



YUKON LEGISLATIVE COUNCIL

VOTES & PROCEEDINGS

AND

PAPERS

22ND WHOLLY ELECTIVE COUNCIL

1973 FIRST SESSION

VOLUME 2

SPEAKER: MR. R. A. RIVETT

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ERRATA

Page 49	Marginal note should be "Bill #5, Est. 2607".
50	Marginal note should be "Bill #5, Est 2607".
51	Marginal notes should be "Bill #5, Est. 2608" and "Bill #5, 2609".
91	Twentieth line from bottom, marginal note should be "Question Re Hardy Report". Eleventh line from bottom, marginal note should be "Question #2". Seventh line from bottom, marginal note should be "Question #3". Third line from bottom, marginal note should be "Question #4".
189	After recess, when Mr. Miller first speaks he should be referring to "gallons" not "dollars".
324	Last marginal note "Levers'" should be spelt "Levirs'".
329	Before Mrs. Watson says "Mr. Chairman" Mr. Taylor says "Question".

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Are there any Documents for tabling today?

Mr. Chamberlist: Mr. Speaker, we have for tabling Sessional Paper No. 15, Legislative Returns Nos. 7, 8 and 9.

Mr. Speaker: Are there any further tabling of Correspondence and Documents? Reports of Committees?

Mr. Tanner: I'd like to beg leave of the House this afternoon to attend the Advisory Hospital Board Committee.

Mr. Speaker: Is Council agreed?

Some Honourable Members: Agreed.

Mr. Speaker: Are there any introduction of Bills?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, an Ordinance intituled An Ordinance to Amend the Mental Health Ordinance, be introduced.

MOTION CARRIED

TABLING OF
S.P. #15 &
L.R. #7, 8, & 9

BILL #21
INTRODUCED
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill 22, an Ordinance intituled, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program), be introduced.

MOTION CARRIED

BILL #22
INTRODUCED
MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I beg leave to introduce, seconded by Councillor Watson, Bill No. 23, Territorial - Municipal Employment Loans Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that leave be granted to introduce Bill 23, An Ordinance to amend the Labour Standards Ordinance. Are you prepared for the question? Are you agreed.

MOTION CARRIED

BILL #23
INTRODUCED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, an Ordinance intituled, An Ordinance to Amend the Labour Standards Ordinance, be introduced.

MOTION CARRIED

BILL #24
INTRODUCED
MOTION
CARRIED

Mrs. Watson: Mr. Speaker, a point of privilege; I believe when you read out the Ordinance, Bill No. 23, you read the wrong title.

Mr. Speaker: I was just thinking the same thing. The title to Bill No. 23 should read, Mr. Clerk, Territorial-Municipal Employment Loans Ordinance. Are there any further Bills for introduction?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, an Ordinance intituled, An Ordinance to Amend the Fraudulent Preferences and Conveyances Ordinance, be introduced.

MOTION CARRIED

BILL #25
INTRODUCED
MOTION
CARRIED

Mr. Speaker: Are there any further Bills to be introduced? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? Under Daily Routine, under Motions, I believe Motion No. 3 has been moved over to Committee. We will proceed with the Question Period. Are there any questions? Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I wonder if I could have your permission to answer one or two outstanding questions?

Mr. Speaker: Proceed, Mr. Commissioner.

Mr. Commissioner: On February 22nd, Councillor Stutter asked a question respecting the price the Territorial Government pays for diesel fuel from a supplier, and copies of the fuel supply price list for fiscal 1972-73 have been distributed for each Councillor's information, Mr. Speaker. Some time ago, Councillor Taylor requested copies of the inspection report used for housing applications be made available to the Council, and I would like to report that a copy of this report has been distributed for Councillors' information. Councillor McKinnon asked on February 22nd, as follows, "I would like to ask Mr. Commissioner if he has any knowledge of any land that has been purchased from the Territorial Government on Range Road within the last month, and if he can endeavour to find out if any has been purchased; if no land has been sold, whether any land has been leased within this past month and if so, what the terms and conditions of the lease arrangements are." The answer that has been supplied, Mr. Speaker, is that there has been no land transactions or land sales or leases on Range Road within the past month. Mr. Speaker, Honourable Members will know that we have been waiting an announcement concerning the Territorial building and I am pleased to advise you that on Friday, February 23rd I was advised that Treasury Board has approved construction of the new Territorial building which, as you know, will be located on 2nd Avenue. The estimated cost of the building is \$6,800,000 and it is anticipated that construction will begin late this summer. Hopefully, Territorial Departments will occupy their new quarters in late 1976. The architects for the building are the Federal Department of Public Works of Canada, Vancouver office. They are providing architectural sketches which will be available for Council tomorrow, February 27th. However, it is anticipated that the detailed plans on the scale model of the building will not be ready until approximately May 1st of this year. Thank you very much, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any questions?

Mr. McKinnon: Mr. Speaker, I wonder if I might ask Mr. Commissioner, what has happened in regards to the motion passed by this House concerning the reinstatement of both the income tax office and the unemployment insurance office in Whitehorse?

QUESTION RE
REINSTITUTION OF
INCOME TAX OFFICE
& UNEMPLOYMENT
INSURANCE OFFICE

Mr. Commissioner: Mr. Speaker, with regard to the unemployment insurance office, this was taken up with the Federal Interdepartmental Co-ordinating Committee and I think that Honourable Members are aware that the services of the unemployment insurance office are now combined with the Canada Manpower Centre and while I cannot verify that the difficulties that gave rise to the questions asked by the Honourable Member, have been completely answered by this, I would report that the number of complaints reaching my office in the course of the last several months since we moved the place, have been at a very little minimum and I'm hopeful that this will have satisfactorily answered the requests made by the Council on this matter. On the question, the second part of the question, concerning the institution of reopening of an income tax office here, I am sorry I have nothing positive or any particular progress that I can apprise the Members of at this time.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder if I might ask Mr. Commissioner whether the Minister of Indian Affairs and Northern Development has made a decision on the Aishihik Power Project, and if so when the decision will be made public?

Mr. Commissioner: Mr. Speaker, I have anticipated this question on this Floor here and I have spoken with officers of the department, this morning. I was unable to speak to Mr. Minister himself, and there has been no decision made by the Minister as yet, and I'm sorry, I'm just unable to advise when this decision will be made. As soon as it is made known to me, I will certainly be reporting to you.

Mr. Speaker: Are there any further questions? I'd like to thank Mr. Commissioner for his attendance in Question Period this afternoon. We will proceed to Public Bills and Orders. What is your pleasure?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Pharmaceutical Chemists Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Pharmaceutical Chemists Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 13, An Ordinance to Amend the Fire Prevention Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 13, An Ordinance to Amend the Fire Prevention Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 13 has passed this House. What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns.

Mr. Tanner: I second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West --- It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions, and Legislative Returns. Are you prepared for the question? Are you agreed? I shall declare the motion is carried and the Honourable Member for Dawson will take the Chair in Committee of the Whole.

MOTION CARRIED

Mr. Deputy Chairman: Before calling Committee to order, I will declare a short recess.

RECESS

AISHIHIK
POWER
PROJECT

BILL #14
FIRST
READING

MOTION
CARRIED

BILL #14
SECOND
READING

MOTION
CARRIED

BILL #15
FIRST
READING

MOTION
CARRIED

BILL #15
SECOND
READING

MOTION
CARRIED

BILL #17
FIRST
READING

MOTION
CARRIED

BILL #17
SECOND
READING

MOTION
CARRIED

BILL #19
FIRST
READING

MOTION
CARRIED

BILL #19
SECOND
READING

MOTION
CARRIED

BILL #13
THIRD
READING

MOTION
CARRIED

BILL #13
TITLE
ADOPTED

MOTION
CARRIED

MOTION
CARRIED

RECESS

Mr. Deputy Chairman: I will now call Committee to order. I think that the first Bill for consideration is Bill No. 3, *BILL #3*
An Ordinance to Amend the Pounds Ordinance. This has been held over at the request of Councillor Taylor.

Mr. Taylor: Mr. Chairman, I have had an opportunity to do some research on this Bill. I have talked to the Director of Game and also to the Legal Adviser in this respect. I found that I am unable to persuade Mr. Legal Adviser to re-draft section 1 of the Bill. Other than commenting that I don't think that there is any real necessity to specify in 19.1(1) a date; the words "between the thirtieth day of October and the thirtieth day of March", I don't think serve any real useful purpose. And, the interpretation of what is "in good condition" is kind of open to many interpretations. However, I have been unable to persuade Mr. Legal Adviser to take another draft of this thing; so, I have no other alternative than just to let it go.

Mr. Tanner: Mr. Chairman, if there is no more discussion on it, there is one point that I would like to make. I notice that under the regulations, there are certain areas that have been specified by the Commissioner to make regulations under. I would like to call to the attention of Committee, and perhaps even add one area which I think is important, and that should be that the Commissioner should make regulations concerning the disposal of the carcass of an animal, specifically written out in the regulations as one of the areas that he should be looking at particularly.

Mr. Chamberlist: I wonder if Mr. Legal Adviser could tell us whether 23(1)(c), "generally for carrying out the provisions of this Ordinance", does not include that.

Mr. Legal Adviser: I think, Mr. Chairman, these provisions could be done under that part.

Mr. Taylor: Mr. Chairman, I just have one question that I would like to ask of Mr. Legal Adviser. Do I assume that through this Bill you are going to repeal Form A of the Schedule of the original Bill?

Mr. Legal Adviser: I couldn't say specifically, Mr. Chairman, but the power is there to prescribe forms.

Mr. Taylor: Mr. Chairman, I note here that you give the Commissioner under 23(1) the power to prescribe the forms and set the fees, but then should not the schedule be repealed, if this be the case? Form A, the pound-keeper's fees, and this type of thing, because they are stated at this point in time in the Ordinance.

Mr. Legal Adviser: I understand that they were repealed at some prior time.

Mr. Chamberlist: Mr. Chairman, most of the Ordinances had these schedules repealed when we put all of the fee structure in one Ordinance, if you will recall, last year sometime.

Mr. Taylor: Well, this is fine. This is just the point that I wanted to clarify.

Mr. Tanner: Mr. Chairman, I wasn't quite clear on what the Legal Adviser said. Is he saying that under section 23, concerning the regulations, there are powers in there for the Commissioner to make regulations for the disposal of a carcass of an animal.

Mr. Legal Adviser: Using the power in this section 23(1)(c), the Commissioner could make regulations dealing with the disposal of a carcass.

Mr. McKinnon: Mr. Chairman, perhaps I missed the arguments somewhere along the way, but why are the days included in the Ordinance? As I read it now, you could turn out a horse to pasture even if it weren't in good condition provided that it wasn't between the thirtieth day of October and the thirtieth day of March. Why should anybody be allowed to turn a horse loose to pasture at any time if the horse isn't in good condition?

Mr. Legal Adviser: This is a technical matter, Mr. Chairman. I had the benefit this morning of a conversation with the Director of Game and the President of the Outfitters' Association. The suggestion which was discussed was whether or not it would be worthwhile to accede to the suggestion of the Honourable Chairman to take out the dates "the thirtieth day of October and the thirtieth day of March", and it appears that the advice is that the opposite of good condition is poor condition. In an area where there is foliage it would not be wrong to turn out an animal in poor condition to fend for itself at a time when foliage may be available, or should be available. It is quite a different thing to turn out an animal in poor condition in the wintertime when it may not survive. Their advice was that this section should be left undisturbed as it may be that an animal may be turned out in the summertime in poor condition, and there is nothing improper in this.

Mr. Taylor: As a matter of interest, Mr. Chairman, this extraction of 19.1(1), as Mr. Legal Adviser pointed out to me earlier, is an extraction from the old original Ordinance, The Pound-keepers Ordinance, and I note that that section disappeared in the Consolidation, and now it reappears here. Have you any idea why it was repealed?

Mr. Legal Adviser: I have no idea, Mr. Chairman. The whole Ordinance was reorganized in common with a large group of Ordinances at the period when legislation was being prepared for the Consolidation of 1958. It was in the original laws of the Territory; it was in the Consolidation of 1902; it was in the Consolidation of 1914; it was not repealed until about the 1950's.

Mr. Deputy Chairman: Is there anything further on Bill No. 3? (Reads preamble to Bill #3)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 3, An Ordinance to Amend the Pounds Ordinance, be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I will second that motion.

Mr. Deputy Chairman: I has been regularly moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend the Pounds Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

NOTION CARRIED

NOTION
CARRIED

Mr. Deputy Chairman: The next Bill for your consideration is Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance.

BILL #14 Mr. Chamberlist: Mr. Chairman, the Explanatory Note reads: "The purpose of this Bill is to enable Dental Therapists to be recognized in a similar manner to Dental Hygienists."

Mr. Taylor: Mr. Chairman, just before the reading of this Bill, I wonder if someone could advise me just what does a dental therapist do?

Mr. Chamberlist: A dental therapist is a -- there are not many of them that have been trained in Canada, and they have been trained in New Zealand or in the United Kingdom. They are now being used by our dental programs as assistants to the qualified dentists. Prior to that we had no legislation which would permit their certificates to be used in the Yukon. This now would give them the authority under the guidance of a dental practitioner to work in the Yukon.

Mr. Taylor: Then I take it that these people are doing all of the work that a dentist would do except that they haven't got their certificate which shows their proficiency?

Mr. Legal Adviser: Mr. Chairman, they work under the supervision of dentists and are subject to the dentists' control. They do not diagnose, and all of the treatment that they carry out is of a mechanical nature subject to the supervision from time-to-time of the dentists themselves. They are not fully professionally qualified, and they are not intended to be.

Mr. Tanner: Mr. Chairman, could I ask the Administration whether they -- I am sure they have, but I would like confirmation in the House, if the dental profession has been consulted in regard to this matter?

Mr. Chamberlist: It is at their request that this has come forward.

Mr. Deputy Chairman: Are there any further questions before the reading of the Bill? (Reads Bill No. 14; reads preamble)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 14 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I think maybe there should be a little bit more discussion. I feel that the Honourable Members should be made aware of the difference between, if there is any question, dental hygienists and dental therapists. If we don't need any clarification on that, I feel that we should go ahead and move the Bill out of Committee, but I would like to be assured that the Honourable Members don't require further clarification in this area.

Mr. Chamberlist: If they would have, Mr. Chairman, somebody would have spoken up.

Mr. Deputy Chairman: Are there any questions regarding Bill No. 14? Is there a seconder to the motion?

Mr. Tanner: I will second the motion.

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION
CARRIED*

MOTION CARRIED

Mr. Tanner: Mr. Chairman, the Committee will recall that I had obtained permission to leave the House for now to attend another committee meeting, and I am going to do so now.

Mr. Deputy Chairman: Is the Committee agreed?

Exit Mr. Tanner.

BILL #15 Mr. Deputy Chairman: The next Bill is Bill 15, An Ordinance to Amend the Pharmaceutical Chemists Ordinance.

Mr. Chamberlist: Explanatory Note for the record: "The purpose of the Bill is to grant to incoming pharmaceutical chemists the same privileges in respect of temporary permits as are granted under the appropriate Ordinances to doctors, dentists, etc." To further explain it, Mr. Chairman, the Pharmaceutical Chemists Ordinance has omitted to have provisions for a permit to be issued under certain conditions to a pharmaceutical chemist who is not a member of the Canadian Pharmaceutical Association. This just provides, in exactly the same manner as in other Ordinances, that they will be able to obtain a permit under certain conditions from the Commissioner.

Mr. McKinnon: What would a visiting pharmaceutical chemist generally come to the Yukon for? For what purpose? To perform what duties?

Mr. Chamberlist: Generally, to be an assistant to a pharmacist or to work as a pharmacist in one of the drugstores or in the hospitals or in the medical clinic.

Mr. McKinnon: On a holiday basis; new country basis?

Mr. Chamberlist: For instance, we have instances here where there are two pharmaceutical people who have been qualified, one in Australia and one in New Zealand, and because of their husbands' duties here they wanted to take relief work while the pharmacists here go on holidays, either at the drugstores or the hospital or the clinic. They found that they have been unable to work even under the direction of another pharmacist simply because the Ordinance didn't make provisions for temporary permits. This is just to allow these people to be able to work on a temporary basis under permits issued by the Commissioner and with certain conditions laid down. This provision is already in the Dental Professions Ordinance; in the Medical Professions Ordinance as well.

Mr. Deputy Chairman: (Reads subsection 6.1(1)(a)) From the Chair, is that correct wording: "a four years' course"?

Mr. Legal Adviser: I think so. It is not a four-year course; it is a four years' course.

Mr. Deputy Chairman: (Reads subsection 6.1(1)(b) and the remainder of the Bill.) Might I ask from the Chair, why, in section 1 6.1(2), the longest period is four years?

Mr. Legal Adviser: No magic reason, Mr. Chairman, it just happens that it is the same as the other professions.

Mr. Deputy Chairman: Any questions on the Bill? (Reads the preamble.)

Mr. Chamberlist: I move that Bill No. 15 be reported out of Committee without amendment.

BILL #15

Mrs. Watson: Mr. Chairman, I would second that.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend the Pharmaceutical Chemists Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Deputy Chairman: The next Bill is Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance.

BILL #17

Mr. Chamberlist: Explanatory Note for the record, Mr. Chairman: "The purpose of this Bill is to bring the provisions concerning the registration of stillbirths in the Territory into line with new similar provisions being enacted in other provinces. The change is primarily necessary for accurate statistical purposes. Opportunity is taken to remove the form from the Ordinance to enable them to be placed in the regulations."

Mr. Deputy Chairman: (Reads Bill No. 17.)

Mr. Taylor: Mr. Chairman, I note that section 3 of the Vital Statistics Ordinance has been repealed, and inasmuch as this is the section which makes it compulsory to register a birth, might I be advised as to why this has been repealed?

Mr. Legal Adviser: I'm not sure, Mr. Chairman, if that is the section that in fact has been repealed. It was section 3 of the Revised Ordinances which I haven't got here. I have got the Ordinance as it originally was.

BILL #17

Mr. Taylor: Maybe we could have that information, Mr. Chairman; all I have is just the 1958 revision.

Mr. Deputy Chairman: I will declare a brief recess to look into this point.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order and it is agreed then that we report progress on this Bill?

Some Honourable Members: Agreed.

Mr. Deputy Chairman: Next Bill, is Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance.

BILL #19

Mr. Chamberlist: For the record, the Explanatory Note: "The purpose of this Bill is to enable cooperative associations registered in the provinces to re-register in the Territory for business purposes. The provision is similar to that applying to extra-Territorial companies."

Mr. Deputy Chairman: (Reads subsections 32.1(1) through (5))

Mr. Taylor: Mr. Chairman, a question in (4); you say, "the Commissioner, who shall refuse his approval if he is not satisfied". Wouldn't you make that a "may" rather than "shall"?

Mr. Legal Adviser: No, it must be a must. This Ordinance only deals with bona fide cooperatives; if they are not that, then they should not be registered. The Commissioner would be wrong to grant; it must be a shall not.

Mr. Deputy Chairman: Before I go on, I would like to ask Mr. Clerk if those are the new up-to-date Ordinances?

Mr. Clerk: Yes.

Mr. Deputy Chairman: (Reads remainder of section 1 and section 2) Any questions on the Bill? (Reads preamble)

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 19 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second that.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

NOTION CARRIED

NOTION
CARRIED

Mr. Deputy Chairman: That appears to complete the Bills presently in Committee with the exception of Bill Nos. 6, 7, and 12. I think we have agreed to discuss Bill No. 12 tomorrow. I wonder, may I ask from the Chair if the Minister has had any word back on Sessional Paper or Legislative Return Nos. 1 and 5.

Mr. Chamberlist: Yes, I could speak to that, Mr. Chairman. First thing, Mr. Chairman, Mr. Chairman had indicated that he was unhappy about the fact that he had not received his registration card. I also took the trouble to look into the background of why he hadn't received his registration card. I found that the first thing was that the social security card that has been issued, the social security number that has been issued to Councillor Stutter was 709 211 718, in error and, of course, it took some time before this error was found out, before he himself brought it to the attention of the Administration. In view of that, the time that was spent, of course, was spent as a result of him being late in providing the information. The procedure that follows, of course, is that he then had to apply to U.I.C. to get a valid number for him. Then once that was done, there was a necessity to notify the Plan of the valid number once he had received it; that took some considerable time. I hesitate to say the amount of time it took before he indicated this information. The Plan then issues a plastic card once that was done. The Plan cannot issue the plastic card until advised of the number. I know now that Councillor Stutter is aware that the information has been given and the card is being processed for his benefit; the matter will clear up. Now, dealing with Sessional Paper No. 1 and 5. The first point that I would like clarify is that when Councillor Stutter took certain figures, he took a December figure of the number of people that were registered and what category they were registered. But then only took what was a November figure; only took the average of \$74,000 when in fact, in that particular month, there was \$107,000 that was paid out. So, of course, the money that was paid out in that month was much more than the money that was taken in, for the average of this instead. What we have in statistics is this. In status one, we have for the month of January registered 4,367 individuals at \$6.50, a total of \$28,385. Status two, 1,439 couples at \$12.50, for a total of \$17,988. Status three, 3,082 families at \$14.50, for a total of \$44,689. I only got some figures just before I came in, but I also will be supplying a copy of these figures to all Members; making a total of \$91,062. In other words, that would be the total amount, if everybody was paying their premiums, everybody that's registered was paying premiums, and there were no assistance, no premium assistance and there were no payments that were in the process of coming in, and also those people that have left the Territory, have not left the Territory and their monies were coming in. Now we can take an average of 5% off that to allow for the status changes and you have to keep in mind that where you might lose one family at \$14.50, it is almost equal to losing three or more single at \$6.50 because of the number of people that might be in the family. Take an extreme -- a family with children, eight children, has a monthly premium of \$14.50, and if you had ten people with single status, the premiums would be ten times \$6.50, or \$65.00, so that you would have a difference of \$50.50 simply because of one registration of one family coming in different categories. Also, of course, in the 5% which I am allowing off for that is also residents that leave the Territory permanently, but don't notify the Plan that they are leaving, so the only time that we would know that they have left is when they have registered in a new jurisdiction, and it might be two or three months before we know that they have left. We can say that the total premiums then would be \$86,000 for the month of January. Now, the recoveries would be, if you worked it out on the basis of \$86,000 for January and if we follow the same procedure that the Honourable Member figures, we take the \$86,000 multiplied by twelve so that we would have \$1,032,000, if \$86,000 was the average. The National Health and Welfare would get \$40,500 a month times twelve, that's \$486,000 with -- so there would be a total recovery there, on that basis, of \$1,515,000. In December, 1972, the insured services that we paid out was \$107,452 and on top of that the administration costs of 6½% is \$6,985, so we actually paid out \$114,457. Now because we have totaled the recoveries and added N.H. & W. \$40,500 on the basis of times twelve, which brought it to \$1,515,000, we must, therefore, multiply by twelve months the expenditures.

LEGISLATIVE
RETURNS #1 & 5

Mr. Chamberlist continues:

LEGISLATIVE
RETURNS #
3 & 6

The expenditures then would come out at \$114,457 times twelve is \$1,373,484; the per capita average cost, \$64.99 times 19,730, would be \$1,282,000; the administration at 6% is \$83,340; and we come back to that figure of \$1,365,000. And if we are working on an average basis it would appear that the most we would have as a cushioning effect is \$150,000, just under \$150,000. That is if you have a cushioning effect and everything turns out on that basis. I also would like to bring to Honourable Members' attention that we never know in this type of Plan how heavy a particular, any particular payment out might be. We have recorded three particular payouts; one of nearly \$21,000 in payment of one particular instance, one of \$8,200, and one of \$6,100 as medical expenses. So you can imagine how people can be hit and the cushioning effect of \$150,000 is not very big. If you will look at the 1973/74 Estimates we have also estimated the insured services and administrative costs at \$1,312,000 and the recoveries at \$1,402,000, showing almost a cushioning there of about \$89,000. We are not exactly sure how our situation is going to be; we hope it is going to be a little less than \$150,000, but we do not know because of the two months behind; what the last two months of the year might be. They might be heavy years or they might be less. Now I will provide these figures and this particular paper to all Honourable Members so that they can then adjust it up against the information that has been given in Legislative Returns No. 1 and 5, because there is a little bit of an adjustment there.

Mr. Deputy Chairman: Councillor Taylor will you take the Chair please.

Councillor Taylor takes the Chair.

Mr. Stutter: Mr. Chairman, I would just like to reply briefly to the rather unimportant point about my U.L.C. number. I would just like to mention that it is at least six months ago since the proper number came up and the number that I was taking was the number that was shown on my payroll from the Government with the original one. But it was still six months ago since I gave the proper number to the Plan and I still haven't received my card, so you are still six months behind there. The Minister has taken the month of December as expenses which is at least \$30,000 more expensive than in any other month. If you multiply that in itself by twelve, that is another \$360,000 right there, added to \$150,000 is over a half a million dollars.

Mr. Chamberlist: Mr. Chairman, there is no use arguing.

Mr. Stutter: So it is going to be interesting to see the figures that the Minister now has for us, but I still am not the least bit satisfied that the Plan is only going to show \$150,000 surplus at the end of the year.

Mr. Chamberlist: So am I, I hope it shows more. I hope, Mr. Chairman, I hope it shows more because it means that it is good administrative control. I really hope that it does show more. But I'm just saying that the basis of the figures and the multiplication that is being done by the Honourable Member was done where he multiplied the -- by twelve for the purpose of an average of \$74,000 over many months and yet used the statistical figure of one particular month for the possible premiums that are coming in. This is the difference. The Honourable Member shakes his head, but all I'm going to suggest, I'm going to pick up a suggestion that was made by the Honourable Member for Carnacks-Ruane. I am satisfied from the records that I have seen that the figures that have been given show quite clearly what the position is. I understand money, I understand dollars and cents and I am afraid that the best thing that the Honourable Member could do, and I'll have available the whole of the staff of the Department for his disposal and he can spend a little time and try and get it into his head that you can't multiply recoveries without multiplying premiums and you can't multiply premiums and take only an average of recoveries. You can't take administrative costs and payout costs of services without taking into consideration all other factors. If an attempt is being made to breakdown in only one or two particular areas, without using the same formula throughout, I'm sure the Honourable Member, Mr. Chairman, will recognize that once he uses the same formula on all items, it would shine throughout him. I am not going to suggest that there is any stupidity in the name of Councillor Stutter because it is not so, but I would suggest that he really examine the method in which has calculated his figures. That is, that he has used the \$74,000 average and multiplied it by twelve, instead of using the average also for premiums, because there were different months in the period from April to December where there were perhaps 20% less than registration. But on the basis of one particular month and you multiply everything across the board, then I'm sure the understanding will be quite clear. I would suggest that the Honourable Member find the time to go over to the Administrator and sit down and talk of bookkeeping style; show him the errors of his thoughts.

Mr. Chairman: I intend to avail myself to that offer to go over to the Administrator, and sit down with him and work these things out. I would like to point out, though, that the average figure that the Minister has accused me of using is one that he put down in the reply, Legislative Return No. 1, himself. That was over an average of three months. I added to that average to be on the safe side, an extra \$6,000.00, to come up with a rather safe cushion on his behalf; I cut my figures as far as premiums were concerned; and overall, I still come up with a considerable surplus. I'm glad to hear that he's looking for a surplus, because I think all of the public is looking for a surplus. That is the only main beef, I think, against the Plan; it just appears to be costing too much for what we're getting. That's the only thing that I have against the Plan. I supported it when legislation came in; I still do. But, I still think that it is a bit expensive. LEGISLATIVE
RETURN #1 & 5

Mr. Chamberlist: I just want to clarify one point. I know that the Honourable Member has used the average, but this is the complaint I have against him; that he used an average of \$74,000.00 for the purpose of multiplying by 12, but did not use an average on premium income. You used the premium income for one particular month. Well, with respect, the Honourable Member is shaking his head now. He used the figures that were given to him on Sessional Paper No. 1, which is only for one month, not an average of premiums. However, I don't think that on the Floor that we are going to see each other's way, but I'm pleased the Honourable Member is taking advantage of the facilities that are available to all Members of Territorial Council, to see any officer at any time.

Mr. Stutter: Mr. Chairman, just one final point. If the Honourable Minister would refer at some time to the Votes & Proceedings of the other day, he would see the method that I outlined. I did not use the figures of that particular month; only as a guide. I used that as a guide to get back to the base, the D.B.S. base of 18,000, and the figures that have just been given to us by the Minister indicate a population of around 18,340, and I used that as a base from there on. I feel that there probably are 18,000 people who are paying into this Plan on a steady basis, regardless of those coming into the Territory and going out. You would nevertheless have a base of 18,000. It was this base that I worked from. I will resume the Chair.

Mr. Stutter resumes the Chair.

Mr. Deputy Chairman: Do any other Members have any other points?

Mrs. Watson: Mr. Chairman, the corrected page to Bill No. 18, page 2, is now available. If we could put the Speaker back in the Chair, and give it First and Second Reading, we could deal with that Bill today. BILL #18

Mr. Chamberlist: Mr. Chairman, if we put the Speaker back, and it perhaps might be a good idea because then, if everybody's willing, we could then give First and Second Readings to the Bills that were introduced today so that we would be able to continue with our work, if all is agreed to that.

Mr. Deputy Chairman: I think it was suggested by Committee earlier on that we try to get Mr. Fitzgerald with us. It would be an advantage to have the Bill itself in with us perhaps, in case there were questions arising out of that. I'll declare a brief recess.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. We're dealing with Bill No. 6, the Main Estimates. We have with us Mr. Fitzgerald and the Assistant Commissioner, Mr. McIntyre. I think Councillor McKinnon requested the presence of Mr. Fitzgerald. BILL #6

Mr. McKinnon: Yes, Mr. Chairman. For the first time in the history of the Yukon Territorial Government Game Branch, we have a Game Biologist on the staff. I was wondering, Mr. Chairman, if Mr. Fitzgerald could give us a rundown on the priorities that are being set for the biologist to do, and whether he could give us some indication of how well along the Game Department is in getting a game count in the Yukon Territory.

Mr. Fitzgerald: The biologist, whose name is Manfred Hoefs, has been employed since the middle of September of last year. He is doing naturally what he was hired for; he is designing, conducting and interpreting all game surveys done by our branch. There has been some time spent by this man in cooperation with the Canadian Wildlife Service and the National Parks Branch. He has completed the first detailed and comprehensive game inventory in the Klucane National Park. He represents the Game Branch in a number of local committees and national associations and presents papers on game management and conditions in the Yukon. He has spent considerable time in the field getting accustomed to the Territory and areas in which he will be working. Some laboratory work has been neglected; we haven't got a laboratory, although we have fixed up a fairly reasonable lab in our warehouse where work can be done. The biologist has written some reports on the scientific matters concerning answers we get of a scientific nature, and what have you, and he has answered an awful lot of these. He has also published a paper on lichens and a natural history of the Klucane area; and, he has two more being printed on birds of the Yukon and Dall sheep. These will be released this summer. Starting within the next few days, the area south of the Alaska Highway in the Yukon Territory, this has now been blocked off on maps; this whole area is to be checked thoroughly by the biologist and the technician and a complete inventory taken there. We have spent considerable time on the Central Yukon in connection with caribou, and this was in conjunction with a mapping survey that is going on by the Canadian Wildlife Service. Through the month of March we hope to, for the long-range forecast as far as we can find out it will fairly clear weather, we hope to accomplish probably more in this month than we have on our own as far as the game inventory is concerned. The man is getting well established; he has his office set up and most of the materials that he needs to work with. I think that we are going to get some pretty good results by the end of the fiscal year.

Mr. McKinnon: I am wondering, Mr. Chairman, if the Department has an overall plan as to how long a game inventory is going to take? How many years before you can finally say in any given area of the Yukon Territory, this is the game inventory that is there?

Mr. Fitzgerald: Well, I would think, conditions being right, that it will take two years; possibly a year and a half from now, but about two years altogether. I sincerely hope by then.

Mr. McKinnon: I wonder if the Department has looked to the day when the population of Whitehorse will be doubled, which is in the foreseeable future; in a ten-year period type of thing. With a game inventory, will the Department be thinking in the area of game management areas and in limiting, or, in fact, stopping hunting for certain periods in certain areas, dependent upon the game biologist's reports and the inventory that the Department will have for their information at that time?

