, Mr. Speaker. I would therefore at this time, without going any further speaking on this, ask that Council concur with the motion in relation to making the necessary changes.

Mr. Taylor: Mr. Speaker, as seconder of the motion, I can only add that this matter has been debated in the former Council, as well as this one, and apparently, as the Honourable Member from Dawson pointed out, there was no clear direction to the Administration and this would provide that direction. I think that it wouldn't be advisable to redebate the matter which has already been debated.

Mr. Dumas: Mr. Speaker, I have one point to make on this. It's normal for politicians and administrators, etc., to often condemn the apathy of the general public regarding the area or territory, and we often ask for participation to some degree by the general public. This motion is the result of participation of a citizen, a citizen, I'm happy to say, of Whitehorse West, who first made the suggestion to me a year ago, and after thinking it over, I thought it would be very appropriate for the Honourable Member from Dawson City to put the motion before Council, which he did at that time with myself as seconder. The citizen who I think should be given recommendation on this is a chap by the name of Bert Hadvick. He initiated the idea, Mr. Speaker, and I think it is an excellent one. Certainly I'm going to support the motion wholeheartedly.

Mr. Speaker: Any further discussion on the motion?

Mr. Shaw: Mr. Speaker ...

Mr. Speaker: Order, order, please. Is there anyone before the mover rises and closes the debate? Is there anyone who would like to say anything in regard to Motion No. 6?

Mr. Shaw: Mr. Speaker, I would like to thank Mr. Bert Hadvick, but this was proposed about four years ago right in Council, Mr. Speaker. The change in this name was discussed and recommended.

Mr. Chamberlist: Mr. Speaker, I was not going to get into the debate at all ...

Mr. Speaker: Order, please. The Honourable Member ... I warned the House. The Honourable Member is out of order. Order, please. Is the House prepared for the question? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

MOTION #7

Mr. Speaker: Gentlemen, would you mind paying attention to the request from the Chair? Motion No. 7, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Carmacks-Kluane Lake, "That the matter of land use and disposal policies be discussed in Committee of the Whole with representatives of both Federal and Territorial Governments in attendance". Would the Honourable Member for Watson Lake be now prepared to move Motion No. 7?

Mr. Taylor: Yes, Mr. Speaker, the motion is quite self-explanatory. I think all Members would agree that the matter of land use and disposal in the Territory is of prime importance to everybody. Indeed, these disposal and use policies are working, I feel, in many instances to the detriment of the development of the Territory, the way they are now being conducted. I think it behooves all Members of Council to get into Committee and really get at this thing, and I think we must have representatives of both the Federal Lands Office and the Territorial Lands Office here with us when we discuss this matter in Committee. So, this is why the motion is placed before Council this morning.

Mr. Speaker: Is there any further discussion? The Member for Whitehorse North?

Mr. McKinnon: Mr. Speaker, in speaking on the motion, anything that can be done to help a policy which doesn't seem to be aiding anybody trying to get a piece of land in the Yukon Territory, I'm all in favour of. However, the Members from the Whitehorse area meet with the local members of the Federal Land Department and the Territorial members of the Land Department I would say at least on the average of twelve to fifteen times a year. We go around and around the same circles, never arriving at any conclusions and never making any decisions because the simple fact of the matter remains that except for the few areas of land that have been turned over to the control of the Commissioner, all the rest of the two hundred and seven thousand square miles of the Yukon Territory are held by the Federal Government and there's nothing anybody at the local level can do about it until there is someone able from the federal side to make a decision and make land policy changes, and if the Honourable Member doesn't mean to bring in members from the federal authority who are capable of making these decisions and capable of effecting changes, then around and around we go in another never ending circle.

Mr. Speaker: Is there any further discussion on the motion? The Honourable Member for Whitehorse East?

Mr. Chamberlist: There is an expression, a Biblical expression, Mr. Speaker, "Sayeth not for the cause not availeth". I think it fits here.

Mr. Speaker: Any further discussion? Question has been called. Are we agreed? Are we agreed? Gentlemen, if you would pay attention to the request from the Chair, are we agreed on Motion No. 7? Are there any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Clerk, I wonder if you could obtain the presence of the Commissioner for the Question Period? I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council to order. You may proceed with the Question Period. Are there any questions? Order, please. Are there any questions?

Mr. Chamberlist: He can't give any answers, so what's the point.



Mr. Speaker: Alright, gentlemen, can we proceed to Public Bills and Orders?

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

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

Mr. Dumas: I'll gladly second the Honourable Member's motion.

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: The first item in Committee this morning is Bill No. 2, An Ordinance Respecting Employer and Employee Relations in the Public Service of the Yukon Territory. We have with us this morning witnesses and at this time I'll declare a brief recess while we get our papers in order.

BILL #2

RECESS

RECESS

Mr. Chairman: At this time I'll call Committee to order. We have with us today to assist us in our discussion in relation to Bill No. 2, Mr. Scott, Mrs. Miskolczi, Mr. Pritchard and Mr. Krockner. I'll proceed with the reading of the Bill and we will go through this Bill in the normal manner, section by section. (Reads section 1 of Bill No. 2) Clear? (Reads section 2(a), (b), (c), (d) and (e) of Bill No. 2)

Mr. Chamberlist: Question, Mr. Chairman. Mr. Chairman, I wonder if Mr. Legal Adviser will at this time explain why in the Explanatory Note he referred to ... it says, "The object of this Bill is to introduce a collective bargaining system to enable the Commissioner to sign a contract with associations representing the Public Service". Are we to understand that there's going to be more than one association representing the Public Service?

Mr. Legal Adviser: Mr. Chairman, the scheme adopted in this Bill is the scheme in common with other provinces. Now, the Commissioner had a choice when he was choosing legislation whether to choose what is commonly referred to as a company union which would mean that by a single piece of legislation we would choose a particular association, give it complete legal authority to act on behalf of the Public Service, and then force every member of the Public Service to belong to that union; or leave them at large so that they as a group of employees would be able to choose their representatives. The representatives then would have to apply to the Board and satisfy the Board that they represented more than a majority of the particular group on behalf of which they purported to act. So, the whole Ordinance has therefore been written on the assumption that although we know of only one association at the moment, there may be more, and it's a question for the Board in each case to make the factual decision of who should represent them.

Mr. Chamberlist: Do I understand then, Mr. Chairman, that there is a possibility that there can be two organizations representing the Public Service of the Yukon Territory at the same time?

BILL #2

Mr. Legal Adviser: Yes, Mr. Chairman, that is correct.

Mr. Livesey: Mr. Chairman, during the remarks just past a few minutes ago, does this mean to say that the Territorial Administration, when they were considering this Ordinance, were talking about compulsory check-off?

Mr. Legal Adviser: I don't think it's relevant at this time. We weren't speaking of compulsory check-off, but everything we could possibly learn by reading up or discussing, we learned, and the policy that has been come up with in this Bill is to allow more than one union to represent the employees.

Mr. Chamberlist: I wonder if Mr. Scott could make any comment on that particular point?

Mr. Chairman: It's not necessary to rise.

Mr. Scott: Thank you, Mr. Chairman. The only comment I would make, Mr. Chairman, is that there are two questions before me at the present time; the first one was with respect to associations. It is necessary within the terms of this Ordinance as it is within the terms of the Public Service Staff Relations Act, for an applicant bargaining agent to satisfy the Board, in this case a Board known as the Yukon Public Service Staff Relations Board, that it represents a majority of the employees in the bargaining unit. The difference between this Ordinance and the federal legislation is that it would appear to indicate that it might be possible for one association to represent all of the members of the bargaining unit whereas under the Public Service Staff Relations Act the Public Service Commission was given the authority to divide the Public Service into first of all what are known as categories, and the categories encompassed families of occupational groups, and so there were about sixty-odd occupational groups divided in the Public Service, and then there was a necessary certificate for each of the separate occupational groups. There is no provision as I see it in this Ordinance for that type of division of the Public Service, although, of course, it would be up to the Public Service Staff Relations Board to make that final determination as I understand it. If that answers your question, sir ...

Mr. Chamberlist: I was thinking in terms, Mr. Chairman, supposing the engineering sector wished to have a separate organization, separate from the clerical sector of the Public Service, would this Ordinance cover that type of operation?

Mr. Scott: As I understand the Ordinance, that group could apply to the Board to be certified as a group. They would have to satisfy them of course that they had a community of interest which was separate and apart from the others.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Scott: With respect, if I may, Mr. Chairman, to Mr. Livesey's question, there is no provision in the Ordinance for compulsory check-off.

Mr. Chairman: May I proceed. (Reads section 2(f), (g), (h), (i), (j), (k), (l), and (m)(i), (ii) and (iii) of Bill No. 2)

Mr. Chamberlist: Mr. Chairman, what is meant by locally engaged outside the Territory?

Mr. Legal Adviser: Well, we felt, Mr. Chairman, that in relation to our Vancouver office or Edmonton office, they would be locally engaged in accordance with the relevant terms and conditions of either a local Civil Service or a local Municipal Service, and wouldn't be spoiling the general organization of our own Public Service which is geared to the Yukon.

Mr. Dumas: Mr. Chairman, the chap that's going to be running the Travel and Publicity Office in Vancouver, now, he'll come under this legislation, will he? BILL #2

Mr. Legal Adviser: It will depend. It's not primarily intended to cover that particular person. If somebody is engaged here and he's posted to Vancouver, he'll come under the Ordinance, but if he needs a secretary, he engages a secretary in the local market subject to whatever they pay in Vancouver, and if we assume a top-class secretary here is on Scale 14, he may only have to pay 10 to get a top-class secretary in Vancouver, or he may have to pay 18.

Mr. Dumas: I wonder if Mr. Scott could tell us how this is handled in other jurisdictions?

Mr. Scott: The only comparable situation that comes to mind, Mr. Chairman, is in the Foreign Service of the Department of External Affairs, Trade and Commerce, Manpower and Immigration, where they employ locally engaged staff in the foreign posts, and those people do not come under the umbrella of the Public Service Staff Relations Act. It would be a comparable situation to the one explained by the Legal Adviser. I understand that you did have a booth at Expo, and it might very well be there that type of thing that you would hire local people and they would not come under this Ordinance.

Mr. Chamberlist: Mr. Chairman, there seems to be a conflict there. If a person is employed and is an employee of the Yukon Territorial Government wherever that person is employed, surely she is subject say to the Workmen's Compensation Ordinance of the Yukon Territory because she is an employee of the Territory. Would that not be so?

Mr. Legal Adviser: No, that would be a breach of the Committee of Courts if this is so. She might conceivably be given the benefit of our legislation because we might be insured for all our employees. This would be a different thing, but the enforcement of it would be a local matter and if the rates were lower or higher, and she was engaged in B.C. and worked in B.C., she would come under the Workmen's Compensation Act and we would be committed by custom to paying B.C. rates in respect of a person engaged in B.C. They might be higher, they could conceivably be higher than here. We could join in a group of people who are having a booth in Osaka, Japan, for instance. The point may come when we might have somebody in Washington State. We don't want to be tied down for short service staff, local staff, janitorial staff, secretarial staff and such like outside the Territory.

Mr. Chamberlist: But, Mr. Chairman, if this person is not a part-time staff, is a permanent staff working outside of the Territory, perhaps the Yukon Public Service Association would want that person to be part of their organization and yet this section would exclude that person from being part of the organization. Should it not be left as a choice to the Association to decide whether or not they want that party as a member of the Association? Why should the choice be left to the Territorial Government to refuse an employee of the Territorial Government from belonging to that Association?

Mr. Legal Adviser: If we sign a contract with a trade union, then we sign it in respect of the people that they want to sign it in respect of. The operative word here is "locally" engaged. If they are engaged here and somebody is sent outside to work, then they still come under the umbrella of the Public Service here in every possible way, but if they are locally engaged, then we are following legislation which is to a certain extent across Canada legislation, and this is what they do. Alberta Government, for instance, has an Alberta Government office in Ottawa. Some of the people serving in that office are in fact Alberta Civil Servants who are posted to Ottawa for the particular purpose. The people who are actually secretarial in that office are not sent from Alberta; they are locally engaged, and they are subject to Ontario law, Ontario conditions, the Ontario Labour Board and everything else, rules, regulations and what have you, not the Alberta ones.

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Mr. Chamberlist: Perhaps we could get this point ended very quickly, Mr. Chairman, if the members of the Public Service Association can say now whether or not they would want this type of person to be a member of their organization or would that matter to them. I'm just thinking in terms of the fact that it is part of the legislation where it specifically excludes those people so that these people then could not belong to the organization.

Mr. Scott: Mr. Chairman, I have just spoken to my advisers, and they feel that the Association would be better if the locally engaged people, as described here, were kept out of the umbrella of this Ordinance.

Mr. Chairman: (Reads section (m)(iv), (v), (vi) and first part of (vii) of Bill No. 2)

Mr. Dumas: Mr. Chairman, just while we're on that, how do you define a person employed in a confidential capacity, because the secretary of the Budget Programming Committee, for instance, is employed in a confidential capacity, and I would think that there are a lot of other secretaries around the place that are involved in material of a confidential nature. How do we cover these people?

Mr. Legal Adviser: Mr. Chairman, that's covered as defined ... there's a page on this, page 4 in the definition (q), and it is defined. It might be more convenient to discuss it in the round rather than in an isolated case like this.

Mr. Chamberlist: Are we trying to say, Mr. Chairman, that any person employed by the Territory who is a casual or temporary basis cannot belong to the Association, because it would appear to me that you have people employed by the Territory who are employed for the summer, for six months or perhaps eight months or ten months, and then because of lack of work they are laid off for a month or two months, then they're taken back to work. I know a number of people who have been employed by the Territory for the last ten years as casual people. Now, does this mean that they are never going to get the opportunity to belong to an association and have somebody represent them?

Mr. Legal Adviser: Mr. Chairman, I'm quite aware that the Honourable Member has a very big heart, but I would ask him not to tamper with this particular subparagraph because it is the best there is.

Mr. Chamberlist: Mr. Chairman, with respect, I am often told not to tamper with this and not to tamper with the other, but when we delve into the things there might be a reason for it. I'm interested in finding out whether the Association agrees with this or not that these people should not belong to the ... should not have the right to belong to the Association, and whether consideration has been given or not, Mr. Chairman, to the fact that they may feel that they require spokesmen for them. There is no way that they can set up a separate organization under this Bill, a casual employees organization.

Mr. Legal Adviser: Mr. Chairman, if the Honourable Member would actually read the text of it he'll see that it says that automatically, once a person ... a casual or temporary person goes past six months, he's covered by the whole term. Now, in very many jurisdictions elsewhere, it needs an act of the executive to bring that person within the framework of the Public Service, and this act is commonly, in the United Kingdom certainly, refused consistently, so there is a big build up of casual people who are never covered by the terms of the Public Service Act in England, so that you have several million employees who are permanent casuals and they may be working for twenty or twenty-five years and it leaves a great injustice when they come to the end of their careers. Here, there is no such thing. When a person works casually or temporarily for six months, he is automatically covered and gets every benefit a permanent employee gets, and that's why I ask you not to tamper

Mr. Legal Adviser continued ...

with it because the only alternative is that the Commissioner would have to make an executive act each time to bring a person permanently into the Service, and if that was neglected the Civil Service could be destroyed.

Mr. Chamberlist: Mr. Chairman, this is all well and good, but there are occasions that people are employed for about five months and then there's no employment for them, because they are casual they are the first ones to go off. In a month's time they get taken on ... they are employed again for another five months, so that they get about ten months of employment during the year with the Territorial Government and yet they have no association to speak for them because this would prevent them from belonging to an association or the association from being able to accept them as a member. This is the area that I'm thinking of. Now I must think of these people that do get employed on a casual basis by the Territorial Government and yet have no spokesmen and no bargaining rights at all. Their bargaining rights have been completely removed. Who speaks for them? I wonder if we could get some sort of an idea from Mr. Scott? Perhaps he would refer to this particular subject?

Mr. Scott: Mr. Chairman, there are two aspects here being considered. The first is the question of membership in the Association, and of course a person could be accepted into membership in the Association on his or her first day of employment with the Territorial Government. Now, this paragraph is defining an employee within the meaning of the Ordinance. That is a very different matter. He becomes an employee within the meaning of the Ordinance if he is engaged as a casual and has been employed in that capacity for six months or more, but insofar as having someone to speak for him and to be a member of the Association, this does not prescribe that.

Mr. Chamberlist: Mr. Chairman, would it interfere with a member who is a casual employee, having the Association bargain for them?

Mr. Scott: Yes, he would not be included in the bargaining unit, because only employees are included in the bargaining unit.

Mr. Chamberlist: Exactly, this is the point that I made, I understand this. It means that a sector of the Public Service employed by the Territorial Government will not be given the rights to bargain. Now, I don't think this is right. I think if we're thinking in terms of arranging for the Territorial Government to bargain for the rights of people, it must be for the rights of all people employed by the government and not just a special number of people. I think provision should be made in this Ordinance to protect those people who are employed by the government sometimes for ten months in the year but split in two areas of five months at a time. Now, what provision is going to be made for those people. I would like to know that, Mr. Chairman.

Mr. Chairman: Mr. Shaw, would you take the Chair a moment?

Mr. Shaw takes the Chair.

Mr. Taylor: Mr. Chairman, this brings me to mind of a problem that we had in Watson Lake, and I think it's relevant. Many years ago when the community wished to make decisions in respect of itself and its development, we used to hold public meetings and if the issue was a nip and tuck issue, fifty percent in favour and fifty percent opposed, a great group of people would come from outside, say the airport or Upper Liard, and they would come down and out-vote the people in town. Now, I see a situation here, it may not be desirable from the point of the Public Service, I don't know, but I wouldn't think it desirable whereby the Public Service is trying to come to some decision as to some action they wish to take under the terms of this Ordinance, and these are people who are solid employees or steady employees in the Territorial Public Service, and then have during the summer months, possibly when a

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Mr. Taylor continued ...

meeting takes place, a group of casual labourers or casual employees come in and exercise influence contrary to the wishes of the Public Service. I can see this aspect too. I think anyone who wishes to become a part of this Public Service negotiation should not by virtue of birth be entitled to it, but should have to earn that right along with the other people, because indeed if they were granted this privilege they could exercise influence on affairs that they have no knowledge of and really weren't concerned with because they were casual and could work here two months and go. I think that should be looked at too.

Mr. Chamberlist: Mr. Chairman, I can't correlate the arguments that the Honourable Member from Watson Lake is putting up with reference to the subject matter that I brought forward. I'm concerned not with those people who are employed for two months labouring for a short while or some stenographic help that is taken on for a few weeks to fill in time. I'm concerned about those people who actually are employed as long during the year as a permanent staff member. There are people, and I know the Administration is aware of this, who are employed for five months at a time and then when the specific amount of work is finished, they are laid off for a month or five weeks or six weeks and then taken back again. They are still casual employees. They are taken back for another five or five and a half months and they therefore are employed for about ten months of the year. Now, it's alright to say that you have to work for it. It's just but an act of fate that some people are permanent Civil Servants and some people are not Civil Servants according to when the jobs became available. My concern is, and I think if the representatives of the Public Service Association are fairminded enough to recognize that they have a function to perform looking after the needs and requirements of those other people who are employed by the Territorial Government who might at a certain date belong permanently and you should be able to be in a position to protect those people as well. I don't think it's an unreasonable thing to say that they should be in the position to protect people who are not on permanent staff. I feel that there should be an area placed in this Ordinance, whether it gives it as a separate group or otherwise, but I think consideration should be given and Mr. Legal Adviser should take a look to see how this could be done and what protection could be given to these people. If you say, no, it can't be, you are leaving out a large group of people who should be given the rights of bargaining when the time comes along because it means the casual people who are left out in the cold have no voice in bargaining as such.

Mr. Taylor: Mr. Chairman, I'd just like to point out to the Honourable Member, if he would read the section, there is nothing in that section that talks about continuous employment. It just said employed for a period of six months or more.

Mr. Chamberlist: Any person, Mr. Chairman ... perhaps the Honourable Member hasn't employed people but when you employ people and they're casual and then you lay them off and bring them back again, their employment is only from the time that they commence employment to the time they finish and when you take them on again, you start all over again. This is the thing that must be looked at.

Mr. Taylor: Mr. Chairman, I won't give anything further. I think if anyone reads that section, I think they should be able to interpret it. I will resume the Chair at this time.

Mr. Taylor resumes the Chair.

Mr. Legal Adviser: Mr. Chairman, this has been very, very carefully thought out and for a number of reasons, it's not possible to tamper with it as it is. Very often casual people are engaged at high rates of pay, say for the construction of something in Old Crow, and it throws the scales completely out of joint if a certain type of person gets double rate or if they are asked to work double time and so on. It throws this completely out of gear. The Ordinance

Mr. Legal Adviser continued ...  
 is designed to make it possible for the bulk of the employees who are continuously with the Public Service or intend to continue with the Public Service to bargain with the Commissioner for hours of work, rates of pay and conditions of service. The contract which will be made by the trade union will cover their members but it will also cover anybody who is deemed to be included in the bargaining unit whether or not they are members if that is the decision of the Board, so these people have protection. Now, the real protection they have is that we apply to them the rules of conduct, of pay, service and everything else in the normal way for doing a normal job, and they have the protection of the Public Service Ordinance, the Public Service Regulations and all the conditions that go with it, as well as the normal laws which apply in the way of workmen's compensation or anything else. They have protection. They are not included for bargaining purposes in the particular definition of employee.

Mr. Chamberlist: Mr. Chairman ...

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I will bow to the Honourable Member.

Mr. Chamberlist: Thank you, Councillor. Mr. Chairman, why cannot Mr. Legal Adviser include in (v) where it reads "a person employed on a casual or temporary basis, unless he has been so employed for a period of six months or more", in any one year, and at least that way he has been protected and certainly it would answer the Administration's wishes to protect because of the differential pay that has come along. But, I feel that the way it reads now and I'm sure that the Legal Adviser will agree with me, that they are referring to six continuous months the way it reads now. I would be content and I think it would be fair for everybody concerned, and I hope Mr. Scott will look at this point as well, to include them as long as they worked six months during a specific year. I wonder if Mr. Scott could comment on that particular thing.

Mr. Scott: I'd certainly not like, Mr. Chairman, to be a spokesman for decreasing the size of the bargaining unit, and this amendment proposed by Councillor Chamberlist would certainly, I think, be welcomed by the Association. The question is, however, whether or not this will work in the favour of the administration of the Public Service. It's my understanding that at the present time a person is considered to be an employee who is casual with a break in the casual employment.

Mr. Chamberlist: Mr. Chairman, this isn't so unfortunately. This isn't so. He's still casual if he has a break in his employment, and this is why I would like to see this in there, and perhaps Mr. Legal Adviser now, Mr. Chairman, can say what objection there would be to having the amendment that I proposed put in there which will answer the question.

Mr. Legal Adviser: In my opinion, Mr. Chairman, it would seriously damage the effectiveness of the Bill.

Mr. Chamberlist: The whole Bill ... a few words?

Mr. Legal Adviser: The whole Bill.

Mr. Shaw: Mr. Chairman, if a person was employed the first of September and on the first of January of the following year, any rights that he might have had on obtaining this six months of employment would be lost because that would be in another year. You also have to consider it that way. Also, to put this right down the way I feel about it is that when you employ a person and you are employing persons on a continuing basis, there should be what you call a probation period. The person may be satisfactory and he may not be satisfactory, and I think any employer, whether

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Mr. Shaw continued ...

he is employing anyone, if after six months he finds a person isn't suitable then there should be a right then to terminate the employment. If a person is doing a good job of whatever it is and he wants to continue, they are put on a permanent basis to protect them. This is an axe that cuts both ways, and I don't believe in chopping these things up. I think that we should read the whole Bill in the whole context before we start to decide where we're going to change this and change that and change something else. As we go through a paragraph, something will be contained a little later on in most instances, and I think that will rectify it. I am not in favour of making any midnight changes in something like. I think we could discuss it and then proceed and then after we have discussed the whole works the necessary changes would be made. Let's get the whole picture first.

Mr. Chamberlist: Mr. Chairman, with respect, the suggestion of midnight changes taking place when the Bill is just being read for the first time appears to be ludicrous. The suggestion being made that an amendment which would help a number of people would damage completely a sixty-page Bill is also ludicrous, and I cannot go along with Mr. Legal Adviser on that particular point, that's for sure. Now, there's no special need, I think, except to make sure that as many people as possible are within a bargaining unit, and the reference to probation period, that comes under another section entirely. Of course, the Territorial Government has got the right for probation periods. We're not talking about that. This is bargaining. That will come later. If you people don't want to go along with it, that's fine. This is my suggestion and I would like to hear other Members of Council express themselves on whether or not these people should be protected who don't have any bargaining rights.

Mr. Livesey: Mr. Chairman, I feel obliged to advise the Honourable Member for Whitehorse East that this Bill has also been read for the second time, not to mention the first.

Mr. Chamberlist: In Committee.