BILL #6

Mr. Fitzgerald: That is certainly something that has to be closely watched. We are satisfied at this time that there is no undue pressure on our game population except along some of the highways where vehicles can readily reach these areas. The general feeling is that our game population at this time is in good shape. But, we certainly have to keep in mind the pressure, and keep this under observation that pressure may be exerted on our game by a population increase. I think probably the answer then may be where the pressure is too great in some areas, close the area to hunting completely. I don't think that the draw situation will work out too well on cutting back on licenses. I think we just have to protect the area for a year or two; give it an opportunity to come back by shortening the seasons, and so on. And, in this case, if this has to be done, I think that our local hunters, the Territorial hunter, should get the preference over non-residents if we have to limit licenses.

Mr. Taylor: Mr. Chairman, this question has been raised just about every time we have discussed the game estimates, the matter of game management districts. There seems to be a reluctance on the part of the Administration to implement this, but, this is the point, if you have an area, say in the Aishihik area, where the moose populations are somewhat slim, you could control that district. You could say, "All right, we will limit the amount of kill in the area, or curtail hunting for a season in that area and still permit other areas to have open hunting where populations are a little more plentiful. I have been in great hopes here for the last several years that the Administration would embark on this particular program. This is what we really need, you know. I am just wondering if it is anticipated if this year we will be able to get these big game management districts.

Mr. Fitzgerald: I think, Mr. Taylor, when we get this survey completed, and I hope that it is done within the time that I mentioned, I think possibly that this will naturally follow. We will have to have game management areas. Because if the survey shows, for instance, that the area north and west of Watson Lake where we have a very heavy concentration of moose, it is just a possibility that we will be able to have a cow-moose season in that management area. That is just an example. I think there is merit in having these areas, but I don't think that there is any point in trying to lay them out until we know what may be contained within an area.

Mr. McKinnon: Mr. Chairman, with the trappers getting a good price for furs this year has the Department had any complaints on poaching on traplines this trapping season?

Mr. Fitzgerald: Not as many as we had expected. There is possibly some going on that has not been reported. We have tried to keep some of these areas under observation where we know people are living in cabins that they have taken over, and from the air it was noticed several trails running from these cabins into traplines we knew were occupied by someone else. We made it our business to check these out. We found traps, and we found areas that were prepared for the setting of traps. In three of four different cases the intent was nipped in the bud before there was any reason to make a seizure of pelts or traps or anything else. There have been a few other cases that have been reported that have definitely been looked into. Probably a few more complaints than what we have had over the years.

Mr. McKinnon: Has there been an increase this season, Mr. Chairman, in the complaints of big game outfitters of wolves this season?

Mr. Fitzgerald: There were quite a few comments concerning wolves, but we have only had a few requests to take some action to help protect horses in their regular range not too far from Whitehorse. An actual complaint of wolves damaging the game in an outfitters area, we have had comments about the wolves being seen and heard in an area, but no real complaints in effect that they were doing that much damage. Of course, the ready-made answer is, if you have wolves, you must have game.

Mr. McKinnon: Is there any predator control being carried out by the Game Department?

Mr. Fitzgerald: Very little; at the moment there are seven baits out. This is all in horse ranges.

Mr. Taylor: Mr. Chairman, I can report one pack of over forty wolves up in that Finlayson-Francis Lake area. Some of them are getting pretty big and they are killing a lot of game this winter. I have another question related to big game outfitters. I am wondering, does the Director of Game exercise the power over allocation of hunting areas to the degree where he can shuffle them around? What I am getting at is, there was an outfitter outfitting north of Watson Lake in the area now covered by the recent staking at Summit Lake. That man has booked his hunters in for sheep next year, and this, that and the other thing in the area, and the area has been deluged with helicopters, and they have got every sheep spooked right out of the country. In light of that particular resource development hurting his area, would the Game Department or the Game Director be in a position to give him another piece of Territory to hunt? Otherwise, he will have to go out of business.

Mr. Fitzgerald: Mr. Chairman, in my interpretation of the Ordinance, I don't think that I have the authority to alter the boundaries without conducting it through the Commissioner's Office. I do think that I'm aware of the case you refer to, Councillor Taylor, and this is probably the -- this is the fourth case where an outfitter has pretty near been pushed right out of his area. So, if we try to move these people around, an awful lot more of them will have to be moved. There are at least four now. One man in that area -- perhaps I shouldn't make reference to the area, but this has happened in three or four different areas.

Mr. Taylor: I note that in that particular area, I think Indian Affairs controls most of it. They have a big tract of land down there. It seems to me that somewhere, some boundary adjustments could be made because there is an awful lot of open, unhunted country.

Mr. Fitzgerald: We'll certainly take a look at it.

Mr. McKinnon: Mr. Chairman, in the Klusne Park area, who is now responsible for game control? Is it the Canadian Wildlife Service, the National Park Service, or the Territorial Government Department of Game?

Mr. Fitzgerald: The National Park's people have two well qualified and knowledgeable people there, and they're on the move pretty near all the time. They have a few more people working with them who were taken on recently; part-time people. The two wardens that are concerned with the National Park itself also have been appointed ex officio wardens under our Ordinance. They quite willingly offered their services in connection with the balance of the area which will constitute the Klusne Game Sanctuary. They've been of help to us.

Mr. Deputy Chairman: Any further questions?

Mr. McIntyre: I might say, Mr. Chairman, that a paper containing all these answers will be tabled tomorrow.

Mr. Taylor: I have one question. Now that the Game Department has a communications system -- I think that this is the first year that it has been in full operation -- how does it seem to be working out?

Mr. Fitzgerald: Well, it's rather spasmodic in its operation. In close areas where there are a couple of small walkie-talkies, the small V.H.F. walkie-talkies, it works fine. In vehicles, at short range, it works really fine; it saves a lot of expensive running around and driving back and forth. But, I must admit that there are days when we can't raise our outside detachments; on other days, it's wonderful. Engineers, I believe, have the same system.

Mr. Deputy Chairman: Any further questions of Mr. Fitzgerald?

Mr. McKinnon: The new game guardian who will be on staff this year, Mr. Fitzgerald, is he assigned any specific duties or to a specific area, or is it just general duties under the Game Ordinance?

Mr. Fitzgerald: We hope to open a new detachment at Faro, and we hope that this man will be placed there if he has had suitable experience in this line.

Mr. McKinnon: What area would he be responsible for?

Mr. Fitzgerald: He would then have the north Canal, probably come over to Carmacks or Pelly River, and the area north of there. It's a fairly large area. It could possibly come down to near the lakes that Mr. Taylor just mentioned, the Finlayson Lakes and that area. We'll have the boundaries of their areas laid out on a map which will be made up as soon as we get this detachment occupied.

Mr. Deputy Chairman: I do have one question from the Chair. Could you just give us a brief report on how your new rules or methods of controlling the hunting on the Dempster Highway panned out when the migration of the caribou took place?

Mr. Fitzgerald: First of all, I would like to say that we got wonderful co-operation from our local hunters. As you know, the bulk of the migration south of the Porcupine, instead of swinging west, for some reason they moved towards the west, back into Alaska and back north across the Porcupine; possibly 50,000 of them. That is, as you know, the bulk of the Porcupine herd. Our count shows only 47 caribou killed on the Dempster Highway last fall.

Mr. Deputy Chairman: Are there any further questions of Mr. Fitzgerald? I would like to thank you very much for your attendance, Mr. Fitzgerald and Mr. McIntyre.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Fitzgerald could make himself available in about ten or fifteen minutes, to allow us to perhaps revert into Council so that we can put this Bill forward, unless Mr. Fitzgerald is able to come back tomorrow. I don't want to tie him up unnecessarily.

Mr. Fitzgerald: In answer to that, I'd prefer to come back tomorrow.

Mr. Deputy Chairman: Thank you.

Mr. McIntyre and Mr. Fitzgerald leave Chambers.

Mr. Deputy Chairman: It now appears that we have completed the work in front of us at the moment. I would entertain a motion to put Mr. Speaker back in the Chair.

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

Mr. Deputy Chairman: Is there a seconder?

Mrs. Watson: I'll second it.

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Watson, 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. Deputy Chairman: Mr. Speaker, at 2:30 p.m., Committee was called to order. Bill No. 3 was discussed further, and it was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3 pass out of Committee without amendment. This motion carried. Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, was discussed. It was moved by Councillor Chamberlist, seconded by Councillor Tanner, that this Bill pass out of Committee without amendment. This motion carried. Bill No. 15, An Ordinance to Amend the Pharmaceutical Chemists Ordinance, was discussed. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that this Bill pass out of Committee without amendment. This motion carried. I can report progress on Bill No. 17. Bill No. 19, An Ordinance to Amend the Co-operatives Associations Ordinance; it was moved by Councillor Chamberlist, seconded by Councillor Watson, that this Bill pass out of Committee without amendment. This motion carried. Legislative Returns No. 1 and 5 were further discussed. Bill No. 6 was discussed; we had with us witnesses, Mr. Fitzgerald and the Assistant Commissioner, Mr. McIntyre. I can report further progress on this Bill. It was then moved by Councillor Chamberlist, seconded by Councillor Watson, that Mr. Speaker do resume the Chair. This motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed? What is your disposition in respect of the agenda?

Mr. Stutter: Mr. Speaker, with permission of Council, I think it's our intention to waive Standing Order No. 41 and proceed with further Bills.

Mr. McKinnon: Mr. Speaker, I'm not going to give unanimous consent to waiving Standing Order 41 at this time, the reason being that the Bills that were introduced this morning of course, it was the first time that any of the Members have seen, other than those in the Government, these Bills in any form, and certainly it would be unwise for them not even to have the evening to be able to study them before they come up naturally for debate in Committee tomorrow. The other Bill that we could proceed with if we did give unanimous consent and go back, would be Bill No. 18, on the Game Ordinance, which was withdrawn, or not introduced, by the Government this morning because of a typographical error. I've had about -- well, an awful lot of phone calls on this over the weekend, and I've been very, very busy over the weekend. I haven't had a chance to discuss this Bill with those people who have phoned me. This is something that I intend to do tonight. I have had at least a half dozen phone calls that I know are involved specifically with this Bill, from people whose judgment I trust. I would like to listen to their views on it and I intend to do that tonight. So, I won't be giving my consent to waiving Standing Order 41 at this time. I think that all Members can put their time to advantage this evening to make sure that they are fully aware of the contents of the Bills that will be discussed in their normal course tomorrow, Mr. Speaker.

Mr. Chamberlist: We always do.

Mr. Speaker: What is your further pleasure?

Mr. Stutter: Mr. Speaker, in that case, I think it's the intention of Council to meet tomorrow at 2:00 p.m. to discuss Bills, Motions, Legislative Returns and Sessional Papers.

Mr. Chamberlist: Mr. Speaker, I would move we call it 9:30.

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

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Dawson, that we call it 9:00, or 9:30, pardon me. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

Mr. Speaker: Council now stands adjourned until 2:00 p.m. tomorrow afternoon.

ADJOURNED

MOTION
CARRIED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Under Orders of the Day, are there any Documents or Correspondence for tabling this afternoon?

Mr. Chamberlist: Yes, Mr. Speaker, we have for tabling this afternoon Legislative Return No. 10.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, an Ordinance intituled Fraudulent Preferences and Conveyances Ordinance, be introduced.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, an Ordinance intituled An Ordinance to Amend the Motor Vehicles Ordinance, be introduced.

MOTION CARRIED

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

Mr. Tanner: Mr. Speaker, I'd like to give Notice of Motion to move Sessional Paper No. 15 into Committee of the Whole.

Mr. Speaker: Would the Honourable Member for Dawson kindly take the Chair?

Councillor Stutter takes the Chair.

Mr. Taylor: Mr. Speaker I would like to move this morning, seconded by Councillor McKinnon, that Sessional Paper No. 2 and Legislative Return No. 8 be discussed in Committee of the Whole. I'll resume the Chair.

Councillor Taylor resumes the Chair.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? Under the Daily Routine we have at this time, no Motions in the House. We will proceed to the Question Period. We have with us Mr. Commissioner, this afternoon. Have you any questions? Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, if I may, I would like to advise Council of two items and also to indicate an answer to a question raised by Councillor McKinnon on February 22nd, re the inquiry to be shared by Mr. Hobbs, based on a complaint by a taxpayer, pursuant to the Municipal Ordinance.

Mr. Speaker: Proceed.

Mr. Commissioner: First, in connection with Councillor McKinnon's question, the steps that were involved here started on February 7th, when the Executive Committee recommended that the inquiry be constructed. The next item was on February 8th, when the Legal Adviser contacted the British Columbia Department of Justice, seeking recommendation of a person or persons to be appointed to conduct such an inquiry. Next, on February 8th, on the B.C. Department of Justice recommendation, Mr. Hobbs was contacted by the Legal Adviser and asked if he would accept such an appointment if the Commissioner was to make it. On February 8th, the Legal Adviser's secretary sent a copy of the Municipal Ordinance to Mr. Hobbs as he requested in his telephone conversation. Item five; on the 13th of February, the Director of Local Government met with Mr. Hobbs in Vancouver and went over the draft of the terms of reference for the inquiry. Item six; on February 14th, I signed Commissioner's Order 1973/78, appointing Mr. Hobbs to the Board of Inquiry and delineating the terms of reference. Item seven; on February 16th, copies of two public notices respecting the Board of Inquiry were mailed to the Members of the Territorial Council, the members of the Whitehorse City Council, the Administration City of Whitehorse, and the Administration of the Territorial Government. Item eight; on February 19th, the Administrator signed Commissioner's Order 1973/83, appointing Ross W. Reed as Clerk of the Board of Inquiry. Item number nine; on February 19th, the Legal Adviser wrote to Mr. Hobbs enclosing copies of the advertisements of Mr. Hobbs' appointment and items four, six, eight and nine, which are basically the correspondence or the written items in connection with this. Copies have been distributed by the Clerk to each Member of Council. May I carry on? Mr. Speaker, as indicated yesterday in announcing Treasury Board approval for future years' funding for the construction of the Territorial Administration Building, the artist's concept of the plan as it now stands, has been posted here for Councillors and public information, and the Clerk also has, which he will be putting up for Councillors' information, an expanded version of the building. One of the criteria that was required, it was that the building must lend itself to expansion at a future time, and likewise, have a concept of how this might appear. For the benefit of Members, the service component, the Library Archives building and service components of this complex, are all attached. On the right hand side is the legislative component and in the middle the three storey tower being the Administrative component. This is in the manner in which the original concept will be. Am I not making myself explicit, I'm sorry. If there are any questions that Honourable Members have in regard to this concept, I'm sure we will do our best, Mr. Speaker, to comply to them. Mr. Speaker, I have received today from my Minister, the Honourable Jean Chrétien, the Minister of Indian Affairs and Northern Development, in which he has advised me that it now seems that he will not be able to come to Yukon to discuss the Council's resolution seeking an amendment to the Yukon Act with a view to increasing the Council's membership and increasing the number of elected Members on the Executive Committee, for some time to come. He has requested, therefore, that I advise Council Members that, and I would like to quote, "I share your view on the need for additional representation on the Council and accept it that it will be desirable to increase the number of elected representatives on the Executive Committee." That is the end of his quotation and he goes on further to say that he will be approaching his Cabinet colleagues on these matters. The Minister also expressed to me, his gratitude to the Council for their suggestions in the past and mentioned that he is looking forward to further discussions on these and other subjects with the Councillors and myself, when next he is able to visit the Territory. This is everything that I have here at this time.

Mr. Speaker: Any questions?

TABLING OF
L.R. #10

BILL #26
INTRODUCED

MOTION
CARRIED

BILL #27
INTRODUCED

MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I don't wish to ask a question of anybody, but I felt, Mr. Speaker, I would be able to indicate that the Government has received a communication from the Watson Lake area, with reference to billing by a medical practitioner of residence there. I want to make it clear, Mr. Speaker, it is wrong, against the law for a doctor to bill any resident. The doctor there has put in writing that Yukon Medical Scheme does not pay for physician services. This is not true. The doctor in question is not supplying the information with his billings and therefore, the computer cannot meet his requirements to meet those commitments.

Mr. Speaker: Are there any questions?

QUESTION RE PROSPECTORS ASSOCIATION GRANT

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner today. Has the Commissioner received correspondence from the Prospectors' Association asking for a grant in the same way the Chamber of Mines did? What action did the Commissioner take to that letter?

Mr. Commissioner: Mr. Speaker, could I ask for a notice on that question please? I'm just not too certain on that basic information.

Mr. Speaker: Do you have any further questions?

QUESTION RE CORRESPONDENCE OF MR. HOBBS

Mr. McKinnon: Mr. Speaker, I wonder if I may ask Mr. Commissioner; I take it this is the total amount of correspondence that has gone on between Mr. Hobbs and the Territorial Government. Is that correct?

Mr. Commissioner: The answer is in the affirmative; that is the information that has been supplied to me and to the very best of my knowledge, this is the correspondence that has taken place.

QUESTION RE CAPITOL BUILDING

Mr. McKinnon: Mr. Speaker, may I put a question to the Commissioner; I noticed that the legislative area is about 1/100 or so, of the amount of space given over to the Administrative wing, which is about par for the course. I was wondering if there is any place in the legislative area or adjacent to it, where Members of Council who don't happen to be Government Members, will have the opportunity to meet their constituents and to do a bit of legislative work?

Mr. Commissioner: Mr. Speaker, my colleagues on the Executive Committee, who are Councillors, have made it abundantly clear that anything less than adequate accommodations for Council Members is unacceptable and I can assure you that as a consequence of that and my own personal wishes on the matter, that I am sure that Councillors will be more than satisfied when we do get a set of plans available indicating the space requirement provided, not only for the Council or Legislature as a body, but for the Members individually.

Mr. McKinnon: A further question on the preliminary design that I see here, and I don't want to go into too much detail until we see the actual architectural drawings of the interior. On the first-hand basis, I do like the concept of the natural wood finish in conjunction with the Library building. I was wondering whether there is any concept of anything that is distinctly northern in a way of competitions or something to that effect, or designs to be put on the final building, Mr. Speaker?

Mr. Commissioner: Mr. Speaker, in the short conversations that we have had with the architects and planners of the Federal Department of Public Works, the idea was put forth that the four corners of the tower would lean themselves very aptly to native-type designs or native-northern designing. The thought of competition in this is something that I'm, I must admit, that we have not given much consideration to, but definitely the idea being to put a very distinctive northern face on the tower by the use of the corners for that kind of design and, as suggested by the Honourable Member, the thought of competition may well be a very practical thing in this instance. I can assure you that it will be given every consideration. The northern theme and the use of those corners for that is definitely part of the concept as it is presented to you here.

Mr. Speaker: Are there any further questions? I'd like to thank the Commissioner for his attendance today. We will proceed with ...

Mr. Chamberlist: Mr. Speaker, before we proceed with Public Bills, in error I did not introduce another Bill. I wonder if I may have permission to introduce another Bill because it was out of sequence and I omitted it before?

Mr. Speaker: Would Council agree to revert on the Order Paper to Introduction of Bills? Are there any contrary? Proceed.

BILL #20 INTRODUCED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, an Ordinance intituled Corrections Ordinance, be introduced.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: We will proceed now to Public Bills and Orders. What is your pleasure?

BILL #16 FIRST READING MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, Building Standards Ordinance, be given First Reading.

MOTION CARRIED

BILL #16 SECOND READING MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, Building Standards Ordinance, be given Second Reading.

MOTION CARRIED

BILL #18 FIRST READING MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Game Ordinance, be given First Reading.

MOTION CARRIED

BILL #18 SECOND READING MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Game Ordinance be given Second Reading.

MOTION CARRIED

BILL #21 FIRST READING MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, An Ordinance to Amend the Mental Health Ordinance be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, An Ordinance to Amend the Mental Health Ordinance be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, Loan Agreement Ordinance 1973, No. 2, (Employment Loans Program), be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, Loan Agreement Ordinance 1973, No. 2, (Employment Loans Program), be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, Territorial-Municipal Employment Loans, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, Territorial-Municipal Employment Loans, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, An Ordinance to Amend the Labour Standards Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, An Ordinance to Amend the Labour Standards Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, Purchase and Supply Services Agreement Ordinance, be given First Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, Purchase and Supply Services Agreement Ordinance, be given Second Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 3, An Ordinance to Amend the Pounds Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 3, An Ordinance to Amend the Pounds Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 3 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 14, An Ordinance to Amend the Dental Profession Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 14 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 15, An Ordinance to Amend Pharmaceutical Chemists Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 15, An Ordinance to Amend Pharmaceutical Chemists Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 15 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 19, An Ordinance to Amend the Cooperative Associations Ordinance, be adopted as written.

MOTION CARRIED

BILL #21
SECOND
READING
MOTION
CARRIED
BILL #22
FIRST
READING
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CARRIED

BILL #19

Mr. Speaker: I declare that Bill No. 19 has passed this House. Are there any further Public Bills and Orders? What is your further pleasure?

Mr. Tanner: Mr. Speaker, I move that Mr. Speaker, do now leave the Chair and Council resolve itself into Committee of the Whole for discussion of Legislative Returns, Sessional Papers and Bills and Motions.

Mr. Chamberlist: I second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns. Are you prepared for the question? Are you agreed? I shall declare that the motion is carried.

MOTION
CARRIED

MOTION CARRIED

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

Mr. Deputy Chairman: Before I declare a recess, I wonder if any of the Committee Members can advise me as to whether Mr. Rivett has been notified of the discussing of Bill No. 12.

Mr. Tanner: Mr. Chairman, I had a phone call from Mr. Rivett just a moment ago and he won't be able to make the discussion. He hopes he will be able to get out of hospital tomorrow, but he won't be able to make this Session of Council.

Mr. Deputy Chairman: I will declare a brief recess at this moment.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. Is it the wishes of Committee that we stand Bill No. 12 over until tomorrow, or do you wish to proceed with it? BILL #12

Mr. Chamberlist: We can proceed with it, Mr. Chairman.

Mr. Tanner: Mr. Chairman, I would like to point out to Committee that Mr. Rivett indicated to me on the phone that he very strongly felt that he would like to be here. I would also like to indicate to the Committee that he is strongly in favour of the Bill. That is why he would like to be here. However, it is up to the Committee.

Mr. McKinnon: Mr. Chairman, I have no objections whatsoever to standing Bill No. 12 over. If any Member of this House has made a request of Council that they wish to debate on any particular subject, I think that if one checks the records of the Votes and Proceedings of the House, you will find that I have always bent over backwards to make sure that Member has that opportunity. In this instance, even though I disagree with the way that Councillor Rivett has indicated that he will vote, I think that the House really should give him the opportunity to debate the Bill. If tomorrow is the day that he will be able to attend Council and debate the Bill, as he has indicated that he wishes to enter the debate, I think that this House should give him that opportunity. I would be more than willing to stand Bill No. 12 over until tomorrow to give him that opportunity that he has requested of Committee.

Mr. Tanner: Mr. Chairman, I had better make quite clear, he is not absolutely sure that he can be here tomorrow.

Mr. Deputy Chairman: Would Committee agree to stand it over until tomorrow then? No later, perhaps.

Mr. Chamberlist: Yes, I think on the basis of that we would agree. However, I would like to point out to the Honourable Member from Whitehorse West, who said he has always given consideration to time factors, that I was looking up some Votes and Proceedings from when he first went into Financial Advisory Committee, and he proudly blew the trumpet that he was able to get through the Budget in two days.

Mr. McKinnon: Yes, and everybody got an opportunity to ask all the question they wanted to ask, Mr. Chairman. The answers were so lucid and so concise and so winning that even the Honourable Member from Whitehorse East had to agree with the wonderful job that the Chairman of the Financial Advisory Committee had done and to agree with the passage of the Budget.

Mr. Deputy Chairman: The next Bill is Bill No. 16, Building Standards Ordinance. BILL #16

Mr. Chamberlist: Explanatory Note for the record: "The purpose of this Bill is to enable building standards similar to those presently in operation in the local improvement districts to be applied generally in the Territory. The standards are less sophisticated than those applied to municipalities."

Mr. Deputy Chairman: (Reads Bill No. 16.)

Mr. Taylor: Mr. Chairman, in what area has the Administration had difficulty? Difficulties must have been encountered; that is why the Bill is here. What difficulties have been encountered?

Mr. Chamberlist: Mr. Chairman, at the moment we have building regulations within those areas that have been designated as development areas under the Area Development Ordinance. As we have read, this Ordinance excludes local improvement districts and municipalities. Therefore, we are covered for municipalities, local improvement districts and those development areas. These are for those areas that are not in this category. This will give one standard use, or one building code. Also, you will notice that we are using the Canada Building Code for the North, which is less restrictive than what the National Building Code of Canada is.

Mr. Taylor: Mr. Chairman, the part that I find some difficulty with in this Bill is the same question that I have raised on other Bills, and that is -- for instance, 4(1) "The Commissioner may from time to time make regulations" and "respecting the issuing of building permits and fixing fees" and this type of thing; I feel that is really a responsibility of the legislature. I don't agree that the Commissioner should do this. I had a case in Ross River last summer when one old-timer wanted to move a shack from one place to another, a small building. They hounded and chased the poor old-timer for half the summer to collect a ten dollar building permit fee. It is another form of harassment, I think, in unorganized districts. I think that standards have been set in municipalities by Government, such as around Whitehorse, that maybe the people in the hinterlands can't quite live up to. By the issuance of these long series of regulations imposing fees and controls, this results in harassment to many people in the outlying districts.

Mr. Commissioner: Mr. Chairman, the point raised by the Honourable Member and the use of the word harassment is really not a fair criticism of what we are talking about here. I think that Honourable Members are aware that we have much development going on in the Territory at the present time, in areas which are far removed from the boundary confines of the local improvement districts or municipalities, and, in fact, never will be in these, simply due to their physical location or their geographical location. Many of these buildings are being built to house the traveling public. One of the minimum things that the traveling public or any customer of any business has a right to expect is that the laws of the Territory, or the province, or the country, in which he is being asked to part with his money apply to the building at which he has bought accommodations. This is one of our more serious situations, and we want to be able to apply, where it would be in the public interest, building standards. These building standards, in turn, follow good health practices, good fire prevention practices and others, where it is for the protection of the life and limb of the people who are going to occupy the building. For the most part, in these kind of instances, they are innocent travelers or customers of this type of entrepreneur in our Territory. The next thing is that over a period of time it has been found very beneficial to exercise the Fire Prevention Ordinance, the Health Ordinance, and various other Ordinances. The standards are very gradually being lifted up for everyone as a consequence of these, and we feel that the next step in lifting these standards up, is the application of such a Building Standards Ordinance as outlined in the Canada Building Code for the North, mostly for the protection of the individuals who are ultimately going to occupy the building, and the second instance being the owners themselves. It is a fact that we are entering into a sphere of development in the Territory where it is not in the Territory's interest to permit building to go on, even if it is remotely removed from settled areas, without some kind of standards being applied to it. It is for the protection of the people who are the owners and the occupiers. It is not to satisfy the ability of the Government to hire more inspectors or harass individuals. I am sorry, Mr. Chairman, but I am afraid that this word harassment as it has been applied here, is not really a fair criticism.

Mr. Taylor: Mr. Chairman, I agree with much of what Mr. Commissioner has just said, but I still say that harassment takes place in the hinterlands, and it does. It only takes one over zealous civil servant to raise havoc in a small community in an outlying district. To suggest that this doesn't happen, would not be fair. I say, as I have always said,

BILL #10 many of these Ordinances, and the people of the Yukon have seen this happen over the last two or three years, that the executive authority, or the executive function of Government, has now taken over the legislative authority of Government. This is a very bad thing. I think that if we are to adopt a building standard, if we are to set fees and this kind of thing, until such a time as this becomes a responsible Government of the Yukon Territory, a Government by the people, not a Government by Ottawa, that this control must rest in the legislature itself. I would be remiss in my duties as a Member of Council representing the people if I didn't make that point at least once in this Session with the hopes that maybe the Administration might hold this same view.

Mr. Deputy Chairman: Any further discussion on Bill No. 16? (Roads preamble)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 16 be reported out of Committee without amendment.

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

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 16, Building Standards Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

**MOTION
CARRIED**

MOTION CARRIED

Mrs. Watson: Mr. Chairman, I have been quite disturbed by the remarks of the Honourable Member from Watson Lake regarding the harassment of people by administrative officers. I really, as an Executive Committee Member, feel concerned about it. If he has any specific instances where this has occurred, I really feel that as a Member representing the people, he should bring these to the attention of the Executive people. I don't think that if this type of thing, as he says, goes on in the Territory -- every time we get to a piece of legislation he harps about it, and if there is truth in it, I really feel that it is his duty to bring specific examples of this to the attention of the Executives so that corrective measures can be taken. You can't do this type of corrective measure through legislation. There are other means of correcting this type of procedure if it does occur.

Mr. Taylor: Mr. Chairman, I have continually raised some of these problems with the Administration. In some cases I have got some relief. However, the damage is done when it is done by the civil servant. All of the apologies in the world by that Government, or by that civil servant, don't change things. If you want to find some real harassment, you just look at your Department of Local Government; then, you will find out just what harassment really is.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Carmacks-Kluane has made a simple request. I have to support her on it, and I am sure that other Members will as well. If the Honourable Member has a specific matter, please bring it forward. We are here to serve the Members of Council. If the Members of Council do not advise us of where their constituents are having reasonable complaints against somebody in the Administration, it is impossible for us to be able to even attempt to do something. I would suggest that the Honourable Member come forward and give any specific instances that he knows of, and we will certainly look into it. There is no point in going into an overall debate, but if you bring it forward, we would only be too pleased to look at it.

Mr. Taylor: Mr. Chairman, if the Honourable Member would just refer to his Votes and Proceedings of this Session, I think that he will have all of his answers, and more particularly, in this case that I just gave you a few short moments ago, a case in point that you can look into. I think that the actions of this Government in many instances are almost intolerable, especially when you live in the hinterlands away from this place. I think that it was best summed up in a little article that I picked out of Time magazine this morning. Senator Samuel James Irving of North Carolina put it right on the line. "The history of mankind shows that governments have an insatiable urge for power. This desire for power will carry them to tyranny unless it is prevented." That sums up what is happening here in the Yukon Territory right to a "T".

Mr. Chamberlist: I can only suggest that the Honourable Member never gets into a position of Government because, in that case, he is going to have an insatiable hunger for power. That is ridiculous. People try and do a job of work; the Honourable Member again refers to an example in point, but I don't recall an example being given. He has just generalized and said the Department of Local Government. The Honourable Member doesn't need to raise specific points here in Council. But, certainly, he can come along and say to one of the Executive Members, "This is the problem that I am having." I am sure that some attempt will be made to try and right it.

Mr. McKinnon: Mr. Chairman, I don't know what Bill we are debating here, but I got into this very interesting side issue, but I am very glad to hear both the Executive Committee Members state that if there are any cases of harassment they would be more than -- because I have been trying to raise a point for some two Sessions now. I feel the elected representatives of the municipality of the City of Whitehorse are being harassed by decisions made by both the Executive Committee and by members of the Territorial Administrative Government. I have been asking, pleading and begging with the Executive Committee Members, to meet with the representatives from the City of Whitehorse in order to be able to deal with what I consider, with what the municipal council consider, what members of the municipal administration consider to be out and out harassment by Territorial Government officials and Members of the Executive Committee. So I put my money where my mouth is, Mr. Chairman; I lay it right on the line. I give a specific example. I was very, very happy to learn that any indication where a Member does bring, states and name to the attention of the Executive Committee Members that they will seek immediately to make the thing right. I'm sure now, with his change in attitude from the Executive Committee Member that there will be no problem at all in meeting with members of the municipal administration to deal with this harassment that the Executive Committee Members have been bringing upon the elected members of the municipality of the City of Whitehorse.