Mr. Livesey: Mr. Chairman, the Bill is not read for the first time in Committee; it is read in the House. There has to be a cut-off line somewhere, Mr. Chairman, and there has to be a distinction between a permanent employee and a casual employee, and I wonder if the Honourable Member giggling unceremoniously would listen to what is being said? This distinction takes place I think in any organization with regard to the employment of employees. It doesn't make any difference whether it's private enterprise or government or anything else. They all make the same distinction between casual and permanent employees, and I don't see how you're going to get around it. If you're going to come down with some hard and fast rules for your employees, you're talking about your permanent staff. Now, I think the Ordinance makes it quite clear that while they may not consider a person under sub (v) a permanent employee, nevertheless, they are giving him bargaining rights. I think the Ordinance is quite clear, Mr. Chairman, as far as I can see.

Mr. Legal Adviser: Mr. Chairman, if it will assist the Honourable Member in any way, we are prepared to give an undertaking that so far as any casual worker who doesn't meet these conditions is concerned, we will give him in general terms the benefits that have been bargained for by the other people who are in the bargaining unit. We can't do more than this.

Mr. McKinnon: Mr. Chairman, the Honourable Member would seem to indicate that there is a very large number of people that fit in this category. I don't think that there are this many people who do fit into this. The only ones I can think of are the large influx of temporary help in the summer but these generally are not employed for more than six months. I wonder if the Public Service Association can say how many people are not protected by the Public Service Association of those in the type that the Honourable Member



Mr. McKinnon continued ...  
from Whitehorse East mentioned that are hired for five months then laid off, then hired for five months. Is there really a large number of people in this category or are they mostly students in the summer coming on a temporary basis?

Mr. Scott: I'm informed, Mr. Chairman, that generally speaking, the casuals employed for a short period of time are employed during the summer months as was pointed out by Councillor McKinnon. The Ordinance does provide a measure of protection for people and this was a measure of protection that was welcomed in the Federal Public Service because there had been for many years almost permanent casuals, people who were employed for upwards of twenty years but never enjoying the benefits of permanent employment. For all purposes, this Bill would make those persons employees within the meaning of the Ordinance and subject to the rights of collective bargaining after six months.

Mr. Legal Adviser: Mr. Chairman, I have been asked to say that we are prepared to give the benefits of collective bargaining without cost to these people. We can't do more than that.

Mr. Shaw: I have a question, Mr. Chairman. This Bill has been tabled in Council for quite some time. I would assume you have had the opportunity to read it thoroughly. I wondered, not to get a list of matters at this moment, but generally speaking, do you find the Bill satisfactory or are there various and sundry points of contention that you may bring out later on in respect of it.

Mr. Scott: Mr. Chairman, in answer to Councillor Shaw's question, I would like to say how pleased we are at this point in time that this Ordinance is being presented. It is in almost all respects excellent legislation to permit collective bargaining for the Public Servants of the Yukon Territorial Government, and when I say this, I am in large measure saying the words of our president, Mr. Edwards, who unfortunately could not be here to serve this purpose. With respect to the second part of your question, Mr. Chairman, the question of Councillor Shaw, there are four, five or six minor editorial changes which we had the opportunity of discussing with the Legal Adviser and with the Director of Personnel, and whenever it is appropriate, those can be discussed, but they are in large measure editorial.

Mr. Chairman: I wonder if I just might complete this one item here? (Reads section 2(m) - last part) At this point in time, I'm going to declare a recess.

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RECESS

Mr. Chairman: At this time we will call Committee to order. The next section is section (n). (Reads section 2(n), (o), and (p) of Bill No. 2) Mr. Scott.

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Mr. Scott: Mr. Chairman, I wonder if I might speak to the definition of grievance, discuss this with the Legal Adviser and Director of Personnel and I would like to add the words "a bargaining agent or buy" those five words between the word buy and the word "an" in line two.

Mr. Legal Adviser: Prima facie, Mr. Chairman, we see no objection to this in that it may have advantages. I am not saying now that we are going to introduce an amendment at this moment. Certainly we may ask one of the Honourable Members to introduce an amendment, before the bill is completed. At first glance this may appear to have advantages but where a grievance could be presented either by an employee or a group of employees are involved, a bargaining could be the originator of the particular grievance. In any of these requests for amendments we would need to clear it amongst ourselves an exact view on the implications. But to get it, appears to have merits.

Mr. Dumas: Mr. Chairman, Mr. Scott said that there were discussions with the Legal Adviser. If we skip over this now and don't make the amendment, if we do that all the way through the Bill, our work is just doubled. How long is it going to take the Legal Adviser's office to decide whether this is good or not, and then finally of course, notwithstanding what the Legal Adviser says, it is up to Committee to decide whether the amendment is going in or not.

Mr. Legal Adviser: I'm not trying to suggest that just because the Legal Adviser agrees with something, when I say the Legal Adviser I mean the Administration as such. This is a technical Bill and the Bill was not released and not in the hands of anyone until it was a public property and tabled and available. So there were no discussions taking place with the experts who were advising the status of the association, for instance. So the first I became aware of this was while I was in Dawson, and it meant considering it. We couldn't get the view of the Personnel experts until we came back. As I say it appears to have merit and subject to what the Administration would say on their view, possibly one of the Honourable Members might consider introducing an amendment if this is to meet the wishes of the House.

Mr. Chamberlist: Mr. Chairman, I am pleased once more that the Legal Adviser has referred to himself as the Administration and not as the Legal Adviser to the Territorial Council. Frankly I can't see how those words could be omitted, because it destroys the bargaining agent in that grievance section, because without it the bargaining agent cannot attend only the employer (e) or a group of employees. I think it's sound and I think that instead of having an amendment, why not just correct it and bring another sheet back. I think that is the usual procedure isn't it, Mr. Chairman, you've done it that way.

Mr. McKinnon: Mr. Chairman, the Honourable Legal Adviser is changing courses so fast in this stream, I don't know how he is keeping his head above water. First we all know how this Bill came to being. It was a Bill presented like all Legislation presented to the Legislative bodies from the Administration without their prior consent or knowledge of it and without accepting or being asked to accept any of the policy or the philosophy behind the Bill. There it is fellows, now do with it what you will. Now in a rare feat and bringing participatory democracy to its fullest, he says that now we can bring about any amendment which

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Mr. McKinnon continues . . . we so like, even though the administration may or may not, does or does not agree with it. It seems that he and Mr. Scott have already had consultations on this matter, and if the Public Service agrees, Mr. Legal Adviser agrees and the Territorial Council agrees, certainly all it would take is just a Bill with the amended section to them to put it through the House and the finest and best dispatched we could possibly do and those differences in just the editorial context of it that everybody is unanimously agreed on I would think that this would be the easiest way to bring these forth to the Council rather than the Council moving amendments at this time to the Bill.

Mr. Legal Adviser: Mr. Chairman, there are five sections or subsections which Mr. Scott, after he had consulted with his people, asked that we consider as amendments. Now we did not retype any pages because the amendments weren't even typed up so that they could be finally read, until this morning. So we couldn't substitute pages. But there is a procedure whereby legislation is brought to the House. And I hesitate to be guilty of what I have complained of often, and that is midnight amendments or mid-morning amendments, and I would like the opportunity with these five or six changes to involve the other Members of the Administration and not just the two people who are involved, that is the Director of Personnel and myself who are involved in the consultations with Mr. Scott. I also hesitate to put my neck on the block for any of the Honourable Members to chop it off for deciding in advance what should or should not be law without consulting the Council, so I'm in a slight box. Partially, in fact, wholly on behalf of the Council in guarding the contraversies.

Mr. McKinnon: Mr. Legal Adviser can certainly take instructions from the Council which we always want. If on these matters of discussion between Mr. Scott and himself, the Council agrees that he bring these amendments just as changes in the editorial context and not as amendments that have to formally go through the House by a motion from the Councillors.

Mr. Legal Adviser: Well if this was the instruction of the House I would be only to happy to do it.

Agreed.

Mr. Chairman: The next section is section (q). (Reads section 2(q), (r), and (s).)

Mr. Chamberlist: I wonder Mr. Chairman, if the Legal Adviser could indicate what conflict there may be. If in the interpretation section of this ordinance the employer is the commissioner and the originations must also be regulations prescribed by the Commissioner so that the employer prescribes regulations. Then he is part of the bargaining propostion.

Mr. Legal Adviser: Mr. Chairman, we have been slightly torn by the fact that customarily here, regulations are made by the Commissioner. And we acquire for the next or subsecessive stages of our Constitutional development to keep this regulation keeping power intact so that the people who will be members of an executive committee or an executive council will retain this regulation making comply in their own hand. Now at the same time it is inconsistent that this power should be in the hands of the executive, so we have carefully inserted in all the regulations that prescribed by regulations of the Commissioner on the recommendations of the board and we have naded over part of the board to make decisions in certain fields. So now the Commissioner doesn't have to make the regulations in dealing with this area he will do it on the recommendation of the board. And they allow the board to make the regulations and we thought it was better from a constitutional postion to retain the power of regulations in the

Mr. Legal Adviser continues . . .  
hands of the Commissioner rather than give it over to a board.

Mr. Chairman: Can I proceed? Section (t). (Reads section (t), (u), and (v).)

Mr. Livesey: Mr. Chairman, the Legal Adviser just mentioned the question of the constitutional reform, and I won't touch the positive aspects of what he just said, but I wonder if I could direct a question to him Mr. Chairman, and ask him if the Northwest Territories and the Yukon Territory are in effect represented at all by her Majesty?

Mr. Legal Adviser: The answer to this would take about 15 or 16 pages in the Canadian Bar Review. The only Crown that we have here is the Federal Crown so far as I know.

Mr. Livesey: Does the Commissioner as referred to in this ordinance ask the question because it seems to me that we are corilating everything we are talking about by regulation to the Commissioner, and, of course, that doesn't mean a persons name, that is a position, the position that I am referring to. Does the Commissioner in effect at this point represent the Crown in any way, shape, or form, other than as the Lieutenant Governor.

Mr. Legal Adviser: In despair, Mr. Chairman, he is not the Lieutenant Governor, he is the Commissioner. One of the amendments which may be coming before the House are suggested amendments. Maybe to declare that any appointment made by the Commissioner under this ordinance shall not be deemed as an appointment under the Crown.

Mr. Livesey: Thank you Mr. Chairman.

Mr. Chairman: May I proceed.

Mr. Chamberlist: Mr. Chairman, I hope Mr. Legal Adviser will let us have the opportunity of discussing the amendments he refers to before he puts that in.

Mr. Legal Adviser: Yes, Mr. Chairman, I'm not saying it is coming but it may.

Mr. Chairman: Three sub-section (1). (Reads 3 (1), and (2).)

Mr. Chairman: Mr. Scott.

Mr. Scott: I would like to suggest Mr. Chairman that Section 3 be amended by the addition of sub-section 3 which would read as follows: Notwithstanding the provisions of sub-section (1) nothing in this ordinance shall be construed to affect the right of the Bargaining Agents and negotiate with the employer any matter which will affect the job security of the employees in the bargaining unit. We consider this to be a worthwhile ammendment in the light of the fact that sub-section (2) provides for contracting out. A And contracting out may well affect the job security of the permanent employees.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: On the light of the subject that has just been raised could I have it clarified as to whether this ordinance merely prescribes the entire labor conditions between the employer and the employees, so it is represented by the association. Does this include the possibility that there may be a separate agreement between the employer and the employee through the group association.

Mr. Legal Adviser: There is a separate agreement. This sets the stage around which bargaining would revolve and then the bargain would take the form of a contract assuming agreement between the

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Mr. Legal Adviser continues . . .  
two parties, and the contract together with the basic rules under the Public Service Ordinance would form the contract between each employee and the Public Service, the two together.

Mr. Livesey: Well then Mr. Chairman, what we are talking about here in the ordinance then is not agreement between employees and the employer. What we are talking about here is the basic pillar of what the public to their representative are going to allow in legislation to enable an agreement to take place.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: In this last section I would like to ... where we have the matter of contracting and where it affects the employee. If for example the Government decided on a certain section that they would put a certain part of the work out, contract it out to some form of a computerized system of producing what they wanted, they couldn't afford to buy these machines so they would hire this contract firm to crank out this necessary material. Well obviously where we have been doing it in the forestry, by keeping piles and piles of ledgers this is going to cut down on a considerable amount of labor, it's going to be a tremendous saving to the tax payer. In an instance such as that where it definitely is not creating more work it is saving work, would by having this clause in tie the government down to carrying on in the same old way as they carried on for the last two or three hundred years. Is that correct?

Mr. Chairman; Mr. Scott.

Mr. Scott: Mr. Chairman, I would never like to be appointed to endorsing that type of feather-bedding or job inperpetuaty. Such is not our idea at all. The question which was raised by Councillor Shaw is an ongoing process of technilological change which we all endorse and support. The question is, if as a result of the introduction of technilological change the employment of certain employees is to be affected all this sub-section would provide would be the right of the bargaining agent in Collective Bargaining to determine how those peoples jobs might be affected, not the security of their employment in the sense of keeping them in employment, not withstanding the fact that there is not work for them to do.

Mr. Shaw: There is a question Mr. Chairman, but looking at it the same way as we all know with railroads they have different jobs there that are absolutely not necessary because they have a clause that they won't do this and they won't do that. The person won't be, they have the right to continue in certain archaic manners. They will not accept, apparently the agreement that this person can be transferred to another job, no he has to stay on this job. When something like that is in, it's very difficult to say how far somebody can go. We must remember that when we sit down and discuss this, any agreement that is made is always made with the best of intention and of course everyone is at the highest integrity when they make these agreements, but when the time evolves some of these things get to be extremely complicated. I am just wondering if where a person is putting out a contract some place which is a contract taking away the right to put in a contract for some thing that any or all of the means of putting in a contract could create a tremendous amount of bad feelings. In fact they could create impasse sometimes which is very difficult to evolve. When a contract is made I think we must agree that it is put out into public tender and the object of it is to get the job done in a certain manner at the least cost to the people who are paying the bill, mainly the tax payers. And I just wonder, with a clause in like this, how it would affect us.

Mr. Chairman: May I proceed?

Mr. Chamberlist: Mr. Chairman, the proposed sub-section is to be added in section 3, at the moment appears to me to be excessive

Mr. Chamberlist continues . . .  
to the needs, because Section 88 already takes care of the situation where it says the employer shall not replace a striking employee or fill their position with any other employee. In sub-section 3(2) it says that: subject to paragraph a of sub-section 3, nothing in this ordinance affects the rights of the employer to engage private contractors. Now if where a strike takes place, the private contractors as I read this can be taken on but the employees can not be dismissed because they are on strike. Perhaps Mr. Chairman Mr. Scott can enlarge on the reason for the proposed additional section is it so that a bargaining agent can deal with any possible chance of an employee being dismissed, is this the purpose for it?

Mr. Scott: Mr. Chairman, no, in answer to Councillor Livesey's question is no, and if I might add words that were announced by Councillor Shaw, we certainly would not like Council or the Commissioner to think that we are talking in terms here of continuing employment for firemen on diesels where there is in fact no work for them. Such is not the situation. We see in sub-section (1) of section 3 that the Commissioner has the right to lay off, denote, discipline, transfer, to make appointment or the various necessary elements in the public service. Job security however, is a different matter and it is a question of priority then as to who might have to be layed off as the result of the introduction of some technological change. This is not the same thing as saying that the ordinance if amended would continue employment. It just simply means that that would be a subject of negotiations between the bargaining agent and the employer, which they would resolve to their own satisfaction or there wouldn't be an agreement. An agreement is something where two bodies agree to the phasiology of the agreement.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: May I ask a question of Mr. Scott in relation to this. My understanding of an agreement is that it's for certain definite terms. In the context supporting said, does this mean an agreement could be opened up, as it pertain to particular problems that might arise during the life of an agreement.

Mr. Scott: There are two questions, Mr. Chairman, asked by Councillor Gordon, and the answer to the first one is that both agreements provide for an opener on mutual consent. That is that during the fixed term of the agreement either one party may propose that it be re-opened and if the other one agrees then a particular clause, or section may be discussed. Secondly as I understood the question, this ordinance would provide in the first case for a collective agreement to be for a statutory period of two years.

Mr. Chairman: Do we have it then that an amendment will be coming soon?

Mr. Legal Adviser: I couldn't guarantee that this is so.

Mr. McKinnon: I wonder Mr. Chairman, if I could here what the possible objections to this insertion of this clause would be from the administrations viewpoint.

Mr. Legal Adviser: Mr. Chairman, the management claims the right to direct to manage and direct the members of the Public Service. If something becomes technologically available such as the use of I.B.M. machines to do a compensy on behalf of the treasury. Well in the use of economy we must have the right here and then to make our decisions open it up for a bid and accept I.B.M. or any other form. In this particular amendment I would have certain reservations in recommended that the Commissioner accept the terms of the ammendment. Certainly and rapid without making it clear that now down much more to the terms of that point where

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Mr. Legal Adviser continues . . . you can say that it was not in conflict with other parts of section 3 that is the right of the Commissioner to manage and direct members of the Public Service and to lay off, de~~ote~~ote, or dismiss an employee. Those two must be understood to be management prerogatives which we cannot give away, but at the same time there would be no objection to making the assumption that in the event that that right was unequivocally preserved but that a group of employees were to be laid off as a result of a technological change. Let's say the order in which they had to be laid off, the amount of notice which had to be given to an employee, which might vary with his length of service. Or in certain categories that some form of extra notice might have to be given. That type of thing can be negotiated, providing it does not infringe in any way whatsoever on the right of management to actually make the decisions that they will do something or that they will not do something without immediately calling a strike in the public service.

Mr. McKinnon: Can I follow this up? I was wondering, Mr. Chairman isn't this essentially what Mr. Scott was saying just in separate, in different terminology? It seemed to me that the thoughts of the two people were much in line it was just one wanted it said one way and one the other. Is there a difference in opinion in what the two of you are saying?

Mr. Scott: No, except, I'd like to clarify one statement, Mr. Chairman that there is no right to strike during the life of a collective agreement. No matter what the issue might be. The question is, How much notice, what priorities, what severance pay, that type of thing is all included in the all encompassing job of security. There is no denial of the rights of the employer to reduce the size of the public service. The question becomes what can the bargaining agent negotiate in advance? To be included in the Collective Agreement, to provide for such a contingency which may or may not occur during the life of the agreement, and that's all, in my opinion that that sub-section would provide for.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I asked a question before, in relation to section, sub-section (2) of 3 where it refers back to the strike area in section 88 because supposing as a result of the inclusion of certain electronic machinery or office equipment, calculating machines which goes in as a necessity, the commissioner lays off eight people. Just during the time when the strike is permitted, the grievances have been gone through, and the strike doesn't section 88 protect the members of the Public Service from being dismissed because it says when a strike, during a strike sub-sections 1,2,3 complied that employers may strike and during the continuance of their strike the employers shall not replace. So surely the people are protected in as much as they cannot be dismissed while they strike, and then surely the bargaining takes place, does it not, while that position is in effect.

Mr. Scott: Mr. Chairman, if I might reply. This is a very technical question, asked by Councillor Chamberlist which I can answer in a matter of two or three sentences, but as required looking at other sections of this proposed ordinance. The particular factual situation which the councillor has suggested is one which would occur after no collective bargain had been given by the bargaining agents to the employer and then certain terms and conditions of employment must be continued after notice to bargain is given, and that is done by section 42 of this ordinance. Then of course you have the whole of the bargaining process to run through, then the determination by the bargaining agent, the members of the bargaining unit rather, as to what dispute settlement machinery they are going to choose, whether it be the final binding arbitration or the conciliation for a group. Not until you get to that situation and a board if that's the route that's chosen

Mr. Scott continues . . . and fourteen days after the report to the board there could be a legal strike. We are not talking about any illegal strikes so we are talking about a very long period of time here and I don't think that these two situations are really associated, that is the question of job security during this particular period of time is not an issue as I understand it, Mr. Chairman.

Mr. Dumas: Mr. Chairman, under the ordinance stated here, if a strike did occur an employee could be layed off or could be dismissed in fact under this ordinance if, to upgrade the, or to automate or computerize a department, I think that this could be done because it simply says under section 88 the employer shall not replace the striking employee with any other employee and of course this wouldn't be done if you were computerizing. Getting back to the original problem, it seems to me that the question of job security is a valid one on the part of the association. However, how do you overcome this problem in so far as in my opinion the employer must have the right to modernize any aspect of his plan, so that the, and certainly have him know that the tax payer is continuously hitting the way at the continuous growth of employees in the Public Service. And I think that committee has got to look at this problem from both of these aspects, and this is one of the areas I think we should keep very close scrutiny to, Mr. Chairman, it's not a small item, it's a very important item and it's one that I think we are going to have to come back to.

Mr. McKinnon: I don't particularly at this point of time in the evolution of government in the Yukon Territory mind this type of amendment really to take away some of the administrative power but things do change in the government of the Yukon Territory and elected Members were in an executive position, now here you have the ability to say, we don't think that the hair dressing course at the Vocational School is really doing a job, we would like to change it and do away with this course and do something in the field of surveying or the field of mining which we feel would be a real benefit of the course to the youth of the Territory and the Vocational Training. Now certainly to me this is a political decision that should be made at an executive level and the only person near answerable to making that decision is certainly the people of the Territory, not the Public Service Association of the Territory with respect. In the field of welfare, you say now, we've got 27 social workers running about the Territory what have we produced from it in the last year, or the last five years. The program has contributed nothing. Let's replace these social workers with maybe some other type of program which was approved beneficial in other areas of Canada, let's change the program, let's see if we can't get some results from what we are doing, by a change in thinking, let's let these people go and try and modernize something in this nature. Now by the amendment as I read it I would certainly like to have the amendment in front of me if we could be provided with copies of these changes you would like as they come along. It seems to me that as political people, as executive people no longer do we have the political prerogative answerable to the people making these decisions but rather we have to go to the Public Service Association and say is it all right if we change these programs or vary these courses, because certain people are going to be laid off by it. Isn't it in effect then, that the civil servants are running the Country, not the selected representatives.

Mr. Scott: Well, Mr. Chairman, I don't think we'd ever like to be accused of wishing to take over the management of the administration of the Public Service. The question really, I think is being, that is causing a problem to the councillors, is not something I think is included in this particular sub-section. It will be recalled that in August 13 last, the Prime Minister announced reductions in the Public Service, and then reductions in the Public Service did take place. The position the alliance took at that time was that if, there is fat in the Public



BILL # 2 Mr. Scott continues . . .

Service it should be trimmed. The question is how, and because of this act in the Federal Public Service there is a ten per cent attrition rate in any one particular year as a result of retirement resignations, and all of the other factors. It was felt by the Territorial Alliance that the Public Service of Canada could be reduced by ten per cent if nothing was done, and just no jobs were filled. This is part and partial of the word job security, that is that's the kind of thing one could attempt to negotiate, but certainly not whether or not the hairdresser program would be changed to a mining program or whether the twenty seven people in social welfare could be laid off, the question is if they were laid off, which would be the sole prerogative of the employer to lay them off, if they were laid off what type of benefits should those people acquire as a direct result of the lay off. That is transportation back to Edmonton, severance pay of \$250.00 or \$500.00 or what have you. Those are the types of things which are included in job security, and not the right to a job. If that answers the questions of the Councillors, Mr. Chairman.

Mr. McKinnon: Could these be explicit in an ordinance actually those things which are meant by job security should be a matter of negotiation or a matter of philosophy behind this ordinance rather than a broad statement which seems to me to be much more all encompassing than it was intended to be.

Mr. Scott: I have met the Commissioner for the first time on Wednesday in Dawson City. I had every reason to believe that any collective agreement negotiated between the bargaining agent and the Commissioner as the employer will certainly spell out what is meant by job security is this particular amendment should be included.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think that the negotiations would probably be undertaken, I hope that they would be even if the amendment isn't included. Surely these are subjects for negotiation and surely job tenure and surely the conditions under which a person is laid off would be discussed in any negotiation whether the amendment is in there or not. I may be wrong in this but this would be my understanding unless the Commissioner disagrees.

Mr. McKinnon: I wonder could I make a suggestion to try and facilitate the Committee's work, whether the proposed suggested changes by the Public Service Association could be put before Council the five or six areas, also Mr. Legal Adviser seems to have some problem with the wording of some of them. Whether he could come up with what he would feel the administration views would be on it and the way he would like to see it worded, and then I think that we could have some meeting of the minds and this is exactly what we are trying to do come up with some suggestion and amendments that will please both members. I think we can possibly do this if we have these different proposals before the Committee at this time.

Mr. Chairman: Would this be possible?

Mr. Scott: This afternoon. You mean at lunch time Mr. Chairman.

Mr. Legal Adviser: Sometimes it happens that with an amendment of this particular type, I personally have sympathy with the views of the association, but I am not sure that this is the proper place to put that in. This is a section which says nothing in the ordinance shall stop the employer from doing a certain list of things. Then it goes back and says, that withstanding that job security can be negotiated. Where that type of thing should be spelled out in the things which are permissible to negotiate. And it can be easily spelled out then as fixed into the context, and we can get a clear understanding of what we both mean by it.