BILL #18

Mr. Chamberlist: Mr. Chairman, once again it shows the phoney attitude of the Honourable Member who has just spoke; it is typical of him. His ability to be constructive is so retarded that he stands up again and speaks in a disgusted manner. He knows full well that what we were referring to is where an individual has been harassed by any Member of the Yukon Territorial Administration. I had hoped that I would not have to attack the Honourable Member who has just spoken, but it is a continuing matter with him. He knows full well that the matters between the City of Whitehorse and the Government of the Yukon Territory are those differences of opinions which are enscence in the legislation. Until such time that the City of Whitehorse has complied to the legislation, the Honourable Member has no beef whatever. I am going to make it clear, Mr. Chairman, that the Honourable Member just took an opportunity. The Honourable Member for Watson Lake quite properly raised a question dealing with where there might be some Administration people who are harassing a citizen. He had a proper argument to bring forward and I say again, if there is a specific detail of where a citizen is being harassed, to use his word, then we would definitely look after it. I have taken up for individuals in this Territory, many more times than any other Honourable Member, a point where I think they are being improperly treated. But what occurred just now, was a typical and deliberate falsehood; a deliberate attitude of the Honourable Member for Whitehorse West. He has been doing this continuously. He wants to destroy. I think the people of the Yukon are waking up to the destruction that he is trying to give. Next time around we'll see whether or not his answers will be forthcoming from the proper people.

Mr. McKinnon: Maybe I can bring it down on an individual basis, Mr. Chairman. My taxes, as an individual of the City of Whitehorse, have just gone up 30% because of what I consider to be insufficient municipal funding from the Government of the Yukon Territory. Would the Honourable Member please take up my complaint as an individual private citizen, that I'm being harassed by increased taxes because of insufficient funding by the Territorial Government. Now would he take that up on his individual basis and look into my complaint and try and do something for me.

Mr. Chamberlist: I would suggest then that he takes his complaint to the City of Whitehorse because it is the City of Whitehorse who is harassing him by raising his taxes. It is not the Government of the Yukon Territory.

Mr. Deputy Chairman: Order, please. I must rule that we have gotten a little bit beyond the scope of our work in Committee at the moment. If one of the Members wishes to put in a motion that the House discuss the harassment in Committee of the whole, then I'm sure it will be dealt with in the normal manner. The next Bill for discussion is Bill No. 17. As near as I can see, there has just been a change in that a new section 3 has been added. I wonder if Mr. Legal Adviser is available for us? All right, the next Bill for discussion is Bill No. 18, An Ordinance to Amend the Game Ordinance. Bill No. 18. Councillor Chamberlist, would you read the Explanatory Note.

BILL #18

Mr. Chamberlist: Mr. Chairman, the Explanatory Note for the record: "The purpose of this Bill is to make it unlawful for persons to use all terrain vehicles for the purpose of hunting. A further purpose is to limit game outfitters' licenses to Canadian citizens or other British subjects who are residents of the Territory. Opportunity is taken to insert "seals" in sections 36 and 37 to prevent their being unlawfully dealt with."

Mr. Deputy Chairman: If Committee would agree, we could revert to Bill No. 17 now that the Legal Adviser is here. Councillor Watson.

Mrs. Watson: Mr. Chairman, I don't know whether it was a misreading. I have seals in sections 37 and 38.

Mr. Chamberlist: It is 36 and 37.

Mrs. Watson: Correction 37 and 38.

Mr. Chamberlist: 37 and 38, that's right.

Mr. Deputy Chairman: Is it agreed with Committee that we'll revert to Bill No. 17. Mr. Legal Adviser, in the revised sheet it appears that there is just a new section 3. Is this the only change to Bill No. 17?

BILL #17

Mr. Legal Adviser: No, Mr. Chairman, there is a second change reflecting that change -- Yes, sir, new paragraph 3 is the only change, once section 3 is repealed.

Mr. Deputy Chairman: (Reads section 3) From there on it's sections that have already been read.

Mr. Taylor: Mr. Chairman, I don't think it still answers my question that there should be a compulsion upon a physician to register a birth and by repealing section 3 you take away that compulsion, do you not?

Mr. Legal Adviser: Mr. Chairman, it apparently hasn't worked in practice anywhere in Canada; the obligation for a physician to report. Section 3, the dead letter throughout Canada, is being repealed and instead of that we are going direct to the Registrar, with the correct people who should in the first place do the registration: the parents of the child or the people responsible for the institution or home of which the birth occurs. It has become a dead letter. It hasn't been enforced here for years or anywhere in Canada. It is a 24 hour requirement.

Mr. Taylor: Mr. Chairman, are there any further references to section 3 throughout the balance of the Ordinance, or is this the only one?

Mr. Deputy Chairman: Is there any further discussion on Bill No. 17? (Reads preamble)

BILL #17 Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 17 be reported out of Committee as amended.

Mrs. Watson: Mr. Chairman, I second that.

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance, be passed out of Committee as amended. Are you prepared for the question? Are you agreed? I declare the motion carried.

**MOTION
CARRIED**

MOTION CARRIED

BILL #18 Mr. Deputy Chairman: Next Bill, is Bill No. 18. The Explanatory Note has already been read. "1. The Game Ordinance is amended by adding to section 2 the following new definitions:"

Mr. McKinnon: Can we have the Game Director here?

Mr. Deputy Chairman: It is the wishes of Committee to have the Game Director here?

Some Honourable Members: Agreed.

Mr. Chamberlist: Mr. Chairman, the Executive Committee Member should be asked, and he can bring the Game Director with him, if he wants.

Mr. Deputy Chairman: Agreed by Committee? Mr. Clerk would you see that they are available, please. I declare a brief coffee recess.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. We are presently discussing Bill No. 18; we now have with us Assistant Commissioner Mr. McIntyre and the Director of Game, Mr. Fitzgerald. Are there questions before I proceed with the reading of the Bill? Perhaps I will read the definition of an all terrain vehicle. (Reads definition of an all terrain vehicle)

Mr. Taylor: Mr. Chairman, I really don't know how this particular description of an all terrain vehicle came to be in relation to this Ordinance. I think that the original intent of this Bill was to stop people from shooting game from, possibly, snowmobiles. I find it difficult to believe, indeed, the people of the Territory that I have talked to from all over the Territory who are aware of this Bill, find it extremely difficult to believe that it was intended that we consider that you cannot pack a firearm in a hunting vehicle, and that is a pickup, a jeep, or anything with four wheel drive. Indeed, the interpretations that could be placed on this are very many-fold. What you are saying in here is that even if you have a pickup truck with a winch on it, it becomes an all terrain vehicle. If you have a pickup truck that doesn't have a winch on it, it has a no-spin differential, then you can't use this pickup. I find this hard to believe. I think that it is generally agreed that when people go hunting in the fall that they take a pickup or a jeep or something which can convey them over some of the rougher roads into the hunting areas. To suggest that this can no longer be done is ridiculous; it is just repugnant. I would like to ask the Director of Game, is this really what he intends or is it indeed, that this section was meant to stop people from hunting from snowmobiles?

Mr. Fitzgerald: When this matter first started off there were considerable complaints, and I must admit that they did concern all terrain vehicles and snowmobiles. It wasn't intended to penalize or obstruct people from hunting in the ordinary way. There are certain subsections here, probably, that give an out to use the type of vehicles that Mr. Taylor made reference to. The prospector or trapper, etc. are exempt from it. Maybe Mr. Legal Adviser could enlarge on this.

Mr. Legal Adviser: Mr. Chairman, it is very difficult to draft a definition to cover a particular point of policy, as everyone in the House realizes. There is a risk that you will narrow the definition to such a narrow degree that you lose control of the policy, and also, when you find yourself faced with the opposite situation, you may expand the definition so that you appear to capture more within your definition than you intend. The original evil that we were trying to combat was hunting and harassing animals by means of vehicles which would leave the accepted tracks and trails and go as they now are going, up the steep slopes of mountains in the areas where game graze during the winter season. We set out, Mr. Fitzgerald and I, and I suppose other people had their input into it at that time, to try and draft a definition of an all terrain vehicle which would encompass what we are attempting to do, which was to limit it to those kind of vehicles. When you start doing this, it is easy enough to deal with motorized toboggans and snowmobiles. It is easy enough to specify manufacturer by manufacturer and model by model the particular vehicle that you intend to hit. Once you get into a definition such as multi-wheel drive, or four-wheel drive, then you are going into a class of vehicle which is often used by people only on a road, or on an accepted track, and is not capable of leaving that track. As I understand it, there are vehicles now which can be sometimes a boat and sometimes a land vehicle. There are now coming in, miniature hovercraft which will be on the market for \$3000 or \$4000, whereby individuals will be able, with a Volkswagen or a similar type of engine, be able to move completely off the track. As I understand it, the Game Department has evidence of harassing of animals, sometimes by people who intend to do it and know what they are doing, but also by people who, in their ignorance, are merely visiting an area, will harass animals to such an extent that they are causing damage to the game population of the Territory. I think, basically, what I would certainly welcome, and what Mr. Fitzgerald would welcome, would be the ideas of Councillors as to how to narrow this definition down to what we are attempting to combat.

Mr. Taylor: Mr. Chairman, what you have said here is just all-encompassing. You have said, "all terrain vehicle" means any motorized vehicle or conveyance designed or equipped to travel on and off maintained highways or upon land and water by whatever name called". That just about takes in everything. I don't think that it takes in a horse, but it is too broad. I think that you must take it in context with a purpose behind it. The purpose behind it is something that is absolutely contrary to British justice; our concept of British justice, at least. What you have done later on in the Bill is say that anyone who is found with a firearm in any one of these all terrain vehicles, by means of this description, is guilty until he proves himself innocent. This offends the whole concept of British justice. We have for people who might be shooting or harassing game, and I imagine that there must be a very few people, with snowmobiles -- then, this is the reason why we have employed in the Territory through our Game Office, game wardens. That is their job, to get out there and apprehend these culprits, and if they find that they are committing a crime, an offence against the Ordinance, then it is their duty, and as a matter of fact, it is their job to do something about it. To broaden this thing so wide that any person going hunting in the fall with a rifle in his vehicle can be harassed by the game warden to the extent that he goes to court and must prove that he wasn't hunting, this is ridiculous. This is just beyond any reason. I think that what you have done now in section 13 of the Ordinance, you say that no person shall hunt, transport big game or hunter by helicopter with the exception of hunters requiring medical aid. Fine, you have stated it. Why then don't you get rid of this very broad interpretation of an all terrain vehicle and say that no person shall hunt or harass game by means of a motor toboggan or a Skidoo or Bombardier or whatever you want to call it. I certainly can't agree with this, and I will tell you, Mr. Chairman, that there is a ground swell of public opinion against this particular Bill. I really think that this should be either reconsidered or taken right out of the picture entirely and some new attempt made to cover harassment of game by snowmobiles.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser would look at section 13.1(3)(b). Is the purpose of hunting after the person leaves the vehicle or while he is in the vehicle? This is what I want some clarification on.

Mr. Legal Adviser: Mr. Chairman, this is not creating an offence; it is creating a method of proof of an offence. As I am given to understand, when a game officer comes to one of these vehicles, and the person has a rifle in the vehicle at anytime of the year, there is nothing that can be done. An officer may well know, and even see tracks of where the person was, but the person up to that point has not committed an offence. Nobody saw him actually do something. The evidence is there, visible to be seen. If he is willing to go into the witness box and say that he was in lawful possession of that rifle, otherwise than for the purpose of hunting, then his word must be accepted by the court unless there is some hard evidence otherwise. It forces him to actually say what the position is.

Mr. Chamberlist: Mr. Chairman, I want to get this clear because I am not clear on this in the way that Mr. Legal Adviser has answered that question. I want an answer to when the purpose of hunting commences. Does the purpose of hunting commence after the person has taken his gun from the vehicle to go hunting, or while his gun is in the vehicle to a place where he intends to camp before he goes hunting. Perhaps the Director will be able to expand on this as well because if it is intended to interpret that the purpose of hunting is when a person is in a vehicle with a gun, then there is no way that I am going to support this. But, if it is a matter of a person being in possession -- when he takes his rifle out of the vehicle after it becomes stationary, and he has set up camp, and he is hunting; he might be

BILL #18 going out to hunt and he parks with his vehicle somewhere alongside of a lake, and then he goes out on a hunting trip. It might be twelve hours or a day before he even uses his rifle. Does the very fact that he had his rifle in the vehicle to go to a specific place, create an offence? If this does create an offence, we don't want it.

Mr. Legal Adviser: There is no offence in having a rifle in an all terrain vehicle. The offence is created by section 13.1(1) "No person shall hunt game from, with the aid of or by means of an all terrain vehicle." It is not an offence to have a rifle in an all terrain vehicle. I would like to make that clear. The person has got to be in the vehicle, or if he is using the aid of it, might be as has happened from time to time stampeding game in a certain direction by the use of one or more, or in the case of snowmobiles, by groups of snowmobiles who hunt in packs, and pack game into certain areas and exhaust them, and then when they have them at the end of a lake, shoot them down. This is what the section has intended to do. If the people have got rifles in an all terrain vehicle, I think that it is not unfair that a game officer should say, "What are you doing with a rifle there?" and, he says, "Oh, I am camping out here, and I wanted it for the protection from bears." If there is a genuine case of the person being believed, there is no more about it. But, it does give the officer some chance of investigating the offence, to be able to ask him what he has the rifle for.

Mr. Chamberlist: That is not good enough, because Mr. Legal Adviser says that a person parks his vehicle, and he has got his gun, and then a game officer can say, "What have you got the gun for?" and, he says, "I have come out camping and I want it to protect myself against bears, moose, caribou, and every other animal." This is fine; he want to protect himself. But, that isn't the purpose; he has got a license to hunt. As long as he doesn't hunt from the vehicle, use the vehicle to get the game into a position where he can fire from the vehicle, that is a different thing. If it is going to be that a person is going to be penalized simply because he happens to be a fellow that likes to go hunting and has a rifle in his vehicle to go to a definite place to start going out hunting, well, I can't support that type of legislation. This is why -- and, I might say that when going through Legislative Programming on this, this was the very point that we raised. Now there seems to be a different interpretation being placed upon it. This is not the intention of my colleague or myself that this should happen. We are not going to support what might be for administrative convenience only. This won't happen. I said some months ago that I was going to make my position clear. Now I am making it clear. Any legislation that comes before the House is not going to be for administrative convenience. It has got to be for the public's benefit. And, it is not for the public's benefit to restrict people that are properly licensed to hunt and are hunting under proper regulations to be treated in this manner. If this is the intent of Mr. Legal Adviser to suggest it, then I agree with the Honourable Member from Watson Lake, we shouldn't have it there.

Mr. Taylor: Mr. Chairman, I just wanted to refute something said by Mr. Legal Adviser here; maybe he didn't intend to say it, but maybe he did -- I don't know. I think section 13.(2) is quite clear. We're a little ahead of ourselves here, but we're all talking about the same thing because they're both related. "Except as provided in subsection (3)", which says, you're a holder of a trapper's licence and lawfully operating a vehicle on the trapline in the course of the business of trapping, or you're in lawful possession of the firearm otherwise than for the purpose of hunting -- that "where any firearm is found in or on an all terrain vehicle", which is included in the interpretation, "being operated in a place other than a highway maintained by the Government of the Territory, the operator of an all terrain vehicle shall be deemed to have used the all terrain vehicle for the purpose of hunting". That is so clear. He is now guilty, and he must be dragged before a J.P., or someone like that, and harassed again, as I say, by the Government, and prove his innocence. This is absolutely ridiculous, Mr. Chairman. We have, within our present Game Ordinance, I think, sufficient protection in terms of motor vehicles because we say under section 8, "No person shall (a) discharge a firearm from a vehicle". A snowmobile, I believe, is a vehicle. I'm not too sure; I'd have to go back through the Interpretation Ordinance. However, you can't do this; it is against the law. "(b) have in or on a vehicle any firearm in which there is a live bullet or cartridge either in the magazine or firing chamber". Now, this is why you can have a gun in a vehicle, but you cannot have it loaded. "(c) operate a vehicle at any time in any manner intended or reasonably to be expected to harass, drive or pursue any game or other animal wild by nature". I would think -- it also says, "No person shall discharge a firearm on or across a maintained portion of a public road or highway". I would say, Mr. Chairman, that there is ample teeth in this Ordinance to cover the harassment of game, or the shooting of game, from a snowmobile, which I think it was originally intended. I absolutely see no reason whatsoever for the amendment suggested here and, as the Honourable Member across the way has pointed out, it's not clear; it's open to a thousand interpretations; and it will only result in the harassment of the general public. I don't think it would work in the best interest of the people of the Yukon. I see no need for it whatsoever, in light of what I just said respecting section 8. You go on to say in section 12, "No person may hunt game from or by means of an aircraft". In section 13 you say, "No person shall hunt, transport big game or hunters by helicopter...", and so forth. I think the teeth are already in that Ordinance, and I really see no need for this at all.

Mr. McKinnon: Mr. Chairman, speaking on Bill No. 18, I think that we shouldn't lose sight of certain things, and that is that there are instances taking place in the Yukon Territory where game is being -- to use the favourite word this afternoon that everybody's picked up -- harassed, and I think that we should take responsibility to do everything in our power to make sure that this doesn't continue. I, myself, have viewed personally the defamation of a whole pack of wolves through snowmobiles being used for cutting the wolves out of the pack one by one. It was probably one of the sickest things that has ever been my misfortune to view in my time in the Yukon Territory. Anything that I could do to make sure, to put teeth in an Ordinance, that this didn't happen, I'd be all in favour for because there is no way that they can beat this mechanical monster. They go until they're exhausted and then, of course, the person who has chased them on the snowmobile just has to step off and give them the coup de grace. The rest of the pack of wolves stay, gathering their strength, while the one is cut out of the pack and chased, and then the snowmobiles go back and cut another one out of the pack, chase it to exhaustion, and the big, brave hunter steps off and gives the next one the -- it's sickening; it's something that should have teeth put in the Ordinance against. I think snowmobiles are the biggest offenders of chasing game because I know that whenever I take a four-wheel drive out, any game in the Territory on the road can outrun the thing that I happen to be driving over the roads that I'm using. Even with the best intentions, the incredible things that could happen if this Ordinance were passed -- when I go out with a four-wheel drive, my whole purpose is getting as far away from the main tourist places and completely out in the wilderness. You will find that most of the people who use four-wheel drives, or pickups with winches with a no-slip differential, aren't the ones who are really abusing the privileges of being Yukon citizens. They're going out, generally, for the same purpose as I am; for getting away. In some camps, I've been visited by officers of the Forestry Department. The only reason I have a rifle is in case a bear wants to attack the tent. I could be visited by a member of the Game Department; because I have a rifle in that four-wheel drive vehicle, I could be taken to court. I'd have to go to court, and I presume that I'm guilty by just having a gun in that vehicle, but I'd have to go to court and convince the judge that I was there just for camping purposes, and I wasn't there for hunting. I presume that that's exactly what I'd have to do, because I have a four-wheel drive vehicle and all I'm trying to do is to get away from the madhouse of Whitehorse; just trying to get out to enjoy myself. I think that most people who are driving four-wheel drives are doing this. Certainly, if there are abuses, the majority are being done by snowmobiles, the vast majority. How can you take a Coot or a Rodwell or a four-wheel drive vehicle and chase game? It's just so incredible, because if you're in the mountains, a sheep or a goat could outrun you; any moose, any caribou, or any form of wildlife. There's no way that you can chase any of the game with a four-wheel drive. I think that, with the best intentions, this has gotten out of hand completely. The things that end up are incredible. A person on a trapline, the holder of a trapper's licence, a valid trapper, can be taken from his trapline, brought into Whitehorse, go to court, and have to prove to the court that he is a trapper, that he has a trapline, and that he was out there running his own trapline when the guy picked him up and brought him into Whitehorse. I mean, we've got to be sensible. This is incredible, to think that we'd even think of legislation like this in the Yukon Territory. Agreed, there are sections of the Ordinance that need tightening up; agreed, that every Member of Council should purport the measures of the Director of Game to make sure that the game isn't herded by vehicles, it isn't harassed by motor vehicles. We'll support you, I'm sure that we'll support you if you come up with sensible legislation. But still, Bill No. 18 as it now is, I've got to say that it's one of the most ridiculous pieces of legislation that I've ever seen come before this House; the way it is in its present form. I'll tell you this sincerely; there is no one more concerned with the game population in the Yukon Territory. As I say, with sensible legislation, I'll do everything in my power to be able to support the Game Department, in the sensible handling of the game population in the Yukon Territory. But, for any Member of Council to support Bill No. 18 in its present form -- I could just go on and on, think of certain instances where the most incredible situations could happen by the way that the interpretation of an all terrain vehicle is; section 13, subsection (1), (2) and (3); my goodness gracious, well, we've done a disservice to everybody in the Yukon Territory to even think of passing this Ordinance in its present form, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Legal Adviser at this point. I would like Mr. Legal Adviser to inform Committee if the harassment and shooting of game by means of, or with, a motor toboggan is not covered in section 8, that it is a matter of law today and it's quite enforceable. Is this correct or incorrect?

Mr. Legal Adviser: It appears to be, but it's always impossible to prove unless it's actually seen, as the Honourable Councillor spoke and said it was seen. It's very difficult to prove. The tracks are not enough; tracks are common to all kinds of vehicles. That's scientific proof. But, there is no reason why a person who, say, operates a grader on the highway should carry a rifle with him every day. There is no reason why people who are on business of exploration should always carry a rifle. It is open to abuse. They should be called up to account for why they are carrying the rifle every day of the week.

Mr. Chamberlist: There are other areas of difficulty here. A hunter who goes out with a big game outfit -- sure, he's going with a hunter, he's going to supply horses and whatnot. Many people who live in the Yukon can obtain a licence to hunt. There's a legislation that gives them the right to hunt. Then, we're going to restrict them from hunting in this particular manner. It means that every guy has to go and get himself a horse. I know the Director likes horses; he's very fond of them. But, every person shouldn't be forced into the position of having to obtain a horse. I agree with all Members who have spoken, that as the situation is right now, and with what has been said, I don't agree to proceeding any

Mr. Chamberlist continued:

further. Perhaps Mr. Legal Adviser can give some time to thinking up an amendment that will satisfy what the Director of Game is trying to do and, as the Honourable Member from Whitehorse West has said, it's for the protection of game in certain areas. Perhaps we should just report progress on this and give the Legal Adviser the opportunity to take another look at the legislation.

Mr. Tanner: Mr. Chairman, I agree with everything that has been said this afternoon. I think that this is not a very good piece of legislation. However, I sympathize with the Director of Game. I think he's trying to protect a certain segment of the animal populous of the Yukon. I think in his zealousness, maybe he's gone too far. But, if he's going to make some more amendments, I'd like to propose a third one. In section 5, 48.(1)(a), it says, "The Director may, upon application therefor, issue or renew an outfitter's licence to any natural person who is a Canadian citizen or other British subject", and if you're going to take this out, and I suggest you do, and if you're going to take this piece of legislation back for rewriting, I would suggest that you drop "or other British subject". I don't see why anybody other than a Canadian should have a licence any more in this country.

Some Members: Hear. Hear.

Mr. Chamberlist: I agree, as a matter of fact, because, as you know, I'm just as much a Canadian citizen as anybody here. As a matter of fact, I think I'm just a little bit better because I'm a Canadian citizen by choice, not by accident, as some people might be. I take the attitude quite clearly, that if, as the legislation is now with reference to voting rights, that any person who has the right to vote should have that same privilege extended to any other legislation. Now, as most Members know, under the Canada Elections Act, there won't be such a thing as a British subject for the purpose of voting, after 1976, because the amendments to that Act have changed so that after 1976, any person who is not a Canadian citizen will not be allowed to vote. That is the time that all legislation that gives privileges to other than Canadian citizens, should be withdrawn, but I would think one would have to be pretty careful to take away from a voter the right that he votes for, and that is, the people that he has to elect. So, the time -- you must come along and recognize that in 1976, and I won't be here, I can tell you this -- I'll be alive, but I won't be here, but in 1976, then, of course, I think that would be the proper time to withdraw any reference to British subjects.

Mr. Taylor: Mr. Chairman, I would concur with the remarks made by the Honourable Member for Whitehorse North. I think that this is a privilege, shall we say, that should only be extended to Canadian citizens. I don't think that if I went to Australia, or somewhere else in the Commonwealth, that I could possibly enjoy this same ...

Mr. Chamberlist: You're darn right you can.

Mr. Deputy Chairman: Order, please.

Mr. Taylor: ... privileges as what we have granted other people here. However, I think that there is one danger here in considering a redraft at all of this Bill. I believe there are some -- the Game Director could probably clarify this for me, but I believe there are some people who currently hold big game outfitters' licences in the Yukon Territory, and I think that as long as they wish to renew, they may. Now, here you say that possibly they won't allow him to continue to do this on renewal, and I don't think you can really legislate a fellow out of business. Now, if we have any people who are not Canadian citizens, and we do pass a piece of legislation restricting this to Canadian citizens, notwithstanding, those who are currently in operation of a big game outfitters' operation right now as long as they wish to operate it, should be permitted to continue. But, no new application should be accepted.

Mr. Chamberlist: I would like to ...

Mr. Deputy Chairman: Order, please. Mr. Fitzgerald.

Mr. Fitzgerald: Are you suggesting that we do have Americans operating as outfitters here now? No, we have none licenced at the moment.

Mr. Chamberlist: Mr. Chairman, it doesn't solve any problems, because the Honourable Member is not looking at the fact that legislation would not permit the suggestion that has been made. It is a very, very nice argument, but it would be ultra vires of the Federal Act which allows voters the same privileges under any piece of legislation. If you're qualified to vote, you're qualified in any other area. Now, you look up that Act; there are many cases under it, that I've seen just recently, too.

Mr. Taylor: I would have to research that, Mr. Chairman, before I concur. I think that's our right and prerogative.

Mr. Tanner: Mr. Chairman, I would move that we let the Bill die in Committee.

Mr. Deputy Chairman: I wonder if I might ask from the Chair -- there are certain portions of the Bill that perhaps we should proceed with, deleting other portions.

Mr. Tanner: Mr. Chairman, if you delete the definition in the beginning, you're going to invalidate the rest of the amendments, surely.

Mr. Taylor: No, just the part about "seal".

Mr. Chamberlist: I think, Mr. Chairman, that the definition of "seal" is really required there. Also, section 2 should be reviewed or revised; and 3, 4 and 5, you know ...

Mr. Deputy Chairman: I wonder if I might read the Bill, and as we come to various sections, we could point out the ones that we do not accept. (Reads the definition of "seal") Is it the wish of Committee to accept that definition? Is it the wish of Committee to retain the definition of seal?

Some Members: Agreed.

Mr. Deputy Chairman: (Reads 13.1(1) of section 2 of Bill No. 18)

Mr. McKinnon: This depends on the definition of "all terrain vehicle". If "all terrain vehicle" meant snowmobile, I'd be completely in favour of that section of the Bill because I don't think that any person should be hunting game from, with the aid of, or by means of a snowmobile.

Mrs. Watson: Mr. Chairman, I wonder whether we could leave this Bill with the Administration now. We've listened to the debates; we've an idea of what the thinking of the Honourable Members is. The Legal Adviser could look at section 2, and

Mrs. Watson continued:

also at the suggestion that was put forth for section 5 on page 2, and we'll bring the Bill forward at a later date, within the next day or two.

Mr. Deputy Chairman: Is this agreed by Committee?

Mr. Tenner: I agree, with one qualification. I think it's going to take more than a day or two. I'd like to see this come back near the end of the Session so that we've had a lot of time to look at it.

Mr. Deputy Chairman: Is it agreed by Committee that we report progress on Bill No. 18?

Mr. Taylor: Yes, Mr. Chairman, but just one point though. I'm just not sure if the Honourable Member from Whitehorse West has really noted on the description of vehicle. The fact is that tractors, snowmobiles, snowplanes, toboggans, aircrafts and helicopters are all currently included in this Ordinance. It would be repetitious to attempt to go it again.

Mr. Chamberlist: "Vehicle" includes snowmobiles.

Mr. Deputy Chairman: Order, please. Is it agreed then that we just report progress on the Bill?

Mr. McKinnon: Mr. Chairman, I would like to hear the Director's comments on the Bill; the reasons for it and the reason that it was brought forward in its present form. I don't think that we've given him a fair enough shake at trying to explain the background of the Bill and the reasons why it was presented in its present form, and whether he thinks that there is some way that we can get around to curing the majority of the complaints that I know that he is receiving, perhaps with an amendment to the Bill different than it is presented at this time.

Mr. Fitzgerald: Mr. Chairman, there is a possibility that the matter got slightly out of hand. However, I can't agree with Mr. McKinnon's statements that only a snowmobile can travel across country. The so-called Coot, the new Bombardier and the new Nodwell, and some of the swamp buggies, are absolutely amazing vehicles. I just had an experience with a new small Nodwell. I think they can go anywhere, and they can whip right along. This could be a deadly vehicle in a heavily game populated area if it's in the hands of the wrong individual.

Mr. McKinnon: If we excluded "Jeep" from section 1, Mr. Chairman, as I don't think that the majority of the instances come from either Jeeps or land cruisers. I didn't want to make the point that snowmobiles are the only things that can be used unfairly in tracking game; I know that there are other vehicles that can be used. I'm just trying to eliminate those where so few incidents come from. I think that they would primarily be the four-wheel drive Jeep or pickups or land cruisers and there would be very, very few complaints from the Game Department on the use of these vehicles.

Mr. Chamberlist: Mr. Chairman, with respect, if we use the word "Jeep", Jeep is a trade name; it's a product.

Mr. Fitzgerald: I think possibly where the four-wheel drive vehicle worked into this is where the complaints received were respecting these vehicles chasing wildlife animals on ice surfaces, on large lakes. However, without Coot, snowmobile, Nodwell and Bombardier ...

Mr. Deputy Chairman: I wonder if I might ask from the Chair, Mr. Fitzgerald, is it not true that you're actually trying to prohibit the use of vehicles that are not normally used for transportation on a highway? I mean, a Jeep is normally used for transportation on a highway; all of these other things are not normally used on a highway.

Mr. Fitzgerald: Yes, you're right. This refers to when these vehicles are encountered off the highway; now I'm limiting my remarks to the Coot, snowmobile, Bombardier and Nodwell, etc.

Mr. Deputy Chairman: But, again, these vehicles are not normally used on the highway.

Mr. Fitzgerald: You could very well use the Nodwell or Bombardier or snowmobile; the Coot will travel right along, too.

Mr. Deputy Chairman: Yes, but not normally. They could, but how many times do you see a Coot or Bombardier or snowmobile being used as transportation on the highway.

Mr. Fitzgerald: I agree.

Mr. Taylor: Mr. Chairman, I might rise again to point out that already you say that a vehicle means conveyance of any kind other than a boat, and it must include generally all these things. It's already in the Ordinance; it's there.

Mr. Fitzgerald: The whole idea, Mr. Taylor, of this suggestion here is when a person is encountered off the ordinary highway with one of the last vehicles I mentioned, and has a weapon; the other sections we refer to don't particularly cover that.

Mr. Taylor: No, but, Mr. Chairman, this is the part that I said was against the whole concept of British justice; this then allows an enforcement officer to deem the guy guilty. So he's got an axe on his toboggan or in his vehicle; that doesn't mean he's going to go out and kill somebody with it. No, I could never, never go for that. I think I figured out that this is the intent of it alright. I think it's the duty of the game warden to determine whether or not that person was hunting, and if he finds that that person is hunting illegally, harassing game, or anything else, he should bring him to court and charge him. That's what the ball game is all about. But, to deem him guilty before he's found any offence committed necessarily or anything else -- no, no, this just isn't reasonable.

Mr. Deputy Chairman: I think that the Bill itself will be referred back. We'll report progress on it. We were just to hear the comments made by Mr. Fitzgerald. Any further questions of Mr. Fitzgerald? Thank you very much for your attendance Mr. Fitzgerald and Mr. McIntyre.

Mr. Fitzgerald and Mr. McIntyre leave the Chambers.

Mr. Deputy Chairman: The next Bill for your consideration is Bill No. 21, An Ordinance to Amend the Mental Health Ordinance.

Mr. Chamberlist: Mr. Chairman, the Explanatory Note for the records: "The purpose of this Bill is (a) to make provision for voluntary admissions of mental patients, and (b) to give the mental health authorities power to detain patients temporarily pending the required court hearing."

BILL #21

Mr. Deputy Chairman: (Reads section 1 and 6.1(1) of Bill No. 21) I have a question from the Chair; if a physician is sure in his own mind that the person is mentally disordered, why wouldn't he accept his own request to be admitted?