Mr. Chairman: If we could have these amendments on paper so we could consider them. I think at this time we will stand Committee into recess until two o'clock sharp this afternoon.

BILL#2

RECESS

Monday, April 6, 1970  
2:00 p.m.

BILL #2

Mr. Chairman: We will call committee back to order, we are dealing with Section 3 of Bill No. 2. Is there anything further in this Section.

Mr. Scott: On behalf of the Association Mr. Chairman I would like to withdraw the request to amend Section 3 by addition of subsection 3.

Mr. Chairman: Committee agreed

Mr. Chairman: Alright then the next section is Section 4 (Reads Sections 4, 5, 6 and 7 subsection 1)

Mr. Chamberlist: Mr. Chairman this area where it deems advisable by the Commissioner to have a Vice-chairman of the Board seems to me to be an interference to the Board itself surely this could be decided by the Board whether or not it could have a chairman. Both the Legal gentlemen here today knows the Legal amount of....that have been made to the words deems to be and I think that here's an area where the Commissioner should not interfere with the construction of the Board within its self if for some reason the chairman feels there should be a vice-chairman.

Mr. Legal Adviser: Mr. Chairman the position here is that it is customary in constituting this type of Board to have a group of people who represent the employee interest and a group of people who represent the employer interest. The chairman is independent if the chairman has to be absent or unable to act then his deputy cannot be chosen from either of the groups who are partisan it must be another independant person, in certain circumstances if you can visualize the chairman is doubtful as to whether he can act in a particular field or a particular group of subjects, its necessary for the vice-chairman sitting with the Board and with the chairman, in that case he would only act if the chairman removed himself from the Board in other words he is a substitute chairman. And it is only with the advice of the chairman that we would seek to appoint a vice-chairman.

Mr. Chamberlist: Then we can take it from that, from what Mr. Legal Adviser says Mr. Chairman, a vice-chairman would really be a substitute in that case should we not say exactly what we mean a substitute chairman, because the words differ and the interpretation. Perhaps I suggest that we refer to it as a substitute chairman.

Mr. Legal Adviser: We have no difference in policy in calling the vice-chairman by another name it just happens that it is the customery name in the circumstances and we didn't see any necessity to change it, but I would be slightly disappointed if on coming to the end of the two sections involved we haven't been quite clear, we have been faulty in our language.

Mr. Chairman: (Reads Sections 7 and 8)

Mr. Chamberlist: Question Mr. Chairman I wonder if Mr. Scott could say whether he is satisfied or not with this particular area.

Mr. Scott: Yes, Mr. Chairman I would be pleased to speak about this, the introductor note indicates that it is proposed to a point the Yukon purposes the persons who presently administor the act. The Act, the Public Srevice Relations Act is Administered by a Public Service Staff Relations Board and the Chairman of that Board is probably the moct respected Labourer Legislative Administrator in Canada, Mr. Finkerman, and the Vice-Chairman of the Board Mr. George Gauthier, who is a Public Servent for many years standing and so far as I know every one who has been

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Mr. Scott continues: associated with this Board has been most pleased with this Board and I should think that this is admirable if this Board may act as the Yukon Board.

Mr. Chamberlist: But Mr. Chairman is he satisfied to the reference of vice-chairman instead of substitute chairman.

Mr. Scott: Yes, it is common in all provincial legislation as well.

Mr. Chairman: (Reads Sections 9, 10, 11, 12, 13, 14, and 15)

Mr. Scott: Mr. Chairman I am suggesting a proposed additional paragraph, paragraph (i) to read as you have before you. "The hearing or determination of questions of law or jurisdiction that may be referred to it as a result of arbitration, adjudication or any other proceedings under this Ordinance." I might point out that that those words are identical to paragraph (e) of Section 19 of the Public Services Staff Relations Act.

Mr. McKinnon: Could you explain, sir, the necessity for the inclusion.

Mr. Scott: Mr. Chairman without the inclusion of these words any question of law or jurisdiction which arose during an arbitration proceeding or adjudication would have to be referred to a judge for determination. In most Labour Legislation references of that nature are referred to the Board which administers the Act.

Mr. McKinnon: You are making a Quasi-Judicial board out of it then Mr. Scott?

Mr. Scott: They are all in fact Quasi-Judicial boards, yes.

Mr. Legal Adviser: It doesn't seem any harm that we are reserving consideration of it until we can think about it when we come to the end of the Ordinance. It appears fine but maybe there is a snag somewhere.

Mr. Chamberlist: I am thinking Mr. Chairman that the idea of this particular Board surely is to be an administrative board not a jurisdictional board it might have some jurisdictional functions but this is an administrative board surely. Is this not so Mr. Legal Adviser?

Mr. Legal Adviser: No, the intention of it really as a Board of the Act is to make decisions, decisions will sometimes of law, sometimes of fact, and sometimes of mixed law and fact, but it certainly convenient that the arbitrator appointed or the conciliator appointed when the question of law arises can go back to the parent Board for a legal decision. But as I say why it doesn't appear I don't know and I am checking it out.

Mr. Chamberlist: Will it not perhaps, Mr. Chairman, Mr. Scott might even intimate the purpose of this section being added so that an appeal can be made to the court on a decision of the Board.

Mr. Scott: This, Mr. Chairman, is to eliminate appeals to the Court because of lack of finality and till one or the other party determine not to continue it to the Supreme Court of Canada, and I think it is more expeditious for the Public Service Staff Relations Board to make these decisions and of course like any other Board if they make decision which is outside their jurisdiction then that of course would be subject to a Court of Law

Mr. Chamberlist: If an individual Mr. Chairman is not satisfied with the ruling of the Board were perhaps his livelihood might be at stake or satisfied with the treatment he feels he is being handed he feels grieved to go to the Court. I feel that the Court's should have the last say. Shouldn't he have the right to go to the Court.

Mr. Scott: Perhaps Mr. Chairman I have not expressed myself properly here, it isn't a question of a person's livelihood being denied to him and no right of redress to the Courts. During the life of most collective agreements commencing with the first Collective Bargaining Legislation in Canada disputes arising during the life of the agreement have always been subject to final and binding arbitration without stoppage of work, during the life of the agreement. So this is simply a question of a third party determinant on an employees rights under the Collective Agreement now sometimes it happens that one or other of the parties challenges the right of a third party as to his jurisdiction to a particular matter before him. Under the Ontario Act he has the sole right to determine arbitrability of the question before him and if he errors in law like any other person he will be subject to appeal by way of certiorar to the High Court of Ontario. The Federal Act in this proposed amendment would simple expedite the matter and a question of the jurisdiction of the juricator or the jurisdiction of the arbitrator would simple be determined by the Board rather than by recourse to the Courts.

Mr. Chamberlist: Mr. Chairman, I appreciate the explanation that has been given and I know that as far as the parties to the bargaining are protected, but the individual who is the one person who is bargaining for, if he is not satisfied that either the bargaining agency or the Board itself have not dealt with his particular case in a matter that is satisfactory to him why should he not as an individual have the right to proceed to a Court to argue that the Board had not dealt fairly and properly with him. This is going outside of the Association because the Association is in the bargaining position for him but he feels perhaps that the Association is not done the right job for him. He should still have the right as an individual to go before the Court, this is what I am concerned about.

Mr. Scott: Mr. Chairman I feel very strongly on this particular point as a civil libertarian would appear obviously Mr. Chamberlist is also one. The rights of an individual has to be protected but in the Collective Bargaining Legislation any of the rights of an individual are in part given in order that he and his fellow workers will bargain collectively, and so individual contracts of employment in the usual sense of the word, cease when the Collective Bargaining becomes a fact. Now third party interpretation of the agreement or terms of condition of employment because the terms and conditions of employment that is the individual's contract of employment is broader than just the Collective Agreement, are normally subject to my knowledge in North American Legislation. The third party interpretation by an independant person called either an arbitrator or adjudicator. That person is not above the Law and he must make decisions within the Law, any decision he makes outside the Law is of course subject to review by the juridical system. And so the individuals rights are preserved and he is intitled to and is represented by the Bargaining Agent before the third party. I hope that this will satisfy the Councillor.

Mr. Chairman: What is your decision in respect to this matter do you wish it to be left until the end of the Ordinance.

Mr. Chamberlist: Agreed

Mr. Chairman: (Reads Section: 15, 16 subsection 1)

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Mr. Scott: There is a typographical error Mr. Chairman I believe in paragraph A of subsection 1, the words "effect to" between give and any in line 1 are deleted. You will notice in line 3 of subsection 2 the words go back in.

Mr. Chairman: (Reads Sections 16, 17, and 18)

Mr. Scott: Mr. Chairman I propose that there be a new section between 18 and 19, which is a concomitant or natural concomitant of the proposed amendment under Section 15, reads: "Where any question of law or jurisdiction arises in connection with a matter that has been referred to an arbitrator or to an adjudicator, as the case may be, or either of the parties may refer the question to the Board for hearing or determination in accordance with any regulations made by the Commissioner on the recommendation of the Board in respect thereof, but the referral or any such questions to the Board shall not operate to suspend any proceedings in connection with the matter unless the arbitrator or adjudicator as the case may be, determine that the nature of the question warrants a suspension of the proceedings or unless the Board directs the suspension thereof."

Mr. Chamberlist: Is this to replace Section 19.

Mr. Scott: No, in addition to.

Mr. Legal Adviser: The earlier amendment was suggestion that the Board should have a part when something is referred to it to make the decision. This is the Section which enables the judicators and the arbitrators to refer to the Board one can't exist without the other.

Mr. Chairman: This will be given further consideration then and brought to your attention as a new section.

Mr. Dumas: Mr. Chairman is there any reason why we are not clearing the section now, what was the reason given or was there any.

Mr. Chairman: It will be considered a bit more. (Reads Sections 19 and 20).

Mr. Shaw: Mr. Chairman, I am trying to figure this out, the Board has a certain amount of latitude in making decisions, but the point is from a day earlier than from the day on such reveiw or decision in other words they can't make a another decision a day before the make the decision in the first place, this is the way it appears to me but perhaps someone would explain it. Mr. Legal Advisor what does it mean.

Mr. Legal Adviser: I think Mr. Scott has a question.

Mr. Chairman: Mr. Scott

Mr. Scott: Thank you Mr. Chairman, this type of Legislation appears in most effective bargaining legislation, and permits the Boards to have another look at a decision which it has previously made and its not bound by its previous decision. But any time it does rescind an order of the day the effect of the rescision may not be earlier than on the day of which it is made in other words it cannot have retroactive effect to destroy what has taken place during the operation of the order made by the Board.

Mr. Shaw: Thank you Mr. Chairman, in other words if this decision is made a month after the first decision it starts from the day it makes that decision and not the previous one is that correct.

Mr. Scott: That is correct.

Mr. McKinnon: Just for general information Mr. Chairman were we are given permission under legislative power under

Mr. McKinnon continues: the Yukon Act to create a Board with jurisdictional powers such as the one which we are creating.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: This Legal Adviser is not going to rock the boat Mr. Chairman.

Mr. Chamberlist: In other words don't you

Mr. Shaw: If we haven't got it now we will have it very shortly.

Mr. Chamberlist: Well this is not a happy answer, its a question that's often asked in many words but I'm not going to rock the boat.

Mr. Livesey: Sometimes Mr. Chairman its better to abandon ship.

Mr. McKinnon: Mr. Chairman I think that if we all took that attitude that we would never rock the boat then we wouldn't got as far as we are, that you can make an answer like this.

Mr. Chairman: (Reads Sections 21, 22, and 23)

Mr. Legal Adviser: It is a subtitle.

Mr. Chairman: (Reads Sections 24, 25, and 26)

Mr. Shaw: Mr. Chairman, I am under the opinion that the majority of the employees would be the ones that would determine what organization that they would wish to represent them, and yet it almost appears that the Board can determine who shall represent them. Have I got this wrong.

Mr. Legal Adviser: The principal on which this operates, Mr. Chairman is that an application made in respect of a unit, all of that unit may or may not be members of that particular bargaining agent which is making the application and there may be a difference of opinion in fact it is quite sure to be a difference of opinion from time to time between the employer and the bargaining unit as to who will constitute the unit. This gives the Board power to resolve that type of dispute.

Mr. Scot: Mr. Chairman there are very good reasons why this sort of wording is necessary or this wording is necessary in this section. If the Board did not have the discretion it would be possible for a bargaining unit which did not have majority as a membership in the broad sense to appear before the Board and ask to be certified for, let's say 50% and the Board could say no we do not consider that to be a proper unit a unit should include other people who's composition is identical or who have similar interests, or a community of interests and the bargaining agent may therefore fail in its application, simply because it is attempting to obtain certification for a group which it wants to carve out of a whole, so the Board can determine what the bargaining unit will be and whether or not the bargaining agent has in fact the support of the majority of the people in the bargaining unit as determined by the Board.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: (Reads Sections 27 and 28)

Mr. Livesey: Mr. Chairman most certification clauses in Labour Legislation determine by the paid up members of the employees in the Association.

Mr. Legal Adviser: This is correct.

Mr. Livesey: Mr. Chairman I don't see it in this Legislation.

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Mr. Legal Adviser: We are not seeking to determine how they resolve their own membership, if the bargaining unit wishes to carry members without making them subserving members and these members are willing to be so carried on the backs, this is surely a matter for the bargaining agent.

Mr. Livesey: Mr. Chairman but this could obviously run the risk whereby people who are being included as being the majority that in fact don't even belong to the organization are have no wish are desire to.

Mr. Legal Adviser: There must be no mistake made Mr. Chairman people will be covered by selective agreement who are not members of the bargaining agent's organization. The determining factor is, is the organization making the application representing a majority of the employees in the particular unit in respect the application is make. That is the determining factor.

Mr. Livesey: Yes you are correct, that is absolutely right, but the proof is not in hearsay, the proof is in paid up membership. If they are not paid up members then they don't belong, no one can say they belong to an organization which demands a fee for membership, and in the next breath say I am not a paid up member, if you are not a paid up member you don't belong. Therefore I would say that the proof of majority is therefore created by the number of people, paid up members the organization has in its organization. This is the proof otherwise the rest is guess work. Because the employee then could be represented by an organization who didn't have the majority and then you could start a conflict of interest between the representative groups were vying position as bargaining agent and this is something we don't want to get involved in. But I think our plan is to make sure that we're dealing with the bargaining agent when we are actually dealing with an agent rather than dealing with a conflict of interest which could be easily concerned in labour we know this goes on steadily were certain Labour Organizations vie each other for employees and employee groups we don't want this to happen we want to make sure that we know that the bargaining agent does have the majority and that majority is usually determined by the paid up members, strictly by the paid up members.

Mr. Scot: Mr. Chairman in direct answer to Councillor Livesey's comment, the Public Service Staff Relations Board in this case is the Yukon Public Service Staff Relations Board if they are the same Board only accepts as evidence of membership one of two different forms; the one form and the most commonly accepted form is a print out from a computer showing the names of the people in the bargaining unit as determined by the employer at a particular point in time, that is the population is determined to be "x" and the names of each of the people comprising this group is them printed by a computer and it shows as of a particular day in this case it would be the day the application was made, how many of those people totalling "x" were paying membership to the applicant bargaining agent. If there have been people who sought application in the bargaining agent at a time after the machine run was made the Board does accept signed application cards showing the person has joined and has requested that his dues be deducted by payroll deduction and those are the only two forms of acceptable membership by the Board. Now if the Board finds that the applicant bargaining agent has less then 52% of the bargaining unit as members it will order a vote by secret ballot, and in which case then the members express their desire to be represented or not to be represented by the bargaining agent.

Mr. Chairman: (Reads Sections 29 and 30)



Mr. Chamberlist: I would like to ask a question, is it essential that if an organization wishes to donate some of its own funds to a political organization that it should not be allowed to do it, if its it's own funds.

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Mr. Legal Adviser: So far as Trade Union Section is concerned there is no objection and many trade Unions do in fact subscribe very, very heavily indeed if one is to believe all the rumors to one political organization. In the contexts of the Yukon it seemed improper that the Public Service Union themselves would become involved in politics and I think the House would proper agree with this.

Mr. Chamberlist: I am just not saying whether I agree or not, I agree. Don't misunderstand my question I'm asking whether it is right to restrict them. If the association indicated they don't wish to have this, this is what I am asking. If it is their wish that they do, should we deprive them of that wish. This is what I want to know.

Mr. Legal Adviser: Mr. Chairman we didn't ask them their wishes we just put it in the Bill, but this Bill represents Government policy not employment policy, but it is a sin to contribute to a political organization its only a venial sin, but in this case we don't want any sin.

Mr. Chamberlist: I would like to know whether its the wishes of the association that we - its alright to say that its a Government Bill but I don't work for the Government, I represent the people, so then if they don't want it they don't have to have it, but I think that they should be asked. As the Legal Adviser now shows we didn't consult with them, I think thats a bad point to, I wonder Mr. Scott if you could indicate on behalf of the advisors if they wish to participate in that matter yea or nay. This is the thing that I would be satisfied with.

Mr. Scott: Yes, Mr. Chairman, in answer to the Councillor Livesey as Public Servents of the Yukon as Public Servents of the Government of Canada, Public Servents are prohibited in participiation of political activities. To allow the Organization as such to contribute to a political party would be to permit something through the back door which is not permissable through the front door. The employees of the Yukon Territorial Government do not wish to participate in the activites of political party by funds collected by way of dues and the constitution of the Public Service Allowence of Canada would prohibit that.

Mr. Chamberlist: Right

Mr. Chairman: Section 31 - Mr. Livesey

Mr. Livesey: Mr. Chairman I would like to add a point to that I think there is a significant difference to bargaining with employees of a Government rather then bargaining with employees of private enterprises. As we know the Government is run by political means and if we are going to sponser a conflict between those who work for the power enforced elected by election of the people themselves, we could quite easily without even wishing to do so we could foster destruction of Government by allowing things which I think would be very sad for any Government in the province or in the Federal Government in any organization of this type of course there has to be some determining the individuals conduct in every day work for the Government in power and it would be pretty hard to determine as to what the employee was about to do if he is working for an employer and it is known that he is the employer and on the other hand it is known that he is working against him through some other channel, so I think as far as Government is concerned we should foster unity rather than anything else.

Mr. Shaw: Mr. Chairman, it may be news to some people in this Chamber right now, but when I first came to the Yukon Territory when the Government changed the jobs changed. Now these things don't which is sound but if political - has taken years to get out of Government which I think is very well, but I did wish to point out that this is what happened when I first came in the Yukon Territory. You were out if you were in the wrong party.

Mr. Chairman: (Reads 31, 32, 33, and 34)

Mr. Chamberlist: Mr. Chairman does that mean that the whole organization would be left without bargaining unit at all if there was a revocation, so that the executive of that association could not act on behalf of those employees that wish them to bargain for them. Is this the suggestion that is being made.

Mr. Legal Adviser: Mr. Chairman fraud goes to the root of the contract and if an application is made which is supported and foiled by fraud then its chucked out. It just disappears then someone has to come and make a fresh application on fresh grounds.

Mr. Chamberlist: It does not remove from that organization or that group of employees the opportunity to set itself up again as an organization so that they can start again, this is what I want to get at.

Mr. Legal Adviser: That is correct the penalty is a once only penalty and the organization may start over again.

Mr. Chairman: (Reads Section 35)

Mr. Chamberlist: Mr. Chairman under (b) what may be the other circumstances?

Mr. Legal Adviser: There are a great many circumstances usually a falling out of the Trade Unions, and they decided to go their own ways.

Mr. Chairman: (Reads Sections 36, 37, 38, 39, and 40)

Mr. Chairman: I will now call a recess.

RECESS

Mr. Chairman: At this time we will call Committee back to order. The next Section is 41. (Reads Sections 41, 42, 43, 44, 45, 46, 47 (1)(a),(b),(i),(ii)).

Mr. Scott: Mr. Chairman, I should like to suggest an amendment to sub-paragraph (i) of paragraph (b) of subsection (1) to read "sixty days" instead of "ninety days". Even the Treasury Board now is able to implement in less than ninety days and for a group of this size it would seem to be a reasonable period of time.

Mr. Legal Adviser: Mr. Chairman, opinion is hardening during coffee break as to what amendment will be accepted or not, and I think I can say that this is one of the acceptable amendments.

Mr. Chairman: Is it your wish that this be treated as.....

Mr. Legal Adviser: I don't think so, it would be against my principles, I think, to say it was a typographical error. It is no error but it will come in with the..... minutes.

Mr. Livesey: Mr. Chairman it is against my principles to agree to an amendment before show of hands.

Mr. Chairman: This will be brought up again, is that right?

Mr. Legal Adviser: Yes.

Mr. Chairman: Right, thank you.

Mr. Scott: Mr. Chairman, if I might..

Mr. Chairman: If I might first read sub-section (2)?.

Mr. Scott: Mr. Chairman, sub (ii) is one of the ones we wish to speak to,

Mr. Chairman. I will read sub-section (ii). (Reads sub-section (2)). Mr. Scott:

Mr. Scott: Thank you Mr. Chairman. I think Council will see that in **sub-section (2) of Section 47** is the entire terms of reference for collective bargaining. In other words, that sub-section sets out what may be bargained, or the alternative, what may not be bargained. Now, it will be noticed that no collective agreement may provide directly or indirectly for the alteration or elimination of any existing term or condition of employment or the establishment of any new term or condition of employment that has been or may be, as the case may be, established pursuant to the Public Service Ordinance, or the Workmen's Compensation Ordinance or the Public Service Superannuation Act (Canada). Now, all regulations dealing with the terms and conditions of employment of employees in the Yukon Territorial Service are established under the regulations made under the Public Service Ordinance. So, if you cannot bargain those terms and conditions of employment, the effect of subsection (2) is to nullify any collective bargaining rights entirely. The way it is drafted would simply proscribe any collective bargaining rights. Now I don't suggest that this is an intentional drafting at all for this reason. Similar words appear under the Public Service Staff Relations Act in sub-section (2) of Section 56 and there, in Schedule C, there are four acts of the Parliament of Canada, which are proscribed. These are the Government Vessels Discipline Act, The Compensation Act, the Public Service Employment Act and the Public Service Superannuation Act. The regulations dealing with terms and

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Mr. Scott continues...

conditions of employment are enacted under Section 7 as a Financial Administration Act. It is not a proscribed Act. Now, here to continue includes the Public Service Ordinance as being something that couldn't be amended means that nothing changing the terms and conditions of employment of employees could be bargained and so for that reason we suggest an amendment which would permit the bargaining terms and conditions of employment but of course proscribed amendments by collective bargaining, that is, amendment to an ordinance. This is of extreme importance in another matter which will be raised later dealing with discipline and a new code of discipline is to be introduced in Bill 1 which sets out certain rights of employees and the right to seek third party interpretation. If that Bill was passed the way it is being presented; that is an illustration of something that could not be bargained so it would be determined by Ordinance and then proscribed from collective bargaining, if that is the desire of Council, then fine but it should be drawn to the attention of Council that by an amendment to the Public Service Ordinance such as is suggested in Bill 1, certain basic principles of collective bargaining are effectively destroyed and to continue or to enact this Bill with subsection (2) of Section 47 as presented would utterly destroy collective bargaining and that is why we make this suggestion of the amendment which I suggest would read as follows: "no collective agreement shall provide directly or indirectly for the alteration or elimination of any existing term or condition of employment or the establishment of any term or condition of employment, the alternation or elimination of which, or the establishment of which, as the case may be, would require or have the effect of requiring the enactment or amendment of any Ordinance by the Territorial Council or by the Parliament of Canada except for the purpose of appropriating monies required for its implementation".

Mr. Legal Adviser: In substance, I think what Mr. Scott has to say is correct. This will certainly require an amendment. because the purpose of the legislation is exactly as Mr. Scott stated it to be and I think the error crept in because we added in an unnecessary act. Now, what we have taken care to do in this Ordinance as we went through it was to take from the Public Service Ordinance all those employer rights which we felt should not be capable of being bargained for in a contract and the additional adding that you can't bargain for anything in the Public Service Ordinance would completely defeat the purpose. So, subject to the draft coming forward, we would accept this principle.

Mr. Chamberlist: Mr. Chairman, I think that it appears to me to be, also a problem that even in the amendment might give rise to the Territorial Council being restricted as to what they can in turn do by way of amendments to the legislation. This is what I am afraid of. This is the reverse.

Mr. Legal Adviser: It is intended to be the reverse, Mr. Chairman. It is intended to say that where, in a bargaining situation there was a proposal made which would require an Ordinance to be passed by this Council, or an Act to be passed by the Parliament that could not be bargained for because it is not up to the employer to dictate to this Council nor to the Parliament of Canada what they should do or what they should not do but in regard to terms of employment in general, they can come by administrative order and in general they are subject to negotiation.

Mr. Livesey: Well, perhaps I am not thinking in the same terms as Mr. Scott - pardon me - as the Legal Adviser to the employee, presently with us Mr. Chairman - it says (reads 47(2)(a)). Now, it seems to me, Mr. Chairman, what we are talking about here is a conflict of interest. Now, if there is going to be a conflict of interest within the terms of the legal

Mr. Livesey continues... definition between the agreement and legislation. Surely we are not talking in the same vein. We must be talking on some other plane altogether because I can't quite understand how any agreement could have such a ....effect upon legislation. I don't see quite how it could. Now, if anyone could explain how it could I would like to hear it explained.

Mr. Legal Adviser: Mr. Chairman, may I repeat myself. What we are saying in this Section, or proposed amendment, although I don't accept exactly this amendment but one almost identical will certainly be produced. What we are trying to say is that a collective agreement cannot require the Council to do something. We are dealing with the people who are making the agreement and saying, you shall not make an agreement in this fashion. We are not mentioning the Council at all.

Mr. Scott: If I might just add one comment, Mr. Chairman. Every collective agreement of which the Public Service Alliance of Canada is a party contains within it this clause which I think might answer Councillor Livesey's problem. In the event that any law passed by, in this case it would read, "the Territorial Council of the Yukon Territory, applying to employees covered by this agreement, renders null and void any provision of this agreement the remaining provisions of the agreement shall remain in effect for the term of the agreement". In other words, no person, or body of persons can influence Council or force Council to enact legislation. If, however, Council in its wisdom enacts legislation, the effect of which is to amend a collective agreement, it is amended by that Ordinance, but not the reverse.

Mr. Livesey: Mr. Chairman, no collective agreement can stand as an impediment to an elected body. It certainly can't, but this is not the way this reads. It is the reverse way. It says here that "would require or have the effect of requiring the enactment-would require, the collective agreement would require. Now, this can't possibly be. No, it says here "cannot", as the case may be, would require; that is positive, or have the effect of requiring the enactment or amendment of any Ordinance by the Territorial Council. Quite obviously no collective bargaining agreement between the employer and the employee has any effect on legislation whatsoever, as far as I can see, because it is not being enacted by the elected body per se, as such. I can see the reverse - the reverse is true but not the way it is written under 47(2), the suggested amendment.

Mr. Scott: Mr. Chairman, if I might say - no collective agreement shall provide, are the operative words, I suggest, Mr. Chairman, and so therefore since no collective agreement may provide, it just goes on to say what it may not provide.

Mr. Chairmen: Does the Chair understand that the Legal Adviser will be coming up with a further amendment for further discussion? May I proceed? (Reads 48, 49, 50).

Mr. Shaw: Mr. Chairman, I wonder how, when two parties are disputing matters and they cannot agree.....say they both had good faith.

Mr. Chairman: I believe there is a proposed amendment here, Mr. Scott.

Mr. Scott: Yes, Mr. Chairman, thank you. Good faith has been interpreted in the Courts in this particular respect as to the fact that the parties are meeting, are talking and are bargaining collectively.

Mr. Shaw: And are agreed or disagreed.

Mr. Scott: The amendment which we suggest in subsection (1) is

BILL #2 Mr. Scott continues...  
to delete the required bargaining of forty-five days. I think that if the forty-five days included in there - it could produce a situation invicaged by Councillor Shaw where the parties were, in fact, not bargaining in good faith because one of the parties, in order to delay proceedings could simply go through a ritual dance for a certain number of days knowing that they have to bargain for forty-five days and so real bargaining might not commence until the fortieth day. So the suggested amendment is to make sure that the parties do in fact meet and bargain in good faith and would read "where the employer and the bargaining agent for a bargaining unit have bargained collectively in good faith with a view to concluding a collective agreement, but have failed to reach an agreement, either party may inform the Chairman that negotiations have broken down and advise the Chairman that a deadlock exists. A further change is suggested two(a), when in accordance with sub-section (1) one of the parties has advised the Chairman that a deadlock exists the Chairman may investigate the circumstances and request the parties to resume collective bargaining or (b) upon being satisfied that the parties have bargained in good faith and that a deadlock exists, the Chairman shall forthwith, by notice in writing to the parties declare that a dispute exists.

Mr. Chamberlist: Mr. Chairman, I don't think that would help the situation. I certainly can't agree in this one at all, Mr. Scott because there is no limitation. They might be bargaining in good faith for 365 days. I think the idea is to say ..... by all means and say 30 days but if you leave it open I think, without any limit on it, it would be bargaining for ever and ever. They just go to the table. The were doing that in P'yongyang in North and South Korea for years, you know, just bargain in good faith.....without any limitation, they are still bargaining. I think there should be a limitation on this.

Mr. Livesey: Mr. Chairman, I think that where the bargaining unit and the employer's representative group are supposedly bargaining in good faith, and I think that could cause a debate that could last at least a month as to which was bargaining in good faith and which was not because usually the argument arises at a point of disagreement that the other party, rather than the one .....is always coming to the the table not in good faith and you hear it bandied about back and forth and you don't arrive at a conclusion that way, but it seems to me there should be a provision in there that if for instance even beyond the period of forty-five days if there is a presumption between the parties concerned that an added few days would conclude the agreement, why would you want to follow this situation rather than leave an out so that you can get conclusive agreement on paper. I think that this is a bit too arbitrary in that respect. It does not allow for any extension of time and I have seen arguments go on for six and seven weeks and after six weeks they finally get down to brass tacks and feel the enemy out kind of thing and they find out that neither party is going any further and they sit down sensibly and try to hammer out the last differences because they know there is no other way to go. If they separate well then you run into nothing but grief and so I don't see why you should arbitrarily say forty-five days but I do think we should have a period whereby bargaining should take place but there should be a clause in there to say it can be extended beyond that period of time so that you just don't throw the whole thing up in the air because we have it in the legislation.

Mr. Chamberlist: Mr. Chairman, I don't follow the Honourable Member from Carmacks-Kluane because the amendment that is being suggested is that it goes on indefinitely that there is a forty-five day limit in here and I am suggesting that the limit should be there so that it doesn't go on indefinitely, so that the chance to complete arbitration is given. It should either suggest, come to a lesser fixed time but not left open without

Mr. Chamberlist continues....

a time limit on it. I think there would be nothing but problems involved for both the employer and employee in legislation like that.

Mr. Livesey: Mr. Chairman, I am suggesting a definite extended period of time less than the first number of days as the second break towards trying to come to a complete agreement.

Mr. Shaw: Mr. Chairman, in something like this, how can anyone proventen days, twenty days, one hundred days, or five hundred days on when something like this is going to be settled. It would appear to me, with due respect to the fact that you don't put any time down, it could extend over a tremendously long period of time and I think that there must be a time when people are in dispute that they have got to get down to brass tacks and decide whether they are or are not going to, and if they are not going to O.K. that is what we have the Chairman and the Board for, to endeavour to settle it. For myself I have no strong feelings if it is forty-five days or thirty days or sixty days, whatever is a reasonable amount.

Mr. Dumas: We have to be very careful here, Mr. Chairman. I have been negotiating on behalf of the Government with the teachers for the last three years and in some circumstances it has gone up to five or six months, just because of the way you arrange meetings and when people can make the meetings and so forth, and we have always been able to resolve our differences. So, putting on a time limit on this could create a real problem. You must remember that both sides are trying to come to some sort of agreement and both sides want to conclude negotiations as quickly as they can. They do bargain in good faith in fact and I think by putting on a limit in there we could be doing a disservice where in fact we want things to work out for both the Government and the employees. I would like to hear Mr. Scott's comments on this. I am sure it has come up before in other areas of collective bargaining.

Mr. Scott: Mr. Chairman, I have negotiated a first agreement in sixteen actual days of bargaining. I have met with representatives of Treasury Board over an eight month period of time to negotiate a collective agreement and I would not say that as these words they use in collective bargaining that both sides were not bargaining in good faith during that eight month period. Certainly the parties had their differences or else they would have resolved the issue and have reached an agreement long before eight months had passed. I think that when one looks at the suggestion of paragraph (a) of Section (2), it would prevent a capricious act, just simply bargaining for a few days and then going to the Chairman and saying, a deadlock exists. The Chairman would have the power to investigate and say "you have not in fact been bargaining in good faith, go back to the table and bargain." I don't think it is possible, Mr. Chairman, to legislate a period of time within which bargaining should be conducted because the parties may quite honestly say after fifteen or sixteen days of bargaining day and night that an impasse has been reached. To say to them "well you have to sit around for thirty more days before you can so inform the Chairman seems to me to be destroying a part of the principle of collective bargaining and certainly it would not engender any enthusiasm in the membership because they would be saying to the negotiating team "what are you doing" and you'd say you have to continue to bargain for another thirty days.

Mr. Legal Adviser: Mr. Chairman, the original purpose of this section was in case of the bargaining agent and not in case of the government in order to give government a chance to have a period for reflection between meeting and to resolve any difference they may have within departments and to present a policy at the bargaining table. The effect of it could be, as Mr. Scott says, that either side could drag its feet deliberately for forty-five days without ever attending a single meeting. Now, since

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Mr. Legal Adviser continues....  
the basis of the protection is for the employees and they don't appear to wish to have it, we would certainly consider changing it to knock out the time limit but we would need to make sure that the Chairman is the person who makes these determinations and has some freedom of action so although I would not agree with the exact terms of this amendment precisely as it is written, I think that the principle is a reasonably sound one because at the point of time when bargaining is continuing it is just as well not to exasperate everyone's feelings by adding a month's penance to the.....let them get down to conciliation or arbitration as early as possible before feelings get too bitter.

Mr. Chairman: Well then does Committee agree that this matter will be up for further consideration? (Reads 51, 52).

Mr. Legal Adviser: Mr. Chairman, I just draw your attention to the fact that the difference in the two processes is arbitration, it states, .....will be compulsory arbitration, conciliation of .....would be strike in the final event.

Mr. Chairman: (Reads Section 53, 54, 55).

Mr. Livesey: Mr. Chairman, I feel, where it points out quite clearly where the parties are bargaining in good faith but what I would like to know is if one side or the other claims the other is not bargaining in good faith, does this throw the whole question of agreement into utter chaos and if so, what provision is made in the Ordinance as a whole to try to get around this problem if such did arise, and it seems to me that this bargaining in good faith could be questioned by either side and it could be used by either side as a means or method of trying to upset the negotiation and I would like to direct this to the Legal Adviser to see if he could tell me where in this legislation we have made preparation for such circumstances.

Mr. Legal Adviser: Mr. Chairman, the whole Ordinance is predicated on the fact that at some point in time people will fail to observe this good faith and will dig in their heels and say no more concessions, and then you go to compulsory arbitration to resolve the matter. If it is a question of extending the time for fair bargaining then the Chairman, under the Section which was discussed earlier, can say, you are not genuinely bargaining, go back and bargain some more. But if they fail to reach that point, if they fail to reach an agreement then it goes either to arbitration or to conciliation. If it fails on conciliation then it is a strike, but this is the predication.

Mr. Scott: Mr. Chairman, I don't wish to appear to be in opposition to my friend, but in this instance good faith can persist even though the parties agree to disagree. However, good faith has a particular meaning with respect to collective bargaining and Section (1), subsection (1) of this Ordinance would provide for an allegation or a charge that one or the other of the parties has failed to bargain in good faith; this is the type of provision that one finds in most collective bargaining and so an allegation could be made that one of the parties is not bargaining in good faith and the question then would be resolved by the Board. It is known euphamistically as an unfair labour practice.

Mr. Chairman: (Reads Sections 56, 57, 58, 59). Mr. Scott, I believe the Public Service have a proposed amendment.

Mr. Scott: Mr. Chairman, I have been involved in each of the



Mr. Scott continues...

arbitrations under the Public Service Staff Relations Act that affected the Public Service Alliance of Canada, Language teachers, Communications group, the Lifekeepers and the Firefighters. In each case questions have gone forward through the Arbitration Tribunal and the Tribunal is bound by the four corners of subsection (1) of Section 70 of that Act which contains within it one more term or condition of employment, namely standards of discipline. Nevertheless the four corners of this particular subsection would be all of the matters which could go before an arbitrator, that is, rates of pay, hours, of work leave entitlement and terms and conditions of employment directly related to those three subjects. There may be other subject matters upon which the parties are just unable to agree. Now, if they agree on rates of pay, on hours of work, on leave entitlement and the terms and conditions of employment which are directly related to those particular items, while on other issues they fail to agree and yet those parties would like them to be included in a collective agreement, then the collective agreement cannot contain any position relating to that other subject matter because they cannot obtain a third party interpretation of what it should say and they cannot resolve the matter themselves and so you would have a void in a collective agreement where neither of the parties wishes are void but neither is prepared to agree to the other side's position and so they seek third party determination of what is reasonable under the circumstances; if sub (1) is included it would preclude that type of third party interpretation.

Mr. Legal Adviser: Mr. Chairman, to be quite candid with you, I thought and discussed this with Mr. Scott and I thought it was a good idea but my opinion is hardening slightly the other way. I regret to say.

Mr. Dumas: Which way are we now, Mr. Chairman.

Mr. Legal Adviser: In good faith, I feel that when you are giving something to an arbitrator you should limit him to the terms under which the original agreement could have been made. I prefer, rather than to see it limited out in the way suggested, that it be a reverse round and that whatever could have originally gone into an agreement should be the subject of an arbitral award and it should be just briefly stated in that manner rather than attempting to list it out and leaving out something.

Mr. Dumas: Mr. Chairman, is the Legal Adviser for the amendment or for the way it is down here?

Mr. Legal Adviser: Either for the way it is now or a different type of amendment, reversing it back and using language like this - that an arbitral award may deal with anything that is in Section so and so.

Mr. Shaw: Mr. Chairman, I would like to pose a question in relation to this particular section that we have in front of us. An arbitrator, I should say two contestants who can't agree on say one specific matter, whether it be hours of work or whatever it is, the agreement seems to be coming along fine on everything but one particular matter. When this is referred to an arbitrator, would it be his function to determine on this one particular part that agreement could not be made on or would he take the whole thing and change it around to whatever

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Mr. Shaw continues....  
he thought it should be. That is the question, Mr. Chairman.

Mr. Scott: This is quite clearly resolved, Mr. Chairman, if we refer back to Section 53, and in particular to sub (2) of Section 53. When one of the parties seeks arbitration they first of all specify the term or condition of employment in respect of which it requests arbitration and secondly, annexes to the application for arbitration a copy of any collective agreement entered into by the parties. A collective agreement may contain forty to fifty subject matters. They have resolved forty-four of forty-five and annex those forty-four to the application, seeking arbitration on the forty-fifth. The arbitrator has no right to amend the forty-four. They are locked up and put away as the collective agreement. The arbitral award is annexed to and becomes part of the collective agreement on the one subject matter referred to arbitration.

Mr. Shaw: Thank you, Mr. Chairman, that clears it up.

Mr. Livesey: Well, not for me, Mr. Chairman. When listening to the dialogue a few minutes ago it seemed to me that our Legal Adviser was saying that the arbitration board were going to sit down and discuss within the perimeter, matters within the perimeter of the Regional request or the cause for which the arbitration came about. My question now is, does this limit the scope of the arbitration board to the exact perimeter of the original scope of thinking insofar that they cannot introduce any new matter in order to resolve the dispute.

Mr. Livesey: Mr. Chairman, I am not suggesting that the arbitrator should be tightly limited. What I am suggesting is that the whole deal sets up that their negotiations enter into for collective bargaining session, or series of bargaining sessions. They are referring something to compulsory arbitration and that is what it is so the original framework should be reserved intact, this is what I think. You start off on a ball game. You can't agree. You go to compulsory arbitration. The arbitrators could be part of that first ball game, the same as before and not moving in fresh rules into it that were not part of the original bargaining area in the first place.

Mr. Livesey: Well, Mr. Chairman, that is just the point, supposing now by introducing a new matter that this would dissolve the dispute. Would then the arbitration board be prevented from solving the dispute because it could not discuss a new item which perhaps would solve the difference between the employee group and employer group? Is that right?

Mr. Legal Adviser: That would be a new ball game; if something fresh turns up that would be a new ball game. You negotiate and if you can't agree that also goes to compulsory arbitration.

Mr. Shaw: Mr. Chairman, I will ask the Legal Adviser, have I this correct that, and I will use the very same illustration as Mr. Scott used, that if they can agree on forty-four items and there is one that is the only item that goes to the arbitrator to settle; once that is settled, well that is it. Am I correct in assuming that is the way it goes.

Mr. Legal Adviser: That is my understanding of it.

Mr. Shaw: A supplementary question, Mr. Chairman. What difference, perhaps Mr. Scott could answer this. One seems to

Mr. Shaw continues....  
be the same as the other to me.

Mr. Scott: Mr. Chairman, the answer to Councillor Shaw's question is, I think, shortly, this; the difference is great. If the amendment is not entertained only three subject matters may be referred to arbitration; rates of pay, hours of work and leave entitlement. If those three are resolved then the question of, for example, adjustment of disputes; that is a grievance machinery of how do you resolve a grievance during the life of the collective agreement is central to the administration of a collective agreement. If the parties cannot resolve themselves on procedure then you have a collective agreement without a grievance procedure simply because the parties cannot resolve it. If, however, that is one of the subject matters which is not proscribed from arbitration then the third party arbitrators could determine what would be a fair grievance procedure in the light of the evidence.

Mr. Shaw: Mr. Chairman, I read here that an arbitral award may deal with rates of pay, hours of work, leave entitlement and other terms and conditions of employment directly related thereto. I wondered what other factors could enter into that than what we have - leave entitlement - that would take in Sabbatical Leave, Sick Leave, a multitude of leaves; rates of pay is fairly obvious, that includes overtime and what not. Hours of work, that should be laid out, and I just wondered - it states then other terms and conditions of employment directly related thereto. I wondered how we could broaden the aspects of what is already in subsection (1) of Section 59.

Mr. Scott: The permanent ongoing Chairman of the Arbitration Tribunal under the Public Service Staff Relations Act is Mr. Justice Andre Montpetit.

Mr. McKinnon: Mr. Chairman, certainly when two sides are negotiating and they do come to a satisfactory conclusion on just about every item in the agreement that they are negotiating and they are hung up on one, and certainly if it is left open that one side, and really no matter how anybody wants to put it, you are playing for all you can get from the arbitrator or from the negotiations for the party that you are representing; now certainly if one says we have an open field here, we can go and open up any subject in any area that we want to because we think that things are coming our way. I think that you are going to be.....arbitration steady. Certainly you don't want to limit it to only three classes of subjects and it would seem to me that when parties are negotiating an agreement and have problems in one area of that agreement, in any area of the agreement that they are negotiating, that should be subject matter for arbitration but certainly not in the area where anybody can open up any class of subject on any phase he wants to at any time when it is going to arbitration and there must be a meeting ground here somewhere that it is not open to any new class of subject that negotiation or one side - representing one side wants to see go before arbitration but it shouldn't be limited to only three classes of subject also and certainly the original subject matter of the agreement should be the area which is open and should be open to arbitration. Does this sound sensible or not?

Mr. Scott: Mr. Chairman, I might direct attention of Council to sub-section (4) of the proposed section "an arbitral award shall deal only with terms and conditions of employment of employees in their bargaining unit in respect of which the request for arbitration was made". Going further in subsection (3) the concluding words are "or ...any term or condition of

BILL #2

Mr. Scott continues.....

employment of employees that was not the subject of negotiation between the parties during the period before arbitration was requested in respect thereof", and so, when application for arbitration is made, after the parties have bargained in good faith under Section 53, the party seeking arbitration says, we have reached agreement on the following and are, and the following are in dispute and we seek arbitration. It cannot be a new subject matter; it must have been one which formed part of the negotiations and it cannot be raised after the request for arbitration is sought. Under Section 54, the other party not making the application replies and says yes, we agree that there has been agreement on these but we think we are still in disagreement on these and so between the two parties you have a reference to arbitration and it may be two, three, four subject matters and that forms the entire terms of reference for the arbitrator under Section 59. That might answer the Councillor's question.

Mr. McKinnon: I would like to ask Mr. Legal Adviser whether he interprets it this way under Section 59 as drafted by Mr. Scott.

Mr. Legal Adviser: I'm getting cautious on this, to be quite frank with you. The more I think of arbitrators the more I get frightened. We have had a few bad experiences around here of arbitrators and I would just as soon see arbitrators limited to what originally went to the bargaining session and to tie it down at that point, and I fear an attempt to tamper with the section, I really do.

Mr. Shaw: Mr. Chairman, in this proposed section I see in sub-section (3) an arbitral award shall deal only with terms and conditions of employment of employees in the bargaining unit in respect of which the request for arbitration was made. I can't see where the difference is but they are both limiting the dispute which goes to the arbitrator in accordance with what they could not agree on, subject to the pay and hours of work and leave entitlements, etc., or other terms and conditions of employment directly related thereto.

Mr. Scott: If I might, as one thought to this come about as a result of the comments of the Legal Adviser, Mr. Chairman; there will have to be a first agreement, if there is an Ordinance, there will have to be a first collective agreement. If the parties cannot agree on anything other than the three subjects, rates of pay, hours of work and leave entitlement, then those would be the only three subject matters in the collective agreement. There may be a great number of other things which they would like to have in the collective agreement but they cannot agree and they cannot have the question submitted to third party interpretation. It is our submission that it is too restrictive upon the arbitrator and too restrictive upon the parties to collective bargaining.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could indicate what other areas that may be, in the normal course of events, subjected to collective bargaining, let us say in union agreements with groups other than public servants..

Mr. Legal Adviser: In collective bargaining you produce a negotiation - anything which is causing a grief to the employees. Now, I cannot see that an arbitrator is going in fact to be limited to rates of pay, hours of work, leave

Mr. Legal Adviser continues.....  
entitlement and other terms and conditions of employment related thereto. This is saying what he can do. There is another section saying what he cannot do but it does not say in sub-section (1) that these are the only things that he is limited to. This, as I anticipate, is a fear of Mr. Justice Montpetit that in fact he is being limited by the terms of the Federal Act. Now, it was not our intention to be that tremendously narrow but neither was it our intention to be tremendously broad. The main prohibitions are dealt with on the employer's.....sub-section (3) that "no arbitral award shall deal with" and then it lists the things they cannot deal with. We are not intending to be over-restrictive but I am nervous about the effect of taking away Section (1) because the effect of it will be that everything, regardless, becomes open to arbitration. There is no limit what he can do except the narrow restrictions in sub-section (3) so that anytime they can come up with something new.

Mr. Chamberlist: When we read the words "and other terms and conditions of employment directly related thereto", surely every condition of employment relates directly to rates of pay, hours of work and leave entitlement, what else outside those areas do the last two lines refer to. I wonder Mr. Chairman if Mr. Scott can indicate that?

Mr. Scott: Mr. Chairman, I can think of several; I can think of interpretation and definition, I can think of the check off, if the employer says we will not check off union dues for members. Now, in an area such as the Yukon Territory with employees at fairly remote areas, this could mean that the employee would be obliged to somehow or other mail his dues to Ottawa after cashing his cheque. I can think that the question of the merit principle dealing with lay-off, which might be a very central issue, would not be subject to third party interpretation. The grievance procedure, the question of an employee being able to obtain his statement of duties. If the employer says you are classified as a Clerk Typist II and the Clerk Typist II says what are my statement of duties, and the employer says you just do what you are told and other related duties, the employee may not know whether he or she is properly classified and has no right to obtain it.

Mr. Chamberlist: Mr. Chairman, I feel like an arbitrator myself in this thing. I wonder now whether Mr. Legal Adviser, Mr. Chairman, can indicate what objections to the items referred to by Mr. Scott not being included in this. It seems to me quite reasonable.

Mr. Legal Adviser: I have no objection to the inclusion of any one of those that are mentioned by Mr. Scott. This is not saying that I agree with taking out sub-section (1). I'm not sure what the overall effect of taking out sub-section (1) in toto is.

Mr. Chairman: I am wondering then, inasmuch as this, again, this proposed amendment will be given consideration, I am just wondering before we conclude the day's work in Committee if you did have any more questions to ask of Mr. Scott because I don't believe he will be here tomorrow. Will you be able to be here tomorrow morning, Mr. Scott?

Mr. Scott: Mr. Chairman, my original plans were to fly to Yellowknife, leaving at 12:20 by way of Inuvik. I have come from Ottawa to Whitehorse to be here to answer questions of Council when this Bill is before the House and if we cannot satisfy Council with the time that I had originally planned, of course I will have to change my plans. I would, I am subject to the wishes of Council.

Mr. Chairman: Well, in this event we will be dealing again with this matter at approximately 10:15 tomorrow morning and we would like, if possible, any of the witnesses who are here

BILL #2

today to return and join with us until we get through this matter. I am wondering, Committee, if the witnesses might be excused at this time?

All: Agreed.

(Messrs. S. Scott, K. Krockner, B. Pritchard and Mrs. R. Miskolczi leave the House).

Mr. Chairman: I would entertain a Motion that Mr. Speaker do now resume the Chair.

Mr. Dumas: I so move, Mr. Chairman.

Mr. Chamberlist: I second that Motion.