Mr. Legal Adviser: Mr. Chairman, the particular purpose of this legislation, this proposed legislation, is to fill a gap that has come to our attention in the improved facilities which are now being provided in the Whitehorse General Hospital. People suffer from various forms of hallucinations and mental disorder because of addiction to drugs. It has been known for some time that this happens to people who imbibe too much alcohol over a period. But, they have no power now, when a man comes along with his friends and says or explains what the position is, he's got to be referred to the R.C.M.P., be picked up and go through the court process in order to allow him to even be temporarily retained. There's a second problem where people are in certain forms of normal illness, and they get some form of temporary mental disorder, such as occurs with diabetes and a few things like this, there is no authority in the hospital to deal with them. Naturally, the hospital feels the necessity to have some legal protection for actually continuing to do what I think they are actually doing every day of the week, from time to time, as the normal thing. The matter came to our attention when a new Administrator was appointed, and he queried what was the legal power to transfer certain types of patients from one type of ward to a ward where they would actually have to turn the key in a door. To turn the key in a door on an ordinary ward is contrary to our normal law, but they would require this even if the patient wishes it. So, we have brought forward this, which is modelled on the similar provisions of British Columbia, to give legal authority to voluntary admissions in the manner suggested in this amendment.

Mr. Deputy Chairman: But, this in no way restricts the admission of those who are drastically mentally disordered?

Mr. Legal Adviser: No, it doesn't affect that at all.

Mr. Taylor: Mr. Chairman, I have a point I think that may be very important here in terms of 6.1(1) at the bottom where it says, "...and the Director is satisfied that the person has been examined by a physician who is of the opinion that the person is a mentally disordered person". Should that not read, "a Board of physicians" or "three physicians", or something of this nature? Why restrict it to one physician? I think that it should be a Board of physicians.

Mr. Legal Adviser: Under the Ordinance, when a person is being involuntarily committed, it requires two physicians. The Director is himself a physician. But, even for a voluntary commitment, I think the House will agree that it should require some qualified medical practitioner to say that the person who is coming up the gate and saying, "Please let me in temporarily", is actually suffering from some aberration of the mind and not just pulling somebody's leg.

Mr. Taylor: Mr. Chairman, I still say -- just going through, I couldn't remember whether it was two or three physicians when being detained involuntarily, but if it's two, then I feel that it should be two physicians in this case. I don't think it should be left just to the one to make that decision.

Mr. Chamberlist: With respect, Mr. Chairman, this particular subsection that we're reading is for voluntary admissions. Now, for voluntary admission, what happens is that the person requests admission from the Director of Health Services. He asks permission of the Director; he's asking for permission himself. Then, the Director of Health Services acts. But, where the person has not attained the age of nineteen, then the Director has to be satisfied that the person has been examined by a doctor, so then it comes to two if he's under nineteen. But, this is in the voluntary area.

Mr. Taylor: Mr. Chairman, all that you're saying though is that the person and a near relative of the person request admission. That could leave itself to many possibilities. I still feel that there should be two physicians to make that decision, not one.

Mr. Chamberlist: It's not a decision. The decision is being made by the individual. Under 6.2(1), where there is an involuntary admission, "The Director may admit a person to and detain him in an approved institution where he received two medical certificates completed by two medical practitioners ...". This is where a person is ordered to be detained. This is the difference here. This is a voluntary situation.

Mr. Taylor: If this is the case, where the person requests admission if he has attained the age of 19 years, or a person and the near relative of the person requests admission if the person attains the age of 16. You have got two people in here now, you are talking about the detention, voluntary or otherwise, possibly it might be a parent and a youngster. The parent has by some means insisted that this person do this. This is not necessarily voluntary. I think it should still be by two physicians.

Mr. Chamberlist: The Honourable Member hasn't got the point yet.

Mr. Taylor: I got the point.

Mr. Chamberlist: You haven't, with respect, Mr. Chairman. The Honourable Member has not. With the persons under 19, he has to be examined by a doctor. Then when he has been examined by a doctor, then the Director of Health Services, who is also a doctor, brings that into force.

Mr. Legal Adviser: With respect, I hesitate to correct the Honourable Member, but he is running two parts of the section together. Whether a person is over the age of 19 or between 16 and 19, in either case, he must get a doctor's certificate first. Go with it to the hospital and then get the consent of the Director of Health Services, who is himself a doctor, before he can get admittance; plus his own signed consent. Where a person is over 16 and under 19, he must get a doctor, Director of Health Services, and another person, who must be a close relative. So you then have got four signatures on the dotted line including the person who, himself must ask on the form, "please admit me". What we are doing is, we are giving legal authority to the Director, who grants authority requests by a person who is backed up by a doctor, if we want more doctors, we would then have three doctors involved. Whereas for involuntary commitment, we have got two doctors, the Director is receiving involuntary ones.

Mr. Chamberlist: Under 6.2 it is involuntary, Mr. Chairman; under 6.2 the Director may admit a person to and detain him in an approved institution where he received two medical certificates completed by two medical practitioners. The Director is doing it then -- who is a medical man besides a medical practitioner, so there are three doctors involved.

Mr. Deputy Chairman: Any further comment on 6.1(1)(b)? (Reads 6.1(2) and (3))

Mr. Legal Adviser: Mr. Chairman, I point out at this point that the requirements for sections 4, 5 and 6 are if the man has been brought before a court and duly got a court order, then he is not allowed to leave because the court has ordered otherwise.

Mr. Deputy Chairman: (Reads 6.2(1), 6.3(1) and section 3)

Mr. Tanner: Mr. Chairman, surely the Member from Watson Lake has got some more reason now to go along with the Ordinance because it specifically protects the patient again for 72 hours unless there is a court order, so he has the protection having been taken in there and the protection while he is in there for 72 hours duration.

Mr. Taylor: Mr. Chairman, in a way it has been pointed out to me that the Director is a physician, but I still have qualms about this one. I still think it should be on the recommendation for the concurrence of, let's say two physicians, if this person is mentally unstable, not just one, because there would be room for abuse here, especially if the Director is rather busy and just assumes that the originating physician's report is good enough for him and makes no examination at all. There is no compulsion upon the second physician to make an examination. You are talking about detention here, voluntary or otherwise. Maybe at this moment the person volunteers and maybe five minutes later he changes his mind. I think two physicians offer some protection along line. *PHIS*

Mr. Chamberlist: That is sufficient if he changes his mind.

Mr. Deputy Chairman: There is a provision in the Ordinance for that. I would like to ask, what happens in the case if the Director is not present? Is it the Assistant Director, and in this particular instance, he's not a physician?

Mr. Legal Adviser: Not in that instance no. As far as voluntary admissions are concerned, I don't foresee any difficulty in the administration of it because the person must sign a full legally written out consent that this is what he wants to be done. Now true, maybe when he recovers in the morning he may want to change his mind; in that case, I believe the Commissioner pointed out *sotto voce*, in Whitehorse, all he has got to do is walk out, in practice. The hospital, I think, are entitled to get legal protection for carrying out a service at the request of a person who requests that service. As far as section 6.2 is concerned, it has happened from time-to-time that people are brought in with the necessary certificates and everything else and they have got to be turned away at 1:00 or 2:00 in the morning after people have made a long drive, bringing a person into the hospital for treatment. It turns out that they are mentally unstable. It is very awkward to ring up the police station and send a man up here and arrest him. They are sitting there in the hall for two or three hours at a time, sometimes at night, until the R.C.M.P. can send a patrol car to make a formal arrest because that gives them the legal sanction then when the R.C.M.P. pick him up. What this is doing is giving legal sanction to what in fact appeared to be deemed on with the general consent of the people involved.

Mr. Deputy Chairman: Any further comment? Bill No. 21? (Reads preamble)

Mr. Tanner: Mr. Chairman, I move Bill No. 21 out of Committee without amendment.

Mr. Chamberlist: I second that.

Mr. Deputy Chairman: It has been moved by Councillor Tanner, seconded by Councillor Chamberlist, that Bill 22, An Ordinance to Amend the Mental Health Ordinance, be passed out of Committee without amendment. Correction Bill No. 21, An Ordinance to Amend the Mental Health Ordinance. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Deputy Chairman: Next Bill, is Bill No. 22, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program).

BILL #22

Mr. Taylor: Mr. Chairman, before we proceed with the Bill, I believe there is some information coming from Mr. Commissioner in respect. This is the Local Improvement Loan, is it not or the, pardon me, the Labour Incentive Program, or whatever you call it? Is it not \$300,000 for L.I.D. grants?

Mr. Chamberlist: If the Honourable Member would give me a chance to read the Explanatory Note, Mr. Chairman. The Explanatory

Mr. Chamberlist continues:

BILL #22

Note for the record: The purpose of this Bill is to enable the Territory to take advantage of the Federal-Provincial Employment Loans Program by borrowing funds from Canada for re-lending to municipalities. The general purpose of this -- there are certain programs that the Federal Government will pay 50% of the labour that municipalities will be able to expect. I'm sure that once we go through the Bill we will be able to come up with the explanation.

Mr. Deputy Chairman: (Reads sections 1 and 2)

Mr. Taylor: Mr. Chairman, where is it anticipated that these funds will be sent and in what amount?

Mr. Chamberlist: Mr. Chairman, we can't say in what amount. We know that they will be spent in municipalities because it will only be municipalities that will be able to make application for it and the amount is what the municipalities will be asking for. It comes to a total of \$300,000 and this could be -- this could be used over a period of a couple of years.

Mr. Taylor: Can I take it then that there have been no applications so far to use this?

Mr. Chamberlist: We haven't got the legislation; once the legislation is out, it will be made available.

Mr. Taylor: There has been no application?

Mr. Chamberlist: No, not as yet.

Mr. Deputy Chairman: (Reads 3(1)(a))

Mr. Chamberlist: May I explain that the forgiveness that we are referring to is 50% of the costs of labour that is provided in the agreement.

Mr. Deputy Chairman: (Reads 3.1(b), 3.1(c), 4 and preamble)

Mr. Chamberlist: I move that Bill No. 22 be reported out of Committee without amendment.

Mr. Tanner: I second that.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 22, an Ordinance intituled, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program), be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #23

Mr. Deputy Chairman: Next Bill is Bill No. 23.

BILL #22 &
23

Mr. Chamberlist: Bill No. 22 that has just been passed out of Committee and Bill No. 23 are really sister Bills. The Bill No. 22 is the Loan Agreement -- provision for the loan between the Federal Government and the Territorial Government; Bill No. 23 is the provision for the agreement between the Territorial Government and the municipalities. The Explanatory Note for that Bill: The purpose of this Bill is to enable the Territory to lend to municipalities monies borrowed from Canada under the Federal-Provincial Employment Loans Program.

BILL #23

Mr. Deputy Chairman: (Reads Bill No. 23) Any questions on the Bill?

Mr. Deputy Chairman: Any questions on the Bill?

BILL #23

Mr. Chamberlist: I wonder if Mr. Clerk could indicate whether it is a necessity to have a coming-into-force date on this? There is none.

Mr. Deputy Chairman: (Reads preamble of Bill No. 23)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 23 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second the motion.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, the Territorial-Municipal Employment Loans Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Deputy Chairman: The next Bill is Bill No. 24, An Ordinance to Amend the Labour Standards Ordinance.

BILL #24

Mr. Chamberlist: Explanatory Note for the record: "The purpose of this Bill is to make provision for the securing to women of equal rights with men in the field of employment. Opportunity is taken to increase the minimum wage. To reduce the successive amendments in choosing minimum wage rates, the rate is geared to a point ten cents greater than the Federal minimum wage as fixed from time to time."

Mr. Deputy Chairman: (Reads section 1, 11(1)).

Mr. Taylor: Mr. Chairman, I just find in subsection 11(1), "subject to this Part, on and after 1973" sounds kind vague.

Mr. Chamberlist: No, with respect, Mr. Chairman, I haven't got the replacement copy either.

Mrs. Watson: I haven't either, Mr. Chairman. There is to be a corrected page 1.

Mr. Taylor: Thank you, Mr. Chairman. I had the wrong one.

Mr. Deputy Chairman: Do all Members have the corrected page on this Bill No. 24?

Mr. Taylor: Mr. Chairman, were there any other changes other than this deletion of " on and after 1973"?

Mr. Deputy Chairman: Mr. Legal Adviser, were there any other changes?

Mr. Legal Adviser: Yes, there was a change in section 3.

Mr. Chamberlist: It reads "This Ordinance or any provision thereof, shall come into force on a day to be fixed by the Commissioner."

Mr. Deputy Chairman: Inasmuch as the Bill hasn't been read for the first time yet...

Mr. Chamberlist: We will have to go on to 25.

Mr. Legal Adviser: The page might be found with the corrected Corrections page.

Mrs. Watson: Mr. Chairman, mine was with the Corrections Bill.

Mr. Deputy Chairman: Is it the wish of Committee that we move to the next Bill or to proceed with this Bill?

Mr. Chamberlist: We can proceed; it was with the back pages of the Corrections Bill. They were put together.

Mr. Deputy Chairman: (Reads section 1, 11.(1.1) to and including section 2, 12.1(1)(d)).

Mr. Tanner: Mr. Chairman, wouldn't the second qualification, a merit system, be easily supplied so that the employers, if they should so choose, could say that all of the males are on this merit system and all of the females are on that merit system; consequently, we are going to give that merit system more money.

Mr. Legal Adviser: With a merit system the intention is that if a woman can do the job better than a man, then she can get more money. The man shouldn't suffer because the woman can do the job better.

Mr. Deputy Chairman: I thank the Legal Adviser for that very distinct definition.

Mr. Taylor: A point of interest, Mr. Chairman, what brought this particular amendment about? Has the Administration received complaints in this area?

Mrs. Watson: Mr. Chairman, the Administration has received complaints; the Government of Canada has received complaints. We are the last jurisdiction who are bringing this in. This has been brought into all other provincial jurisdictions.

Mr. Tanner: I heard part of the explanation, but complaints from whom?

Mr. Legal Adviser: Amongst others, the International Labour Organization has its eye on us because Canada is unable to ratify some of its conventions because the Yukon has got a holdout against Women's Lib.

Mr. Tanner: Well, Mr. Chairman, who said we even wanted to change it? Who wants to change that; what is the matter with it. I think that we should just toss this whole thing right out and forget it.

Mrs. Watson: Mr. Chairman, the Honourable Member is walking on very thin ice. He has quite a few Status on Women constituents in his area.

BILL #24

Mr. Deputy Chairman: (Reads section 2, 12.2(1) to and including 12.4(1)).

Mr. Taylor: Mr. Chairman, 12.3(1), is this designed to nip the unions? Will it affect collective bargaining?

Mr. Legal Adviser: It might.

Mr. Taylor: That is just not quite good enough, Mr. Chairman. I would like a full explanation of how it might, and what brought this into being.

Mr. Legal Adviser: I couldn't say exactly how it might, but I can conceive of certain trade unions and organizations holding out certain jobs with the prerogative of men, and if women were to be brought into it, they should be paid less. I can also conceive of organizations or employers trying to hold the line that certain jobs should be only open to women, and getting away with the reverse situation in that case. This has happened among trade unions; there is no question of this. It has also happened among organizations or employers. But, the purpose of this Ordinance is to prevent it.

Mr. Taylor: I am still not too clear on how far we might be going insofar as the right of people to collective bargaining through unions. I am just wondering how this may interfere with it.

Mr. Legal Adviser: It doesn't affect the collective bargaining as such, but it might affect the attitude of people in coming to what they would seek. They might be able to use this to upgrade certain delegations of employees, or employers might seek to use it to downgrade the pay that they were paying to other categories. But that is a matter for the open marketplace. What we are attempting to do is to outlaw discrimination by reason of sex. It is already being eliminated in other ways by various bills of rights and so forth. This is the last thing to be done to tidy up the whole affair.

Mr. Chamberlist: So many men have been discriminated against by women that we have to protect the men too.

Mr. Deputy Chairman: (Reads section 2 12.5(1) to completion of Bill).

Mr. Chamberlist: Mr. Chairman, I would ask that we just report progress on this because, as you know, we have a Sessional Paper which will not be discussed in Committee until tomorrow. It may be that as a result of the Sessional Paper, Council might wish to amend the Labour Standards Ordinance, or be content with it as it is. But, it would appear that some amendment would be required and I would suggest that we leave this Bill in Committee.

Mr. Deputy Chairman: Agreed by Committee?

Mr. Tanner: Agreed, Mr. Chairman. Could the Legal Adviser tell me what the effective minimum rate will be when this Bill is ...

Mr. Legal Adviser: Two dollars.

Mr. McKinnon: With this legislation passed in all of the other jurisdictions in Canada, how is the rate of prosecutions going? It seems so impossible to be able to bring a prosecution under these types of Ordinances. I know that every jurisdiction with this type of legislation is spending a fortune in court costs, and really, very few things are decided that discrimination was shown because there are so many intangibles when you start talking about merit systems, seniority systems. And, when you use a term like "under similar working conditions", that just opens a whole can of worms that must be next to impossible to try to enforce.

Mr. Legal Adviser: A case at the moment waiting for determination on this in Manitoba, which will affect the Manitoba legislation and may have a cross-Canada effect; an attempt is being made to prevent the enforcement of the legislation in Manitoba. The Government is sort of holding back on doing very much about it, but as far as I hear and read in legal periodicals, there are very few prosecutions and there is no trouble about it. It doesn't seem to have given rise to many prosecutions.

Mrs. Watson: Mr. Chairman, I wonder if I could get the Legal Adviser's opinion on this. Is the fact that there aren't that many prosecutions the fact that people are accepting this theory, employers are accepting this theory, and are prepared to go along and pay equal pay regardless of what the sex of the employee is? Would you say that this might be the reason that there aren't that many prosecutions?

Mr. Legal Adviser: It's a double effect. I think the Royal Commission on the Status of Women has made people accept that male and female have separate but equal roles and they are willing to go along with the legislation. BILL #24

Mr. Deputy Chairman: There now appears to be only one Bill in Committee. Is it the wish of this Committee to proceed with that Bill or to come back tonight at 7:00 or what? Is it the wish of the Committee to proceed or come back to the House?

Mr. Tanner: Sorry, what happened to the other 24?

Mr. Deputy Chairman: Progress on 24. The next Bill is Bill No. 25.

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is to take advantage of the central purchasing facilities. BILL #25

Mr. Deputy Chairman: (Reads sections 1, 2 and 3 of Bill No. 25)

Mr. Tanner: Mr. Chairman, I wonder if it would be wiser to designate the second Department of Supplies and Services as a Territorial Supply and Services to show the qualifications -- it's a bit confusing.

Mr. Chamberlist: The Minister is the administrator of the Department of Supply and Service. The first one is the Minister of the Department.

Mr. Legal Adviser: The department we are talking about is the Department of Supply and Services which will act as our purchasing agent on our behalf. The real reason for this is not to enable the Commissioner to take advantage of this particular service which can be offered, it is because the Federal Government cannot undertake to purchase on our behalf and get to their own Order in Council which is required unless an Order in Council has stipled to this particular Bill. We could do it by an exchange of letters but they cannot.

Mr. Tanner: Mr. Chairman, when the Federal Government, or the Minister of Supply and Services purchases on our behalf, does that not lead to the likelihood of purchases made outside the Yukon which could be purchased here locally?

Mr. Chamberlist: Many of the items that are purchased are purchased through direct suppliers without sales tax, and let's say, in the case of drugs, the drugs of the hospital which are purchased through the Federal department are almost 50% less than if we purchased from any other source but this. The selling power and the purchasing power they have is fantastic.

Mr. Tanner: Mr. Chairman, I have not got any reservations about the Territory saving money in those two specific instances and there may be many, many more, but my one concern would be that a habit could build up in our own department by purchasing through convenience through this way -- and I don't like to see the Clerk nod his head because I've been in his office and I've seen it happen when it could be purchased locally. I think that it's up to all Members to watch this for the next budget, for example, that this hasn't happened. That's my only reservation.

Mrs. Watson: Mr. Chairman, I think the Honourable Member from Whitehorse North makes a very valid point and this was the understanding when this Bill was brought forward that this would not interfere with the Government for such purchase and supply of material that can normally be purchased in the Yukon Territory, but there are circumstances when they have to get things other than through this department, for example, security devices and this type of thing. These cannot be purchased anywhere else but through this department. So, in order to purchase them, we have to have this agreement.

Mr. Tanner: Mr. Chairman, I don't want to hold up the legislation. I know that everybody wants to get home but the Honourable Member from Whitehorse East did mention vehicles. Now, during the budget debate, there was a discussion about the number of cars that are going to be bought. Would it be -- could it then be that we are going to purchase things like cars, for example, through the Federal Purchasing Department?

Mr. Chamberlist: Mr. Chairman, the way it's done is like this: They are purchased locally, but the Director of Supplies there, because they can buy in bulk, they have a special deal with GM Motors or Ford, and they have a special deal, what they do is, those vehicles go through the local dealer and they make the purchase. As a result of their making the purchase there, the price is lower. They make less of a mark-up on their vehicles from the factory, and there is a benefit to the Territory as a result. These are the types of things we are looking for. We are very, very concerned about saving the taxpayer money along these lines whenever we can.

Mr. Deputy Chairman: Any further comments on Bill No. 25?

Mr. Tanner: Mr. Chairman, there is one more thing. I think this can be quite serious. I think the Government is one of the major purchasers in the Yukon. For example, the Honourable Member from Whitehorse East has a good reason. There are local industries in this town who require that sort of business from the Government. Now, I admit that they probably get the same discount back from their distributors, be it GM or Ford, but there must be hundreds and hundreds of instances where we have been requesting stuff from the Central Purchasing Department and one of the thoughts that occurs to me, and it's not really the function of this Legislature, but I am interested, to find out at the end of a purchasing year if we would be able to get -- would the purchasing from this authority be distinguishable in the budget from that department as it would be from other places? If we saw a trend developing where everything was going through that department, would we stop it?

Mr. Chamberlist: Mr. Chairman, I think that you will find that in our contract regulations, now local purchases in any event could be made up to \$5,000.00 in a local area. I don't think there would be an attempt to by-pass local suppliers. It's only when we are buying in bulk in certain specific commodities that there is a requirement where a commodity perhaps cannot be obtained on a local level because there is nobody here that is allowed to sell them from a franchise dealer or something like, and it would be sold direct from the Federal Government department.

Mrs. Watson: Mr. Chairman, I would like to point out that they will not be acting as our purchasing and supply agent. We have a Central Purchasing Department within the Government and they will only be applying to this department in very, very specific instances, and that was a commitment when we went through this Bill, and still is, that the Government used to go to local suppliers and this will be continued to be carried out. It is only in very specific areas where they can supply and there can be a great saving to the Government when this department will be used.

Mr. McKinnon: Mr. Chairman, I echo the fear of the Honourable Member from Whitehorse North. If it is only in specific instances, then there should be no problem at all. The Government, prior to this presentation of the next budget, should be able to present to Council a paper showing those specific instances where the terms of the purchase

and Supply Services Agreement Ordinance was followed and then with that assurance, I give my consent to the Ordinance if we are able to see after a year of its operation whether in actual fact local suppliers are suffering because of the terms of this Ordinance and with that assurance, I would be prepared to go along with the Ordinance.

Mrs. Watson: Mr. Chairman, I am sure that we can give that assurance and we will bring down that information in the next year's budget.

Mr. Deputy Chairman: With that assurance, does Committee care to proceed with the Bill? "The Commissioner of the Yukon Territory by and with the advice and the consent of Council of the said Territory enacts as follows:"

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 25 be reported out of Committee without amendment.

Mr. Deputy Chairman: Is there a seconder?

Mrs. Watson: I second that motion.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, an Ordinance intituled Purchase and Supply Services Agreement Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

Mr. Deputy Chairman: I would like to ask if any Members have anything left in Committee at this point?

Mr. Chamberlist: Mr. Chairman, I think that Members of Council should be prepared to debate the motion before the House about Thursday, Motion 3 by Thursday, we should be ready to proceed.

Mr. Deputy Chairman: You want to discuss this on Thursday? Is there anything further outstanding in Committee? Then may I ask if it is the wish of Committee to go back into the House and recess until 2:00 p.m. tomorrow. I'll entertain a motion for Mr. Speaker to resume the Chair then.

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

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist and seconded by Councillor Tanner that Mr. Speaker resume the Chair. Are you agreed? I declare the motion carried.

MOTION CARRIED

Mr. Speaker: Can we have a report from the Chairman of the Committees?

Mr. Deputy Chairman: Yes, Mr. Speaker, Committee was called to order at 2:45 p.m. Bill No. 12 was discussed and it was agreed by Committee to stand it over until February 28 at the pleasure of Councillor Ron Rivett. Bill No. 16 was discussed and it was moved by Councillor Chamberlist and seconded by Councillor Tanner that Bill No. 16, an Ordinance intituled the Building Standards Ordinance, be passed out of Committee without amendment; this motion carried. Bill No. 17, an Ordinance intituled An Ordinance to Amend the Vital Statistics Ordinance, was moved by Councillor Chamberlist and seconded by Councillor Watson that this Bill pass out of Committee amended. This motion carried. In discussing Bill No. 18, we had with us Assistant Commissioner, Mr. McIntyre, and the Director of Game, Mr. Fitzgerald, and it was agreed by Committee that Bill No. 18 be returned to Legislative Programming Committee for redrafting. Bill No. 21; it was moved by Councillor Tanner and seconded by Councillor Chamberlist, that Bill No. 21, an Ordinance intituled An Ordinance to Amend the Mental Health Ordinance, be passed out of Committee without amendment. This motion carried. Bill No. 22, an Ordinance intituled Loans Agreement Ordinance(1973)No. 2(Employment Loan Program). It was regularly moved by Councillor Chamberlist and seconded by Councillor Tanner that this Bill be passed out of Committee without amendment and this motion carried. In discussing Bill No. 23, an Ordinance intituled Territorial Municipal Loans Ordinance, it was moved by Councillor Chamberlist and seconded by Councillor Watson, this Bill pass out of Committee without amendment. Motion carried. I can report progress on Bill No. 24. In discussing Bill No. 25, an Ordinance intituled Purchasing and Supply Services Agreement Ordinance, it was moved by Councillor Chamberlist and seconded by Councillor Watson that this Bill pass out of Committee without amendment. Motion carried. Motion was then put forward by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair and this motion carried. Mr. Chairman, it is the intention of Council to gather tomorrow at 2:00 p.m. to discuss Bills, Motions, Legislative Returns and Sessional Papers.

Mr. Tanner: Mr. Speaker, I move that we call it 9:30.

Mr. Chamberlist: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North and seconded by the Honourable Member from Whitehorse East that we now call it 9:30. Are you agreed?

MOTION CARRIED

Mr. Speaker: Council now stands adjourned until 2:00 p.m. tomorrow.

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. We will proceed with Orders of the Day. Are there any Correspondence or Documents to be tabled? Reports of Committees? Are there any Introduction of Bills?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, intituled Scientific Exploration Ordinance, be introduced.

BILL #28
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

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

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning the medical necessity travel subsidy regulations.

Mr. Speaker: Any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? We will proceed to Daily Routine. Under motions, we have Motion No. 12. Moved by Councillor Tanner, seconded by Councillor Stutter, that Sessional Paper No. 15 be discussed in Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION #12

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion No. 13. Moved by Councillor Taylor, seconded by Councillor McKinnon, that Sessional Paper No. 2 and Legislative Return No. 3, be discussed in Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION #13

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: We will now proceed to the Question Period and we have with us, Mr. Commissioner.

Mr. Tanner: Mr. Speaker, on the news today there was an item concerning a study being undertaken by the Territorial Government, or an offer of a study being undertaken by the Territorial Government, on the transportation system of the City of Whitehorse. I wonder whether the Commissioner could give us further information on any correspondence that he has had with the City of Whitehorse concerning the transportation study?

QUESTION RE
TRANSPORTATION
SYSTEM

Mr. Commissioner: Mr. Speaker, I think that Honourable Members are aware that during the amalgamation or the metro discussions that were held about 18 months ago, the question of public transportation was one in which there was a lot of public interest. At that time, and in subsequent discussions in the Executive Committee, there was no question at all about it, that a lot of public money is being spent in connection with bussing of school children within the metro area. The general thought is that it might possibly prove to be a good move to see if some of this money might not be still there to provide transportation to the school children. Likewise, to be put to further use in being used as a base for a public transit system. There has been a study that was completed about 1965 or 1966, which we have examined and it really doesn't have much validity anymore because I think that Honourable Members will be aware that at that time the Royal Canadian Air Force was still operating a certain amount of buses here and also I believe they were serving areas other than the Hillcrest area. The Ministry of Transport has been approached by the Territorial Government to see if, indeed, it is part of their function to take a look at what we might term urgent transit problems, and they have advised us that it is not. We are in the process now, of checking with the Federal Department of Urban Affairs, to see if, indeed, this doesn't fall in their bailiwick and we are hopeful of getting some assistance that they seem to be prepared to supply to other municipalities and local governments in other parts of Canada, to assist us in conducting such a study here in metro. I was asked by the Whitehorse Planning Board, if we were prepared to look at this and I replied to them in my letter that indeed we were, and the funding if it was required for such a study, would be a responsibility of the Territorial Government. That is as far as the matter has gone.

Mr. Speaker: Thank you, Mr. Commissioner. Honourable Member for Whitehorse North.

Mr. Tanner: Mr. Speaker, at the same time on the same news, or on the radio this morning, there was some talk of a study being conducted by the City, in this case, on the effects of our prospective Territorial building on the traffic patterns in that part of Whitehorse. I wonder whether there has been contact within the Territorial Government in this respect or whether the Territorial Government has undertaken any studies in this respect.

QUESTION RE
TRAFFIC
CAPITOL
BUILDING

Mr. Commissioner: Mr. Speaker, the studies that the Territorial Government undertook was in the original site selection and this was done on our behalf by the Federal Department of Public Works. It is based on their study that the site selection was finally made, Mr. Speaker. I am not aware of any current discussions going on between the Territorial Government and the City of Whitehorse concerning a traffic study.

Mr. Speaker: Any further questions?

Mr. Tanner: Mr. Speaker, I have one further question for the Commissioner. Has he yet received, or has got an answer to my question of yesterday, concerning a grant to Prospectors' Association similar to those grants made to the Chamber of Mines?

QUESTION RE
PROSPECTOR'S
ASSOCIATION
GRANTS

Mr. Commissioner: Mr. Speaker, I'm sorry I don't have that information available yet, but it will be forthcoming. I would be hopeful we will have it for tomorrow's session.

Mr. Speaker: Are there any further questions? Mr. Clerk, I wonder if there is any advice as to when Questions No. 3 and No. 4 on the Order Paper could be answered?

QUESTION RE
ANSWERS TO
QUESTIONS #
3 & 4

Mr. Clerk: Mr. Speaker, we have had to go to the C.B.C. in Ottawa for answers to these questions. We have no way of answering them, until we get a reply from them.

Mr. Speaker: Thank you. I'd like to thank Mr. Commissioner for his attendance, this afternoon. Under Public Bills and Orders, what is your pleasure? Oh, pardon me, Mr. Commissioner, you have something?

Mr. Commissioner: Mr. Speaker, just to draw Honourable Members' attention to the fact that Mr. Park has posted on our map here, the second sketch of the proposed Capitol site showing the potential expansion of the area, if and when it is requested.

Mr. Speaker: Thank you. Honourable Member for Whitehorse East?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, Corrections Ordinance, be given First Reading.

MOTION CARRIED

BILL #20
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, Corrections Ordinance, be given Second Reading.

MOTION CARRIED

BILL #20
SECOND
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, Fraudulent Preferences and Conveyances Ordinance, be given First Reading.

MOTION CARRIED

BILL #26
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, Fraudulent Preferences and Conveyances Ordinance, be given Second Reading.

MOTION CARRIED

BILL #26
SECOND
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance to Amend the Motor Vehicles Ordinance, be given First Reading.

MOTION CARRIED

BILL #27
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading.

MOTION CARRIED

BILL #27
SECOND
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 16, Building Standards Ordinance, be given Third Reading.

MOTION CARRIED

BILL #16
THIRD
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 16, Building Standards Ordinance, be adopted as written.

MOTION CARRIED

BILL #16
TITLE
ADOPTED
MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 16 has passed this House.