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

MOTION  
CARRIED

MOTION CARRIED

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

REPORT FROM  
CHAIRMAN  
OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10:15 A.M. this morning to discuss Bills, Sessional Papers and Motions. Mr. Scott, Mrs. R. Miskolczi, Mr. B. Pritchard and Mr. Ken Krockner attended Committee to discuss Bill No. 2. Committee recessed at twelve noon and reconvened at 2:05 P.M. I can report progress on Bill No. 2. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and this Motion carried.

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

Mr. Taylor: Mr. Speaker, tomorrow we shall proceed with Bill No. 2.

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

Mr. Speaker: It has been regularly moved that we call it five o'clock. Are we agreed? We now stand adjourned until 10:00 A.M. tomorrow morning.

ADJOURNED

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your information this morning, the tabling of land transactions under the existing Regulations, and I wish to table Sessional Papers No. 7, 8 and 9. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Sessional Paper No. 2.

MOTION #8

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding Sessional Papers No. 7 and 9.

MOTION #9

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

Mr. Chamberlist: Mr. Speaker, I would like to give Notice of Motion re Sessional Paper No. 8.

MOTION #10

Mr. Speaker: Are there any further Notices of Motion or Resolution? Notices of Motion for the Production of Papers? I wonder, Mr. Clerk, if you could obtain the Commissioner for the Question Period? I will call a five-minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council back to order. You may proceed with the Question Period.

Mr. Taylor: Mr. Speaker, in view of the great activity in the north part of the Yukon and the Northwest Territories, I have a written question to the Commissioner this morning, and the question is simply this: "Would the Administration advise Council as to how far the north Territorial boundary extends into the Beaufort Sea?"

QUESTION RE  
NORTH YUKON  
BOUNDARY

Mr. Commissioner: Mr. Speaker, we can answer that very simply. The Yukon Act delineates the boundaries of the Yukon Territory. We have an Office Consolidation, Mr. Speaker, of the Yukon Act here, and it delineates it very, very clearly as to how many miles off the mainland the Territorial boundary extends.

Mr. Taylor: Supplementary to that, do we exercise any rights over oil or mineral offshore rights in the northern part of our Territory?

QUESTION RE  
OFFSHORE  
RIGHTS

Mr. Commissioner: Mr. Speaker, the Queen exercises those rights through the Federal Government.

Mr. Speaker: Are there any further questions? The Honourable Member for Watson Lake.

Mr. Taylor: Mr. Speaker, I have another written question to the Commissioner this morning. "Would the Administration advise Council as to whether provision is made in the current 1967/72 fiscal agreement for an annual grant to Local Improvement Districts and villages of up to 50% of administration costs in such districts and villages?"

QUESTION #1

Mr. Speaker: Are there any further questions?

QUESTION RE  
PROTESTATIONS  
AGAINST FEDERAL  
REGULATIONS

Mr. McKinnon: Mr. Speaker, I'm extremely worried when I read analyses of the White Paper, when I see land use proposals, water use proposals, regulations from the Air Transport Commissioners, regulations from C.R.T.C., and how all these apply to the north. Now, I'd like to ask Mr. Commissioner how one can protest against and get the staff and the ability to be able to make protestations to the Federal Government from the Territorial Government level under this system of government. I'm very serious when I ask this question; can we use his offices and his officers to be able to examine and issue protestations to the Canadian Federal Government when these regulations which in effect affect every aspect of our life in the north are not being countered because there just are not people and staff available from amongst the Members of the Territorial Council to be able to do it. How do we go about making our feelings known against these regulations which are just going to stagnate the north in perpetuity.

Mr. Commissioner: Mr. Speaker, the question that the Honourable Member has asked here is one that has bothered myself and my senior administrative staff for quite some time. The proliferation of studies, regulations, comments coming from the consequences of such things as the White Paper on Taxation, other aspects of northern development such as land use regulations, water use regulations; there is just no technical competence that we have either in our employ or at our command, Mr. Speaker, to even analyse these things as to what their total impact would be. I would like to expound on my answer, for example, with regard to the White Paper, and I personally have made reasonable attempts to determine how this would affect individuals who live in the Yukon. I find it literally speaking impossible to do. I just do not have that kind of competence. There's one item in a book that is written by a Mr. Asper that refers and quotes from the White Paper. It says taxpayers who do not live in any province but reside in the territories, and government civil servants who work out of Canada, are not at present required to pay any provincial tax. Under the White Paper proposals they will pay the Federal Income Tax plus an additional tax in an amount as yet unknown, to equate their tax rate to the combined federal-provincial tax rate. I have asked the Deputy Minister if he would be kind enough to get me an answer as to just what this means. I have had a reply from him that the matter has been referred to the Department of Finance and as soon as an answer is available, it will be forwarded. This is only one thing, Mr. Speaker, and I think the question that the Honourable Member has raised is one of tremendous importance and has got to come to some kind of an understanding here in the very near future because literally speaking the individual who finds himself living in the north at the present time is the subject of a tremendous amount of well-intentioned, no doubt, well-meaning regulations from the Federal Government who has the responsibility of Canada's north but in the final analysis, he is going to have to, under present circumstances, live with the consequences of these decisions and find out for himself whether they were the right ones or whether they were the wrong ones. I'm sorry, Mr. Speaker, that I can't give a more encouraging answer to this question that has been raised at this time.

Mr. Speaker: Are there any further questions?

QUESTION RE  
WATER POLLUTION  
AT CARMACKS

Mr. McKinnon: Mr. Speaker, while coming back from Dawson through the Village of Carmacks we came in contact with an excellent paper that was put out by the Community of Carmacks, and in it I discovered that they had sent a sample from the Yukon River at Carmacks to the Department of Health in Alberta and that the water they sent from the Yukon River at that area was polluted. I wonder if Mr. Commissioner is aware of this and if any steps have been taken to rectify the situation?



Mr. Commissioner: Mr. Speaker, my source of information on this is the very same publication as the Honourable Member has referred to, and I have not up until now had an opportunity to make any inquiry into this, but I fully intend to do so. I was absolutely amazed when I read the item that was referred to in the paper that was produced in Carmacks.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, Mr. Speaker, I have one final question this morning. I would like to ask Mr. Commissioner this morning, Mr. Speaker, if he could advise me as to how soon we would have the provision of a Territorial Agent in the Community of Faro?

QUESTION RE  
TERRITORIAL  
AGENT AT  
FARO

Mr. Commissioner: Mr. Speaker, I don't like to get caught up in semantics here because I am liable to be called to task for it here at a future date. I think that all Councillors are aware that there has been a competition called for the services of an individual to act in the capacity of Village Administrator... am I using the right terminology... and this to my knowledge is the only government employee as such who at the present time is being recruited for the administrative tasks in the Faro Area. I am sorry that I don't have the total enumeration of what this man will be required to do, but I will expect that the normal things that would be looked upon as a requirement of a Government Agent such as, we'll say, the sale of licences, the sale of vehicle licences, things of this nature, I would be very hopeful that they would be included in the tasks of this individual at least in the initial stage, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I wonder if it would be unreasonable for me to ask Mr. Commissioner if he would ask the Federal Government and the different Ministers involved in departments where regulations are now before the House that are coming into effect that affect the lives of everybody in the north, whether these would be held up until representations from the people of the north can be heard by the Ministers or the departments involved?

QUESTION RE  
PROTESTATIONS  
AGAINST  
FEDERAL  
REGULATIONS

Mr. Commissioner: Mr. Speaker, I don't think there's anything unreasonable about this request at all. I think it's a very reasonable one. I'm not too sure just what machinery would be involved at the moment, but it is my understanding that at least the acts, the federal acts in the first instance go through a Committee stage. I'm not positive if I'm stating this correctly, but I do believe that those items which fall within the sphere of the Department of Indian Affairs and Northern Development go to the Committee set up for that purpose in the House of Commons. It may well be, Mr. Speaker, that we will be told by the Ministers involved that it would be up to this Parliamentary Committee to seek advice or seek hearings with the people who will be affected, but I think the question is a very reasonable one, Mr. Speaker, and I would welcome the opportunity of exploring this further. I will be pleased to report back as soon as possible on this matter.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Yes, Mr. Speaker, I wonder if Mr. Commissioner could seek information from the Federal Government as to what date the area known as the Yukon was transferred by the Imperial Government to Canada?

QUESTION RE  
TRANSFER OF  
YUKON TO  
CANADA

Mr. Commissioner: Mr. Speaker, without doubt, there is someone with the wisdom of Methuselah in Ottawa who would be able to supply this information.

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

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

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

Mrs. Gordon: I would second that motion, Mr. Speaker.

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

MOTION  
CARRIED

MOTION CARRIED

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

Mr. Taylor takes the Chair.

Mr. Chairman: The first item for consideration this morning will be Bill No. 2, and I will declare a brief recess.

RECESS

RECESS

BILL #2

Mr. Chairman: At this time, we will call Committee to order. We are discussing Bill No. 2, and we have with us today the witnesses we had here yesterday. We were dealing with section 59. Is there anything further on section 59? I believe this is considered for amendment; is it your wish now that we proceed? (Reads sections 60, 61, 62 and 63 of Bill No. 2) Mr. Scott.

Mr. Scott: You have before you, Mr. Chairman, a proposed amendment which would incorporate the suggested amendments to section 59 so that it would read: "The terms and conditions of an arbitral award that are subject of an arbitral award shall, subject to the appropriation by or under the authority of the Territorial Council of any monies that may be required by the employer therefor, be implemented by the parties within a period of sixty days from the date on and from which it becomes binding on the parties or within such longer period as on application to the Board by either party appears reasonable to the Board".

Mr. Chairman: This is correlated to the amendment in section 59, or proposed amendment.

Mr. Scott: That is correct, Mr. Chairman.

Mr. Chamberlist: In other words, this reduces it to sixty days instead of ninety days? Is that the idea that's involved here?

Mr. Scott: In addition to that, Mr. Chairman, it says all of the terms of the arbitral award.

Mr. Chairman: Are we clear? This will be set aside for further consideration. (Reads sections 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74(1), (2) and (3) of Bill No. 2)

Mr. Scott: I would like to suggest, Mr. Chairman, an amendment to subsection (3) to further restrain the conciliation board in its report. The amendment would read as follows: "No report of the conciliation board shall contain any recommendation concerning the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, release, discipline or discharge of employees, or the classifications of positions, or of any term or condition of employment of employees that was not

Mr. Scott continued ...

a subject of negotiation between the parties during the period before conciliation was requested in respect thereof."

Mr. Chairman: Explain.

Mr. Scott: Subsection (3), as it's drafted, would leave it possible for a conciliation board to deal with any subject matter that might even be raised during conciliation. This amendment would restrict it to those terms and conditions of employment which were the subject of negotiation and where the parties had failed to reach agreement.

Mr. Legal Adviser: Mr. Chairman, this is at first glance an acceptable amendment and will be coming forward in due course.

Mr. Chairman: The Chair so notes that we are to go back to this item. (Reads sections 74(4), 75, 76, 77 and 78 of Bill No. 2)

Mr. Scott: Mr. Chairman, there is a suggestion for an additional subsection to section 78 to be subsection (5) of section 78 to read as follows: "Notwithstanding anything contained in subsections (1) to (4), the bargaining agent may present a grievance to the employer on behalf of one or more members of their bargaining unit relating to the interpretation or application of the collective agreement." This is called a policy grievance, and we suggest the merit of this amendment is that where a collective agreement is being interpreted by several department heads, it is possible for each to have his own interpretation of a particular clause of the collective agreement and the administration of the agreement then would vary department by department, in which case if the employer wishes to administer the agreement on a uniform basis and so does the bargaining agent, this would provide then for the bargaining agent to present a grievance to the Commissioner as the employer to discuss the interpretation or application of the particular clause in question. If they do not agree on the interpretation of the particular clause, there is a further amendment suggested in subsection (4) of section 79 to refer the matter to a third party for determination.

Mr. Livesey: Question, Mr. Chairman. I wonder, Mr. Chairman, if this means that an employee of the Territorial Government shall be represented by a party even though it may be against his wishes?

Mr. Scott: The answer, Mr. Chairman, to that question, is that if the party or rather the member of the bargaining unit is named in a grievance, then of course he must sign the grievance as a grievor.

Mr. Chairman: Mr. Legal Adviser, have you any comment to make on this matter?

Mr. Legal Adviser: Mr. Chairman, there are two forms of grievance procedure. There's the grievance procedure in relation to the interpretation of a collective agreement or an arbitral award; in other words, whether a person is covered by a particular sentence in the agreement. The second is a type of disciplinary or other grievance which is a different type of procedure. Now, where a grievance is presented which relates to the arbitral award or to the collective agreement, that collective agreement has been negotiated by a bargaining agent. It has been negotiated on certain clear understandings with the employer, and it is only correct that when a person who is a member of that unit wants to grieve against the interpretation, that the bargaining agent must come in and do it on his behalf because they were the people who did it the first time. If the person is not a member of the bargaining unit, then it's a different matter entirely, but if he's a member, he has got to go through his own organization. This is standard practice.

BILL #2

Mr. Livesey: This is the question I raised, Mr. Chairman, because it seemed to me, my interpretation of the amendment just proposed, included the individual who didn't belong to the unit, and if he wished to make his own application to his employer with regard to his agreement. It seemed to me that he would be excluded and this right would be denied, however, under the explanation given by the Legal Adviser, this does not seem to be so.

Mr. Scott: If I might add one word there, Mr. Chairman, I think that Councillor Livesey's question will probably be answered more completely when section 79 is being discussed.

Mr. Chairman: Is it your wish that we proceed to section 79?

Mr. Livesey: No, there's one other question I have, Mr. Chairman, under section 78(1), Right to Present Grievances, "Where any employee feels himself to be aggrieved (a) by the interpretation or application in respect of him of (i) a provision of an Ordinance, or of a regulation, by-law, direction or other instrument made or issued by the employer, dealing with terms and conditions of employment ...". Precisely, just what does this mean? Does this mean to say the employer makes the Ordinances?

Mr. Legal Adviser: No, but some employees of the employer interpret the Ordinances and sometimes even ...

Mr. Livesey: That may be so, Mr. Chairman, but in this instance there seems to me some of the employees are making the Ordinances.

Mr. Legal Adviser: With respect, I don't think ... the Commissioner must observe the law, he must interpret the law correctly, and this particular procedure is to allow an employee who feels that the Commissioner or his officers are wrong to do something about it, and it's a reasonable procedure. But, it's unfortunate the word "grievance" is used in two different senses; that is, one, an ordinary grievance of an employee and, two, a quarrel over the interpretation of the agreement, which really leads then to a certain type of conduct towards him by the particular head of the unit within which he is working. He says, "You're not entitled to tell me to do so and so"; the foreman or the head of the department says, "I can". There's a quarrel that should be resolved and this is a method of peaceful resolution of dispute.

Mr. Livesey: My inquiry is something different, Mr. Chairman. I want to know whether the meaning of an Ordinance made or issued by an employer means the employer is the Commissioner in Council. This is what I'm asking.

Mr. Legal Adviser: Where he feels himself aggrieved by the interpretation of a provision of the Ordinance is what the sentence says, Mr. Chairman.

Mr. Livesey: No, I'm sorry, Mr. Chairman, 78 says a provision of an Ordinance, and if he feels himself aggrieved by the interpretation or application in respect of a provision of an Ordinance or of a regulation, direction or other instrument made or issued by the employer. Now, precisely, what does this mean? Does this mean to say ... is he talking about the interpretations made by the employer or the issuance of the Ordinance made by the employer?

Mr. Scott: If I may, Mr. Chairman, there are two separate and distinct provisions here. The first one is, where an employee feels himself to be aggrieved by the interpretation or application in respect of him of a provision of an Ordinance, that is an Ordinance enacted by this Council, he may grieve. Now, the Ordinance in question could be the Public Service Ordinance dealing with a certain term or condition of employment which he feels with respect to him is not being interpreted properly. It then carries on further and says where an employee feels himself to be

Mr. Scott continued ...  
aggrieved by the interpretation of application in respect of him  
of a regulation or other instrument issued by the employer, he  
may grieve. But, they are two separate and distinct types of  
instruments. One is an Ordinance enacted by Council and the  
other is a regulation made under an Ordinance by the Commissioner.

BILL #2

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

RECESS

RECESS

Mr. Chairman: At this time we will call Committee back to order. We are discussing Section 78, is there anything further in Section 78?

Legal Adviser: In subsection 2 there is an error, section 99 in subsection 2 should read 101.

Chairman: I am wondering if you would draw this to the attention of the Clerk, and Mr. Legal Adviser. May I proceed? (Reads Section 79-1, 2, & 3.)

Mr. Chamberlist: Mr. Chairman, at this time, I wonder, it seems that the witness who is from out of town, has shown interest specifically in those sections up to 79 and recommended amendments, I was wondering if Committee could not at this time leave this in abeyance and go to another Bill, Bill Number one so that for the next short while that he is here, he may be able to add his comments on that particular Bill. I wonder if this Committee would agree to this?

Mr. Chairman: I would like to say from the Chair that this Bill is going to take some time to read, Bill #1 which we haven't began on yet.

Mr. Chamberlist: I understand it would take some time, I am just thinking of the courtesy to Mr. Scott at this time, whereby once we are reading it, he might be able to comment and help us in our deliberations later on. This is if Committee hasn't any objection to it.

Legal Adviser: They are linked in the sense that in the grievance procedure, the particular point in question I think is that at present in the Civil Service organization when an employee is being disciplined he is given the right to appeal to a board. The original constitution of the board was the personnel officer was Chairman, and a person appointed by the Commissioner on the one hand from the staff usually, and on the other hand sitting on the other side would be a person nominated by the staff association. Now, it has been felt apart from any representations by the staff association that this is a most unsatisfactory procedure. The first changes that were made was to appoint a different Chairman and remove the Personnel Director from the Board.

Mr. Dumas: Mr. Chairman, I wonder if the witness, Mr. Scott, could tell us if he plans to stay through the sitting of both Bills at any rate.

Mr. Scott: No I don't.

Mr. Dumas: Well then, Mr. Chairman, it seems that the recommendation made by the Honourable Member is a good one. Mr. Scott hasn't made any recommendations for changes after this section of this Bill and since I think it would be advisable to have Mr. Scott here for the reading of Bill #1, possibly if it's not too much of an inconvenience, Mr. Chairman, we could in fact go back to Bill #1.

Mr. Scott: At direction of Committee, Mr. Chairman, I wonder if I might deal with the principle of Bill #1 in . . . excuse me Mr. Chairman, I wasn't making myself clear, I will just make reference to the Bill in discussing the proposed amendments in section 79, and I can think of nothing more, Mr. Chairman, at this particular time.

Mr. Chairman: Does the chair have it that you wish to drop this item at this time and move to Bill #1?

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Mrs. Gordon: Mr. Chairman, my understanding of Mr. Scott's remark is that the remarks he will make in relation to section 79 are in reference in addition to Bill #1, which at this moment we haven't dealt with. If these remarks are pertinent to section 79 and also pertinent to Bill #1, I think they are worthwhile at this moment.

Mr. Chairman: Well will Committee proceed. The chair is going around in circles at this moment. I wonder if Committee will proceed. Have you anything further on Section 79?

Mr. Scott: I have a suggestion for two amendments to Section 79. Subsection 1 to read "Where an employee has presented a grievance up to and including the final level in the grievance process with respect to (a) interpretation or application in respect of him or the provision of a collective agreement or an arbitral award or of his classification or level, or (b) disciplinary action resulting in discharge for the prevention of a financial penalty and his grievance has not been dealt with to his satisfaction, he may subject to subsection 2 refer the grievance to adjudication. At this point I would refer Council back to subsection 1 of section 78, on page 44 it will be noticed that the concluding words are, "In respect of which no administrative procedure for redress is provided in or under an Ordinance, he is entitled ...". Now if a provision is being made in another Bill for a redress or a procedure for redress of grievances relating to disciplinary action. So long as there is provision that there can be third party interpretation, of a grievance relating to disciplinary action resulting in discharge, suspension, or financial penalty, it's our submission that 78 will take care of that and the provisions of Bill #1, providing redress by way of third party interpretation. So that's the only reference I would like to make in tying the two sections of this Bill together with the other procedure which is mentioned in Section 78. Then we would submit in addition of subsection 4 to section 79 to read "A grievance submitted by the bargaining agent to the employer in accordance with subsection 4 of section 78 may be referred by either party to the judge of the Territorial Court who shall determine the question and who's decision upon the matter shall be final and binding.

Mr. Chamberlist: Shouldn't it be A Judge of the Territory not The Judge.

Mr. Scott: Yes, Mr. Chairman.

Mr. Shaw: Yes, Mr. Chairman, I just want to get the mechanics of this particular thing. Now, when a person, when there is cause for disciplinary action of one form or another, and the action is taken, the present procedure is that the employees are permitted to go before a board, now this to me is the only way you can ever do anything like this. It's a wonderful way of doing things, however, in this particular section here, they should also be some person's that they should be able to go to if they feel they have been unjustly treated they should have someone, to give recompense or get justice or whatever you may call it. But when we are asking the Judge to determine something, I'm just wondering how that is going to work, in the first instance the Judge, it's going to be optional on the Judge's part whether he will adjudicate such a matter, there is also the matter of whether he will have the time in order to be able to attend to a matter such as this. I'm wondering if perhaps this may create some frivolous requests, in such matters. In other words we are putting something before a Judge of the Territorial Court. A man who is a busy Judicial person. I wondered if there are not some other process whereby the matters can be attended to. Now I have no

Mr. Shaw continues. . .

objection that when a person doesn't feel they are satisfied they can go to the highest authorities and get this satisfaction but in the mean time it would appear to me that there should be some lesser tribunal to be able to settle many of these, we'll say that they may be a matter of two or three days suspension, things like that.

Mr. Scott; Mr. Chairman, there is a very short answer to the problem concerning Councillor Shaw. All grievances filed by an employee, where he alleges that with respect to him a collective agreement is being misinterpreted or misapplied, he goes to a person called an adjudicator where his grievance is not resolved at the highest level, that is the Deputy Head. However, and this will of course take care of, I would think, 99 out of every 100 grievances filed if in fact 100 grievances are ever filed. The provision of going before a Judge of the Territorial Court is in the single instance where the bargaining agent goes before the Commissioner and says "The Head of Department A is interpreting the agreement this way, B is interpreting it this way and C yet a third way. Which way do you think this clause should be interpreted?" If we do not reach agreement at that particular point of a grievance filed under subsection 5 of section 78 either the bargaining agent as bargaining agent or the Commissioner as employer may refer the matter to a Judge of the Territorial Court before the interpretation of that particular clause, but it is not dealing with individual grievances.

Mr. Shaw: Mr. Chairman, the section, if this became law, I think you well understand that it's interpreted as it is what is not written is not implied and therefore what is written down is the plea that is taken. And it says a grievance, it doesn't say the grievance pertaining to interpretation in your submission here, if that were so I would quite understand that as being quite clear but it says a grievance submitted, a grievance could be a million and one things. I would assume...

Mr. Scott: Grievance, Mr. Chairman, is defined in the interpretation section, and then the proposed amendment to section 78 reads: "The bargaining agent may present a grievance to the employer on behalf of one or more members of the bargaining relating to the interpretation or application of the collective agreement." So that's the kind of grievance. And then that grievance would go directly from the Bargaining agent to the Commissioner if they, that is the representative of the Bargaining agent and the representative of the Commissioner for example, Mr. O'Donahue and myself on the question of interpretation, we cannot agree we would submit the difference to the Judge of the Territorial Court or a Judge of the Territorial Court for his interpretation. But it's not relating to individual grievances.

Mr. Chamberlist: Mr. Chairman, I find that with this proposed amendment I think the thought that the Honourable Member from Dawson has given with reference to the possibility that a frivolous action would commence, would be left to the discretion of the Judge because if any action is frivolous or vexatious at any time, the Judge of the court comes down pretty hard and pretty quickly on it. I don't think there would be any intent of a Bargaining Agent to wish to go before a Judge unless they had difficulty in interpreting specific sections. I think this is an added protection not only for the employer but for the employees, and I think that this amendment, especially this additional section 4 would be something that I think should be in there for the benefit of everybody concerned.

Legal Adviser: At first glance I'd be in favor of the amendments in fact the actual textual wording of it is mine and if I made a mistake of putting in the Judge of the Territorial Court it's mine and not Mr. Scott's. But thinking it over,



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Legal Adviser continues . . . .  
 being perfectly frank about this, we had second thoughts. The second thoughts are that for the first time in the ordinance we're bringing in an outside body. So far we have set up a board we've set up a system of adjudication, a system of conciliation and in time and parallel to what is happening hopefully in the Federal Administration a body of opinion will build up as to how agreements are to be interpreted and arbitrators and such people will be acquiring experience. Now at this point we've had second thoughts about the actual bringing in a Judge into the picture at this particular point of time. Now the Judge will always be there in a sense, behind this agreement because if anybody moves outside their field of jurisdiction they'll be hit by certiorari. And it's a nasty weapon to be hit by. So apart, this hinges on the acceptance of an earlier amendment to let the Bargaining Agent bring what you might call Class Grievances, that is a decision of relation of common class of employees in different departments. Now I am not absolutely at all convinced in my own mind that there is any necessity to bring the Class Grievance, because our departments are so small and they are over seeing by one over-all officer in charge that these such grievances which might arise in separate Federal departments are unlikely to continue in our administration. So it may in fact not be necessary for this type of grievance to arrive at all, and that is it would not be necessary to get anyone to interpret them other than the adjudicator. Now the adjudicator as I understand it would be experienced people appointed to decide these questions on a regular basis. And the person appointed to consider these things will be the adjudicator appointed, not by the Commissioner but by the Chairman of the Board. So we are not convinced at this point of the wisdom of bringing in the Territorial Court instead of letting every grievance go through the normal channel to an adjudicator in the normal way.

Mr. Scott: We just have one comment to make there, the Legal Adviser did suggest in the first instance that he admitted that this reference should be in this type of grievance to a Judge of the Territorial Court. We would be perfectly satisfied if subsection 5 of section 78 where inacted by Council subsection 4 of section 79 should read "May be referred by either party to any adjudicator, under this section."

Mr. Shaw: Mr. Chairman, I have no objection to the Judge as final arbiter of the law, I think it's good to have the Judge. I'm just thinking about frivolous and vexatious matters that can be brought up now it says where an employee now an employee has this right. I'm just reading this as a layman Mr. Chairman, and it says that he can go to the Judge who will interpret the law or the agreement or whatever it may be. That's section (a) but in section (b) it says, it doesn't mention interpretation but it does mention "disciplinary action resulting in discharge, suspension or a financial penalty." In other words if he gets laid off for a week for some infraction of the rule, two days and he makes a big enough holler the Judge has to decide, the Judge of the Territorial Court has to decide on this particular issue. Not the magistrate or a Justice of the Peace but the Judge of the Territorial Court, and that is the part, it appears to me a frivolous matter for the judge to have to decide. That's the only thing that I am discussing Mr. Chairman.

Mr. Scott: I'd just have one comment if I might please. I'd like to suggest that such a grievance could not get before the court because it is only a grievance which is filed by the Bargaining Agent and not by an individual and cannot be related to disciplinary action at all. An that is specifically excluded if you read section 78 (5), it is only dealing with the interpretation or application of the collective agreement, and that is the only type of grievance that is mentioned in section 79 (4).

Mr. Chamberlist: Mr. Chairman, I think that we must be prepared at all times to fall back on our judicial system for interpretation areas. And I think that what Mr. Scott has said, the last statement that he has made is quite clear and plain. I don't think there should be any doubt at all in anybody's mind that it is not the individual who would be going to a Judge of the Territorial Court for a decision or interpretation it would be either the Bargaining Agent or the employer. As long as we get that clear, I find no difficulty at all in accepting the fact that the Judge should be the person to get the end result and that is a proper interpretation of any particular situation.

Mr. Scott: May I at this time, Members of Council, Commissioner thank you for the time which you have given to me and the courtesy you have extended to me both in Dawson and here. On behalf of the President of the Public Service Alliance of Canada, Mr. Edwards, the executive officers of the Alliance and the executive officers of the Yukon Territory, Public Service Association may I say Thank You for your indulgence, your patience and your understanding.

Mr. Chairman: Well I'd just like to say as Chairman of the Committee on behalf of Committee, we very much appreciated your presence in Committee, the assistance you have given Committee has been valuable and can assure you Mr. Scott that we will give every consideration to the amendments and subject matters that you have raised during this discussion.

Messrs. Scott and Krockner leave Council Chambers.

Mr. Chairman: I will declare a brief recess.

#### RECESS

Mr. Chairman: I will call Committee back to order at this time. Is there anything further on 79 at this time? I believe Mr. Legal Adviser that you will be looking into this matter. (Reads Section 80--1, 2, and 3).

Mr. Livesey: I wonder if the Legal Adviser could explain why the words "mutatis mutandis" are underlined and if this is necessary.

Legal Adviser: Because the typewriters we use do not have italic type to designate the difference in language.

Mr. Chairman: (Reads sections 80, 81, 82, 83, 84, 85, and 86 (1)).

Mr. Livesey: Question. It seems to me, Mr. Chairman, in relation to this type of making of regulations by the Commissioner that quite obviously the regulations are there to interpret the ordinance as it applies, but this has a distinct difference. This is, these are regulations in connection with the interpretation of an ordinance which applies to the employees that are going to contribute to the making of the regulations. I wonder Mr. Chairman, if the Legal Adviser could advise me how regulations can be properly made to constitute an interpretation of the ordinance when we know that the regulations are going to be submissions by Department Heads or Departments towards interpretation of the Ordinance which relates to the employees themselves. This seems to be quite a different type of understanding of regulations that apply to other areas. These matters apply actually to the employees. They are going to contribute to the making of their own regulations but how can this happen when it is up primarily or is supposed to be to the Commissioner in Council who is really making the Ordinance. This is a problem that I wonder if Mr. Legal Adviser can give me some indication of his thinking.

Legal Adviser: Mr. Chairman, these are in the nature of rules

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Legal Adviser continues: of court. It's the small details that who is to be a person to whom we present a grievance, how many days you've got, how many days you've for appeal to somebody else until you get to the head of the Department or to the Commissioner. Whatever the final limit happens to be and these regulations are made, not by the staff, they're made by the Commissioner but they're made on the recommendation of the board, and the rules are already in existence so far as the Federal Government is concerned and we do not contemplate any changes other than changes of normal culture in these regulations. Fairly standard at this stage.

Mr. Livesey: Well as I understand it then, the interpretation of these regulations is going to come from the Federal Government is that correct Mr. Chairman.

Legal Adviser: Not the interpretation. The interpretation of the regulation as will in the case of dispute go to an adjudication.

Mr. Livesey: Well the regulations themselves will come from the Federal Government.

Legal Adviser: No, but there is an expression, I am not sure where it comes from, "Never accuse a slice from a cut loaf."

Mr. Livesey: Never eat a moldy one too, Mr. Chairman.

Mr. Chairman: May I proceed?

Mr. Livesey: No, I don't think that this has been answered at all. I presented my observations as I see them, and it seems to me that there is certainly a possibility of question of regulations emanating from the power of the individuals to which the regulations apply.

Legal Adviser: It is specifically stated that the Board is an independant Board. It is appointed by the Commissioner, but having appointed it, it is like a Frankenstein Monster, it has a life of it's own. The Board will be recommending what rules of course, it wants to operate under, but for the Board itself and for the adjudicators which will in fact be appointed, by the Board. These are the rules of procedure. We will make them, it is true, but our influence, will be a minor influence in making the regulations. An enacting influence, but not a major influence.

Mr. Livesey: Well, Mr. Chairman, it says the Commissioner may, upon the recommendation of the Board, that certainly doesn't seem to me that he has to follow the recommendation of the Board, but merely the recommendations of the Board will be supplying the Commissioner with suggestions. This is my interpretation.

Legal Adviser: This is the rules of the game. The board will be setting the rules of the game. We know what these rules are going to be, we know what form the regulations are going to take and they seem reasonable. Nobody to my knowledge involved on either side has objected to the regulations so far. We've been following normal Canadian forms of regulations in this particular field. Like the baseball rules across Canada, there may be a few differences here and there but in general everybody knows what the rules are.

Mr. Livesey: Well then, Mr. Chairman, will this mean for the first time in the history of the Yukon the regulations as made by the Commissioner are not really the regulations made by the Commissioner, but are the regulations which according to our Ordinance, the Commissioner in Council is responsible for and these are going to be made by an outside party who have no relation even to the Commissioner or to the Council.

Mr. Chamberlist: Mr. Chairman, with respect, the Honourable Member from Carmacks-Kluane, I think has forgotten that the original regulations will be made by the Commissioner. But once the Board is set up the Board then makes it's own regulations of conducting it's affairs. The Commissioner will not then be able to tell the Board what regulations it must have in operating itself. It becomes a separate animal from the animal known as the Commissioner, with all due respect. This is what must be considered and I think the Honourable Member from Carmacks-Kluane must be satisfied with the way this is, it's different to previous areas. Here the Commissioner ceases to function in giving regulations to the board to conduct the business. The Board will conduct it's business, is this the general idea Mr. Legal Adviser?

Legal Adviser: Our rules of court are in fact made by the Judges, and this is set out in the Judicial Ordinance. We may enact them, publish them, and everything else, but they set the rules under which they operate. It's a custom in the trade.

Mr. Livesey: Well then Mr. Chairman, as far as I am concerned there certainly is confusion in Section 86, because the usual manner of making regulations is that the Commissioner makes the regulations to interpret the Ordinance and now they are telling me, really it says the Commissioner may upon the recommendation of the Board. He's going to make the regulations. But the Board, it seems to me that if you are going to take about regulations how they are going to regulate the operation of the Board, and the Board is going to make it's own regulations and those things should be separate from the Commissioner. The regulations made by the Commissioner in this section of the interpretation of the Ordinance. This is what I'm saying. I think we can talk about animal and vegetable too and this is no vegetable or animal in my opinion but it certainly doesn't belong to this group. I think that the regulations that are created by the Board certainly should be the regulations of the Board and not the regulations that interpret the Ordinance. This is the point I'm making.

Mr. Chairman: In view of the time, I think we will stand committee at recess until 2:00 o'clock.

RECESS

Tuesday, April 7, 1970  
2:00 p.m.

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Mr. Chairman: We will call committee back to order. Have you anything further in Section 86 subsection 1. (Reads Section 86 subsections 2,3, and 4)

Mr. Livesey: I wonder Mr. Chairman in this event if the reading . . . indicates of the person, does this mean to say that these questions should be decided by one individual.

Mr. Chamberlist: There is another question that might arise from this Mr. Chairman is the fact that in this subsection . . .

Mr. Chairman: Legal Adviser we are at Section 86. Councillor Livesey had a question.

Mr. Livesey: With reference to subsection (4) of Section 86 were it refers to "by notice in writing advise any person wishing to present a grievance, or the chairman, of the person whose decision thereon constitutes the final or any level in such process." My question is does this mean there will only be one person designated to make such a decision?

Mr. Legal Adviser: No, it is the final level it may be a Board but we would visualize in normal cases it would be a judicator appointed by the Board.

Mr. Chamberlist: My question is this, if the proposed amendment that has been suggested by Mr. Scott that a Judge of the Territorial Court will have the last say, surely he will then be the last say, is that not right?

Mr. Legal Adviser: Yes, but if I might say something on that, **the way our opinion is hardening now is this way;** requests were asked to extend the power of the Board by the addition of one subsection, which I think was P (1) and a contemplated new section 19 or 20. To allow the judicator to refer the matter of law or jurisdiction to the Board. This is a power which exists in the Federal Act. Now it will be inconsistent with that power to allow a matter here which is also coming from a judication to go to the Court. In other words you would be selecting two applicants, on an individual grievance it would go to the Board but an equally important policy grievance would go to the Court, and we would be having legal decisions from two separate organs of power. Our feeling is that this Government has no reluctance to go to the Court on any occasion. So we will have no reluctance whatsoever to allowing the Court to decide matters of law or jurisdiction. So it will have to be consistent, so it would mean if one of these decisions were going to the Court, we will let the Court handle the legal decisions on pure matters of law and jurisdiction and we will let the Board handle the jurisdiction that is given to it under this Ordinance. So any amendment I would be designing would be designed to reflect this unity of thought, in other words let it go to the Court.

Mr. Chamberlist: Following this up, I got a little piece of distortion from Mr. Legal Adviser. I would wonder if Mr. Legal Adviser could say very briefly whether or not it is intended to accept the suggestion of Mr. Scott by having that Section 4 as a new Section put in to give the Judge of a Court the final say on the adjudication of a matter. Because if this is so would it not then change the intent of subsection (4) of Section 86, which refers the final level as the adjudicator or the Board as the case may be.

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Mr. Legal Adviser: The final level as is mentioned here is only the semi-final level. We are talking about the final level in the Public Service Ordinance, and then at that final level there will be an appeal. So you then define the final level in the Public Service Ordinance and then there still is a level so there still is an appeal. As I would contemplate the suggested amendment to meet the situation you would have an appeal to the adjudicator and that would be the final decision. An adjudicator is a person who is coming on top of the whole structure, now if its a question of law then it can go to the Court. But a question of fact and then the Commissioner would in fact be bound by what ever the law says, he will be bound by what ever the decision of the adjudicator happens to be. Whether or not the decision comes through the Public Service Ordinance or comes through this Ordinance, in other words whether or not it is a disciplinary or whether it is a matter of the construction of the Ordinance. We are not trying to get control of the decision making power we are trying to find a neutral form which would be capable of expeditiously and justly giving these decisions and that person will not be the Commissioner.

Mr. Chamberlist: Mr. Chairman, surely the only fair and impartial arbitratory in any matter, I think of the Courts were our judiscal system is based on impartiality. I see nothing wrong at all with the suggestion that has been made by Mr. Scott, I just still haven't got from Mr. Legal Adviser, Mr. Chairman, an answer yes or no as to whether in fact this suggestion that has been made by Mr. Scott on behalf of the Public Servants, whether that is going to be added to the Ordinance as another section or another subsection.

Mr. Legal Adviser: I can't just give a yes or no Mr. Chairman, all that I can say this in general terms, yes. Except that we will be restricting matters of fact to the tribunal set up under this Ordinance, matters of law to the Courts.

Mr. Chamberlist: Well surely Mr. Chairman the only adjudicator recommends that the matter is to go a Judge of the Territorial Court, he is not saying this on the basis of law, because there is a common law right to go to a judge under question of law whether its written in the legislation or not so what actually, with respect to what Mr. Legal Advisers saying Mr. Chairman, is it offering them something that they already have in any event. Now this is what they've been told and this is not right, this is what I said. If there is a question at all whether it is of law or fact a judge who is an impartial being be in the position to clear the air for all concerned. And if we deprive the Courts of that power that has been given them under our system to be impartial as between two parties we are saying then to the public servants, we are saying to them, we will let you do what the Common Law of Canada already gives you the right to do, but beyond that we will not go. I think that in itself is an arbitrary measure that you would be imposing upon the public servants of the Territory. I say that is not good enough that if there is a question of fact involved a Judge of the Territorial Government should be the final answer.

Mr. Dumas : Mr. Chairman I wonder if the Legal Adviser could tell us if this was discussed with the Public Servants Association, and with Mr. Scott.

Mr. Legal Adviser: Partly yes and partly no. It is very difficult when I talk, as you might say, man to man with Mr. Scott. I know whats in his mind and he knows whats in mine. But our minds change accordingly we get on the blower

Mr. Legal Adviser continues: to somebody else and discuss and try to find out exactly what's behind the amendment I am not saying that any amendment by Mr. Scott would be obliqued intention. The real reason behind, Now sometimes you find the real reason behind it, you find a simpler means of obtaining the results. We are not trying to narrow down a scope of this Ordinance, except in certain respects. We do not particularly wish the idea to develop in the bargaining agent or in the members of the staff that everything be disciplinary matter, where question of fact becomes a Federal case and goes to High Court. We are setting up a structure whereby, we will have an Appeal Structure just like say the Magistrates Court, the Territorial Court, the Supreme Court of Canada, whereby you come up through the procedures and you come to a point when you go to independent people, appointed under the Ordinance for a specific purpose and that purpose is to give them jurisdiction to decide matters of fact and law as it comes before them. If there is an appeal past that point, past the adjudicator or even a second adjudicator appointed to decide the matter we want it to be decision on law, and not to be going through a structure which in fact might be going through four different appeals before it lands up in Territorial Court. We don't want to re-hash it forever and ever, we want final decisions at some point in time.

Mr. Dumas: Supplementary to my last question, I wonder if the Legal Adviser could tell us if he discussed this point with the, with Mr. Scott.

Mr. Legal Adviser: No it's not the same question, the whole question I was discussing with Mr. Scott, was having the power made a power to decide questions of law and jurisdiction. Linked in with this was the question of giving the Territorial Court the power to be an appeal body over a question of policy, group policy, not of fact but of group policy. So that those legal decisions of the adjudicator on group policy, that is the interpretation of the Act or regulations or the Public Services Ordinance regulations or the contract itself, what the legal meaning was to be given to a particular sentence or paragraph and an appeal from that would go to the Territorial Court. I was in favour of this, I was also in favour of giving in the other sections giving the power to the Board to decide questions of law and jurisdiction. Since that time I have had the benefit of having conversation with members of the Board, and the inconsistency of two different avenues has been pointed out to me. And we are forced as a result of these conversations to choose between allowing our own Courts to decide the legal question or allowing the Board to decide the legal questions and my advice was in favour of letting our own court decide our own legal questions.

Mr. Chamberlist: Mr. Chairman, I just caught a remark by Mr. Legal Adviser, he has already discussed something with the Board. There is a Board in existence already?

Mr. Legal Adviser: Another Board.

Mr. Chamberlist: Well which Board is this now. I wonder Mr. Chairman, if Mr. Legal Adviser can now say what Board he was referring to when he said that he discussed the matter with a Board.

Mr. Legal Adviser: I don't repress to much in a public debate I think the member should - I request Mr. Chairman that the member not press me to far. But take it this way, I have discussed the matter in great detail and at great expense to the Government, as to where the power should lie and where the powers shouldn't lie and I am quite prepared to tell him exactly what happened over a shorthand note but suffice it to this is not an idle decision of mine it is advice I will be tendering. I am not sure that it will be accepted, but it

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Mr. Legal Adviser continues: we have been trying to get a single avenue, that is going to work in this Legislation and not to get two.

Mr. Chamberlist: Well Mr. Chairman I was trying to ascertain whose idle decision it was if it wasn't the idle decision of the Board, which has been referred to. Because its an idle decision. We look at Section 78(5) which has been suggested go into the Section and referring to the interpretation applicable to the corrective agreement. The suggestion that has been made by Mr. Scott now in addition to Section 79 referring to the Judge "A grievance submitted by the bargaining agent to the employer in accordance with subsection (5) of Section 78 may be referred by either party to the Judge of the Territorial Court" well surely there is entitlement on the part of the Public Service Association to have interpreted what is in the Ordinance, because surely this is a matter of law and fact. Now, if you divide it if you say now - get the judge to say what section of the law we can deal with, but you can't get him to deal with it as a question of fact . . . . How can you divide that, you just have to have a judge in there, to make a decision on this. Now, I think I am beginning to understand what the idle decision that the Board made in trying to achieve, it is trying to deprive from the public service the right to argue in front of a judge of a court, on the bases of the law that the facts are improperly interpreted and I think that will be wrong Mr. Chairman, it would not be an impartial if anybody but a judge dealt with the matter and this is what - why I find it is a necessity for the Territorial Government to show, its intent as a good employer to recognize the need of the Public Servents must be meet without giving way completely to them all along the line I think this is a fair way to look at it.

Mr. Legal Adviser: Mr. Chairman we are quite willing in general terms to accept the amendment in relation to that section. But accepting that section of the amendments shows an inconsistency with the earlier amendment, which cannot go through at the same time. So that the two cannot go we can have one but we can't have two.

Mr. Shaw: Mr. Chairman I am trying to make some kind of sense out of this whole thing. Its got to the stage where everybody is talking around in circles, particularly the Honourable Member on my left. Well if you hadn't commented I wouldn't have to be rude. The way I have it is that when its a matter of interpretation which cannot be agreed upon by all the parties should go to the Judge to find out. Its a matter of the illegality you go to the Judge to ascertain the matter, anything that is from legal point of view you go to the Judge to determine it, thats very eminently fair. Now if we are going to have to go to the Judge to determine the multitude of other issues that arise finances, hours of work and all this kind of stuff I don't think that this is the kind of place that you go to a Judge for in my estimation in all due respect I don't think a Judge knows beans about business administration he is a Judge and knows the legal aspect, thats what you go to him for, he is an expert in that. But the other matter I think should be with a Conciliation Board, or an Arbitration Board or any other kind of Board, God I don't know how many we have here that we have to try to correlate to get something out of this. Now if the Judges is going to decide these things lets take all these Boards out and go to the Judge all the time, in fact it might be cheaper to hire a Judge on a full time basis to determine



Mr. Shaw continues: all the various things that we are going to do its going to be cheaper then the Board there must be some point were you say this is wherethis is decided this is where that is decided and this is the procedure in which you go about it. If your going to have person who can handle all of it what do you need the other people for. I don't understand all this goobly-gok which your throwing around.

Mr. Legal Adviser: I think I'll appoint, if he will accept the appointment, the Honourable Member from Dawson as my new assistant.

Mr. Dumas: Mr. Chairman it seems to me that if the Legal Adviser for the Public Service Alliance thought it was alright and our Legal Adviser or the Commissioner's Legal Adviser thought it was O.K. I am quite willing to go along with it Mr. Chairman and I am sure that the Mr. Scott would have proposed an amendment if he thought this section was going to work for the detrement of the people that he is representing.

Mr. Chamberlist: Mr. Chairman with respect the Honourable Member from Whitehorse West has really got the point that they both agreed on this. Now our Legal Adviser, no I beg your pardon, the Legislators Legal Adviser has now said, we don't want it in there because we have to restrict it because it conflicts with other sections. I agree that if it is left in, this is why I say it should be there I am contend with it. But Mr. Legal Adviser has now given the impression that in consultation with a Board that we members here know nothing about, he has decided to do a certain thing that the position has hardened, the position of the administration has hardened. No reference is made to the fact that we are the ones that have to deal with this Legislation and the administration wants us to deal with it and pass it through amended the way they want it. I don't think its right that they should have it the way they want it, but it should go through the way that the members of this Committee want it now, I am quite content Mr. Chairman with the proposed change as it is and I think that proposed change should be in there but I am suggesting that if this doesn't come in then the Committee should be aware and look again so that we don't get a snow job of what the Administration wants to give us . . . and not what the Committee wants.

Mr. Shaw: In going through this there have been agreements apparently on certain changes to be made as proposed by Mr. Scott and on the surface Mr. Chairman they agreed to it, however it appears that in agreeing to all these, not taking the whole thing into contexts it seems that there are inconsistencies in agreeing to something here and agreeing to something someplace else. I think in all rationality we have to get down to the basis of finding out where the inconsistencies are and correcting them. It just seems to be as simple as that, and perhaps in going through this we can get the - what has been discussed in the meantime the revisions that have been proposed here, put them in and then point out where the inconsistencies arise.

Mr. Livesey: One point that was being discussed by the Honourable Member from Whitehorse East was this section that doesn't exist. What I can't understand is how you can talk about a section that doesn't exist and refer to it in one an the same breath. A grievance submitted by the bargaining agent to the employer in accordance with subsection (5) of section 78 may be referred by either party to the Judge, this is the argument that is going on here. But there is no section 78(5) and I understood from the Honourable Member

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Mr. Livesey continues: from Whitehorse East that this was the section that they hoped to get in there now, I wonder if he could explain or the Legal Adviser to the Administration could explain, exactly the section we hope to get as subsection (5) of section 78.

Mr. Legal Adviser: Mr. Chairman this is going to be a very Irish answer "no Section." Because we are inclined to accept the argument it may be "no section" the argument of the honourable Member that there is a common law right to appeal matters of court. By putting it in a couple of sections it would say that an adjudicator shall apply on matters of jurisdiction to the Board your cutting the common law of rights. So if we say nothing they have the right to appeal to the Court. Now if that is not satisfactory we would probably be prepared to put in a section which would make the matter crystal clear, that they save the case for the opinion of the Judge or they may apply to the Judge for a decision on a matter of law or interpretation in accordance with this. But it may not be necessary if we are going to take the view that on any matter of law that arises throughout the Ordinance you can always go to the Court.

Mr. Livesey: Could I ask then to follow this up with another question to the Legal Adviser and ask him if a little later in the Ordinance, that the ~~Ordinance~~ we are discussing right now be prohibited, in my view any employee taking this question to the Court because it says so right there. I know it says in a qualified manner but in his opinion in the opinion of the Legal Adviser does this contradict - if section 5 is implemented.

Mr. Legal Adviser: We have to look at the sections which appear to do this to restrict the rights, in order to make it quite clear that if it's the policy in the Bill that matters of law and interpretation of the meaning of an agreement should go to the Court, well then any restriction or apparent restriction should be removed.

Mr. McKinnon: Mr. Chairman, for the first time in this house the Honourable Legal Adviser has joined us as the administrator's Legal Adviser, and I find that he actually has his tongue tied in certain aspects of this Ordinance and it seems to me that perhaps we could meet . . . with members of the Public Service Association and Mr. Legal Adviser, perhaps information that he is not willing to make public at this time will clear up this matter in no short order and could be brought forward to our attention and would be resolved satisfactorily. I do have problem and I always have this problem when we are dealing with the creation of administration quasi-judicial board who make decision and there is no recourse from these decisions to a judicial officer of a Court and it seems to me that we are getting such a . . . of Board with there judicial and administrative functions from which the public once they are dealt with, these decisions have no recourse whatsoever and it almost becomes impossible for a person to find any recourse under the normal course of justice. I think the normal course of Legislation all through the provinces and through the Government are tending more and more to this arbitrary type of board, but personally as a legislator I don't particularly like the functions that these boards seem to be usurping from the normal course of justice and I would ask that we meet with Mr. Legal Adviser, possible over tea-break and possible he can then make known to members of the Council and members of the Public Service Association things that he cannot or would not be politic for him as the Commissioner's Legal Adviser to make public in the House.