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that First Reading be given to the amendment of Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that First Reading be given to the amendment of Bill No. 17, namely An Ordinance to Amend the Vital Statistics Ordinance. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Second Reading be given to the amendment of Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Second Reading be given to the amendment of Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance, be given Third Reading.

MOTION CARRIED

BILL #17
THIRD
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 17, An Ordinance to Amend the Vital Statistics Ordinance, be adopted as written.

MOTION CARRIED.

BILL #17
TITLE
ADOPTED
MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 17 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 21, An Ordinance to Amend the Mental Health Ordinance, be given Third Reading.

MOTION CARRIED

BILL #21
THIRD
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 21, An Ordinance to Amend the Mental Health Ordinance, be adopted as written.

MOTION CARRIED

BILL #21
TITLE
ADOPTED
MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 21 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 22, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program), be given Third Reading.

MOTION CARRIED

BILL #22
THIRD
READING
MOTION
CARRIED
BILL #22
TITLE
ADOPTED
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 22, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program), be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 22 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 23, Territorial-Municipal Employment Loans Ordinance, be given Third Reading.

MOTION CARRIED

BILL #23
THIRD
READING
MOTION
CARRIED
BILL #23
TITLE
ADOPTED
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 23, Territorial-Municipal Employment Loans Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 23 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 25, Purchase and Supply Services Agreement Ordinance, be given Third Reading.

MOTION CARRIED

BILL #25
THIRD
READING
MOTION
CARRIED
BILL #25
TITLE
ADOPTED
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 25, Purchase and Supply Services Agreement Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 25 has passed this House. What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I would move that Mr. Speaker leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Legislative Returns and Motions.

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Deputy Chairman: I wonder if I might ask any of the Members in Committee if they have had any word as to whether Councillor Rivett will be present with us.

Mr. Tanner: Mr. Chairman, I believe Councillor Rivett intends to be here about 2:30.

Mr. Deputy Chairman: About 2:30. Well then I'll declare a

Mr. Chamberlist: No. Mr. Chairman, there is no necessity to. We can continue with the Bills, but he will be here before the completion of the discussion, which I presume will take some time.

Mr. Deputy Chairman: It is up to the wish of Committee. Do you wish to proceed with Bill No. 12 at this time then? Councillor Chamberlist, do you wish to read the Explanatory Note?

BILL #12

Mr. Deputy Chairman: Councillor Chamberlist, do you wish to read the Explanatory Note?

Mr. Chamberlist: "The purpose of this Bill is to make adjustments in the exemptions from payment of fuel tax and to impose a one cent tax on fuel oil used for heating purposes. Opportunity is taken to tighten up collection procedures and close gaps against possible evasions."

Mr. Deputy Chairman: (Reads section 1 and section 2 through definition of "fuel oil").

Mr. Tanner: The last part of that definition for "fuel oil" seems to be very sweeping. If the intention here is that any fuel oil that is used for heating should be subject to these regulations of this Ordinance, you might just as well not have a definition of fuel oil and say any fuel oil designated by the Commissioner. Either we are going to write the definition correctly, or, alternatively, we are going to give the Commissioner outright regulatory power to declare any fuel oil as a heating fuel. Consequently, I would say, unless there is some other explanation which I haven't thought of, I would say that there is no point -- you could delete anything after natural gas in that second from the last sentence of that definition.

Mr. Chamberlist: Mr. Chairman, it is exactly the same interpretation that has been in the Fuel Tax Ordinance all of the time. There is no difference at all.

Mr. Tanner: That may be very well, Mr. Chairman. But, it doesn't mean that we have to continue it necessarily. If it is the opinion of the Committee that it is too wide of a power for the Commissioner to exercise, there is no reason why we have to leave it. We have this opportunity to take it out.

Mr. Chamberlist: Would the Honourable Member indicate where his specific objection to the interpretation is; what particular area?

Mr. Tanner: Mr. Chairman, in reading the definition of fuel oil, if you read the first four lines, and then you come to natural gas, which apparently defines all of the various areas of heating fuel that the Commissioner might want to regulate, and then after that you say, "and any other fuel as may be included in this definition by regulation of the Commissioner." What we are really saying is that any fuel that the Commissioner wants to designate is a fuel oil, or, alternatively, we are defining which particular fuel oils that we are talking about. If we are going to say, "any fuel oil that the Commissioner wants to designate," then let's just say that; you don't need the rest of the definition. Alternatively, if you are going to designate them, you don't need the balance of the thing saying that the Commissioner can point out the fuel to be used as fuel oil.

Mr. Taylor: Mr. Chairman, I think what the Member is getting at is other fuels which are non-carbon fuels. For instance, wood alcohol, and this type of thing.

Mr. Chamberlist: I wonder if Mr. Legal Adviser could indicate whether there is a greater interpretation than what has already been given?

Mr. Legal Adviser: As I understand the position, Mr. Chairman, the old definition of fuel oil went into a lot of detail. For comparison, I will read the old definition: "'fuel oil' includes all liquid and gaseous products obtained from petroleum, natural gas, casing head or natural gasoline, benzol, benzine, naphtha, coal, coal tar, oil shales, kerosene, gas, oil and any combination of any such products". Our Territorial Treasurer attends conferences; amongst the conferences that he attends is one attended by representatives of provinces who have fuel oil tax; he is attempting to simplify the definition, and at the same time, give room for expansion. This is in line with the new definition which the other provinces are adopting. The fact that it is included in this definition, "and any other fuel as may be included in this definition by regulation of the Commissioner", will limit the Commissioner to various new forms of derivatives, such as kerosene, naphtha or other things. It would be a breach of his authority to attempt to include wood, for instance, as a fuel. It would be struck down by the courts.

Mr. Chamberlist: Mr. Chairman, I think that the point that has been brought up by both Councillor Taylor and Councillor Tanner has some validity. If it said, "any other fuel derivative", I could see that. But, as it says, "any other fuel as may be included", it may well include fuel from someone who goes out and cuts down wood. It may include that; it may even include coal or coke.

Mr. Legal Adviser: It does already.

Mr. Chamberlist: With respect, it says, "containing any derivative of coal"; perhaps coke is a derivative of coal.

Mrs. Watson: It is.

Mr. Chamberlist: Yes, but you see, having this as any other fuel would include coal. It doesn't include coal at the moment. It just says, "derivative of coal".

Mr. Legal Adviser: The original did, and this does. The intention of this would be that if anyone were using a derivative of coal, converted to a liquid form to drive a gasoline engine, then it would be included. I think that the House should be familiar with, during the war, the tremendous number of unusual fuels that were, in fact, used for the propulsion of locomotives and automobiles, trucks, and they escaped fuel oil tax.

Mr. Taylor: I hadn't noticed it until the Honourable Member brought it up, but this is quite true. This is a tax Bill, and I think that it is incumbent upon this Legislature to define what fuel oil means for the purposes of taxation. I don't think that it is in the best interests of anybody to give the Commissioner the prerogative of defining any other fuel that may be included in this definition. I think that is something that should be spelled out, and I do think that those words should disappear. For instance, this would give the Commissioner the right to go down and put a tax upon cans of non-hydrocarbon fuel such as methyl hydrate. I think that this should be clearly defined, and I really agree with the Member that all of the words after "natural gas" should disappear out of the interpretation of fuel oil.

Mr. Legal Adviser: Just one point on this: This is merely a definition section. I think that, possibly, there is some advantage to be derived from the English and Ontario systems of putting the definitions at the end of the Bill. The members are forced to read the Bill first and the definitions later; the applicability of the definitions are made clear in the Bill. This is a tax Bill; it is only taxing certain types of fuel oil, and that is fuel oil that is used for certain purposes. If the particular types of fuel mentioned here, such as wood or methane or something like that, is in fact used to propel a locomotive on the road or an automobile, then it should be taxed. There is no tax on the sale of these products which are not used for propulsion purposes. The essential thing is the tax imposed on a certain product when used in a certain way, not when just sold at the corner grocery store in a can.

BILL #12

Mr. Chamberlist: I think that Mr. Legal Adviser is correct, and I shouldn't have made the point myself. But, when you read it first, it does look as if there is provision for the Commissioner to include any other fuel. Certainly, the whole idea of taxation in fuel oil is, especially where there is motive use, to tax the fuel that is being used whatever the fuel is. The point is that this particular Bill just specifies the particular fuel that is being taxed. I am satisfied with Mr. Legal Adviser's explanation.

Mr. Taylor: Mr. Chairman, I think that as it was stated it was intended to tax those by-products or derivatives of petroleum, natural gas and other liquids or by name known or sold, containing any derivative of coal, petroleum or natural gas. I think that there is a constitutional question here, too.

Mr. Chamberlist: Oh, now, really

Mr. Taylor: I would like the Honourable Member to listen, because at one time, when he used to represent the people, he used to raise these questions quite frequently. I think maybe he would agree with me when I say that it is not in the best interests of this Legislature or the people of the Territory or the Administration to permit an appointed Government or any individual, as you may choose, in the name of the Commissioner, to allow him to define by regulation what is to be taxed and what is not to be taxed. That is a prerogative of this Legislature on behalf of the people, and of this Legislature only. That, therefore, infers that if you are going to tax something, you have got to be able to define it. You can't tax something that you cannot define. When you include the words "and any other fuel as may be included in this definition by regulation of the Commissioner", you are not defining what we are taxing. What I am saying is, even on constitutional grounds, we must define what fuel oil means in the definition section, and the Commissioner should have no right given him by this Legislature to make a tax or impost upon the people for something which is yet to be defined. It is that clear.

Mr. Tanner: Mr. Chairman, if I could recommend, the suggestion of the Legal Adviser is probably a good one. How about if we don't come to any definite decision on that part of that definition, read through the Ordinance, see where it applies, and if it does apply, then go back and argue the point.

Mr. Deputy Chairman: Does the Committee agree?

Mr. Taylor: No, I still can't agree, Mr. Chairman. It is a constitutional question.

Mr. Deputy Chairman: We could come back to this question after reading the Bill. (Reads section 2(1), definition of "generator").

Mr. Taylor: How do you define temporary? Maybe Mr. Legal Adviser could define it.

Mr. Legal Adviser: Mr. Chairman, we leave that for the court. I beg the Councillors not to interfere with this particular definition as some of the Honourable Members and myself used up several pints of perspiration hammering this out to try and get precisely what we wanted so as not to include the casual generator which are used on trucks, and which are used for temporary service, and which are attached to certain types of operations such as welding. Leave it to the taxman to try to tax these. The courts will interpret what temporary means. It usually means a short period of time.

Mr. Deputy Chairman: May I ask from the Chair if it is the intention of the Administration to tax fuel used in welders?

Mr. Legal Adviser: We are not talking about fuel here, Mr. Chairman. We are talking about the generator, which will be apparent later on.

Mr. Deputy Chairman: I know, but later on in the Bill it does talk about taxing those fuels. (Reads section 2(1), definition of "inter-provincial carrier").

Mr. Legal Adviser: Mr. Chairman, the only change in this is that we have included the word "ship". Some of the Honourable Members present will realize that we have a limited supply of ships which occasionally pass across provincial boundaries.

Mr. Deputy Chairman: (Reads section 2(1), definition of "person" through section 4(1)).

Mr. Taylor: I am unalterably opposed, Mr. Chairman.

Mr. Deputy Chairman: (Reads section 4(2) through section 5(1)).

Mr. Tanner: Mr. Chairman, could the Legal Adviser tell me how those bona fide purposes in the prescribed form to the vendor get to the purchaser? What form do they take?

Mr. Legal Adviser: It just means that the person who is using the thing certifies that he is using it for an exempt purpose. It will be a short form. Up to now the onus of the certification has not been on the purchaser; it has been on the vendor to transmit. Debts have occurred; we are attempting to tighten up and impose obligations on the user of the fuel through the filling out of this form.

Mr. Tanner: Mr. Chairman, could the Legal Adviser tell me if it wasn't the case before the last amendment to this Fuel Tax Ordinance that the person purchasing the fuel had to sign an affidavit? Or, at some time between the purchase and the sale of fuel oil for the exempted purpose, one person had to sign an affidavit, and this procedure has been dropped in the last year, or year and a half, and consequently, there could be people slipping through the net who are not paying their taxes?

Mr. Legal Adviser: The procedure was deficient before. This is an attempt to pick it up. There was no real obligation on the person to make a proper declaration. With some of the bulk agents the procedure was not formulated; so, people went for months merely ordering tax exempt fuel and not filling in certificates. Attempts were made then afterwards to fill in their certificates, but no particulars were given of the details of which the individual consignments were used. Quite a considerable amount of revenue was lost in the process. This a detailed attempt to try to pick this up.

Mr. Tanner: Mr. Chairman, may I suggest that you still have not accomplished your purpose. What you can actually do now, should I be so inclined, I could go to a bulk fuel distributor, tell him my name is Joe Doe, write my name and address down which is fictitious, and say that it is for farm purposes, for an exempt purpose, and the only obligation on me is having given a false name. It is the obligation of the Government then, if they feel that it is a false name, to find me and prosecute me. Whereas, in the past, the purchaser had to sign an affidavit which is far more compelling on the person buying it, and in fact, I believe, the bulk distributors were Notary Publics in some cases. They could give that oath, and people buying the fuel oil were a lot more hesitant in trying to beat the Government out of its rightfully due taxes.

Mr. Legal Adviser: I'm glad that the weaknesses of the present system are realized by the Honourable Member. As far as I know, no affidavits were required; it was just simply filling in a form. Perhaps the vendor may have to fill in a form, but the actual person would just fill it in if it wasn't required to fill in the detailed purpose. We had prosecutions for this, but they were quite difficult to track down.

Mr. Tanner: Mr. Chairman, I still don't think the Government has solved the problem that they are trying -- they have tightened up the legislation sufficiently for the problem that I am pointing out.

Mr. Legal Adviser: Mr. Chairman, I don't think we'll ever solve that problem. We can just attempt to do it. Even the income tax people haven't just solved their problem, we have a smaller legal enforcement staff than they have.

Mr. Chamberlist: I wonder, Mr. Chairman, if the Honourable Member will allow for the rest of it to be read. Because then in the rest of the Ordinance, he will see how. There are certain requirements to fulfill the functions of the Ordinance. It may well add to the question that has been put.

Mr. Tanner: Mr. Chairman, I'm quite happy for the rest of the Bill to be read and I hope I see what I'm looking for. However, in my first reading prior to this sitting, I didn't see what I was looking for. I would like to make note that I'd like to come back to that section if I don't see it later on.

Mr. Taylor: Mr. Chairman, I was just having the same difficulty; we skipped over 4(1)(a) and (1)(b) rather quickly and in relation to 4(1)(a) we have Sessional Paper No. 11, Fuel Oil Tax. Like I say, I'm unalterably opposed to this tax and I just wonder what was going on and when it is intended that this be discussed. I think it should be discussed while the Bill is being read.

Mr. Chamberlist: Well, we can't read both sections now, can we.

Mr. Deputy Chairman: I would suggest that we proceed with the Bill and then perhaps bring in Legislative Return No. 11, or Sessional Paper No. 11, before the actual passage of the Bill or dismissal of the Bill.

Mr. Taylor: The Bill should never pass.

Mr. Deputy Chairman: (Reads 5(2) and 5(3))

Honourable Members: (Applause)

Mr. Deputy Chairman: I would at this time like to welcome Councillor Rivett.

Mr. McKinnon: I would like to first state, before we go on, that to understand that section 5, subsection (3) is a new exemption under the terms of the Ordinance prior to the passage, or prior to this Bill being read, that fuel oil used for heating or part of a mineral extraction process -- tax was paid on that?

Mr. Legal Adviser: It is not in the exemptions, Mr. Chairman.

Mr. Tanner: Where does it appear in the overall?

Mr. Legal Adviser: It is not so much -- it was the production of heat before and this is narrowing down the exemptions to what it is intended to be in this particular Bill.

Mr. Taylor: I wonder, Mr. Clerk, if a copy of the Bill could be given to Councillor Rivett.

Mr. McKinnon: Mr. Chairman, under the old Fuel Oil Tax Ordinance, I don't understand how fuel oil used for heating or part of the mineral extraction process would have been exempted under the present Fuel Oil Tax Ordinance.

Mr. Legal Adviser: Under section 4, subsection (1) of the old Bill, it said that no tax is payable on fuel oil used for heating. Now there is a tax as the Member has seen, if it is used for heating or cooling, in section 4, subsection (1)(a). Tax is payable at 1¢ a gallon on fuel oil used for heat. The exemption continues in respect of heating in the industrial process. If this exemption wasn't there they would have to pay a tax of 1¢ per gallon.

Mr. Deputy Chairman: Further questions on (3)? (Reads 5(4) and 6(1))

Mr. Tanner: Mr. Chairman, I recall saying, is there no penalty for that if someone were paying fuel oil, or is that under the regulations?

Mr. Legal Adviser: It would consistently happen that fuel oil is purchased for one purpose and had to be used for the shortage of the mixture in the tank or some such thing for another purpose. If it is purchased for using it for one purpose and is used for another which is taxable, then the tax must be paid and this section is necessary to establish that fact.

Mr. Taylor: You are saying here, Mr. Chairman, tax shall be paid by the purchaser at the rate applicable to the purpose for which the fuel is used no later than the tenth day of the month next following. What you are doing is saying that the citizen who buys -- you are legislating that the citizen who buys from a vendor, I believe you call him here, you are talking about a purchaser now. You are talking about the guy down the street who buys from the vendor, right. Wait a minute. Purchaser means a person who buys fuel oil from a vendor. That is different. What you are saying is that he better have his taxes paid every month. Your legislation says that he must pay his fuel oil operator, for instance, and he better have it paid by the tenth of the month, or he is against this Ordinance.

Mr. Chamberlist: I wonder if the Honourable Member will allow us to read the Bill so the other sections will fall into line and then the Honourable Member's question will be answered then. Otherwise we will be debating the same subject. If we go through it and mark the particular sections, we will come to them. In a piece of legislation like this, you have to read the legislation to get the true concept of the whole piece of legislation. Each section ties in with each other.

Mr. Taylor: Mr. Chairman, I didn't know that the format had changed this greatly. I know it has changed in the couple of years, but that is what we are here for; to ask questions. This is a very important piece of legislation. As far as I'm concerned, if the Administration are reluctant to answer questions in respect of it, I can only conclude that it is another railroad job. Because, as I say, the Honourable Member knows that when this Bill is read, it is ready for Third

Mr. Taylor continues:

Reading, notwithstanding what anyone else thinks about it.

Mr. Deputy Chairman: I think it has been agreed that we can back to any sections that are under question. (Reads 7(1))

Mr. McKinnon: Mr. Chairman, what's the part of the Constitution of Canada that doesn't give the provinces or territories the right to charge the Government of Canada a fuel tax on -- sold or delivered to the Government of Canada. If the Canadian Federal Government decides that they want to use the territory or part of the provinces for some of their silly little war games they do every once in a while, why shouldn't they pay fuel oil tax to the province or territory when they are using their territory or their province for the use of these war games that they are carrying on?

Mr. Legal Adviser: Mr. Chairman, it is not a question of whether the province or territory has got the right to charge a tax to the Government of Canada. They have the right to charge it, but they have no way of collecting it. Prudence would dictate that when you have no way of collecting it and nothing can be done about it, you waive your right which is unenforceable.

Mr. Chamberlist: Surely the Honourable Member who has just spoken knows full well that the Crown can't be taxed, but the Crown can give grants in lieu of taxes if it wants to. This is what is happening with property tax. The Crown gives a grant in lieu of taxes. It can refuse the tax, but it wants to be a good citizen itself, so it gives a grant to balance off the tax. This is a normal procedure that you will find in all legislature; the Crown can't be sued in any case, without the permission of Exchequer Court, I believe.

Mr. McKinnon: If the Crown doesn't want to give a grant in lieu of taxation, then can the Territory prevent the Government of Canada from using the Territory for war games or for any other purpose that they would want to use the Territory?

Mr. Chamberlist: We might have to get permission from somebody else before long.

Mr. Deputy Chairman: Order.

Mr. Legal Adviser: I'm not sure if the Honourable Member seriously wants an answer to that question, because if the Canadian Government wishes to get fuel for their army, we would have to have an army to refuse.

Mr. Deputy Chairman: (Reads 7(2) through to 12(2))

Mr. Taylor: Mr. Chairman, in 12(1), is that an error in typing? It doesn't seem to read right. The operator of an inter-provincial carrier or through carrier shall be issued a permit upon application and issuance of the operating licence by the Registrar and shall apply -- it doesn't seem to read right. Should you not be saying, shall be issued a permit upon application and an operating licence by the Registrar?

Mr. Legal Adviser: With respect, Mr. Chairman. I say it myself, the English appears to be impeccable. It has got to be read slowly. The operator of an inter-provincial carrier or through carrier shall be issued a permit upon application and issuance of the operating licence. So you see, he has been given a permit when he gets his operating licence from the Registrar of Motor Vehicles. He gets the two documents at the same time.

Mr. Taylor: He is being issued an issuance in terms of English, is he not? You can read it that way. It doesn't read right, that's all.

Mr. Legal Adviser: The issuance qualifies the operating licence which is not in the control of the Treasurer.

Mr. Deputy Chairman: (Reads 12(3) through to 14(2))

Mr. Taylor: Mr. Chairman, does this also provide for that portion of the Alaska Highway within the Yukon Territory which, indeed, is in British Columbia?

Mr. Legal Adviser: There is no portion of the Alaska Highway within the Yukon Territory which is part of the Province of British Columbia, Mr. Chairman. Within the Yukon Territory and the Province -- there are portions which are within the Yukon Territory and portions which are within B.C., but there is no portion within the two together. It is an impossibility. What this does provide again is that it provides against people falling into an accidental classification merely when going along the Highway, the border changes along with the route.

Mr. Taylor: Well, Mr. Chairman, that was my question. From Mile 733 of the Alaska Highway to approximately Mile 777, is, indeed, back into British Columbia again. It has always created a problem especially in this fuel business because of the involvement of Cassiar and the involvement of Atlin, chasing it back and forth, and it is quite competent for the Government of the Province of B.C. to start charging fuel tax in that area on everybody that goes up and down the Highway.

Mr. Chamberlist: That's the purpose of this.

Mr. Taylor: It still doesn't stop him from doing this.

Mr. Commissioner: We have no extra-provincial authority to exert. If B.C. decides to collect tax on it, there is nothing we can do about it.

Mr. Deputy Chairman: (Reads section 14(3) through section 16(1)(a)). Mr. Clerk, would you note a typographical error in section 16(1)(a), "an" should read "and"? (Reads section 16(1)(b)).

Mr. Tanner: Mr. Chairman, two questions here. Number one, and it goes back partly to here and partly to section 11(1) -- maybe some of the Members will be a little surprised because I have a little different attack here this time -- we are asking the fuel oil vendors to carry out more business; we are asking them to virtually collect our tax for us. Are we paying them any commission on that? And, number two, what period of time normally do you expect these people to carry these books before you ask for them to be destroyed?

Mr. Commissioner: Mr. Chairman, I can't speak on behalf of the Treasurer at this point. There is a statutory limitation laid down and which is enforced in the Auditor General's audit of our affairs. It would be in keeping with that particular department that the Treasurer would give the authority. We pay no commission.

Mr. Legal Adviser: There is no commission paid, Mr. Chairman. There is a statutory bar against prosecution after two years. I would presume that the Treasurer would, as a matter of routine, give permission to destroy after two years when the possibility arose, plus a period to cover the record.

Mr. Rivett: Mr. Chairman, is fraud a consideration in this? Because, you destroy your income tax records after a certain period of years. If you find a fraud in that period of time, the records seem to go back ad infinitum.

Mr. Legal Adviser: This is true, Mr. Chairman. I don't think this is primarily designed against throwing away the income tax things; this is primarily designed so that the Treasurer can go back sufficiently far in the books to check back whether there has been fraud or not. But the purpose of the investigation would be lost after a period of two years plus a full year behind that again.

Mr. Tanner: Mr. Chairman, I would just like to point out to the House that in my opinion you still haven't tightened it up enough in 16, because this is what we have been waiting for, this is where we were going to come back to what I was asking; how are we going to pick it up from 5? And, even in this case, are you going to prosecute a vendor under 16 for accepting a man's word when the man has signed a document saying that this fuel is for such and such a purpose. Then a year and a half later you come back and say, "Well, you shouldn't have sold it to him." How are you going to pick him up again there?

Mr. Chamberlist: I would suggest the Honourable Member wait until we come to 18(1).

Mr. Tanner: I am happy to wait.

Mr. Deputy Chairman: (Reads 17(1) through 18(1)).

Mr. Taylor: Mr. Chairman, there seems to be a misprint here. Certainly the Administration did not intend to set down the words "to a fine of one thousand dollars"; "to a fine not exceeding one thousand dollars" would possibly be the intention of the Administration. Is this not correct?

Mr. Legal Adviser: I have forgotten, Mr. Chairman.

Mr. Chamberlist: I think that is a good point taken, and perhaps we should....

Mr. Deputy Chairman: So, the word "a" would be struck out and the words "not exceeding"....

Mr. Legal Adviser: Yes, just add the words "not exceeding".

Mr. Chamberlist: Can we agreed to that now here?

Members: Agreed.

Mr. Tanner: Mr. Chairman, I would point out to other Members that apart from (b) there is very little difference in the effect of the move that I can see, in 18 in the amended version and in 18 in the old version. Excuse me, it was 14 in the old version.

Mr. Deputy Chairman: (Reads section 18(2)).

Mr. Taylor: Mr. Chairman, (2) kind of assumes that the party has been guilty -- I am sorry, I was just thinking of something else.

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

Mr. Taylor: Mr. Chairman, back to section 18(2) that I was looking at. Maybe what threw me were the words "In addition to the fine". Shouldn't you be saying "In addition to any fine".

Mr. Chamberlist: It says, "to the fine or term of imprisonment".

Mr. Deputy Chairman: (Reads section 20(1) through section 22(1)).

Mr. Taylor: Mr. Chairman, you say, "The Territorial Treasurer may for cause". Example.

Mr. Legal Adviser: If a person is charged with an offence which involves fraudulent manipulation of the books, then I think that it is reasonable that he should not have to issue the document here which enables these persons to commit a fraud again. In keeping these books the person is asking the Territorial Treasurer to rely on the accuracy of the books which he keeps for the purpose of tax checking.

Mr. Taylor: This would only be during the period, for instance, if he is jailed, during the period that he is in jail that his company could be -- certainly, when he has left jail, his debt to society has been paid, and he is clear again. Is he not?

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Mr. Legal Adviser: We don't anticipate that the normal person would go to jail for one of these offences. We would hope that the normal penalty would be a fine.

Mr. Taylor: When he has paid his fine, has he paid his debt to society? I don't think that would then justify cause to cut him off.

Mr. Chamberlist: That certainly is a prerogative of the Government. If the Government feels that as a result of the conviction of defrauding the Government, if it wishes to take a particular stand, I don't see anything wrong with it. What actually the Honourable Member would be saying is that the person can continue to carry on, to pay the fine and continue to carry out fraudulent actions against the Government. If the fine happens to be a hundred dollars and he is defrauding the Government of a thousand dollars a day, he is nine hundred dollars to the good; so, he keeps doing it. Of course we have to have provisions for cutting the person off.

Mr. Rivett: Mr. Chairman, as I understand it, the Government doesn't issue licenses to steal.

Mr. Taylor: I certainly agree, Mr. Chairman, that in certain circumstances that haven't been outlined here that this is quite fair and reasonable. However, I do see that it is another opportunity for the Government to harass the people; it is another lever that they can use to get after a company in the Yukon for some act that they have created other than in respect of this Ordinance. They have the power.

Mr. Chamberlist: The Government of the Yukon is paying your wages for being here.

Mr. McKinnon: Mr. Chairman, before you read these sections, I still worry about 16(1). I wanted to come to the prosecution section where, "No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence." It would seem to me that 16(1)(b) would follow that two years that any records would have to be kept. In the old Ordinance it was specified that twelve months was the maximum that records had to be kept. Under this, the time for prosecution is two years. Certainly, the Commissioner shouldn't have to, amongst all his other duties, every several years or three years, or five years, go to every vendor or distributor's license and say, "Well, I guess that they have kept their records long enough. Let's send them a letter telling them that they can destroy their records now." It should be an automatic thing that after the period of time where an offence can be committed and when the Government can prosecute, a guy should throw his records out. Certainly, it shouldn't be a period of time which is ad infinitum at the pleasure of the Commissioner, when he finally gets around to sending the guy a notice saying that he can finally destroy his records. At that point in time is the only time that that person can do so. It seems to follow that after two years, if that is the length of time for prosecution, that that should be the time. You could have a whole warehouse full of records for ten years and the Commissioner hadn't gotten around to dropping the guy a note saying, "You can finally destroy your records, pal."

Mr. Legal Adviser: Mr. Chairman, it would be an automatic permission. With two years for the prosecution time, two years is necessary to enable you to get two years at a person who is in business. I would imagine that an automatic circular permission would be granted to everyone to destroy their records after about two years. This gives you records for comparison, and it also gives you a year of the company's operation.

Mr. Chamberlist: In any event, Mr. Chairman, it is a federal law under the Income Tax Act that you cannot destroy these documents for five years. Then you have to get permission before you can do that. You can't ask permission until you have had your documents for five years. We are not getting into something that is different.

Mr. McKinnon: We are. We are going from one to ad infinitum. We are getting into something different. We are going from twelve months where the person used to be able to automatically destroy his records, to a period of the Commissioner's pleasure, where the person has to keep those records. Certainly, there should be some cut off point where he is allowed to be able to say, "Well, look, these records have been building up for this number of years, and I just have no more space for them. I should be able to dispose of them."

Mr. Commissioner: Mr. Chairman, I have not spoken to the Treasurer on this particular point, but I think that the whole idea of wording of this nature is so that when we wish to have records available to us, that we will not be tied into anything differently than what the Federal Government ties that particular vendor into. This, I am positive, is why this wording has come forth in this manner. In other words, while we are saying that a prosecution cannot take effect any more than two years after an offence has occurred, we are saying that the period of time for retention of records before disposal is left open here. I am sure that the disposal time or the retention time will be tied into other federal and Territorial statutes so that there is some kind of uniformity. Most of the wording in this legislation, and I think that Mr. Legal Adviser can correct me on this, is brought into line with the uniformity of legislation that is being done in other provincial jurisdictions with regard to the collection of this type of tax. In answer to the Honourable Member, if he feels that we are going to use this to impose a further burden on a vendor, over and above that which he is already called upon to comply with other Federal-Territorial legislation, the answer is no.

Mr. Chamberlist: Mr. Chairman, I would like to point out to the Honourable Member from Whitehorse West that under section 16(1) of the existing Ordinance, the two years that the Commissioner intends is exactly the same time that we have in this Ordinance which is under section 20(1). It is still two years. "No prosecution for an offence under this Ordinance shall be commenced after two years from the date of the commission of the offence." There is no change in that particular area at all.

Mr. McKinnon: I realize that. The change is in the time that the person has to keep the records and documents. That is the change; even after the period has passed where a prosecution is allowed, that person has to keep his books, records, and documents upon the pleasure of the Commissioner. In the prior Ordinance, twelve months after the tax has been collected he could throw his books, records, and documents away. He didn't have to keep them anymore. Section 9(1)(b), "preserve such books and records for at least twelve months from the time the tax is collected."

Mr. Legal Adviser: Mr. Chairman, one important point. Although we don't prosecute in the criminal courts after two years, the person's liability is criminally gone, there is still the possibility of collecting civilly if through some other source we obtain information; we could collect up to six years, if we found the tax was due. It could happen over reviews of a Government contract, a long-term Government contract.

Mr. McKinnon: Mr. Chairman, I just wish the Commissioner would exercise such authority when it came to dealing with the archives of the Yukon Territory, which are leaving the Territory and are getting stripped all over the place. Perhaps if the Commissioner would exercise the authority that he seems to have under the Fuel Tax Ordinance, in the maintenance of other documents in the Yukon Territory, it is one I could support, Mr. Chairman. BILL #12

Mr. Commissioner: Mr. Chairman, if any Honourable Member wants to bring to my attention archival material that is being surreptitiously removed from the Territory, the authority under our Archives Ordinance will allow us to act.

Mr. Deputy Chairman: (Reads subsection 23(1) of Bill No. 12)

Mr. Taylor: This includes the heating tax?

Mr. Deputy Chairman: Mr. Legal Adviser, perhaps you could answer that.

Mr. Legal Adviser: I didn't hear the question. I was just looking at the section. It doesn't appear to be ...

Mr. Deputy Chairman: Does section 23(1) include the tax imposed on heating oil?

Mr. Legal Adviser: I presume that it's all fuel oil tax.

Mr. Chamberlist: This refund of fuel oil -- there's no refund of heating fuel tax because your heating oil tax, as it is indicated in this Bill and in the Sessional Paper, is for a specific purpose, and that is to equalize heating in the Territory. So, it is not a question of a refund being involved.

Mr. Taylor: I really think that it should be the question. It's being written into law, and I think it's a very big question.

Mr. Chamberlist: This is only where there are refunds of fuel oil tax, but there is no refund of fuel oil tax.

Mr. Taylor: From that, I infer that we're not going to have a one cent tax on heating fuel, which makes me very happy and answers my question.

Mr. Tanner: Mr. Chairman, I thought you were right in the first place because if you read the applications, there's an application for payment of equalized residential -- it's not a refund.

Mr. Deputy Chairman: I think that point is well taken. (Reads subsection 23(2) through to the end of Bill No. 12) I think at this time, we'll declare a coffee break.

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Mr. Deputy Chairman: I will now call Committee back to order. We've just completed the reading of the Bill. Do Members wish now to go back to any specific areas of the Bill?

Mr. Taylor: Mr. Chairman, I think we have to deal now with Sessional Paper No. 11, do we not?

Mr. Deputy Chairman: Is it the wish of Committee to bring Sessional Paper No. 11 into account?

Mr. Chamberlist: I would suggest that we discuss both at the same time in a general discussion.

Mr. Tanner: Mr. Chairman, could I just ask a couple of questions? Could the Commissioner, or somebody in the Administration, or one of the Executive elected people, tell me if there's a provincial tax on heating oil in any of the provinces?

Mr. Chamberlist: I've had it researched, and to the best of my knowledge there is no heating tax anywhere; nor have they got an equalization of heating fuel. Is there a difference?

Mr. Commissioner: Mr. Chairman, with respect, the Northwest Territories has a tax on heating fuel.

Mr. Tanner: How much is that?

Mr. Commissioner: Mr. Chairman, I would have to find that out.

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

Mr. Taylor takes the Chair.

Mr. Stutter: Mr. Chairman, I definitely support the principle of this Sessional Paper No. 11. The only area that I have any misgivings at all is in this one cent tax. I would like to get assurance from the Administration to begin with that if this Bill passes and the accompanying Sessional Paper is agreed to, could we have some form of guarantee that there is no further chance of an increased imposition, or tax, or whatever word you wish to use, on heating oil from there on in? I personally would like to have some sort of guarantee that this isn't -- that we're not, in fact, opening a door to further taxation on another commodity that has to be used by the people in the Territory.

Mr. Commissioner: Mr. Chairman, this is not the Administration's prerogative. This is a legislative prerogative. I think really what the question is, can the Administration guarantee or assure the actions of future Councils, and I'm afraid that that is not a possibility as far as we are concerned. But, if the question is, is it the intention of the Administration to open the door to taxing heating fuel at this time to create equalization, and then carry this on to become a major course of general revenue, this is not the intention. The intention is to create the tax for this specific purpose, as outlined at this time.

Mr. Chamberlist: Mr. Chairman, I would like to say now, to perhaps help reassure the Honourable Member, that while I'm a member of the Executive Committee or a Member of this Territorial Council, there will be no tax on heating for revenue for the Yukon Consolidated Revenue Fund. This tax that has been put on has been placed for a specific purpose, and that is for the equalization of heating fuel costs, and as far as I am concerned, that is the only heating oil tax that I will support.

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Mr. Stutter: Mr. Chairman, it's a bit difficult because, after having been on the Financial Advisory Committee for the past year, I know how difficult it is and what an objectionable job it is to have to turn around and try to come up with methods of increasing taxation to pay for all of the services that all of us want, and all of the services that we need to see, and in many cases, the services that we must have. Nevertheless, it's alright for the Commissioner to say that it is up to the Members of Council to decide whether there should be a further increase, but ever since I've been on Council, no Member of Council has ever put forward a motion to increase taxation. These Ordinances, the Bills, always come from the Administration, and normally, when they get this far, they go through. This is why I asked for as much assurance as possible from the Administration's end of things that there isn't going to be a presentation made from the Administration for Council's approval or disapproval.

Mr. Chamberlist: Mr. Chairman, what the Honourable Member says is quite true, but I'm sure he also realizes that if the elected -- first of all, it goes to certain people. First, there's the policy clearance by the Executive Committee, and if the elected members of the Executive Committee have given their assurance, well, Councillor Watson can speak for herself, but I have given my assurance that there will be no policy in relation to tax on heating oil as far as I'm concerned except for this specific purpose that has been laid down. Of course, then it goes to the budgeting process and the Financial Advisory Committee which is made up of two of the Executive Committee members, plus one other. If they're opposed to that as well, how then can the legislation be introduced. Who is there that's going to introduce it in the House. If the Commissioner stood up to introduce a Bill, I'd ask him what constituency he represented because he should not be here introducing Bills, and nor would he be allowed to. The House wouldn't allow it. I think that there is some very, very strong assurance given here, that the responsibility of the raising of taxes commenced with legislation and, as all Members know, you have to have legislation to create a tax. That's why the Commissioner was quite right when he says it's a prerogative that is in the House to create the tax. This is simply what the Commissioner has said. I, again, reiterate my assurance that as far as I'm concerned, I would not support an increase on this one cent in heating equalization. We figure that this is the amount of funds that are needed for equalization, and this is why it has come forward at this time.

Mr. Tanner: Mr. Chairman, could I ask some more questions before we start getting into a debate, which I think is going to happen fairly soon? Number one, could some member of the Administration or the Budget Advisory Committee tell me why we have to equalize heating costs across the Territory by this method? Why do we have to do it by taxation? Why can't we do it by some of the suggestions that have been made by the Honourable Member for Whitehorse West, or why can't we do it out of our present revenue, or why can't we do it by a different method. If this new sacred Fuel Tax Ordinance is so effective, why can't we do it out of revenues that are going to be generated from that?

Mr. Chamberlist: Would you like to answer that, Mr. Commissioner?

Mr. Chairman: The Commissioner's Beautification Fund, \$100,000.00.

Mr. Commissioner: Mr. Chairman, one of the major arguments that we are continuously using in dealing with the Federal Government when it comes to the establishment of our deficit grant requirement this year, and also the amount of revenue that we're going to be called upon to raise, is a basic argument that when we have local programs, and are prepared to locally fund them ourselves, these programs should not necessarily fall into general Federal Government policies across Canada's North, nor should they necessarily be applicable in both the Northwest Territories and the Yukon Territory. Now, the basic argument has been won in dealing with the Federal Treasury Board on this matter, in which they agreed that this was a local program in the Territory which was funded by a local scheme effecting the particular thing that it was going to be dealing with, and that they would keep hands-off. It would not become part of the fiscal agreement with Ottawa, nor would we be called upon to make any kind of reflection of the revenues obtained from it in the general revenues, nor would they in any way, shape or form affect our future fiscal relations with the Canadian Federal Government. This is the whole basis of the thing and I sincerely trust that Honourable Members will understand that even getting the thing to that point, and getting Treasury Board approval for that kind of funding for this kind of program, is, indeed, a major victory in itself. To the best of my knowledge, this is the first time that we have been able to spring ourselves loose of the total funding program as contained within your budget and with the fiscal agreement with Ottawa, to have something alone and separate, except those things which conceivably go on, say, in municipalities. That is the reason for it.

Mr. Stutter: I will resume the Chair, Councillor Taylor.

Mr. Stutter resumes the Chair.

Mr. Taylor: Mr. Chairman, it seems to me that in the past, in many areas, some of us in the hinterland complained that indeed, we had been to some extent subsidizing, or whatever you want to call it, Whitehorse, in terms of taxation, in terms of fuel tax, in terms of everything. Maybe the tables have turned in this regard, but what is suggested here is just the reverse. The City of Whitehorse could well subsidize the hinterland because the base price on fuel is going to be taken from the Whitehorse figure, as outlined in the Sessional Paper. I'm not sure, but I think the base price suggested here is \$.32 per gallon. I find, from inquiring around Whitehorse, that there are some people paying as much as \$.40 per gallon for this fuel, because there are different ways of assuming what this price will be. I see, for instance, Watson Lake under this assessment shows that we're paying \$.37 for fuel, which, indeed, we're not. We're paying about \$.40. As a matter of fact, I have a fuel bill right here. I think that at a time when we are very conscious of inflation and we're attempting to fight inflation to keep down the cost of living index in the Yukon, it is a poor time to add tax of any sort, more particularly, a tax on fuel. I think it's agreed that right now, the cost of living in the Yukon is somewhat in the area, by D.B.S. statistics, of 35 percent over that of the City of Edmonton. I think that was arrived at in three areas, one of which was fuel, or heating costs. You've got to consider that heating is an essential utility, something like water. The minute you add one cent, irrespective of the equalization plan, you open the door to adding one cent tax on heating fuel, you have seriously increased the cost to many consumers -- there will be some that will possibly not avail themselves of the subsidy proposed. At the same time, this tax does not presuppose or anticipate the possibility of the conveyor of the commodity we're speaking of here, fuel oil, increasing his price. Indeed, if this were to happen, in addition to a one cent fuel tax on the people of the Territory, subsidized or not subsidized, I don't think this would be in the best interest of anybody. I certainly don't agree with this tax. I do feel though, in the area of the subsidy program, that this should be funded out of general revenue by some method or another. If it could get off the ground at all, I think it would be welcomed in the hinterland at least, where we do pay high fuel prices to heat our houses, but I think another method has to be found by which to find these revenues, or else the subsidy program should be deferred for this forthcoming year until we can find that way. Now, I believe the Honourable Member from Whitehorse West has some ideas. I personally abhor any form of increased taxes, but from the side of the House that doesn't represent the people, just represents the government, I always hear the old saying, "Put up or shut up", and I'm just saying now that some other form of taxation will have to be found or some other form of levy may have to be found in order to give effect to the equalization program that is suggested in Sessional Paper No. 11. But, I cannot agree, under any stretch of the imagination, with the increase, the imposition of a one cent tax on fuel. I might say that the Honourable Member from Dawson had a very good point, and from my experience around this table, this does open a whole new area of taxation. One cent this year is going to mean, notwithstanding any so-called assurances that we've had -- this is an open door for additional increases in fuel taxation if we were to accept this, in forthcoming years, because as Mr. Commissioner pointed out, you cannot precommit a new Council. Heaven forbid, I hope the day comes when this one will

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retire, or at least when we, in the normal course of events, elect a new one, that some of these routines and some of the suggestions that have been forthcoming over the past two and a half years will cease. So, I would say, let us find another way of funding an equalization of heating fuel costs program, but let us also reject the submission that we add a one cent tax per gallon on fuel used for heating.

Mrs. Watson: Mr. Chairman, it's unfortunate that the Honourable Member who has just spoken doesn't understand the philosophy of the paper. The philosophy of this paper is on an equalization scheme and he is talking about a subsidization scheme, which is not the philosophy here at all. What we are attempting to do is to establish one base price for heating oil costs within the Yukon Territory, regardless of where people live. Now the Honourable Member also mentioned the cost of living in the Territory. No one will disagree with him here today that the cost of living in the Yukon Territory is high, but the cost of living in the Yukon Territory, in the rural areas, is very much higher than it is within the metropolitan area of Whitehorse. I'm not just referring to fuel oil costs -- this is just one area -- food costs, the whole thing; there's just such a disparity across the Yukon Territory. This is why the Government is attempting to equalize this. They've been successful in equalizing the electrical rates across the Territory, and now we're attempting to equalize the cost to the homeowners, to the person who has had enough trust in the Yukon to build his own home and to maintain his own home in the rural areas in Yukon, and I think that it behooves this Government to attempt to work out some scheme, where the basic cost of maintaining homes in the Yukon Territory is the same, regardless of where a person lives.

Mr. Tanner: Mr. Chairman, what is the estimated cost to the citizens of Whitehorse for this taxation for the equalization?

Mr. Chamberlist: Mr. Chairman, I don't think it's broken down into particular areas, but I suppose it could be done. The total estimated cost, according to our figures, the total estimated cost for the Territory is a figure of \$86,494.00, but we don't know exactly how this can be broken down. I would like to indicate this, firstly, in replying to Councillor Taylor, obviously he did not heed the very succinct explanation that was given by the Commissioner, that the only way in which we would be permitted to fund this was to treat it as a piece of local programming, and that the local funds for the local programming should come out of the commodity that is being programmed for. Now, the Honourable Member obviously has an inability to comprehend in certain areas. I think it was made quite clear by the Commissioner, when he explained the situation that the position is, that as far as Treasury Board is concerned, whom we still, whether we like it or not, have to have approval from for the monies that they are providing to the Territory, that they have made it clear that you have an equalization program under your own auspices, and tax in the area of the particular product, or you do not have equalization. The Honourable Member from Carzacks-Kluane has, too, made it quite clear that we have attempted to follow the same philosophy on equalization as in other areas. The structure that has been submitted in the paper were those figures that were available for cost of fuel in any particular area in the Yukon, as of the end of December, 1972. We agree that there has been an increase in heating fuel. This you cannot blame the Government of the Yukon Territory for. This has been put on by the distributors, who have been forced to put this on, so they say, as a result of the increases in the fuel to them. However, you must take into consideration those adjustable figures, and you will then still see that there is a considerable difference between the heating fuel costs to the consumer in Whitehorse and the heating fuel costs to the user, the consumer in the other areas of the Yukon. Now, it seems to me that of all people who should be opposed to giving benefits to the people in the hinterland, as the Honourable Member from Watson Lake so declared himself as a member of the hinterland; it seems to me that for him to oppose it is really a negative attitude towards the people that he represents in those communities such as Watson Lake, Teslin, Faro, Ross River, where they, indeed, are paying considerably more than the people in Whitehorse. And, although they too will be paying a 1¢ tax, the end result for those people, in his own communities, are such that would put them on par for heating fuel, as the people in Whitehorse. I would venture to say that it would be considered by the people of those communities that their representative has, as in other areas, again acted in a very irresponsible manner towards their interests. I would suggest that the people of Watson Lake, Ross River, Teslin and Faro will not forget his attitude and his continuing attitude of acting irresponsibly. I would suggest that although he has done this in the past, he might be able to put himself in a much better position by conducting himself more responsibly -- in a more responsible manner at this time -- by recognizing the benefit ...

Mr. Deputy Chairman: Order, please.

Mr. Taylor: On a point of order, do you think the Honourable Member could get back to what we're talking about, instead of raving on in such a manner.

Mr. Chamberlist: I think, Mr. Chairman, with respect, I am speaking about equalization of fuel and about equalization of fuel in those communities that the Honourable Member represents, and I'm speaking as a Member of Council for the benefit of all the people in the Yukon Territory. Now, as I have indicated, I think that the Honourable Member would be working to the benefit of the people in his constituency, if he recognized that by going along with heating oil equalization, as this program is now put forward, it would benefit those people in that area. From the paper you will see, Mr. Chairman, that the average user uses between 1300 and 1350 gallons of oil a year. On the basis of one cent a gallon, let's say at the higher amount, that would be \$13.50 a year, or \$1.12 per month, or less than 4¢ a day. I'm sure many people who leave a part of a glass of liquor on the table, leave 15¢ a day on the table without thinking any worse about it. I think that only 4¢ a day is involved, the people of Whitehorse generally recognize that they are part of the Yukon, and the people of Whitehorse generally are not opposed to sharing with others the benefits that should be for people generally. The people of Whitehorse were not opposed to equalization of electricity, because what happened there, and happens now, is where the electricity is by form of taxation which is repaid to the Yukon Electric, which is distributed afterwards. We, in this instance, act as the tax collector and we distribute here. There are other forms of equalization. There's -- medical services are now equalized throughout the Territory, and education in areas is equalized throughout the Territory. It's a general trend of making all sorts of services and all sorts of facilities available to all people of the Yukon in all particular areas. I'm sure I would be the first one, if I thought that the people of the Yukon were going to suffer untowardly by this, I might stop and think, but they do not; it benefits all the people of the Yukon, and I have said always that I will think for the people of the Yukon. Those people in my constituency, although a few are opposed, once I spoke to them, they understood what was involved, and they recognized immediately that, the good people that they are, they had no objections.

Mr. Tanner: Mr. Chairman, I wonder if I could make another inquiry. Either the Member from Whitehorse West, or the Member from Dawson, asked last week for the Territory to produce the contract prices that were paid by the Territorial Government at the delivery point, for heating oil. If you take those prices -- take them in conjunction with the estimated cost of delivery in Sessional Paper No. 11, you'll find some quite large disparities. The question I'm asking is why? I can see from a business point of view that if you've got one bulk delivery it's reasonable, but for example in Beaver Creek, fuel oil heating is delivered for 35¢ a gallon -- or the contract price is 35¢ a gallon, but the general public in Beaver Creek are paying 43¢ a gallon; that's one. Another question in the same vein; taking this Sessional Paper No. 11, I see that the delivery price in Dawson City is 12.5¢ and the delivery price in Watson Lake is 5¢. Now, there's only 43 or 45 miles difference from the base point in Whitehorse to either Watson Lake or Dawson. I'm asking the Administration whether we're looking at the right areas to control the tax. Why is there such a disparity in, for example, driving heating oils up the highway to Watson Lake or down the highway to Watson Lake, and heating oils up the highway to Dawson City?

Mr. Commissioner: Mr. Chairman, the only explanation that we can give is that this is as a consequence of business practices by the dealers throughout the Territory, and the end result is reflected in the competitive situation that is brought about by tendering procedures in one instance, and possibly the -- I won't say the lack of -- but whatever

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the competitive pressures are in normal buying practices throughout the Territory. I think that Honourable Members would agree with me that the last thing that the Territorial Administration wants to get into at the moment is any kind of internal regulation of business here in the Territory. And, as a consequence, we passed -- we find ourselves literally unable to pass any other judgment than using the words "business practices" to indicate the very apparent discrepancies that are outlined by the Honourable Member.

Mr. Taylor: Mr. Chairman, I listened with some interest to some of the remarks made by at least one of the Honourable Members here a while ago. I think he is a little bit off base as well. I must take exception to his opinion that the people of Whitehorse wish to carry this tax burden for the rest of the Territory. I'll assure you that any I've talked to in respect of this particular program, that they have given me the opposite view. They are not indeed, very happy with this at all because they don't feel it's equal taxation. I think that the Honourable Member also said that I wasn't paying attention to Mr. Commissioner when he talked about extracting these funds from that commodity. What I'm laying before you now, Mr. Chairman, is that approximately this year -- going back over the figures -- we had 1.46 million dollars recovered in fuel oil tax in 1970; 1971 was 1.75; last year, or this current fiscal year, it's unknown at this point in time. In 1973, I would assume we should be escalating to about 2.5 million dollars recovery on fuel oil tax. We're looking for \$100,000.00. This would then represent about 1/25th of the total recovery in this forthcoming fiscal year, of the total monies recovered from fuel oil tax as it now exists, without the imposition of the 2c tax, without the imposition of the 1c tax on heating fuel. I'm talking 1/25th of these total revenues accruing from fuel tax, without any additional taxation whatsoever. I don't think it's very much to ask that inasmuch as much of the fuels that are being taxed here are in one way or another possibly being used for heating somewhere along the line, and that we should take 1/25th of this money and provide it out of general revenues. I think that's where to find your \$100,000.00. There's no need to tax anybody. As for whether my constituents agree or disagree, my constituency agrees with the subsidy -- they'd be foolish if they didn't, but they do not agree to an increase in taxation of any form.

Mr. McKinnon: Mr. Chairman, perhaps if all the political interplay has had its course, maybe we can get down to the facts of the matter. I think it should be taken as a fact that the Yukon Act, passed by the Parliament of Canada, section 24 states in no uncertain terms "It shall not be lawful for the Council to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any person that has not first been recommended to Council by message of the Commissioner, in the Session in which such Vote, Resolution, Address or Bill, is proposed." Those are the facts of the matter. The Address for an impost or tax upon the people of the Yukon Territory can only come from the Commissioner of the Yukon Territory, not from the people of the Yukon Territory through their elected representatives. Section 24, of course, is the most obnoxious of all sections in the Yukon Act, because it allows us to raise money by taxation, but not have any say on any way that that tax is spent in any way, shape or form, and that is the Yukon Act that can only be changed by an Act of Parliament, and those are the facts. Mr. Commissioner is the one who decides what the taxes will be and whether an impost will be upon the people, and how that tax dollar will be spent. Those are the facts of the matter. Now, it doesn't take anybody to look too far into what's going to happen on the North American Continent in the next few years. We've already known that areas in the United States and Canada are suffering from an energy crisis shortage, which is, of course, the explanation that was given for this 2c rise in heating oil already. I guarantee you, and I don't think anybody or any economist, or anybody concerned with the escalation of prices to the consumer, doesn't know that that cost is going to increase next year, the year following, and perhaps for a ten-year period, for the foreseeable future at any rate. There's no doubt that if we embark upon an equalization program, and we take the revenue for the equalization program through a tax on fuel oil used for heating purposes, and for that purpose only, that this Council by message of the Commissioner, is going to come back to this Table year after year; they are going to see the cost of fuel oil used for heating purposes, the taxation increase to provide for the equalization among the different areas as the price of heating fuel continues to escalate in the foreseeable future. Mr. Chairman, I can't accept the argument, I won't accept the argument, and if the argument is accepted by Council, that the Federal Government authority will not allow a tax impost upon the people of the Yukon Territory to provide for a service that they want, other than that tax coming from a commodity that they want to equalize, then certainly, relations between the Government of Canada and the Government of the Yukon Territory have become drained since the days when other people in government sat upon the Financial Advisory Committee, went to Ottawa and made decisions with the Federal Government. That was not the case in the past, and certainly, with Mr. Commissioner's ability to deal with the Federal authorities over the years, this cannot be the case, that if he says the people of the Yukon Territory are willing to raise a tax so that fuel can be equalized, that this is the tax that they want to raise -- do you mean to tell me that the Federal Government in Ottawa won't allow that equalization program, which is a local program, to go through because they would refuse the people of the Yukon Territory the right to set a tax upon themselves to provide for a good within the Yukon Territory. If that argument, Mr. Chairman, is valid, then we've gone completely backwards -- backwards a decade -- in our attempts to have any authority at all with the Federal authorities, and any movement towards the decision-making process at the local level. Anything that anybody says on this in any other way is just complete hogwash. Certainly, we have to have gone backwards if this is the case, as it is in Ottawa right now. We're in a way sordid state than I thought and knew we were. It only comes at this point in time to see what a sorry condition that the people of the Yukon Territory -- and how their supposed leaders are accepted by the Government of Canada, if such is the case at the present time.

Mr. Chairman, I agree wholeheartedly -- I'll say it again -- I agree with the process of an equalization formula. I'm not going to go back into the records, to the Votes and Proceedings of the debates of the Yukon Territory. I think that any Members who have been around here for any length of time know that any movements that have come about for the equalization of costs throughout the Yukon Territory, have found a champion in this Member, and are going to continue to do so. I cannot and I will not, and there's no way that I will accept the principle of a tax on fuel oil for heating purposes. We're only hitting one class of people -- we're only hitting the poor buggers who have to stay in the Yukon for the winter. That's the only person who is getting nailed. Nobody else. We're not taxing anyone except the person who can't afford to get out of the Yukon Territory in the winter because of the taxes that are imposed by the Territorial authority, upon the guy who wants to live and make his home in the Yukon Territory. Mr. Chairman, it is the worst type of taxation that we could be thinking of at this moment. It's a guaranteed fact that we will be looking to increase taxes and other Councils will be looking to increase the tax on fuel oil used for heating purposes, for equalization purposes, in years to come the Yukon Territory. It's further obnoxious to me, Mr. Chairman, to see in section 5(3) in the Bill -- that no tax is payable in respect of fuel oil used for heating ore as a part of a mineral extraction process in respect of which a valid and subsisting permit has been issued by the Commissioner providing for the purchase of such fuel without payment of tax. Get the guys who are -- who have to, out of necessity, use fuel oil for heating purposes, but let the companies go, who are taking off the Yukon non-renewable resources, leaving a hole in the ground, polluting the air, polluting the water, providing a few jobs, taking their profits and getting out, and leaving us with a hole in the ground. Don't tax them in any way, shape or form. And fine, if the Treasury of the Yukon Territory was receiving the benefit of that mine operating in the Yukon Territory, other than the jobs, the royalties are all accruing to the Federal Treasurer. The corporation taxes are all accruing to the Federal Treasury, and other than the payroll, the Yukon Territory is getting next to nothing from -- not the Federal Government. I don't care what anybody says and I'll fight this anytime. If the rules of Confederation and rules of Canada are remaining the same, the Yukon's non-renewable resources -- the Federal Government is giving them the right to extract those resources, not the people of the Yukon Territory, to whom they belong. The people of the Yukon Territory are getting the absolute minimal benefits from the mining industry in the Yukon Territory. If they were getting the corporation tax, if they were getting the royalty tax as a provincial authority does, then of course, I would say they are contributing their way as good corporate citizens in the Yukon Territory. They would be just as happy -- I know as a matter of fact -- to be paying to the Yukon Territory, instead of watching it go to the Federal Government. To impose a tax upon the people of the Yukon Territory in respect of heating fuel and let the ones who are profiting from the Federal Government -- letting them use our non-renewable resources, is another abhorrent feature of this Bill, as far as I am concerned. Mr. Chairman, there's a solution to this cost of equalization and not in imposing that 1c tax upon the people. Of course, the most obvious one is that the Government of the Yukon Territory is operating on a million and a half dollar surplus this year. \$88,000.00 out of that one and a half million dollar surplus, which you and I and every Yukon taxpayer is contributing to, would still leave the Government of the Yukon Territory with a handy \$1,400,000.00 surplus, which we are all contributing to through our tax dollars. That would be the most obvious solution to providing the \$88,000.00 -- out of general revenues, which we have already contributed to, which, Mr. Commissioner has said, there is a million and a half surplus. Let's operate for one year, Mr. Commissioner, on \$1,400,000.00 surplus because of the inflationary spiral presently at work in the Yukon Territory, and because of the extra taxation that is being demanded from the people of the Yukon Territory in the next fiscal year. If, Mr. Chairman, the Government is not willing to act in that manner, then, I would either be more willing to let them present an argument that the only tax that is levied on fuel oil, is that tax on fuel oil used for heating ore as a part of a mineral extraction process. That would supply the money needed for the equalization formula. That would provide the money from a fuel oil tax. That would provide the money, not from the people who are living in the Yukon and are staying in the Yukon and working in the Yukon. But rather, the people who are extracting the non-renewable resources from the Yukon, with the primary benefits going to the Government of Canada, not to the people and the Government of the Yukon Territory. And, Mr. Chairman, if neither of those two alternatives are accepted by the Government of the Yukon Territory, let's take a look at the tax structure across the whole of the Dominion of Canada. There's one tax where we are the only jurisdiction that does not levy on certain luxury items and I say, if the general revenue is not accepted, that the tax on fuel oil used for heating ore as a part of the mineral extraction process, then the third least appreciated alternate to me, is

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on luxury items, but not on necessity items like this -- fuel oil used for heating purposes. I would be very reluctant to put a tax anymore on booze, because I mean, a guy's got to have the ability to go out and get hammered once in awhile just to forget what the Government of the Yukon Territory is doing to him in the field of taxation. I don't think it's a luxury anymore -- it's becoming a necessity. The way the Government of the Yukon Territory is behaving these days -- let's take a look in other areas. We're the only jurisdiction in the Dominion of Canada that does not levy a tax on tobacco products. I think all of us who smoke realize that it is a luxury. We're crazy to be smoking in the first place. The jurisdictions go from 6¢ in British Columbia, to a maximum of 25¢ in Newfoundland, on a 25 pack of cigarettes. If we levied the lowest tax on cigarettes in the Dominion of Canada, 5¢ a packet of 25, we would raise \$100,000.00., which is more than enough for the fuel subsidy. If, in future years, we find we need more for fuel equalization, we can bring the price up to where it is in the other provinces. This is a luxury item.

Mr. Tanner: Mr. Chairman, can I ask the Honourable Member a question?

Mr. McKinnon: Yes, as soon as I'm finished. That this would be an item on a luxury tax basis, and if Mr. Commissioner can stand up and say the Federal Government would not accept a request for the Government of the Yukon Territory to levy a tax on tobacco products, as every other jurisdiction does, and use that tax for a fuel equalization process, then I say, Mr. Chairman, and I just have to re-emphasize it, we've got to be in the sorriest state of affairs vis-a-vis Ottawa than we have been in since I have come to the Yukon Territory. If that argument can't be made to the Federal Government, then we're getting further and further and further away from any decision-making process at the Territorial level. Mr. Chairman, there is no ifs, buts or whys; there's no possible way that I will vote for a tax on fuel oil used for heating purposes. I think it's bad enough that we have to raise the -- or the fuel oil is being raised 2¢ on diesel fuel this year, which is another item that I think that the consumer is going to see on the price of consumer products and it's going to come right out of his pocket again. I'd like someone to say that it isn't going to, but I think those are the facts of life and I think every consumer and every Member of this Council knows it. The cost of that is going to come on higher consumer goods. Mr. Chairman, certainly equalization, but equalization through the surplus that the Consolidated Revenue Fund has built up; equalization through a tax on fuel oil used for heating ore as part of the mineral extraction process; or equalization through a 5¢ tax on each package of cigarettes sold in the Yukon Territory. If one of these three methods is used, Mr. Chairman, then I would lend my support to a tax increase for the first time in many years in the Yukon Territory, because it's so abominable and so repugnant to think that this Council would consent to a tax being put in northern Canada, in the Yukon, on fuel oil for heating purposes. We're got all kinds of other tax areas, and all kinds of other areas to find the money, where we can come up with an equalization formula without putting on this most obnoxious tax, Mr. Chairman.

Mr. Deputy Chairman: Question from Councillor McKinnon? Councillor Chamberlist?

Mr. Chamberlist: Mr. Chairman, I will endeavour to destroy vociferousness of the Honourable Member who has just spoken in a very short period of time. How ridiculous and how lacking in knowledge is this man, when he makes reference to the fact that the Territorial Government has a million and a half dollars of surplus. Any person that understands what is going on in the negotiations with the Public Service of the Yukon Territory, and there has been much said about that, in fact because of the information, that has been given to all Honourable Members, that it is possible that as a result of these negotiations there may be anywhere between 2.8 and 3 million dollars that we would have to find to satisfy those needs. The Honourable Member now says that we have a surplus of 1.5 million dollars and \$100,000 out of it, means nothing. Obviously the Honourable Member doesn't know what is going on. He isn't watching what is going on in this Council. He certainly is not doing his homework. He is certainly not concerned with the method of raising funds for the Territory, and certainly isn't concerned at all with the fact that the Government has many problems on their hands to find sources of revenue to meet the everyday operations of the Government and satisfy the everyday needs of the people of the Territory to supply the funds for the services that are needed in the Territory. There is no doubt about that, that the Honourable Member shows his weakness when he speaks in that manner. And to think that not a few years ago the Honourable Member had spoken so vociferously on Bill C-187 and the mining industry, and attacked the precedent that was going to be set by various taxation areas and now he fears that the tax should be used in the extraction industry; that was the mining industry. Isn't this something that is entirely different from what he just said a year or so ago. It is because he has forgotten or that he thinks other Members have forgotten his attitude that he has taken. He speaks about other tax structures. He speaks about luxury taxes. He speaks about — he is prepared to go along with other taxes, but just a few days ago he stood up, he said, as long as I'm on this Council and until we have responsible Government, I will not approve any taxes. But today he says he is prepared to go along with taxes. How contradictory can this man get. Other Honourable colleagues have said that the man is inconsistent and that he is consistent only by the fact that he is inconsistent. How true this is. For everybody to hear, and for Members here to see certainly there are luxury items, I would suggest that the Honourable Member as a shareholder of a company that is just exploiting the people of this Territory of Yukon ...

Mr. Deputy Chairman: Order, order. Order, please.