Mr. Legal Adviser: I will just add this comment that I think all the Honourable Members agree that all the legislation that we have been drafting in the last few years has attempted to preserve the jurisdiction of the Courts and we have almost never in ever said that no appeal will enter the Courts.

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Mr. Chamberlist: Mr. Chairman the only reason why this has taken place is because I watched it very carefully and so have other members to take away remove from the Commissioner and the Board this continual usurping of the Court. There is no doubt in mind at all that when the Public Service representatives come forward with these suggestions, they quite likely are attempting to look after the interests of the Public Servants and I think there is a responsibility to the Territorial Government to also look after the Public Servants as well. Now the Honourable Member from . . . says what are we talking about there is no 78(5) in the Ordinance that we are reading this is quite true, this is why the representative of the Public Service have come along and said its our thought that we should add section 5 to it. They have made it clear in tht section as to the reason why they want that in there, and section 79(4) would be asked to be added just strengthens the proposed new section, subsection 78(5). I cannot but help agree with the Honourable member from Whitehorse North when he says that there is a general tendency continuously, in nearly every piece of Legislation we have had to deal with for administration to come forward and present ways and means of having of having administrative boards act in a quasi-judicial manner. Now I have always looked on that type of Legislation as a detrement to the public because it deprives from the public that right of going to the Court and saying to a Judiscal Officer who is trained to look impartially upon any given subject as to what problem that they may have to face if they don't have this dealt with in the judiscal manner. The suggestion has been brought forward and you know that it was pleasant to note that when Mr. Scott this morning read this particular item, afterward our Legal Adviser then said I put in that part about the Judge or words to that effect. At time they were both in agreement that there was a necessity I think for just a split second Mr. Legal Adviser suddenly realized well I guess I might as well act a little bit for the Council and not all for the Administration, and he put in there that suggestion what should be in there continuously. That is a protection for the public to appear before a judicial tribune, now if and member of this committee has got the guts to say we will dispense with the Court, let him say it because by agreeing to any thing of this nature this is what they are saying, let the Court at all cost have the final say in adjudicating the matter. Certainly it cannot be of any detriment to the Administration and it cannot be of any detriment to the Public Service they only people who will benefit are the people of the Yukon Territory who require both the Administration and the Public Service to operate the Government. This is what I think members of this Committee should be looking at how does it affect the people of the Territory and I say that we want both administration and a Public Service we want them specifically, the members around this table want it because we are going to be taking over this administration pretty soon now when I say pretty soon I mean that, because the Federal Government are going to realize very shortly that they haven't enough jurisdiction in the Yukon Territory in any event. Let's make it quite sure that were we have given or wish to give the right to the Courts don't remove it, support it.

Mr. Livesey: Mr. Chairman I think that someone certainly will be taking over this commune, certainly very soon because that is precisely were we are heading in my opinion. But as far any one with reference to the remark by the member for Whitehorse East, with reference to a member of the Council having the guts to stop an individual from proceeding to the Courts, he doesn't have to go any further then section 87 of the Ordinance we are discussing where it

Mr. Livesey continues: definitely states that this is the opinion of the Administration "(1) Except as provided in this Ordinance every order, award, direction, decision, declaration or ruling of the Board, and arbitrator or an adjudicator is final and shall not be questioned or reviewed in any court. (2) No order shall be made or process entered, and no proceedings shall be taken in any court, whether by way of injunction, certiorari, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain the Board, an arbitrator or an adjudicator in any of its or his proceedings." Now this seems plain enough, it doesn't need to originate with members of the Council, and the elected representatives of the people here we have the administration who was already going to lay down right in the Ordinance that the Board that they are setting up by virtue of this Legislation are going to be the final arbiter of any problem that may arise between the employees and the employer. This is very clear, so the question is what are we going to do about it as representatives or are we going on with it, or are we going to squash it and say no we don't agree with this principle.

Mr. Chamberlist: We haven't come to that Section, but let's keep this in mind that I doubt whether any Court in Canada would refuse an application of a .... if it was shown that there was a need for a ... to be issued because our Courts are no dummies either.

Mr. Dumas: Mr. Chairman it seems to be that the danger its possibility of winding up in Court of every day negotiation. So that if any Public Servant decided to they can say that this is a matter of interpretation and we are going to court on it. Now we could be in Court week by week and month by month and I think that this can be a real danger. Now as the Legal Adviser said there is always the Legal right under British law to take any matter of legal technicality if a person feels that he has been dealt with in a matter of illegality this is implied in any Canadian Law, but to put it in this section that the Public Service Alliance has recourse to the court during the course of arbitration now I know it says interpretation only but at what point do you define this, at what point do you find it any where and what we call interpretation, what the Administration calls interpretation or application of the collective agreement or what the Public Service may call it may be three different things, and therefore we all have recourse to go to the Courts to find out what it is. So if things weren't going the way the Public Service Alliance thought it should go it could wind up in Court, this could happen month after month and year after year. And I think Mr. Chairman this is a danger and I would like to hear further.

Mr. Shaw: Mr. Chairman are we not agreeing that grievance as in subsection (5) of section 78 notwithstanding anything where they can't agree on an interpretation or application that this should be referred to a Judge in the Territorial Court to give a reading on which shall be final. Is that unreasonable. For what reason would that not be possible who else would you go to when neither party can agree as to the words written down. We don't seem to agree very well in this Council. I can just imagine what's going to happen later on. Who is the person that you are going to go to to settle a dispute.

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Mr. Legal Adviser: Mr. Chairman accepting the group of amendments suggested by the Officer of the Public Service as a whole he asked that in the question of individual grievances, individual disputes, individual arbitration brought forward by a member of the bargaining unit, or the bargaining unit on behalf of one or more of its members, but in that of case a decision of law or jurisdiction should go to the Board if the adjudicator so refers it. He then asked in a later section that where he brings it not on the behalf of an individual but a group of members and is a question of interpretation or policy that that should then go not as a question of law to the Board but on a question of law to the Court. The way to resolve it I feel is to choose a route were the final decision on the matter of law should be. Now in this particular section I agree with the Honourable Member that a question of interpretation should go to the court.

Mr. Shaw: Mr. Chairman could it be such that the Board could decide on this particular subject to appeal by the Judge. And then of course we've just got one group and when they decide that this is the way it should be, then if they have to go to the judge they have to have a pretty strong case I think. To dispute the findings of the Board which we assume are impartial, they are trying to do a job, and do it correctly, that to appeal there decision to a judge they will have to have something.

Legal Adviser: I think it would be inconsistent to have a matter taken to an adjudicator and then to a Court. If its a question of law it can surely go to the Court before it goes to the Board. The Board is then bound in giving a decision by the Court decision its an easy thing to organize. So far as I know in the Federal set up there only has been four of these questions that have arisen since the Ordinance or the Act rather came into force in 1967.

Mr. Shaw: Haven't we some place in this Ordinance something about the decision of the Board shall be final, and can't be taken any place else. If that is in there then were do we stand has someone got the right to argue about where they are going to take it. First off I image the Judge will say well now these are the laws made by the Yukon Territory and the Law says it can't be taken to me.

Mrs. Miskalczki: Mr. Chairman, on advice of our council we will accept the word adjudicator in place of the Judge of the Territorial Court in Section 79(4).

Mr. Pritchard: Question possibly to the Legal Adviser if this wording was changed to adjudicator would this be acceptable with the amendments and stay consistent to the rest of the Bill.

Mr. Legal Adviser: Yes Mr. Chairman I think it would but the trouble is having got this far, we are bent over giving the Court the legal decision in this Bill. This is strongly expressed by one of the Honourable Members.

Mr. Pritchard: This one word adjudicator seems to be the key to several amendments, that are in question now these amendments, we have been in consultation with Mr. Scott and feel are necessary. We don't wish to have them changed naturely but if the word adjudicator is going to clarify the meaning and be consistant we will take the phrase "a Judge of the Territorial Court" and replace it with the word "adjudicator."

Mr. Chamberlist: Mr. Chairman this would be real simple because after all the adjudicator can be a judge.

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Mr. Livesey: Mr. Chairman it seems to me that where the Legislation is attempting to decide the final arbitrator in a question of doubt that this question, if it is described to be other than the Courts of the Land could be a question which could be contradicted by the Bill of Rights and I would certainly like to ask Mr. Legal Adviser his opinion on this question.

Mr. Legal Adviser: I think its a very fine bill the bill of rights, Mr. Chairman.

Mr. Livesey: Yes but are you giving an answer to the question, this certainly doesn't help me in this situation. Apart from Legal Adviser's advice which he didn't give, I personally don't think that any restriction is worth the powder to blow it. As far as I am concerned Mr. Chairman unless it appears between the agreement between the employee and the employer and if you are going to get that question settled in the agreement and not in the Legislation then we don't have to discuss it from a question of the Court or any other organization. All we have to do is get the employees group to agree to this situation in the agreement they are naturely going to take up with the employer. and if they suggest in that agreement that this is the case then that will be the case as far as the employees are concerned. However to put it into this Legislation would have a dozen or more problems that could be thrown at the legality of the Legislation. I would suggest that this be certainly considered that the Ordinance as it is written decides that the employees cannot go to the Court.

Mr. Dumas: Mr. Chairman I think at this point we have reached some sort of consenses between the Legal Adviser and the Public Service Association., by the substitution of the word adjudicator in that section. I am quite willing to accept it on that basis and proceed.

Mr. Chamberlist: And then could we put in the "interpretation section" the adjudicator means judge of the Territorial Court.

Mr. Chairman: Mr. Legal Adviser is this alright.

Mr. Legal Adviser: Yes it resolves this section.

Mr. Chairman: (Reads Sections 87)

Mr. Chamberlist: I would like to put a direct question to Mr. Legal Adviser, is it not so Mr. Legal Adviser that in matters of law even when in Legislation cannot apply for a perocative the Court will review if the individual is being penalized by Legislation.

Mr. Legal Adviser: That is putting it broadly, but put it another way, it has yet been found possible to prevent the Courts from moving in where they find an injustice taking place.

Mr. Chairman; (Reads Section88)

Mr. Livesey: The Ordinance Mr. Chairman seems to differentiat between a an employee who is not a member of any employee group and tells him he can't go on strike and then he says the employer cannot replace the employees on strike. Well I would pose a

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Mr. Livesey continues.....

question, Mr. Chairman. What does he do with a person who is not a member of an employee group who cannot strike in view of what is said under subsection (3) where it obviously states that the employer cannot replace the employees on strike, so what does he do with the person who is not a member of the group. One way it seems to me it says he can't strike and therefore he has to work and the, in the other section it says he can't work because he can't replace members who are on strike so isn't there some kind of a contradiction here, Mr. Chairman, and I would ask Mr. Legal Adviser if he could so advise me on this point?

Mr. Legal Adviser: I think not, Mr. Chairman.

Mr. Livesey: He may think not but I think so, Mr. Chairman because it is quite obvious that if an employee of the employee organization cannot strike because he is not a member of the organization, therefore he cannot strike and he has to work. If he is not at work he is on strike, in effect but yet it says down here that the employer shall not replace the striking employees or fill their positions with any other employees. Now, surely, Mr. Chairman this is as clear as night is from; on the one hand he can't strike so therefore he has got to work and now on the other hand he can't work because he cannot strike. Now, if that is not a contradiction I would like to know just what is a contradiction, Mr. Chairman.

Mr. Dumas: Mr. Chairman, it seems pretty clear that the fellow who cannot strike and is not on strike is therefore at work doing a normal job that he usually does. He is not replacing any other employees; he is just there doing the job that he normally does because his job has to be done, Mr. Chairman, notwithstanding the fact that there may be a strike and that is what he is doing, he is not replacing anybody.

Mr. Chairman: I have a question, Mr. Legal Adviser, from the Chair. Would sub (a) of subsection (3) prohibit the filling of this particular position during a strike by a supervisor personnel?

Mr. Legal Adviser: I would think so, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I would like to ask one question and I happen to come from an area which gets pretty cold. Say for example that they decided, the Association decided to go on strike and we have a school there, we have various other buildings there and it is 60 below zero. I don't think that I could possibly agree to, that nobody should be put in the buildings to see that they don't all freeze up and completely go to pot during this particular period. There must be some provision to protect public property regardless, from the ravages of extreme cold weather, or something like that. Now, by this, they shall not be replaced. In other words if the furnace man goes on strike then puff, the whole thing goes to pot. Now, there must be something to save public property from getting damaged or burnt, or whatever could happen under such circumstances.

Mr. Legal Adviser: Mr. Chairman, the point has not been overlooked, not with the peculiar circumstances of Dawson, but the Territory as a whole and what is being thought of is the maintenance of buildings, maintenance of certain types of equipment which must be drained of water, or otherwise very expensive engines will crack up. A strike is either lawful or unlawful. If it is an unlawful strike then the Administration can move in and replace the striking employees with other employees. The prohibitive provisions do not apply. If it is a lawful strike notice must be given and the notice is designed to be adequate to enable necessary preliminary precautionary maintenance to be made in respect of both

Mr. Legal Adviser continues....  
buildings, plant or anything else which needs this type of operation. In future sections the Member will read it as we come to it.

Mr. Shaw: Are there some provisions for protection of buildings. It is fine - you cannot drain water out of a hot water system when it is 60 below and say that is fine because it would take you a month to get that thing back into operation again. I think the Honourable Members would agree with that; these buildings must be maintained in a safe manner for the public regardless of whether there is a revolution or anything else.

Mr. Legal Adviser: There is no provision for the economic consequences of having the school shut for a month, Mr. Chairman, that is just it. What you can do is you will get sufficient notice to take what precautions you can and that are reasonable in the circumstances.

Mr. Chamberlain: Mr. Chairman, I differ with Mr. Legal Adviser, perhaps he has not seen an area where replacements can be done to maintain buildings. For instance in this Section, no employees can fill positions but there is nothing to stop the Territorial Government from contracting with a firm to maintain the buildings while the strike carries on. There is no objection, there is no provision to stop doing that.

Mr. Legal Adviser: Mr. Chairman, this may be illegal equipment, I do not want to give a definitive position now but it is certainly not the intention of the Administration, by designing that Section, to enable us to move in contractors to do the work of striking employees. That is intended to be a tough section, as tough for us as it is for them.

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

RECESS



Tuesday, April 7, 1970,  
3.30 o'clock p.m.

Mr. Chairman: At this time we will call Committee back to order. We are discussing Section 88, and is there anything further on this Section?

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Mr. Dumas: Mr. Chairman, on the matter that we were discussing before we recessed, I think the problem could be solved if we go back to Section 43 in the Ordinance. Here again we have had it clarified that under this Section Custodial workers for instance, could abandon a building to go on strike. We are advised that the water would be drained, etc. etc. But I maintain that at 50 below it is going to take at least a week and possibly many weeks before you are going to get the building back into operation once it has been allowed to freeze up entirely. So, I suggest this, Mr. Chairman, that under Section 43, subsection (1), at the end of that subsection we add the words - I wonder, Mr. Chairman, if Mr. Legal Adviser is following me because we will have to have his comments on it?

Mr. Legal Adviser: I am listening.

Mr. Dumas: If we add the words at the end of subsection (1) we replace the period with a comma and add "or publicly-owned property". Now it is a fairly simple amendment, Mr. Chairman, and it would allow us that little bit extra precaution that I feel is absolutely necessary for us to protect the twenty-two million dollars worth of publicly owned, Territorially owned property in the Territory.

Mr. Shaw: Mr. Chairman, might I ask the Honourable Member just where he would fit that in, I did not quite follow.

Mr. Dumas: Page 27, Section 43.

Mr. Legal Adviser: This would have the desired effect, Mr. Chairman, but I want to make it quite clear that the Bill as drafted is a policy administration and we are not asking for this change but we would accept it if the Council wish to do it in this fashion.

Mr. Dumas: Or of publicly-owned property. Mr. Chairman, I feel that this is absolutely essential for several reasons, but primarily because of the possibilities that I just mentioned. We know that the likelihood of a strike is quite remote. I think that through all of the various means of discussion and negotiation and arbitration and so forth it is highly unlikely that a strike will ever occur but I think it is the responsibility of Committee to prepare for the extremes that may happen under any legislation and I think that this is what we are preparing for by adding this in this subsection, Mr. Chairman and I think it is absolutely essential from Committee's point of view that this be in there.

Mrs. Miskolczi: Mr. Chairman, may I say at this point that in this subsection this is part of the collective bargaining. You are depriving us, and you know, we are not prone to strike - you are quite right, and I can see your point, but as far as an employee is concerned, you are taking away, until the collective bargaining states who is a designated employer, employee, I feel, with your indulgence, Mr. Chairman, until this comes up and a list of designated employees is brought forth and agreed to by both parties, that no further amendment should be made to this section. I agree in principle with Mr. Dumas but I feel that this comes under the bargaining as to who is a designated employee. It should not be coming up at this time for amendment.

Mr. Dumas: Yes, but Mr. Chairman, designated employee is spelled out to some degree under subsection (1) of Section 43 and if I

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Mr. Dumas continues....

were bargaining on behalf of the Public Service Alliance and I had to decide, or I had it put to me that a Custodial Worker was a designated employee I would simply refer to this subsection and say, it says in here, in the interests of the safety or security of the public, period, and a Custodial Worker is not necessarily working in the interests of the safety or security of the public per se but the safety or security of public property and that is why this is a loop-hole that I would like to see plugged and-on behalf of the people of the Territory, Mr. Chairman.

Mr. Shaw: Mr. Chairman, we have spent a couple of days on this particular Ordinance and I think that Council has bent over backwards to do everything possible to comply with the wishes of the Public Service Alliance to come up with an Ordinance that will make it sensible for them to progress in their daily relations with the government. I have not objected to one particular section that has gone into here that would make it that way. At the same time I represent all of the people of the Yukon Territory and all of the money which they have put into this Yukon Territory and when I talk about buildings being left unattended I know; I've lived in a country where, if you leave a building unattended for two days, or one day, in fact, that whole building can be destroyed. Now, as a representative of the people I can't afford to take that particular chance regardless of who it is, myself or anyone else. That must be protected. It is public property and I think it is my duty to protect this public property and I would be glad to second this motion by the Honourable Member from Whitehorse West.

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

Mr. Chamberlist: Yes, Councillor, please proceed.

Mr. Taylor: Mr. Chairman, I am having difficulty with the Section that we are on here, Section 88, where it states in subsection (3) (reads (3)(a)). Here it is not clear to me, at least, as to whether indeed a designated employee can really fill. I am wondering if the Ordinance doesn't become contradictory. In one subsection you set aside a designated employee, in subsection (1) but then down in subsection (3) you say "the employer shall not replace the striking employees or fill their positions with any other employees", and I am wondering, for instance in Welfare, if the Territorial Public Service felt that, having gone through all the processes, they would go on strike, if supervisory personnel should not have the right, for instance, to get out pension cheques to the old folks whose whole livelihood depends on this type of thing, blind pensions - I suppose in other departments of administration, and similar functions. I am wondering if we should not take a look at this to ensure ourselves that these people will not, in these essential areas, suffer as a result of this and I think, as has been pointed out, that if you are going to have the right to strike you have got to have the right to strike and I don't think, though, if the Public Service went out on strike that it would do the strike any harm to have supervisory personnel doing functions such as I have just suggested. I think we owe it to the people of the Yukon to give them some assurance that essential services will continue. Now, I would like to ask Mr. Legal Adviser, in light of what I have brought up here, if this and can this or will this be covered, this type of function as I suggest under a designated employee, and indeed just who does the administration envision as being a designated employee

Mr. Taylor continues.....

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and ask if in his opinion this would cover the problem as I suggest.

Mr. Legal Adviser: This is a very grey area, Mr. Chairman, and there is very little law or legal decision as to how this particular section would work. In Section 88(3) there is an interchange of right. The employees are undertaking not to picket and the employer on the other hand is undertaking not to fill the positions of the people who otherwise would be picketing are on strike. It is a mutual exchange. Now, I would hazard a guess that where it was the duty of a man who was in a supervisory position to see that a function was actually fulfilled and his assistants or junior staff went on strike, that he, insofar as his physical strength could carry him, could exercise the functions of his normal functions which might extend down to actually writing the cheque so that say, if in the Department of Education the janitorial section went on strike, the people immediately above the janitor could, if they liked, try running around the furnaces switching them on and off. However, the position could not necessarily be filled by a parallel position in the sense they could not transfer the Legal Adviser across to Education to do the furnaces. It is a very, very grey area and is very hard to give definitive opinion but so far as designating employees is concerned the custom would be that a list would be prepared by the administration, a list would be prepared by the bargaining unit and those two lists would be possibly matched before they went before the Board and they would come out with complete agreement. If they did not come out with an agreement between themselves it would go to the Board and the Board, as a matter of fact would make the decision as to who was a designated employee and who wasn't and they would be using a narrow confine of Section 43 to come to a decision. Now, that is reasonably narrow; when it says security and safety, I think it is, they are fairly narrowly interpreted but at the same time in some fields they might be widely interpreted. For instance, in the hospital, if the hospital staff went on strike I can imagine that the janitors would be deemed to be unessential. The people who were assisting in the immediate emergency field operation, including everybody who was in the operation, might be designated employees where care of old folk or non-chronically ill might not and it might be that notice would have to be served on a number of the patients who were not in need of immediate medical assistance that they might have to return to their homes and come back again when the staff went off strike. Firemen are clearly going to be designated. It might be that certain essential sections of the provision of water areas might have to be designated but it is only speculation on my part, just like any other member, as to who would be a designated employee or not, but the field would be fairly narrow. Now, one of the reasons why the Section is put in in the particular place it is, is because of the acrimony which tends to develop as to who is and who is not a designated employee. Contrary to the normal customs of having this designation take place immediately before a strike when feelings may be bitter, or acrimony may already have developed, we have turned it round and put the Bill in such a way that the designation of designated employees will be done as the very first move in the whole bargaining process when the members of the Public Service Alliance Committee are in a good and rosy humour and hoping to get more so that we would hope to

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Mr. Legal Adviser continues....

get a wider area of agreement than we otherwise might. Now this is as far as I can help the House.

Mr. Dumas: Mr. Chairman, I have several observations, one, we have fifty-five pages of legislation that Committee hasn't proposed any amendments. Now, generally speaking we are proposing an amendment of five words. I would very much like to know that we have the support of the man who calls himself our Legal Adviser, on this amendment. Certainly, Mr. Chairman, the Honourable Member from Watson Lake was concerned as to whether there is a contradiction in terms here when we say an employee may be designated and in another section we say an employee cannot during a strike period be replaced by his employees. I think a designated employee is designated not to do something else, anything other than to carry on that which he did before the strike occurred. This is my understanding of this. The third point that I would like to make, Mr. Chairman, is that it seems to me that when people go on strike the idea is to withdraw services and insofar as the government is concerned, they withdraw the government services. It does not mean that they necessarily want to see government property in any way abused or destroyed. I am sure they don't. The fact is that the club that they wield is the fact that the operation of any given department or all departments in government would come to a halt. Now, I am sure they are not concerned as to whether the building itself is maintained but only that they have been able to grind government to a halt to use this as a means of achieving their end and I agree that this power should certainly be left them, that is what striking is all about but I think for minimal safety standards as well as harm to people and security of the public, I think that we have got to protect the property because we do have some special circumstances here in the Yukon; we do have 50 below weather. I am sure that in the summer time a custodial worker would not be a designated exception, a designated employee under this Ordinance but in the wintertime he probably would be and I very, very much, Mr. Chairman, would like to see this amendment go in.

Mr. Livesey: Mr. Chairman, my point on this is also on the same line but not necessarily on 43, although I agree with the previous speaker, on this question, and especially in relation to - I'm not altogether sure now what has been left for bargaining. If we have everything in the legislation there will be precious little left to bargain. There is no question about that. That is another point that could certainly be thought of. However, under Section 88, where it says the employer shall not replace the striking employees or fill their positions with any other employees, I am wondering if Mr. Legal Adviser can advise me if this means that in order to keep certain aspects of government moving which are absolutely essential because any striking body, if they figure on killing off the Yukon because they have a problem, this is a pretty sad situation. I don't think it is going to happen, but nevertheless it could happen under certain circumstances and when tempers are high who knows where reason exists on either side; this can happen. People can become stubborn. Now, does it mean, when we are up against a problem - and don't forget who is up against a problem - not the employee, the rest of the Yukon will be up against a problem. There is no question about that. Does this mean then that the supervisors or heads of departments cannot take over certain essential functions of government in order to maintain some semblance of order because you know what happened in Montreal when the

Mr. Livesey continues....  
policemen went on strike. We don't want that to happen in the Yukon where certain elements go completely mad. Now, does this mean that the employer shall not replace the striking employee to fill their positions with any other employee - does that mean to say that the supervisors or department head cannot do certain functions like they have to do, like when the telephone strike was on or when the Post Office strike was on, and so forth. Certain people did certain jobs in order to keep the things going and, not to break the strike but to stop everybody else from having to foot the bill and I wonder if Mr. Legal Adviser could inform me as to whether that is his thinking in relation to a determination on that point?