Mr. McKinnon: Mr. Chairman, to bring in a Member's private life and his personal business in course of debate just shows the methods that the Honourable Member will use to degrade this House.

Mr. Chamberlist: Mr. Chairman, when money is involved and the people of the Yukon are being overcharged in areas where everybody using a cable station is paying \$15.00...

Mr. Deputy Chairman: Order, order please. I must rule that this has got a bit away from the subject. I will ask you to come back to the subject at hand and refrain from the private accusations.

Mr. Taylor: Hear, Hear.

Mr. Chamberlist: May I make reference to a luxury area that could be passed, Mr. Chairman. Do you think that is satisfactory?

Mr. Deputy Chairman: Satisfactory.

Mr. Chamberlist: I believe that cablevision as is constituted in Whitehorse today, is a luxury item. And as such, should be taxed. Or, if it is taxed, it should be reduced for the benefit of the people in the Whitehorse area, if it was reduced...

Mr. Deputy Chairman: Order, order please.

Mr. Chamberlist: If it was reduced in the area of \$1.50 at least, a month, this would pay the heating fuel oil taxation for everybody in the Territory. I think it is about time somebody took a look at that to see that it was done. I'm just giving Mr. Chairman, an area of taxation on a luxury tax with beautiful service that we get from the C.B.C. a Crown Corporation. It is wonderful; I think the people ...

Mr. McKinnon: Mr. Chairman ..

Mr. Deputy Chairman: Order, order.

Mr. McKinnon: There are times over and over when the Honourable Member was in business, there were all kinds of accusations being leveled. No Member of this Legislative Council ever took the Honourable Member to task about his personal or private business in Committee or in the House. I would only hope that, Mr. Chairman, that the Honourable Member would have the same respect for other Members. There is no connection at all with any Members private business and the debate that is going on or about the fuel oil tax.

Mr. Chamberlist: Mr. Chairman, the Honourable Member has got a bad memory. I haven't; it was he and Mr. Taylor - who were two of the Councillors that got me kicked off because of my business interests. What a fine attitude that is.

Mr. McKinnon: Mr. Chairman, everybody knows that that was a conflict of interest question that came before this Council. Mr. Chairman, there is no conflict of interest question being pursued around this Committee Table. The question is equalization of fuel used for heating purposes - something which I have agreed that I am in favour of and am trying to find a way of doing it. Something the Honourable Member has said that he is in favour of trying to find a method, instead, all we are getting is a vendetta of personal attacks leveled against me which have nothing to do at all with the heating fuel oil tax. Mr. Chairman, I would ask that you keep order in the House and I would ask that you keep the Honourable Member on debate on the subject that we are on today.

Mr. Chamberlist: Mr. Chairman, it is very nice of the Honourable Member to appeal to me with that manner, but I was trying to do exactly what he was trying to do. To find a method in which we can find the money; if we have to go a different way of supplying the differences in funds, this is what I'm doing....

Mr. Deputy Chairman: Order, order please. I think the Commissioner has already pointed out, that there is only one method of funding this scheme. I don't see the track ...

BILL #18 &
SESSIONAL
PAPER #11

Mr. Chamberlist: Well, all right. What has been said, has been said. It has been a useful debate, a useful interest. To continue, Mr. Chairman, I'm very, very concerned that the Honourable Member shows so much concern for a tax to be on the Government when he has, in searching the Votes and Proceedings, said quite obviously that, what we are attempting to do is to bring a more effective, more viable, more democratic and more responsible Government to the Yukon Territory and that was at a time when he was a Member of the Financial Advisory Committee or attempting to do that. At that time, Councillor Taylor supported me in his -- in Councillor McKinnon's attitude towards this. What I am concerned about more than anything else, Mr. Chairman, is the fact that we must recognize what is being done now, is being done primarily to give to all people in the Yukon a fairly reasonable rate structure of heating their houses. The Honourable Member for Whitehorse West did make the remark when he said, the only people that we are taxing are the poor people in their residents. Not if we look at section 4(1), it reads as follows: "Every vendor and every distributor shall pursuant to this Ordinance collect and remit tax in respect of fuel oil for use in residential, commercial or industrial heating or cooling at the rate of one cent per imperial gallon." Obviously again, the Honourable Member hasn't read and understood that, because included are, residential, commercial, or just heating and cooling things. So it isn't just the case of residential premises only that it involves. As has already been indicated, this is the only method that we can provide equalization at this time and that is by coming out of this area. I hope that some other time the indication that I have of looking for taxes will come from the source that I have spoken about.

Mr. McKinnon: Mr. Chairman, in answer to the Honourable Member. There is no way that we will allow this to debate on the very important subject to generate to from side of the House to a personal and name calling attack. I have more respect for Committee and I have more respect for the people of the Yukon and I have more respect for this House than the Honourable Member

Mr. Chamberlist: Why don't you dress properly then?

Mr. Deputy Chairman: Order, please.

Mr. McKinnon: The words that I've been reading and I was doing my homework, and the reason that I came across \$1.5 surplus is because I was reading very carefully Sessional Paper No. 10 which is the seventh successive annual Budget that I have the privilege to present to the Commissioner of the Territory. On page 12 of the Budget, Mr. Commissioner said this will result in an operating surplus of \$1,513,351 which will be used to offset new programs that may be proposed in supplementary estimates and to meet unforeseen items. Mr. Chairman, I would consider that the fuel equalization program could be a new program, and the question was whether that money could come out of the fact that we are going to have a surplus as was brought up by Mr. Commissioner. Nothing else. From the result of doing my homework, from the result of reading the Sessional Papers, I realize that there was this surplus and the Commissioner might be willing to use it for new programs, for unforeseen expenditures. Certainly that's what fuel equalization tax could be accepted as being. Mr. Chairman, as I said prior, I don't think we are doing the people of the Yukon Territory any service whatsoever by equalizing the fuel oil use for heating purposes if we start to impose a tax upon that very necessary commodity that all residents of the Yukon have to use. I'm trying to, as rationally and as sensibly as I know how, to find other revenues to be able to bring equalization. I get called down for changing my attitude on taxation because I consider it important that we have equalization, but not through a tax on fuel oil used for heating purposes. I am prepared to accept that; I'm prepared to take all the inconsistency charges that the Members offer and want to pour down upon me, but I consider it such an important matter that I will be willing to tax a luxury item in this respect if we could get away from bringing tax on fuel oil used for heating purposes, which I think would completely annihilate the very good principle of bringing equalization on fuel oil prices throughout the Yukon Territory. I don't know how I could've approached this subject with more care and consideration and all we got was the usual diatribe from the Honourable Member for Whitehorse East. It would appear that he is not even willing to listen to any arguments that any Member wants to bring up before the Committee in an attempt to resolve this problem. So once again, what is the use? You may as well have your say, Mr. Chairman, and accept your licking in as good a humour as you can on behalf of the people in the Yukon Territory.

Mr. Deputy Chairman: I wonder if I might make a comment from the Chair. Mr. Commissioner you stated that -- I take it that this plan, or the thought behind this plan, is not a new thing. It has been in the mill, you might say, for a number of years. Obviously there are many methods, or many suggestions that have been made to Ottawa in funding this; will you reiterate the sort of correspondence or sort of contact that the Administration and you have had with Ottawa in getting this far with the proposal.

Mr. Commissioner: Mr. Chairman, I think that Honourable Members are aware that I first proposed this kind of a program approximately five years ago, and I think it would be a reasonable length of time to say, that we have worked on it for the best part of four years. We have had it to the Interdepartmental Committee on Federal-Territorial Financial Relations on at least three occasions, so that would cover a period of three years and the package that is before you now, is the package which is a combination of that work and the examination of many, many alternatives. Not the least of which, are some of the things that have been talked about here today. All I can say to you, Mr. Chairman, is that this represents, as you see it at the present time, a major victory as far as the Territorial Administration is concerned, in springing itself loose with the concurrence of the Treasury Board from the means that every piece of revenue that we have must go into the general revenue fund and be used to minimize the deficit grants. I think that that explains it in the most concise terms that I can.

Mr. Tanner: Mr. Chairman, I find myself in quite a dilemma. We have got three problems here basically. I don't think anybody around this table disagrees that there is a case to be made. In fact there is an obvious need and an obvious case for equalization of heating oil outside the City of Whitehorse, to the areas which those four Members represent. It surprises me, just as an aside, that the Honourable Member for Watson Lake doesn't really take that tax. I'm really seriously surprised, because for his constituents they are paying approximately 5% more than we are paying in Whitehorse. It is obviously going to be a benefit to his constituents if they can pay a little less. It is the Honourable Member's privilege to make up his mind on it. The second problem is, is it absolutely necessary to raise a tax on this particular commodity to equalize those freight rates. Really, that's basically what we are doing. Or equalizing the rates of fuel -- the cost of fuel in the outside areas. When you get right down to it, Mr. Chairman, it is whether or not we believe the Administration, Executive Committee, the Budget Finance Committee and the Commissioner, as to if -- the case is in Ottawa, that you want to do it. If you want to equalize rates in the Yukon you have got to raise the tax on the commodity you want to tax. That in essence, is the problem. I have to believe those people. I believe the people we have elected to the Finance Committee. I believe the Executive Committee. I believe the Commissioner. I think the Commissioner would be a fool to stand up here and make a blatant lie saying is it not the fact because the facts will be proved otherwise, if we wanted to check it out. So let's assume that we have got to do that. That we do believe him. We come to the fact that we have to raise the tax; then you come to two other problems, two other minor problems. Number one, and I think this is one of the things that concerned me right from the beginning. It is a system that the Territory or the Administration set up to equalize the residential tax. What they are asking the public to do, people outside of Whitehorse basically, is to fill in this proposed form, to keep all their receipts for a year, to send them to a Territorial Branch of the Government and a clerk or an accountant will sit there and check the invoices and check applications, and check whether he has the right to make a demand and it is such a

Mr. Tanner continues:

cumbersome method of rebating the taxes. Three months ago, when I first heard of this, I made that comment and I make the same comment today. I sincerely think that the people you are trying to equalize the heating fuel to, are not going to benefit from it, primarily because the people just don't want to fight with Government; they don't want to argue with a clerk sitting in an office over in the Lynn Building about whether or not you've got that receipt properly signed, or whether or not that fuel oil distributor gave you that oil, or whether or not you are missing a receipt, or whether or not you haven't paid now and you can't collect until you have paid. I'm really concerned by the fact that I think that this is going to fall down in the rebating of the tax. The other hangup, and this puts it right on the table, the other hangup that I've got, and it's a serious one - is that you're asking my constituents in my constituency, to subsidize the outside areas. I think it is a fair question to ask me to make that decision for them, as long as you are only asking them \$11.50 or \$14.00 a year. But, if in anyway I thought this was going to be the beginning of a new source of revenue for the Territory, there is no way I could support it. There is no way that anybody in this House could guarantee that it isn't going to be, because subsequent Councils are going to have to make that decision for themselves. Quite frankly, Mr. Chairman, I've listened to the discussions from the Honourable Member for Whitehorse West, and he made some extremely good points. But there is the arguments from the Commissioner, and I've been debating and inquiring on this problem for three weeks. I've seriously put a lot of work into it in the last three weeks. Although I have got reservations, very strong reservations, although I think the Territorial Government in the last year and a half, has not picked up the amount of taxes due to it from various private enterprises and individuals, although I don't think this is the right way to rebate the system, I find myself in a position that I'm going to have to for this one year vote in favour of this Bill.

Mr. Deputy Chairman: I think in view of the time, I'll .. I will just ask if Committee has further discussion on this Bill.

Mr. Taylor: Yes, Mr. Chairman.

Mr. Deputy Chairman: Then I'll declare with Committee's permission a recess until 7:00. Councillor Rivett can you be with us at 7:00 p.m?

RECESS

RECESS

BILL #12 &
SESSIONAL
PAPER #11

Mr. Deputy Chairman: I will now call Committee to order. We are discussing Bill No. 12 and Sessional Paper No. 11.

BILL #12

Mr. Taylor: Mr. Chairman, I wonder if over the course of the evening, any of the Members of the Government side of the House have reconsidered their position in respect of this particular Bill, mostly the imposition of the one cent tax on heating fuel? Mr. Chairman, I wonder if I could have an answer from somebody on the Government side of the House.

SESSIONAL
PAPER #11

Mr. Chamberlist: What was the question that was asked? There is no change in the position that has been taken. The position is quite clear that it is a very fine piece of legislation to serve a very fine purpose. We hope we will be able to provide the equalization as it has been outlined in the Bill.

Mr. Deputy Chairman: Before continuing the debate, I would like to take this opportunity of welcoming former Speaker of the House, Mr. Livesey, to the gallery. It is a pleasure to see you here, Mr. Livesey.

- Honourable Members: (applause)

Mrs. Watson: Mr. Chairman, I would like to reassure the Honourable Member from Watson Lake that we haven't changed our minds on this Bill and the Sessional Paper the Financial Advisory Committee has spent several years considering. We wouldn't be very responsible people if we changed our minds at the drop of a hat. This hasn't been an idle decision by any means; it was made to benefit the homeowner all across the Yukon Territory, to attempt to equalize the basic living cost to all people in the Territory.

Mr. Taylor: Mr. Chairman, we are not equalizing the basic living cost of all of the people in the Territory. During the course of the debate this afternoon, there were three alternative proposals made as to how revenue could be derived in order to implement the heating fuel equalization scheme. In the course of a couple of hours, it would appear that this has been wiped out. I am wondering if the Administration has considered the alternative proposals that have been made in Committee this afternoon. That being: funding this out of general revenues, what the consequences of this would be in light of the indicated surplus; number two, which I don't really agree with, however, it has been suggested, the effects of funding this out of heating fuel used in the treatment of ores; and, also, the effect of imposing a tax on a luxury item such as tobacco. I haven't heard any comment of any substance from the Government bench as to whether or not they would give this consideration before proceeding with this particular Bill.

Mr. Deputy Chairman: I would like to point out from the Chair, I think that the Commissioner already, twice, pointed out that the Administration has indeed considered all of these suggested alternate methods of raising the tax over the period of the last three or four years. They haven't been able to come up with anything satisfactory.

Mr. Taylor: Then I assume that we are still in the dictatorship position.

Mr. Chamberlist: That is ludicrous. Mr. Chairman, I would move that Bill No. 12 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I will second that motion.

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12, the Fuel Oil Tax Ordinance, be passed out of Committee without amendment. Are you prepared for the question?

Mr. Taylor: Mr. Chairman, before the question is called, I would like to speak to the motion. Mr. Chairman, we have discussed over the course of the afternoon a matter of importance, and that is the matter involved in the motion, it isn't the only matter involved in the motion; also we have the question of the two-cent increase in fuel oil, period. I notice again from the Government side of the bench that they are most anxious to pass this, to railroad this, out of Committee, and it would appear that in view of the Honourable Members present and what they have expressed, that they are bound and determined to do it. I think that it is deplorable, as I have said in the case of other railroads through this House, it is a deplorable thing that has happened this evening in this House. We have all found that equalization, and I think that we have all agreed that equalization of heating fuel in the Yukon Territory is a desirable thing for all citizens, but when you do not effect this subsidization in what might be termed an equitable manner, then you do a disservice to the people of the Territory. You are hanging a carrot in front of the donkey. Alternative proposals to the scheme suggested in this Sessional Paper No. 11 and in the Bill before us, the suggestions have been made. Mr. Commissioner has found it quite hilarious, as have other Members of the House; we are trying to, in the space of a few hours, come up with an idea whereby we can make this more compatible without imposing taxation upon the people, and, indeed, I think that we have come up collectively with some real darn good ideas. However, these are being cast aside in a manner of arrogance. We have suggested that general revenues could well provide the funds that we are looking for, as I pointed out, without the addition of any taxes whatsoever; that out of general revenues, anticipated revenues, if we take one twenty-fifth of those revenues, this is sufficient to pay the bill. It has been suggested by the Honourable Member from Whitehorse West that, in light of the Commissioner's forecasted surplus, we certainly have sufficient funds with which -- I believe that works out to about one fifteenth of that surplus -- would supply the necessary funds in order to implement a subsidy program on heating fuels in the Yukon. I think it has been well stated and well pointed out here that the increase in taxation to the people of the Yukon at this time in the terms of the Fuel Oil Ordinance is going to do nothing more but raise the already inflated cost-of-living index that we now have. We have a cost-of-living index some thirty-five percent higher, and this is by D.B.S. statistics; this isn't a guess; we have a thirty-five percent higher cost-of-living index here in the Yukon than we have in, say, Edmonton or an outside point. This is going to drive that index much, much higher. The Honourable Member from Whitehorse North pointed out very properly this afternoon in debate that many people are not going to take advantage of this rebate, notwithstanding that it is available to them, because (a) they will lose receipts and (b) they will possibly forget to keep receipts, and (c) they will possibly not avail themselves. They will say, "What the devil" and just not go down and pick up the forms and make application. The end result is that these surplus revenues, instead of getting to all of the people we would like to get them to, for one reason or another, will accrue to the Government as another source of revenue. Eventually, I think this will occur. For those that are not entitled to a rebate, the business people, the corporate type of people who will offer subsidies, this drives their costs up higher. It isn't everybody that is going to get this rebate. The consumer costs accordingly go up and up. It is John Q. Consumer that is going to have to pay the bill resulting from the actions of Council tonight. I can only say in all fairness that there is no possible way that I could lend my vote to a proposal so hastily rushed through the House, or, to a proposal which will increase the cost-of-living to the people of the Yukon without allowing those people to derive the benefits which are intended, or would appear to be intended, in this Budget, in this Bill, and in this Sessional Paper. Basically, we have all said that the scheme sounds good, but it has got to be reshaped; it has got to be placed on a more equitable basis. Right now, this is a very unfair proposal. It is hanging a carrot in front of a donkey. I would again urge Members to reconsider their position, to defer this Bill and give consideration to the proposals that have been made from some of the elected

Mr. Taylor continues:

BILL #12
Representatives of the people, a good fair chance, take a real good hard look at them, and maybe we can fund this program in a way other than is suggested in those papers. For my part, I stand up to be counted on behalf of the people that I represent, and I say that I am not in favour of this Bill. I would ask other Members to reconsider their positions.

Mr. Deputy Chairman: Are you prepared for the question? Are you agreed? Those in agreement, please signify in the usual manner. I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

SESSIONAL PAPER #11
Mr. Deputy Chairman: I might just mention from the Chair that we have perhaps put the cart before the horse. I think perhaps we should have adopted the contents of Sessional Paper No. 11 before adopting Bill No. 12.

Mr. Chamberlist: With respect, Mr. Chairman, the Sessional Paper No. 11 is an informational paper re the funding for the raising of the taxes in this Bill.

Mr. Deputy Chairman: With respect, though, the Bill has imposed a tax, and the only reason that some of us have supported the Bill is because that one cent tax is to be used for the only purpose of the heating equalization.

Mr. Chamberlist: In that case, Mr. Chairman, I would move that we accept the contents of the Sessional Paper No. 11.

Mrs. Watson: Mr. Chairman, I second that motion.

Mr. Chamberlist: Mr. Chairman, the adoption to pay out the money for the purpose of heating fuel equalization is enshrined in the Budget; the authority to pay it out is in the Budget itself, because there is a specific sum set aside in the Budget for that particular purpose.

Mr. Taylor: Mr. Chairman, I might just point out to Honourable Members that it is written in Beauchesne, the rules that we abide by in this House, for the edification of those Members who haven't taken the time to read them, there are no riders in supply. This reflects on the main Budget in supply, and there can be no riders whatsoever on it. If anyone is working under the assumption that it is being passed because of some rider, this is quite incorrect and not in terms of law; it has no basis whatsoever.

Mr. Deputy Chairman: I presently have a motion to put before you, unless you wish to withdraw it. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the proposals as set forth in Sessional Paper No. 11 be adopted. Are you prepared for the question? Are you agreed? Those in agreement please signify in the usual manner. I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Deputy Chairman: With the passage of Bill No. 12, I think that we can now return to Bill No. 6, which was the Main Estimates.

BILL #12
Mr. Chamberlist: I wonder if Mr. Chairman would, before passing this Bill out of Committee, make sure that the preamble to this Bill is read so that there will be no difficulty afterwards.

Mr. Taylor: Are there not some questions to be answered in relation to this throughout this Budget. We have made notations in various departments

Mr. Chamberlist: No, I am speaking about Bill No. 12.

Mr. Deputy Chairman: The motion adopting the Bill has already been put through Committee.

Mr. Chamberlist: If Mr. Chairman will read it once again, we will put another motion through to make sure that it is done correctly. This happens to be reported out of Committee to the House.

Mr. Deputy Chairman: For the sake of keeping the record clear then, returning to Bill No. 12, I will now read the preamble. (Reads preamble of Bill No. 12).

Mr. Chamberlist: I would move that Bill No. 12 be reported out of Committee without amendment.

Mrs. Watson: I second the motion.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No., the Fuel Oil Tax Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? Those in agreement please signify in the usual manner. I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Some Honourable Member: How many votes do you get out of that?

Mr. Chamberlist: Don't get smart.

BILL #6
Mr. Deputy Chairman: Order, please. What is your pleasure regarding Bill No. 6?

Mr. Taylor: Mr. Chairman, seeing as how it is worth about fifty million bucks, I think that we should start reviewing. I hadn't expected that it would come so quick; review all of those departments in which we have asked questions for further information.

Mr. Chamberlist: I wonder if the Honourable Member who has now just spoken could indicate his questions and then we will see if we can answer them.

Mr. Taylor: If you take it in the logical order, we can go through department by department and pick up any questions that have been deferred in this Budget.

Mr. Deputy Chairman: I was under the impression that the Treasurer had answered most of the questions, but if there are some outstanding questions ...

Mr. Taylor: There was a volume of things bulldozed through here, Mr. Chairman, and I am not prepared to pass it. We could just take a moment to go through them.

BILL #6

Mr. Deputy Chairman: Councillor Watson.

Mrs. Watson: Mr. Chairman, we could have sat last night, Tuesday night, Monday night, at the express wish of one of the Members, particularly the Honourable Member from Watson Lake, who felt we didn't have many items to deal with and now he wants to review the budget.

Mr. Chamberlist: Mr. Chairman, although we are going to be accused of pushing it through, I was wondering if the Honourable Member from Whitehorse West would like to ask some specific questions.

Mr. McKinnon: Mr. Chairman, I have accepted my role in this House of objecting as strenuously as I can to measures that I feel are against the public's best interest. I have my say and I sit down and let the Government do whatever the hell it wants in the full knowledge that at the Territorial election, they are going to be rejected so ignominiously by the people of the Yukon Territory that my job will not have been done in vain at this Council Session.

Mr. Chamberlist: I accept what the Honourable Member has got to say and I am sure he will join me in the public gallery at that time. Mr. Chairman, I would move Bill No. 6 out of Committee without amendment.

Mr. Deputy Chairman: I am not too sure I have read the preamble to this. (Reads preamble)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 6 be reported out of Committee without amendment.

Mr. Taylor: Mr. Chairman, speaking on the motion, I just hope that the people of the Yukon find out tonight what an arrogant Government they have got in Whitehorse. Yes, I think they know but it would just be a pleasure for everybody in the Yukon to know just what an arrogant, egotistical bunch that are ruling the people of the Yukon today. I remember last year at this time, when all the smiles and chuckles from the other side passed the Budget in the middle of the night, bulldozed it through as they are bulldozing this Bill. There is a lot of information to glean out of this Bill, I am sure, yet and there are a few days left in this Council. I see no reason to defer this fifty million dollar budget any longer than necessary but, however, the few days on this budget would give at least some Members on this side of the House an opportunity to capitalize their questions and get some answers before we approve or disapprove this Bill. This is absolutely ridiculous when we talk about responsible Government from the Government side of the benches; this is one way -- they are throwing us so far back into the Dark Ages, we will never see daylight again.

Mr. Tannert: Mr. Chairman, you know I am getting just a little tired of the Member from Watson Lake jumping up every day we have been in Council. He has been saying that this bulldozing and so on; this particular Budget has had more time than last year and apparently, on the proud boast of the Member from Whitehorse West, had more time than when he was on the Financial Committee. We have had more time to get information during the day because we have had night sittings; we have even passed up some night sittings so that Honourable Members could get more information; and now the Honourable Member from Watson Lake says we are bulldozing it. I think that the two Members of the Executive Committee have been very, very good in bringing forth information. Personally, I found that information from the Treasurer was most enlightening. I think he did an excellent job. I, for one, have no more questions on the Budget. The Honourable Member has been asked to put forward his questions and he hasn't come up with one. I just don't think it's reasonable for business of the Government to stop; it must go ahead and all the Member from Watson Lake continually says that they are trying to bulldoze it. I personally just don't think it's true. If, at the next election, the people of the Yukon make that choice, then that's their decision, but a decision has got to be made tonight as to whether or not we are going to put the Budget through. I see no reason why a Member hasn't made up his mind and why we can't vote on it right now.

Mr. Taylor: Mr. Chairman, some Honourable Members of this House just haven't had the opportunity to be in on the Budget like the Honourable Member that has just spoken. We have nobody telling us what to do but the people, not the Government. And as far as I am concerned, why don't we just leave this Budget and all go back to the people and let them decide who sits in this House. I challenged you twice to an election and nobody here had guts enough to come up to it, other than one Member or two Members, I should say, but the four who remain on the Government side of the House are scared to move because they know the people would throw them out in disgust and disdain never seen before in the Yukon Territory, and I challenge them again. Let's us go to an election.

Mr. Deputy Speaker: It has been regularly moved by Councillor Chamberlist and seconded by Councillor Watson, that Bill No. 6, an Ordinance intituled First Appropriation Ordinance, 1973/74, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Deputy Speaker: Next, Bill No. 7.

Mr. Chamberlist: Mr. Chairman, this obviously follows the previous agreement; this is just the provision for the financial agreement to be entered into. Perhaps the Honourable Member would like to have the opportunity to speak. I don't want to move this through the House without the Honourable Member from Watson Lake speaking on this.

BILL #7

Mr. Deputy Speaker: (Reads preamble on Bill No. 7).

Mr. Chamberlist: Mr. Chairman, I would that Bill No. 7 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I will second that motion.

Mr. Deputy Speaker: It has been moved by Councillor Chamberlist and seconded by Councillor Watson, that Bill No. 7, an Ordinance intituled Financial Agreement Ordinance, 1973, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Deputy Speaker: Next Bill for your consideration, I think, is Bill No. 20, Corrections Ordinance.

BILL #20

BILL 820

Mr. Chamberlist: For the record, Mr. Chairman, the explanatory note: "The purpose of this Bill is to substitute a Territorial Ordinance for the regulations made by the Commissioner under the Yukon Act." All Members will recognize that most of the regulations that have been provided prior on the Corrections program, have been -- this has come in regulations as has been given in power by Commissioner under this Act. Now we have those regulations placed into a piece of legislation.

Mr. Deputy Speaker: (Reads Section 1 through 4 of Bill No. 20).

Mr. Taylor: Mr. Chairman, at this time I have been attempting to find these regulations made by the Commissioner under the Yukon Act. I wonder if I could be provided with a copy.

Mr. Chamberlist: Mr. Chairman, I would like to point out that with the coming-into-force of this Ordinance, should Council pass it, those regulations that now exist will be wiped out.

Mr. Taylor: I thank the Honourable Member for his edification but under the explanatory note it says, the purpose of this Bill is to substitute the Territorial Ordinance, being the one we are considering, for the regulations made by the Commissioner under the Yukon Act, and now what I am asking is -- say I have a copy of these regulations? I cannot find them on the table.

Mr. Legal Adviser: I don't know exactly where they are indexed, Mr. Chairman, but they do exist and they are currently in force.

Mr. Taylor: In the light of this Administration, they seem to know everything else, maybe they could find these regulations for me.

Mr. Deputy Speaker: Do you require a brief recess to find these regulations? I will now call Committee back to order. (Reads Part II and Section 12(1) of Part III of Bill No. 20).

Mr. Tanner: Is there obligation on the part of Government to furnish return transportation? What actually happens?

Mr. Legal Adviser: There is no obligation provided by statute but there is a moral obligation not to turn a man out the gate. So the current practice is to send a man back to Watson Lake, to Old Crow, or whatever it is, and to furnish him with some subsistence on the way, and return him in reasonable condition with enough money to keep him a while at the place from which he came. But the reason we have drafted it this way is because we don't consider it an obligation to send a man back to Tokyo.

Mr. Taylor: People have come to me in Whitehorse while they have been released, notwithstanding that they had been arrested in Watson Lake, and the Department of Justice has not provided them with funds or otherwise to get home to Watson Lake, so that is not quite true.

Mr. Legal Adviser: This may be so. The Department of Justice may not have done this in the past, but as long as we have had control of Corrections, as far as I know, we have done this.

Mr. Taylor: Mr. Chairman, that doesn't say that though. What you are saying here is that the Director may furnish an inmate, upon his discharge from a correctional institution, with transportation to the place of conviction and if a person was picked up in Watson Lake and remanded to Whitehorse and convicted in Whitehorse, there is no compulsion here to return him to Watson Lake. This is just a case in point.

Mr. Chamberlist: The last few words are, to any other reasonable destination, and we have done this and are doing and if the Honourable Member again can bring me a specific case and if a person in Watson Lake has been released from the Whitehorse Correctional Institute and didn't have the funds, or had to borrow it for fare from here to Watson Lake, if he comes to see me about it, I will make sure that the person will be refunded.

Mr. Taylor: I would, except the case I was referring to, the man is dead.

Mr. Chamberlist: I can't give money to him, I'm sorry.

Mr. Deputy Chairman: (Reads 13(1) through 17(1))

Mr. Taylor: Mr. Chairman, is this normal in the provinces?

Mr. Legal Adviser: I would think so, yes, Mr. Chairman.

Mr. Deputy Chairman: (Reads 17(2) through 20(1))

Mr. Taylor: Mr. Chairman, why do we use the term "industrial school" here?

Mr. Legal Adviser: Mr. Chairman, it is the term that is used in the Juvenile Delinquents Act and we want to keep parallel legislation where possible. The definition as defined in the Ordinance has the same meaning as in the Juvenile Delinquents Act and it is defined extensively in the Juvenile Delinquents Act; it takes about twelve lines to define what it is.

Mr. Taylor: It does not infer that a juvenile offender then has to go to an industrial school, or are there no other facilities available for juvenile offenders?

Mr. Chamberlist: Perhaps Mr. Legal Adviser will read the interpretation of industrial school.

Mr. Legal Adviser: "Industrial school means any industrial school or juvenile reformatory or other reformatory institution or refuge for children duly approved by provincial statute or by the lieutenant governor in council in any province, and includes such an institution in a province, other than that in which the committal is made, when such institution is otherwise available." An industrial school means any place where you can legally send a child to be cared for.

Mr. Tanner: Mr. Chairman, it is a small point, but I think it would be indicative of the nature of this school if instead of having rehabilitation of children at the beginning of what you want to use that school for, you put it at end. For example, if you read, the Commissioner may establish or designate any place to be an industrial school for the rehabilitation reception, etc., etc., etc., of children. Section 20(1). Mr. Chairman, the point I'm making is that I think you could give emphasis to what we want to do in the schools. If the first word we use is rehabilitation, the second word we use is detention, if you like. But you see the emphasis here is an after-thought; it is a fairly recent thought, the last word, what we are going to do with these children is rehabilitate them.

Mr. Chamberlist: I see no objection to reverting the words; as long as we all agree to this, it can be treated that way.

Mr. Deputy Chairman: Is Committee agreed?

Some Honourable Members: Agreed.

Mr. Deputy Chairman: So note it, Mr. Clerk.

Mr. Legal Adviser: Mr. Chairman, to be logic it should be reception, rehabilitation. It should be the second word.

Mr. Tanner: Thanks, Mr. Chairman.

Mr. Deputy Chairman: (Reads 20(2) through 22(5))

Mr. Tanner: Mr. Chairman, could the Minister responsible for Corrections give us an example of 22(4)?

Mr. Chamberlist: The purpose of this is, before a charge is actually laid, the probation officer can speak to the parents and perhaps get the parents to agree to certain things happening. I think Mr. Legal Adviser should be able to explain this more fully, because of the involvement with the courts.

Mr. Deputy Chairman: Perhaps Mr. Legal Adviser would help.