Mr. Legal Adviser: Mr. Chairman, it all depends on the circumstances of the individual case. If a small segment goes on strike we cannot contract out and hire a contractor to replace those employees by his labour, nor would I conceive it can we pull people from say the Legal Department to go into the Department of Public Works to replace those Department for Department. This is not to say that in the Department itself the supervisors will not, or what are left of them, will not endeavour to carry on the operations of government in the best manner they can. It depends on the size of the strike, the particular place of the strike and what is happening. It is impossible to give a definitive answer and we go by guess and by God.

Mr. Pritchard: Mr. Chairman, I respect the opinions of the Councillors this afternoon dealing with the strike. We definitely need the strike clause for the rights of the employees to be maintained. It is not our purpose or intent to destroy the Yukon by calling a strike, nor is it the intent of anything within this Bill to do so. The fact that a strike can only be legally called at certain times limits this. The fact that the Administrator can designate employees so that public destruction of property, or destruction of property will not occur, ensures to your satisfaction, I am sure, that we cannot, as you say, destroy the plumbing of buildings by calling a strike in a winter session. Now, security of the public and safety of the public are restrictive; they have to be restrictive. There has to be a leeway for the administration to say this employee cannot strike because he is going to affect certain members of the community to a great extent. Now we realize this and we are willing to accept these designated employees. These employees will then be, on a basis, bartered for to see what is the need. If it is the middle of summer we have no intent of taking all the custodial workers and leaving them on staff but if it is in the middle of winter I am sure that designated employees would definitely include those people in charge of building security and this is security of the public. The word public I don't think, in this case, means people only. I think it means the property belonging to those people and the safety of the people and the property belonging to those people. We need the right to strike, we have to have this if this collective Ordinance is going to be of value to the Civil Service and I definitely feel it is restrictive and if the administration is well represented in being able to designate and deny the rights of certain people to the strike.

Mr. Taylor: Mr. Chairman, this is fine. I am just trying to get clear now to see what understanding exists between

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Mr. Taylor continues...

administration and the Public Service here because, as I say, when you look at this, the employer shall not replace the striking employees or fill their positions with any other employees, it appears that even the department head cannot even type his own letter, in essence, if the secretary is out on strike, and this type of thing. I thought that some discussion should ensue on this point so everybody is quite clear so we will just have to leave it to the Public Service and the Administration to serve the employer, being the Administration, to sit down and say fine, we will negotiate in respect to who will be the designated employees. I really hope that should this ever happen that it will not be the people such as I suggested, the pensioners, whoever will suffer.

Mr. Dumas: Mr. Chairman, I think in all fairness, the Public Service Association has got to have a weapon and that weapon is laid out here, in other words, supervisors cannot replace employees and I think that is fair enough. A strike is a harsh thing, as it should be and this is why we hope we never get to the strike stage and they must be left with something to fight with. However, as one of the witnesses has said, he interprets security of the public in a broad enough sense to protect property. My first observation is that if that is so then he should have no objection to adding in the five words that I suggested "or of publicly owned property"; my second observation is the question to the Legal Adviser as to whether he would interpret it in this sense also - here we are referring to the middle of winter type of thing.

Mr. Legal Adviser: Mr. Chairman, I would interpret it as a little more narrowly but I can say that I certainly welcome the amendment to make it clear. As I understand it, the Public Service Staff Association feel that when they are talking about security of the public they are talking about severe damage which would cause unwarranted public expense to repair or replace. Now, if this is the feeling I would prefer to see it laid down so that it is not put to a group to argue like this. I am not sure of the value of it but if this is the feeling I prefer to see it in words of black and white where this type of discussion can't occur in front of the Board so that we know what we are talking about and then leave it to the common sense of the Board when they are talking about janitorial worker that there be a different designated list for winter as for summer, and common sense will surely overcome a lot of obstacles.

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

Mr. Commissioner: Mr. Chairman, from the Administration point of view, and we have talked of this many times around this Council table here that where, to clarify the situation the wording is a manner of doing it, I think that this is the proper thing to do in this instance and then there is no misunderstandings of how this gets interpreted five years from now. How we are interpreting around this table now is all well and good; how it gets interpreted by the successors in the future is another set of rules altogether and quite frankly, from Administration's point of view, the adding of the words suggested here, we think, would be most appropriate, at this point in time. Now, something with regard to this element of the ability, or the inherent

Mr. Commissioner continues....

ability with the Ordinance before you here about this right to strike. If this element of urgency is removed from the bargaining table you are never going to have anything resolved at all, Mr. Chairman. And this element of urgency that there is conceivably this strike is going to happen, or conversely a walk-out, if this urgency is removed you are never going to get any agreement at all. Everything will be going to arbitration and conciliation and 15 years after the fact nobody will ever know if it was ever resolved or not. So, as far as even a consideration of an Ordinance of this nature without this strike threat hanging over the bargaining table in the final analysis here, nothing will ever be resolved at all. Another thing that is inherently involved in this Ordinance, Mr. Chairman, which I think is of utmost importance for the Members of this Council as they are on the threshold of taking their place on the administrative structure of this government, is the fact that this is the coming of age of the Public Service of the Yukon Territory. They have been constantly telling me, and I agree with them that they want to be treated in their day to day relationship with their employer as every other employee is being treated in his day to day relationship with his employer. And this is only rightfully so. The days of the Public Service of any part of the Western civilization being a kind of a resting place for a segment of the population that does not know how to make his living anywhere else is over with, it is through and this is the finest way in the world to bring this about is with this type of an Ordinance that you have before you right now. This is the coming of age of the public because all of a sudden the facts of life are here. This is the way you want to be treated, the same, your employee-employer relationship as everybody else - here is the opportunity and here is where it happens. I think that with these comments, Mr. Chairman, I can add nothing further. Thank you very much.

Mrs. Miskolczi: Mr. Chairman, it is with most appreciation that we are being heard by Council. They have gone along with very nobly with anything that has been suggested but I would suggest that this remains with the Board to determine the designated employee. We are taxpayers. We are also part of the Yukon. Not for one minute do we want to have anything happen where our taxes are going up either. You are our Council, any Council is a Council that we are being a part of. We pay taxes, we are like any ordinary man on the street as far as it comes to spending money and whether we want to have our taxes go up. Therefore, I don't think that you would ever want to see anyone in the Public Service allow a building to go into disrepair and have to have thousands and thousands of dollars go into the repair because of some strike that would not allow someone to go in there but I feel that this is a place for the Board to arbitrate who will be designated employees.

Mr. Chamberlist: Mr. Chairman, I think the first thing you must consider is that we say to ourselves, is our Public Service a responsible organization? If you feel they are not a responsible organization and if you feel they are not responsible people of course you try and put in legislation strangle holds. Now the Honourable Member from Whitehorse West suggested an amendment and normally I would agree with the amendment but it appears to me it would become superfluous to the needs because if we look at the interpretation of what is a designated employee it says "a designated employee means an employee who is agreed by the parties to

BILL #2 Mr. Chamberlist continues.....

collective bargaining or determined by the Board pursuant to Section 43 to be a designated employee within the meaning of that Section." Now, speaking of section 43. Now if we look at Section 43 it tells us that within 20 days after notice to bargain collectively, and you know that notice must be given to bargain collectively, is given by either of the parties to collective bargaining or within such time as the Board may direct, the employer, that is the Territorial Government, shall furnish to the Board and the bargaining agent for the relevant bargaining unit a statement in writing to the employees, or classes of employees in the bargaining unit hereinafter referred to in this Ordinance, referred to as designated employees, now, whose duties, in the opinion of the employer, the Territorial Government, consist in whole or in part of duties, the performance of which at any particular time or after any specified period of time is or will be necessary in the interest of the safety or security of the public." Now, this is where the largest area of definition of public has been given by a member of the Public Service Alliance. It is obvious that within twenty days before something happens there is a bargaining period, something takes place. The Commissioner, through one of his Officers says to the Public Service organization "now that you have given us notice, we want to be sure that these are the people who we will require to maintain in good standing the public buildings of the Yukon Territory". This is when it is done. Now, what is the point in having it in again when already the legislation says you shall do this. Now, the employer says these are the people we want. We want all the people that look after furnaces, we want the maintenance people who look after plumbing, we want the maintenance people who look after the electrical works. We want a standby of the ambulance; in fact we want everybody who is essential, not to the complete operation of the public service, because as the Honourable Member from Whitehorse West has said, you lose the strike weapon, but those essential services to operate at a minimum standing and in the interests of the public, of the taxpayer so that there will be no financial losses incurred by negligence on the part of the Association members, and it would be negligence, I would suggest, that if the organization removed from the maintenance of public buildings their people. I would never support at any time another movement of the Public Service if they at any time, as a result of a strike, took away those people who should be looking after the interests of the taxpayers inasmuch as seeing that buildings were being maintained. I state this quite bluntly. So, I think that unless Mr. Legal Adviser feels to the contrary that this is insufficient protection that the amendment that is being suggested not be placed in because I do not think there is any necessity for it because of the procedures that must be adopted by both parties at the time of Section 43 coming into effect when there is to be collective bargaining. The idea of that is so that collective bargaining fails then the government of the Yukon Territory know that the procedures that are open to collective bargaining by the Public Service Association can go ahead without the buildings and the plants of the Yukon Territorial government being placed in jeopardy, and I shall be against the altering and putting in too much superfluous needs on the Legislation itself. I wonder if Mr. Legal Adviser can comment on the question I put to him with reference to this.



Mr. Legal Adviser: Mr. Chairman, it is really not for me to comment. As I say, I would certainly welcome the amendment. There is no question about this. I did not put it in in the first place but if you are asking me a straight question as to the meaning of the word "public" I understand that public means people and public property means things, and to me they are quite distinct things and there is no way you could get me to agree that to secure the public involves the security of an empty building.

Mr. Dumas: Mr. Chairman, this is my point and I think that the people we are talking with here now, the witnesses, are very reasonable people and we here understand what we - the discussion that has been going on all this afternoon, Mr. Chairman, and we all agree that nobody would allow a building to be ruined effectively, or thousands of dollars worth of damage to occur, but three years from now, if friction arises at any given time between the Administration, those in control of the Administration and those working for the Administration and even at this period of time mentioned in here, even at the very beginning of collective bargaining, feelings may be running high and the arguments over designated employees could be quite hot and heavy. Now, if the witnesses agree that public property should be protected from damage and Committee all agree that public property should be protected from damage, then why would there be any opposition to putting in words that will ensure that public property will be protected from damage, Mr. Chairman?

Mr. Chamberlist: Mr. Chairman, do I -the words should be "in the interests of the safety or security of the public and public property" why not just have "and public property". I think perhaps you people should consider appreciating that point. There is a point that has not been made before-"and public property" I think should be added to that, Mr. Chairman.

Mr. Livesey: Mr. Chairman, I think it essential that we don't run away with false impressions. I think the essential need of a strike by any organized group is to deny services. This is what they do. This is the last resort, not the first one, and I am sorry to say I think in the last two years it appear to the public in general that some of the thinking has been that it has been the first resort rather than the last. Any strike should be the last resort of any organized group because those organized groups have to be known as responsible people and are known as responsible people the same as anyone else. However, when it comes to a question of safety of public buildings which belong to the taxpayer, why, as an elected body we have no other course at all, in my opinion, except to protect public property. We must do this and I am mighty sure that a strike, if it ever comes to that, and as you know when a strike takes place sometimes logic goes out of the window because as soon as a consultation takes place walls are automatically set up and then it becomes a heated argument rather than a question of reason debate. The reason debate is preceded by heated argument, and you are in a totally different position altogether, so the public has to be safeguarded in this way.

Mr. Pritchard: Mr. Chairman, I would like to ask for permission to consult with the other witnesses on the P.S.A. behalf on this point and see if we can suggest something reasonable. Is this proper?

Mr. McKinnon: Mr. Chairman, I would go further than this;

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Mr. McKinnon continues....

I think that we should allow the Members to even be in consultation with their legal adviser overnight to see whether this substantially changes any part of the Ordinance. I'm going to give my little talk which I am always accused of every time I give it of talking in political platitudes and not realizing the facts of life in the Yukon and everytime it has been allowed and has been stated and given the opportunity to the people in the Territory to act in a responsible, mature manner, they have always done so exactly, and I think of several tremendously controversial pieces that have passed this House where Members all in this House have been castigated publicly for them, the public has always reacted in exactly the way that the stupid politician said that they would and after a few months of coming into effect everybody says, my that was a good idea, wan't it, and in this area of public service and the clause that we see now before us, Section 43, I am inclined to take another tact, that no member of Committee has taken today. I have heard from the Public Service people say that in their estimate that in the winter there was no way that they as a responsible body could ever see the public property of the Yukon Territory ruined by an irresponsible act on their behalf because they were going on strike. I go further than this. I say that if they had the audacity to do this and to allow \$22 Million dollars of public property in the Yukon Territory to freeze, I would just use every medium available to me as a politician to absolutely ridicule them and their association as a public responsible body speaking on behalf of the Public Service of the Territory and in behalf of the people of the Yukon Territory. It would just eliminate any arguments they had for coming to the government and asking for any type of benefits under the Public Service Association or under this Ordinance and I would go further than that. I would ask if I were involved in the government at all at the executive level, that an emergency session of Council be called and that exactly the words we are asking for be installed forthwith in the Ordinance and if I were not involved in government at the executive level I would demand from the Commissioner publicly that he do such a thing because I can't, in conscience see how any responsible body could act in a manner that would allow this destruction to the property of the Yukon Territory, and I couldn't allow it either as an elected representative. But I don't think that it would ever come to this. I think the designated people would take care, upon bartering back and forth for this eventuality coming to place, and as I said, in every instance in the Yukon Territory to this point, I have never once been disappointed when everybody has said that this is what could happen, this is going to be the eventuality, this is what the future holds if you do this and pass this legislation; this has never come about and I truthfully believe that it would be used if this did come about to the disadvantage of the Public Service Association rather to their advantage if this is the kind of game that they ever wanted to force the government hand to in the future of the Yukon.

Mr. Chairman: Before we continue, is it agreed that this matter can be referred overnight so that Committee can...

Mr. Dumas: The Honourable Member from Whitehorse North has

Mr. Dumas continues....

suggested that if a strike took place in the winter and if these buildings were abandoned, he would then call a meeting,-- just one moment, the Honourable Member said he would call Council together and put these words in the Ordinance at that time. Mr. Chairman, that is called changing the rules in the middle of the game. I suggest we put the words in now--to allow the Committee and witnesses time to contact their legal adviser and see what the reaction is. I repeat, we all agreed, we all agree that this should not happen, these buildings should be protected, we can put in the words now and not have any problems. I suggest that the witnesses do contact their legal adviser and see what the reaction is and it may well be that he will agree with us.

Mr. McKinnon: Mr. Chairman, if I did not make myself perfectly clear I would like to. It is when the designated persons and the bartering goes back and forth; if it is in 20 days before they go to collective bargaining **begin they** start exchanging these notes of names. If it is the dead of winter and when 20 days before the collective bargaining is to begin and the Public Service says no, designated people are not those people who are on janitorial and custodial duties at schools and public buildings, that is the time for the government of the Yukon Territory to act and embarrass the Public Service of the Territory, that this is how irresponsible a body we are dealing with and we have to change the rules in the middle of the game for the protection of the public of the Yukon Territory.

Mr. Shaw: Mr. Chairman, I don't understand this, everybody agrees that this won't happen. Oh, we wouldn't do this. Another party says I am sure they would not do this. Well, fine, I'm never sure of anything in this world, except taxes and that I am going to croak at some time and maybe some people would like me to croak earlier than I want to but nonetheless, Mr. Chairman, there is nothing wrong about this amendment. After all, I represent 18,000 people in the Yukon if that is the population. I am a Yukon Councillor, Mr. Chairman and many a time I speak on behalf of the Honourable Member for Whitehorse East and his constituents because they have lots of problems and I would like to help him resolve those problems and I help him to no end but I do represent all of the people of the Yukon and my first consideration, regardless who the other group might be, is to protect these people and protect their property. Now, I know that these persons we have here as witnesses these last few days are most responsible people. I don't think any Member could deny that, and reasonable people, but three, four, five years from now we don't know what we may be confronted with and I think it is my duty to assure, for the benefit of themselves and for the benefit of the Yukon Territory to pass this sensible legislation which we are passing, I would say almost with a 100% agreement with this particular Organization. You can't go any further. All I am asking now is that the people of the Yukon, their property which they paid for with their tax dollars, of which members of this organization also paid their share, but these 18,000 people, that their property is protected against what might happen in the event of a protracted strike or some disagreement. Now to say that this will not happen in December or some other time, in my estimation, it might not happen this year but five, six, seven, eight, ten years from now it could. Now, unless the people concerned wanted to use this as a lever

BILL NO. 2 Mr. Shaw continues....

there should be no objections to putting it in because it is not taking away any one's rights. All it is doing is protecting public property and it is my duty as a representative of the people of the Yukon to do my utmost to protect that property without taking away any one's rights; that is why I think it should be included, but I agree that if these people wish to contact their legal department, by all means, I want this to evolve in an amicable manner. I don't want to hold things up so that perhaps the Motion, Mr. Chairman, could be left in abeyance until they discuss this with their representative.

Mr. Chairman: ..... all I am asking for is concurrence.

All: Agreed.

Mr. Chairman: If we have all finished our speeches we will proceed. It is rather difficult for the Chair, there was a request made and we can't seem to get concurrence or otherwise and I am still not sure what .....but the Chair certainly grants the privilege. (Reads Section 89, 90).

Mrs. Gordon: There is a clerical error in the second line of subsection (1).

Mr. Livesey: Mr. Chairman, is this a substitution for a canvas of the employees of the employee organization as to the percentage of the number of them who want to strike?

Mr. Legal Adviser: No, Mr. Chairman, it is not.

Mr. Livesey: May I ask another question, Mr. Chairman. Is there provision in the Ordinance whereby the percentage of the "yeas" from Members of the Organization will be the question as to the decision of the Organization to go on strike?

Mr. Chamberlist: Mr. Chairman, this is an internal matter, the bargaining agency themselves; they have their vote within their own organization. It is only them, Mr. Chairman, who have the right to strike or go through the procedure. They are acting for the group, they are the bargaining agent. We don't want to get involved in internal matters.

Mr. Livesey: I believe that in a number of jurisdictions, Mr. Chairman, the government supervises a strike vote in a good many instances. I know they certainly did in British Columbia and the reason for it, as far as I know, is to ascertain that the actual number of members of an employee group who want to strike are in the majority. This is the only reason for it and I think of course that is quite a sensible reason because when a majority rules that is what we believe in.

Mr. Dumas: Mr. Chairman, aren't matters in regards to a strike matters that would come under different legislation, sometime possibly strike legislation or maybe the Legal Adviser can answer?

Mr. Legal Adviser: We don't have, as far as I know, strike legislation of any description here. This will not be the first, I hope.

Mr. Chairman: Are you clear? (Reads 91). Here again, this is

Mr. Chairman continues....

where I - the question I raised initially with respect of Section 88 where a supervisory personnel in charge of a department, during a strike, fulfills some function with the department, apparently he is fined \$100.00 for doing it.

Mr. Chamberlist: With respect, Mr. Chairman, Mr. Legal Adviser I think, has explained the point - looking to prevent supervisory people from carrying out essential services but they can't go into another category of work and do that.

Mr. Chairman: (Reads Sections 92, 93).

Mr. Chamberlist: I would like Mr. Legal Adviser to make some comments on this. All the penalties that are imposed in this Ordinance are imposed against the employee, what about where the employer breaches the Ordinance, where does the penalty become available to the Territorial Government if they fail to live up to the conditions of the Ordinance; should we not have some legislation in this so that a penalty can be imposed upon the Commissioner, for instance?

Mr. Legal Adviser: The assumption is that the Commissioner and the Administration would never do wrong, in the sense that if it is alleged that they did wrong then a report is presented by the Board to the Territorial Council and ... and then Council can take every appropriate action.

Mr. Livesey: Mr. Chairman, the Commissioner's mind cannot be questioned, not to mention the body.

Mr. Chairman: (Reads Section 94, 95, 96, 97, 98).

Mr. Shaw: That raises quite a question, Mr. Chairman, they are working for the government, and they can't be Civil Servants, otherwise they would be in the same category as the person they were adjudicating for, wouldn't they?

Mr. Chamberlist: This is why when, we don't need to worry about it in this instance because if the Board is going to be a Board outside of the Territory....would not interfere with it, but if there was at any time a suggestion that members of Administration were going to be on the Board, this would interfere them, you see, but I think it is alright.

Mr. Chairman: (Reads Section 99, 100 (a),(b), 101).

Mr. Legal Adviser: I think it should be "employee" there instead of "employer".

Mr. Chairman: Are you clear that is to read "employee"? Is that correct?

Mr. Legal Adviser: It should be "employee" because it is an executive order, an invasion from Mars comes down in the middle of a strike and somebody must go out and see the little green men in the space vehicle.

Mr. Chairman: (Reads Section 101(2), in part).

Mr. Shaw: Just a minute, Mr. Chairman, here nothing shall tell you to do nothing or do something. Now, what is the

BILL #2

Mr. Shaw continues....  
object of 101. Would you explain that please, Mr. Legal Adviser?

Mr. Legal Adviser: Mr. Chairman, it is a reservation from this Ordinance so that whether or not a strike is on and the Commissioner decides in the interests of the safety of the state as such, an invasion, forest fire, he can intervene and say "put out the fire" and somebody can't say oh, this is a lawful strike.

Mr. Chairman: (Reads Section 101(2), 102).

Mr. Chamberlist: Mr. Chairman, are we referring to a calendar year or fiscal year here?

Mr. Legal Adviser: Our year goes from first of April to the 31st of March.

Mr. Chamberlist: Should we not say that in there, Mr. Chairman, with respect?

Mr. Legal Adviser: I believe the Interpretation Ordinance is the last word there.

Mr. Chamberlist: But here we should say what it is.

Mr. Shaw: Mr. Chairman, I would move that we report progress on this Bill.

Mr. Legal Adviser: Mr. Chairman, I want to say I'm not going to intervene. I just want to say that I am requesting Council to add on another section here which will make the Ordinance come into force at a date to be fixed by the Commissioner. The purpose of this will be that we haven't got a Board set up yet, we don't know actually definitively exactly what is going to be the position but once the Ordinance is through I think we would like to demonstrate good faith of the Council and the Commissioner by assenting to it when it is through rather than have to reserve it.

Mr. Chairman: I am wondering now, just before we conclude our discussions for this evening, if Mr. Legal Adviser can inform the Chair as to whether or not there will be amendments forthcoming tomorrow morning, for consideration.

Mr. Legal Adviser: To be certain, some will come tomorrow morning; they may all be ready by tomorrow morning, if not, by lunch time tomorrow.

Mr. Chamberlist: May I interrupt, Mr. Chairman, one small point I want to raise now. It is very important. It is with reference to the point dealing with the "year". Mr. Legal Adviser has suggested that would mean the fiscal year, from April 1st. The Interpretation Ordinance shows a year means calendar year so we have a difference there that will have to be clearly designated.

Mr. Legal Adviser: It depends what Council wants.

Mr. Chairman: Alright, maybe this could be dealt with tomorrow morning. Now, if we can get back to the matter I was discussing with Committee. Is it agreed then that we meet here tomorrow morning to further discuss this Bill and I am wondering if the witnesses could be excused then at this time.

Mr. Chairman continues....

Thank you very much. It looks like about 10:15 tomorrow morning.

(Witnesses leave the House).

Mr. Chairman: Is it your wish I report progress on this Bill?

All: Agreed.

Mr. Chairman: What is your further pleasure?

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

Mrs. Gordon: Mr. Chairman, I would be most happy to second that Motion.

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:20 A.M. to discuss Bills, Sessional Papers and Motions. Mr. Scott, Mrs. Miskolczi, Mr. Pritchard and Mr. Krockler attended Committee to discuss Bill No. 2. Committee recessed at 12 noon and reconvened at 2.10 P.M. I can report progress on Bill No. 2. It was moved by Councillor Chamberlist, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this Motion carried.

CHAIRMAN OF  
COMMITTEES  
REPORT

Mr. Speaker: We have heard the report of the Chairman of Committees. Are we agreed? May I have indications to cover the agenda for tomorrow.

Mr. Taylor: Mr. Speaker it is the intention of Committee to continue discussion of Bill No. 2 and following that to proceed with Bill No. 1 tomorrow.

Mr. Speaker: Are there any additions?

Mr. Shaw: Mr. Speaker, I move we call it five o'clock at this time.

Mr. Speaker: It has been regularly moved that we call it five o'clock. Are we agreed? We now stand adjourned until tomorrow at 10:00 A.M.

ADJOURNED