Mr. Legal Adviser: This section is largely experimental. There is a feeling across Canada that where possible, one should not involve children, at least the first time that they fall into mischief, with the whole panoply of the court; being picked up by the police, brought into court, charged, witnesses, and so on. So, in British Columbia and one or two other provinces, there has been an attempt, where they have adequate probation services, that the probation officers are notified exactly what has happened and consults with the parents. He talks with the child, then he comes back and reports to the prosecutor. He attempts to downgrade the whole affair, provided that the child the parents will agree to some form of reporting or to see that the child goes back to school and regularly attends, or some other thing, in an attempt to try and keep the child from involvement with the courts. If this is successful, well and good. If it is not successful, well, there is nothing to do except to bring him back before the courts and let the law take its normal course. It is an attempt at a measure of mercy in the normal administration of law. One can only hope that this is a success.

Mr. Tanner: Mr. Chairman, I can only make a comment that I congratulate the gentleman that is writing that sort of thing into law and I would like -- I would also like to comment that I would like to see that in other legislation.

Mr. Legal Adviser: If it works with juveniles, perhaps they might try it with adults.

Mr. Deputy Chairman: (Reads 23(1))

BILL #20 Mr. Legal Adviser: Mr. Chairman, that section 22 should be section 21 in that section, and also in the following section 24 when we come to it. It is a misprint.

Mr. Deputy Chairman: You are referring to the reference in 23(1) to section 22?

Mr. Legal Adviser: Yes, sir.

Mr. Deputy Chairman: And it should be ..

Mr. Legal Adviser: 21.

Mr. Deputy Chairman: So note, Mr. Clerk. (Reads 24(1))

Mr. Legal Adviser: Mr. Chairman, that should also be 21.

Mr. Deputy Chairman: Thank you. (Reads 25(1) through to 29(1))

Mr. Tanner: When does a child become an adult as far as -- when will he be moved out of an industrial school?

Mr. Legal Adviser: The question of when he is moved out is a separate question of when he becomes an adult. Our age here is 16 and in E.C. it is 17.

Mr. Tanner: You probably thought you answered my question. Is it mandatory on the Director to move a child out of the industrial school at 16, or does that part give some discretion?

Mr. Legal Adviser: The purpose of this is to give him discretion, in case he reaches his 16th birthday when he is in a middle of a year at F. H. Collins or Vocational School. The Director needs legal authority to be allowed to retain him because it's a custody-type situation. So this is the needs of the child, not the needs of the Government.

Mr. Tanner: I understand that, Mr. Chairman, but I'm thinking of another point. Where the child is being -- two-thirds of this sentence has passed, he reaches 16 and he is still in the industrial school and not taking any courses that are obviously to his benefit, but it would be to his detriment to be sent out to the Correctional Institute. Can the Director keep him in the industrial school for another three months if that is all he has to serve.

Mr. Legal Adviser: I've made note of that question, exactly what happens at that point, but I don't think he would in the process be transferred to the Correctional Institute. I don't think so.

Mr. Tanner: Mr. Chairman, I do know that for a fact, it has happened in the past.

Mr. Chamberlist: I know, but for the purpose of the Juvenile Delinquents Act, a child is a juvenile until he reaches the age of 19. So really, the child can be kept in the juvenile training home until the age of 19.

Mr. Legal Adviser: It is slightly complicated. We don't act without sort of referring to the textbooks for what it is, but the Juvenile Delinquents Act visualizes a person that has already gone into the stream, to continue on there past a certain age. But a person that goes in for the first time at 16 and he has to be tried at adult court; if he is tried, it really gets complicated. You really need Mr. Ogison here to delineate what the treatment is from point to point of what happens. I would not like to speak for him.

Mr. Tanner: Mr. Chairman, it is not complicated in my mind. I think the Legal Adviser is complicating it. The question I'm asking basically is, if a child reaches 15 in the latter part of his sentence in the industrial school and he is not taking any of the courses or anything that is obviously to his advantage to stay there from the legislation that we have just been reading, but it was obviously to his disadvantage to be transferred to a senior prison to finish his sentence, is there an obligation on the part of the Director to put him out of the institution at 16? That is the way I read it now.

Mr. Chamberlist: I can say this.

Mr. Legal Adviser: I don't think so, but I'd like a few seconds.

Mr. Chamberlist: I can say this, because of something that happened a few years ago here. If a person, if a youngster is sentenced to be in jail for a certain period of time, or sentenced to a juvenile training home for a certain period of time, if he was under the age of 16, that sentence is continued. If he is over 16, he wouldn't be charged in a juvenile court; he would be charged in a senior court, in the other court, in a magistrate's court. It would appear, I think this is what Mr. Legal Adviser wants to look up, whether or not a person who has been sentenced as a juvenile, can in fact be incarcerated in an institution where he hasn't been sentenced to. That's the question right there.

Mr. Tanner: Well, Mr. Chairman, I'd like the Legal Adviser to get an opinion on that, because I know in fact, about two and half years ago, that did happen. It could very well be that the child has been in the school up here for some time; he is getting near the end of this term; he goes into the Correctional Institution up here and all the good work that has been tried to be put into effect, has been lost on it.

Mr. Chamberlist: I think I know the instance. That particular instance is where a young man had escaped and he was -- and he escaped from the juvenile training home and he was taken before the courts and the Director asked the courts to deal with the escape. On the basis of the escape, he was then sentenced to the institution. That is the reason why that person was in there, if I recall that particular occasion.

Mr. Deputy Chairman: (Reads 30(1) through to 31(1))

Mr. Taylor: Mr. Chairman, I find a little problem in sub (e), "interrogate any person therein." I would assume that anyone who is an inmate is in a different position than an employee and I would think that the employee should have some sort of protection in terms of interrogation by anybody.

Mr. Chamberlist: They have protection but if there has been a complaint made, let's say by a relative of an inmate, in the course of investigating that complaint it might be necessary for the inspector to interrogate one of the guards. The idea is to give the right to that inspector to justify the - rather, look into the reason for the complaint; to seek whatever information from the guard he can. The word interrogate seems a harsh word, like in a robbery, giving him the third degree but this is not the intention at all.

Mr. Taylor: Intended or not, Mr. Chairman, interrogate any person therein covers a pretty broad field. We have been talking about civil liberties around here and I know they are going down the drain very rapidly but I think that somehow, here in the interrogation of any employee, I think that employee should have the right for instance to have a lawyer present or some rights. I don't think that the inspector should have the right to go over and interrogate.

Mr. Chamberlist: Interrogate means to question the person. Mr. Chairman, you might say that an inmate is supposed to have orange juice in the morning and complains to one of his relatives that he hasn't received his orange juice; the complaint goes to the inspector and the inspector just goes and says "I want to know why you haven't received your orange juice". So you want a lawyer standing by so that he can answer whether he has received his orange juice or not? Just a simple question like this.

Mr. Taylor: Mr. Chairman, this is not a simple question because the answer to it is, if he is interrogated and for any reason wishes to have a lawyer, something has possibly gone wrong in one of the institutions, and this person refuses, he is then subject; the other person violates any provisions of this Ordinance or Regulations, commits an offence, is liable to a conviction of a fine not exceeding \$500 or imprisonment for a term not exceeding six months. I say that he should have some rights.

Mr. Legal Adviser: Mr. Chairman, suppose we change the word interrogate to question. Would that help?

Mr. Taylor: It makes a big difference, I think.

Mr. Chamberlist: Okay, change it to question.

Mr. Deputy Speaker: Agreed?

Mr. Tanner: I was going to ask the Legal Adviser why he didn't put Correctional Institute Inspector into the definition.

Mr. Legal Adviser: The main reason for putting a definition in the definition section is to avoid repeating it throughout the Ordinance. It only appears in one section so it is unnecessary define it for the other sections.

Mr. Tanner: Mr. Chairman, he has a lot of power; don't you think he should be in there with the others?

Mr. Deputy Speaker: (Reads Section 31(2) through Section 33(1) of Part VI of Bill No. 20).

Mr. Taylor: Mr. Chairman, just one question again. Is there a right of appeal for the employee?

Mr. Tanner: Mr. Chairman, does the Honourable Member's previous question answered in the Public Service Ordinance in this respect, too?

Mr. Deputy Speaker: Yes. (Reads Section 35 through 37 of Part VI of Bill No. 20). There is attached to the Bill, a schedule. (Reads Schedule 1).

Mr. Chamberlist: Mr. Chairman, I wonder if it would be agreed that the change of the word interrogate to question be treated as a typographical error so that we don't have to reprint the full word?

Mr. Deputy Speaker: Agreed? And the other typographical error; there was a minor change in 21 also. That completes the initial reading of the Bill.

Mr. McKinnon: Mr. Chairman, I wonder if, prior to the passage of the Bill out of Committee, we could hear what new programs are being and have been instituted in the Corrections program that would allow all Members of Committee and conscience to change the name of our common jails to Correctional Institutions.

Mr. Chamberlist: I have a booklet of various photographs of various programs that people have been on. Of course, one of the main programs that has got much acclaim right across Canada and is being followed in other institutions is the Outward Bound program and we are very fortunate to have some people on the staff at the Correctional Institute who have dedicated themselves to taking the inmates out on various trips and getting them used to open land and open country. That is one of the main programs with the Institute itself. They are continuing with Vocational School programs and the art program is doing very, very well indeed, under the guidance of Ted Harrison, one of our Vocational School instructors. There are other programs within the Institute itself, the adult institution itself, which is also being carried on when there are prospectors' courses taking place. There have been various programs. I am quite prepared to provide Honourable Members with a list of all the various programs that have been taking place over the past year. The juvenile people have an instructor who is doing very well with the young people. They are being taken out, and during recess I will provide Members with a book of photographs showing the various programs that have been going on in the Outward Bound areas. And if Honourable Members want a list of programs, I am prepared to make that available to them.

Mr. Rivett: Mr. Chairman I objected to the Corrections Ordinance but now that it has been outlined, I feel a little better about it, but that doesn't seem to me to be the correct title.

Some Member: What should it be?

Mr. Rivett: Well, I am not an inmate. I realize that you have explained it and now we will get -- I am satisfied. I thought at the outset, Corrections was not the right word. Now, on Page 3, the second last line of paragraph 1, "other suitable facility" - the hotel that I am presently a guest at needs a great deal to be done. I would like your assurance. Do you want me to spell it out in square feet.

Mr. Chamberlist: It's really very, very serious, the location of two small facilities; the Whitehorse General Hospital is being used for the purpose of detaining certain people. It is unfortunate that those facilities are not proper facilities but they are outside the jurisdiction of the Territorial Government because they happen to be a National Health and Welfare Hospital. Of course, if a person is an inmate of an institution and he is sick and is sent to the hospital, it does not mean that that person is put under lock and key. It may be necessary for a guard to be on duty

BILL #20 all the time and just a few weeks ago, we were in the unfortunate position of having to have, for one man who was hospitalized for three days, we had to have four guards on duty for three days and that's for one man. He was considered by the Director of Corrections, a security risk - to leave him without a guard, we couldn't. Because of the nature of his illness, it wasn't right to lock him up in one of the security rooms they have at the hospital, because those rooms there are specifically for purposes which we have just recently, yesterday or so, passed an amendment to the Mental Health Ordinance to give us the right to retain a person in those rooms, but certainly I have taken note of what the Honourable Member has said and recommend to the Director something be done to assure Members of Council that anybody that is in there for any reason, doesn't do any damage to themselves because it is the matter of a hard floor, hard walls and no protection so that people can injure themselves. I agree with the Honourable Member.

Mr. Tanner: Mr. Chairman, for the Committee's information, this subject came up at the Hospital Advisory Committee meeting which I attended last Monday and the Administrator of the hospital said he was going to look at the problem and try to deal with it.

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 20 be reported out of Committee without amendment.

Mr. Tanner: I'll second it.

Mr. Deputy Speaker: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 20, an Ordinance intituled Corrections Ordinance, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

*NOTION
CARRIED*

MOTION CARRIED

Mr. Deputy Speaker: I will now declare a brief coffee break.

RECESS

RECESS

Mr. Deputy Chairman: I now call Committee back to order. We are discussing Bill No. 24; the reason that this has been left in Committee was that we were awaiting the Sessional Paper No. 15, which has now been moved into Committee. Councillor Tanner was actually the one that moved it into Committee.

BILL #24
SESSIONAL
PAPER #15

Mr. Tanner: Mr. Chairman, I just did it as a courtesy for another Member. Can we go ahead with the reading of the Bill?

Mr. Deputy Chairman: The Bill has already been read. We are now discussing Bill No. 24 and Sessional Paper No. 15. Do any of the Members have any comments on Sessional Paper No. 15?

Mr. Chamberlist: Mr. Chairman, I would like to point out that I have indicated to Council that the Bill No. 15 of 1971 which has been passed by Council, and which has gone through the three readings of Council, has been passed out of Council, has not been assented to by the Commissioner. I have indicated that I am prepared to bring those parts of that Bill which were not assented to, back again into Council for Council to pass it again. I want to keep that promise to you. Prior to doing that there is a proposition being put forward to amend the Labour Standards Ordinance, and the details of this are in Sessional Paper No. 15. Also, we have the contract regulations applying to local employment which are attached to the form part of the Sessional Paper. I wonder if any Member would like to comment on the basis of what I have just said?

Mr. Taylor: Mr. Chairman, section 49 of the Local Employment Program kind of makes it a little tough for anybody in the Territory who does not live in this big metropolis to get a job. It says, "Local residents will register at the nearest Canada Manpower Centre in order to receive preferential treatment in respect of the Yukon Territorial Government construction and maintenance contracts." Indeed, there are places like Dawson and Watson Lake, and places throughout the Territory, that don't have Manpower Centres within the communities, and the cost of communicating with Manpower and registering -- well, it is a difficult sort of an approach. I think that when these contracts take place, or when the Government is doing something within the community, they should be able to hire local people without going through all this nonsense of Manpower Centres and everything else. That is not covered in here. You have got to come to Whitehorse and register with the Manpower Centre to get any preference at all. Big deal.

Mr. Chamberlist: Well, what would the Honourable Member like to suggest. What I am trying to get at is whether the Honourable Members want that original Bill to be brought back. That is what I want to ascertain. If this is wanted, then forget about this, and we are prepared to bring it back.

Mr. Commissioner: Mr. Chairman, the question raised by the Honourable Member from Watson Lake is a very valid question. Considerable amount of work has been done by the Territorial Administration and the local Canada Department of Manpower in conjunction with their regional officers in Vancouver to find and secure a workable answer to the problem of extending Manpower services to communities in the Territory other than the City of Whitehorse. This question has been raised on the Floor of this Council for many, many years, and if there is anyone as cognizant of this problem, it is myself and my senior officers, because the absolute anomaly of this whole situation is that with Canada Manpower services at the present time for the Yukon Territory being confined to those who are within walking distance or ordinary communicating distance of the Whitehorse office, we have found within recent times a situation where a major employer was recruiting employees at great expense to himself from Edmonton and Vancouver while within forty miles of where he was located people who had the skills that he required were walking the streets looking for something to do. At the present time, I think that Honourable Members are aware, Manpower has supplied the Territorial Government with funding for two men who are employed through the Vocational Training Branch of the Department of Education, who are busily engaged at this time in inventorying every community in the Territory for the very best information that they can secure concerning putting together an inventory of the manpower that is potentially available. We are hopeful of not only extending Manpower services through Territorial Government offices, if necessary, in the format as indicated here, such as using Manpower offices as a referral centre, but also other services that Manpower has to offer, such as retraining programs, upgrading programs, the supervision of LID projects, and many other services that they have to present. I want to assure Honourable Members that we have finally got the problem in its proper context, into the hands of the Canada Manpower services, and I am hopeful that, before many weeks have gone by, we will have a workable program available in every community of the Territory in which there will be some means, or some contact point within that community, for the securing of Manpower services, not only with regard to job referrals, but all of the rest of the programs that they have available, and which at the present time are confined to those who are within normal commuting distance of the Whitehorse office. The question raised by the Honourable Member is one that is a very valid one, and one on which we are actively engaged with the cooperation of Manpower and the Vocational Training Branch of the Department of Education and officers of the Territorial Government in other communities.

Mr. McKinnon: In this Yukon Contract Regulation it all sounds very nice, but can somebody tell me the procedure, which isn't mentioned at all. Let's take a case in point. The Territorial Government has a half a million or a million dollar contract to build a school. The contract is awarded to an outside firm. There are carpenters who are qualified, who have worked on other projects in the Territory, who are sitting here in Whitehorse unemployed while the contractor is bringing in all of his carpenters from outside. Where is the procedure that one of these carpenters follow? He says, "Look, I have heard that the Yukon Territory is now giving preference to Yukon tradespeople. I know for a fact that all of these carpenters are coming in from outside. What can I do to make sure that I get the job?" What penalty is on the contractor, which isn't mentioned at all in the regulations, if he fails to abide by these regulations as outlined in Part VII of the Contract Regulations of the Local Employment Program. If there is no teeth in it to the contractor, and Mr. Commissioner knows contractors as well as I do, that they are just not going to -- you can make up all of the nice regulations and nice-sounding and highfalutin regulations that you want, but they are just not going to be followed.

Mr. Commissioner: Mr. Chairman, the first instance under section 43, the local employment agent, for the purpose of implementing this program, is the Yukon Territorial Government Employment Liaison Officer. That person, at the present time, happens to be Mr. Frankish, and he is the officer who will be charged with the implementation of the program. As far as the next question is concerned, this is far more effective than legislation; this is a part of a contract. You have an ex-contractor here, one of your Members; he can assure you that the minute that any breach of this can be shown, the contractor is automatically in default, and at that particular point in time, his contract is in jeopardy if he does not wish to comply.

Mr. McKinnon: I am willing to give it an opportunity, and the next time that I get a complaint I will direct that person who is complaining to Mr. Frankish and follow it from there.

Mr. Commissioner: That is precisely the procedure. We feel that these particular conditions have been inserted by the Federal Government. The Department of Public Works will be calling a contract for further construction on the Dempster Highway in the course of the next few weeks, and have included these particular wordings in that contract. We

Mr. Commissioner continues:

BILL #24 are hopeful that this will be a start. That this will appear in all Federal contracts let in the Yukon Territory as well as Territorial Government contracts. It does now and will now appear in all Territorial Government contracts.

SESSIONAL PAPER #15

Mr. Taylor: Mr. Chairman, what about the bringing back of Part VI of the original Bill. Can we still enforce that section for things other than Government projects. This was an all-encompassing piece of legislation.

Mr. Commissioner: Mr. Chairman, this is the basic problem. We are suggesting to you that, as the major violations of Council's wishes appear in Government contracts, we feel that this is the root to Government contracts, and we strongly suggest that this be given an opportunity, and if that doesn't work, then we will have to try something else. We do feel that we have a lot of trepidations about our ability to enforce and make a legal case in connection with some of the suggested amendments to the Labour Standards Ordinance that were devised by the Council and the Administration to try to overcome this particular thing.

Mr. McKinnon: Mr. Chairman, as I read the Sessional Paper, it said, "the Federal Contract Regulations now contain similar conditions," and, as the Commissioner went along, I wasn't so reassured because he seemed to indicate that they may or may not in the future contain these Regulations. What can we do to assure that all Federal contracts do contain these type of regulations?

Mr. Commissioner: Mr. Chairman, the Federal Contract Regulations apply in a whole series of contracts that are issued by the Federal Government that are removed. Local purchase order type contracts and major contracts such as the Dempster Highway, the answer is yes. I am simply saying that I am hopeful that they will get extended to those things in which there is a local type of purchase or contract authority available to some of the Federal departments.

Mr. Chamberlist: I would like to reiterate again, that if Council would indicate that they want this Part-VI, I am prepared to have it, and the Honourable Member from Watson Lake will second it; I am prepared to bring this in, if you want it.

Mrs. Watson: Mr. Chairman, I would also like to point out that these regulations will apply to the Territorial Building. This will make a tremendous difference within the Yukon, and particularly in the Whitehorse area.

Mr. McKinnon: Isn't there any way under the Engineering Services Agreement where the majority of these large road contracts will all be included for sure?

Mr. Commissioner: The answer is yes. I am sorry if I don't explain myself properly. All major Federal contracts that are issued under the Federal Contract Regulations will contain it; all of the Territorial Government contracts will contain it.

Mr. Chamberlist: I should add that Mr. Frankish, as Employment Liaison Officer, will say to the contractor, "These are the people that are available for work." And, he will list those people that are available for work and will be making sure that the work is to be given first to local residents, then northern residents, then Canadian residents, in that order.

Mr. McKinnon: The only other assurance that I would need before I try to give these contract regulations a try -- because the good Lord knows, we have been around and around on this so many times that we are grasping for anything that we hope will work -- will the Honourable Member's promise stand if, after this Session of Council, we find that these contract regulations are not working, can we have his assurance that we can perhaps then try some new legislation?

Mr. Chamberlist: As a matter of fact, if they don't work, I won't even be discussing it with the Commissioner. We will bring it in as a private Members' Bill if we have to, but they will go into force; I will promise you that.

Mr. Rivett: Mr. Chairman, there is another side to the coin here, your local employee. When someone applies for a job, you look up his job record; you find that he has already been there seven times in five years. Now what do you do? Do you hire him?

Mr. Deputy Chairman: That is a good point.

Mr. Chamberlist: It is a valid point, but what? I recall on one occasion that I gave the same fellow employment thirteen times in seventeen days. What can you do? You try to keep people employed, but sometimes you....

Mr. Rivett: It was an unlucky number.

Mr. Deputy Chairman: Any further discussion of either the Bill or the Sessional Paper? (Reads preamble of Bill No. 24).

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 24 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I would second that motion.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, an Ordinance to Amend the Labour Standards Ordinance, be passed out of Committee without amendment. Are you prepared for the question?

Mr. Taylor: Mr. Chairman, just the one question that I did raise on 12.3(1). I just would like the reassurance that where it says, "No organization of employers or employees, as the case may be, or its agents shall cause or attempt to cause an employer to pay his employees rates of pay that are in contravention of section 12.1", that this does not interfere with collective bargaining. As long as I have that assurance, I will be happy.

Mr. Chamberlist: It can't interfere with collective bargaining.

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

MOTION CARRIED

MOTION CARRIED

BILL #26

Mr. Deputy Chairman: The next Bill is Bill No. 26.

Mr. Chamberlist: Explanatory Note for the record: "The purpose of this Bill is to enable the Court in a proper case to prevent debtors from defeating their creditors by fraudulently transferring property to relations or, in the case of companies, to subsidiary or connected companies."

Mr. Deputy Chairman: I wonder, Councillor Taylor, if you wouldn't mind reading this Bill?

Councillor Taylor takes the Chair.

Mr. Chairman: (Reads section 2(1)).

Mr. Chamberlist: Mr. Chairman, with respect, I didn't hear you read section 1.

Mr. Chairman: Section 1 is the title of the Bill, and it is to be considered with the preamble.

Mr. Chamberlist: It has never been done in any of the other Bills.

Mr. Chairman: (Reads section 2(2) through section 2(2)(c)(v)).

Mr. Tanner: Mr. Chairman, what is this all about? What are we talking about? Could the Legal Adviser do us the favour of telling us what he has written here, please?

Mr. Chairman: I will just include the final gem here. (Reads section 2(2)(c)(vi)).

Mr. Legal Adviser: Mr. Chairman, to make it short, these are definitions which are taken from the Bankruptcy Act, and are intended to control the relationship of one person to another in a potentially fraudulent situation. In other words, to define people who are in common business partners who are either at arm's length from each other in a transaction or are not at arm's length. This attempts to capture transfers of property to people who are not at arm's length in an unfair situation at the expense of creditors who are owed money. It is potential fraud we are seeking to stop.

Mr. Chamberlist: Now explain arm's length because some of the Members do not understand that.

Mr. Legal Adviser: When a brother sells property to his own brother, or a person sells to his wife or his son, they are said not to be at arm's length in the transaction, because there is a relationship between them.

Mr. Chairman: (Reads section 2(3) through 2(3)(e)).

Mr. Legal Adviser: It should read "or other descendant" rather than "of other descendant".

Mr. Chairman: (Reads paragraph 2(3)(3) through section 4 of Bill No. 26).

Mr. Tanner: Mr. Chairman, how do you enforce that?

Mr. Chairman: That will be enforced by the courts.

Mr. Legal Adviser: Briefly, what Section 3 says, that every gift to a related person with intent to defeat, hinder or delay creditors is void but, of course, court operations have to declare it void in later sections and then the gift with intent to give a particular creditor preference over his other creditor is also void and so declared by the court. This is forbidden by the banks at large anywhere, including Canada, and is enforced by the court if the court has the power to do it but, unfortunately, in our Federal structure the Federal Government has jurisdiction over bankruptcy laws; the Territorial Government has jurisdiction over how people deal with their property prior to actual bankruptcy. It is necessary for us to have this type of legislation in force to enable people to grant public security to people who are borrowing money.

Mr. Tanner: Mr. Chairman, how does whoever is prosecuting prove that he did it with intent in that he knew that he was on the eve of insolvency; that's number one and number two is, if he goes through these things and does these things and you declare whatever he has done-- for example, pay off one creditor instead of the other, and you declare that he has done that illegally, how does the other creditor then recover?

Mr. Legal Adviser: This isn't designed primarily for creditor's recovery-- the primary design is to void the transaction so that amount of property goes into the pool to be distributed to the other creditors in the bankruptcy. The courts do that and the people who organize the bankruptcy under the supervision of court receivers.

Mr. Tanner: What about the first question, Mr. Legal Adviser.

Mr. Legal Adviser: I forgot what the first question was.

Mr. Tanner: How does the prosecutor or the court prove that the person who is about to become insolvent had the knowledge of his forthcoming insolvency?

Mr. Legal Adviser: He does it with whatever evidence he can find. Sometimes it is difficult to find that evidence, but very often the facts speak for themselves.

Mr. Rivett: Mr. Chairman, under section 3, paragraph (d) "where a person owns shares in two or more corporations, he shall, as shareholder of one of the corporations, be deemed to be related to himself as shareholder of each of the other corporations" - this seems like an odd relationship to me.

Mr. Legal Adviser: This is true, Mr. Chairman but a person or a shareholder of a corporation has a representation as a shareholder, but he has shares in another corporation; he has a separate representation, and if the corporations are related then he can be related although it abhors certain Members I know to deem them to be related to themselves, but one can often be one's own brother-in-law, grandfather or nephew in a complicated team relationship.

Mr. Chairman (Reads paragraph 5 through paragraph 6 of Bill No. 26). From the Chair, Mr. Legal Adviser, what brought the needs of this Bill in the first place?

Mr. Legal Adviser: There are two needs for it, Mr. Chairman. One is the difficulty that lending institutions suffer from in giving security to people; just because our laws are deficient people to whom credit has been given may defeat the intent of the credit and transfer to a wife and son stocks, shares, a house or other property which has been a sort of a security and, as a result of which, they have been given credit and makes it more difficult for future people to obtain credit. Secondly, when on a bankruptcy or on an insolvency the court is investigating what the assets of a particular person are, they have been on several occasions in recent years faced with the situation that a potentially prosperous person has quietly transferred all his assets to a friend, a trusted person, possibly to a trustee, his wife and so forth so that when he goes into a witness box and they ask how much money does he have to pay his debt, he says "I'm sorry I don't have any at all". Once he has divested himself of his property, there is nothing the courts in the Yukon can do about it. In other places, they say "what happened to the house or business you owned last month", and then he has got to disclose the full circumstances so that the court can deal with the situation, which is really an attempt at fraud.

Mr. Chairman: Has there been a great deal of this in the Territory?

Mr. Legal Adviser: My understanding is that there has been quite a deal of it, and when this happens, they don't even bother chasing up the debt of a car. They just let it go. It's not worth taking proceedings to recover. They forget about it.

Mr. Chairman: (Reads paragraph 7 through paragraph 8 of Bill No. 26)

Mr. Legal Adviser: Mr. Chairman, I should draw the attention of the House that this is another key section of the Ordinance because this protects ordinary bona fide transactions in the normal course of trade so that people who are buying and selling in their normal business do not have to investigate in this transaction, whether the person they're dealing with is a person up to some sort of mischief. This is necessary protection for the ordinary trader, the ordinary commercial person.

Mr. Tanner: Mr. Chairman, is there a business set up in such a way to limit the liability of a company to certain areas? There was no intention before, obviously, just to limit their liability of certain people investing money in their company. Could this not then bridge the gap between one company and another?

Mr. Legal Adviser: In a sense, yes. It stops them to pierce, shall we say, the corporate veil. Only where there are related transactions between related people. It does in a sense bridge the gap. For instance, a person owns a block of shares and controls a company, and his wife owns a block of shares and controls a company and these two companies begin to get related, they may fall within the evil here and properly so because it would be wrong for the transactions which was capable of being impeached between a man and his wife as a fraud should escape if merely each person forms a company and owns 98% of the shares and do the same thing under a corpus there. But, unfortunately, it is up to the creditor, when he attacks the transaction in court, to have to prove that it was done with intent to defeat the creditor, because it might be a bona fide transaction. It has not been unknown members and their wives to have bought a commercial transaction together.

Mr. Tonner: Let's take, for example, two members of a family, husband and a wife, set up two different corporations, and over a number of years, the two corporations do get intertwined with trade and so on, and one of them goes bankrupt, or it looks like it is going bankrupt, can or would this legislation then attack the other one?

Mr. Legal Adviser: No, this wouldn't enable it to happen at all. But if there was an allegation that a large transaction, let's assume a block of property worth \$100,000 on the open market, was sold to the second corporation for \$2,000 there would be something to explain when the judge said "how did you happen to get that particular bargain".

Mr. Chairman: (Reads section 9 through section 11 of Bill No. 26).

Mr. Legal Adviser: This is another key section to enable a person, if business is not going well, to borrow money from, we'll say, a bank. In the circumstances, where the lender, that is the bank, knows full well that the business is shaky, they can still get paid ahead of the other creditors, if the understanding is that the bank is saying, "We will give you \$5,000 knowing that you owe \$50,000, to help to keep you alive," because that particular loan is of advantage to the other creditors to keep them off and help keep the business alive. It would be unfair in those circumstances if, on the very rocky circumstances of giving the \$5,000, they were not able to carry on with the business. It would be wrong if it was a preference back and forth, but where it is a normal commercial transaction, it wouldn't be impeached if it carries along in the normal way of business.

Mr. Chairman: (Reads 12(1) through to 14(1))

Mr. Chamberlist: I was just wondering whether we need section 14, 15 and 16. This is, of course, procedure in any event, originating notice. This would be done in any event and also section 15, Lis Pendens would follow as well. That I'm sure and the costs -- 16: "The costs of an incidental to all proceedings authorized in this Ordinance shall be in the discretion of the court." It is up to the discretion of the court in any event. Why have you got it in here?

Mr. Legal Adviser: You couldn't render Lis Pendens and have the effect except with this section. You need that section. When you say it can be made by any originating notice, what in effect you are saying is, that this must be made in the Supreme Court of the Territory. I'll put it another way. It could be drafted another way, but you have to place the form for which application and how the application is to be made because they must be made by application. They must be made by originating notice. It could have been left to be done in court rule.

Mr. Chamberlist: It is in court rules now. The point I'm making

Mr. Legal Adviser: You can't do it at all at the moment, so the court rules don't cover. So it has got to be covered by the court rules which might automatically follow because we follow the B.C. rules. Follow

Mr. Chamberlist: Well what about 16 then, the discretion of costs is the discretion of the court. This is always the case. What is there -- I'm saying it is superfluous to the registration, why have it in there? You can leave it in there if you like.

Mr. Legal Adviser: Mr. Chairman, tell me, leave it in or take it out?

Mr. Chamberlist: Okay, leave it in.

Mr. Chairman: (Reads 15(1)) What is a Lis Pendens? Mr. Legal Adviser?

Mr. Chamberlist: Deal with actual

Mr. Stutter: It's the Legal Adviser's old girlfriend.

Mr. Legal Adviser: I think it is the case of a law case hanging over the land, so to speak. If you want to buy that, fine, but you take the law case with it in your pocket.

Mr. Chairman: (Reads 16(1) through to 18(1))

Mr. Tanner: Mr. Chairman, I wonder whether Members would agree to report progress on this. Quite frankly, I'm confused by the first two pages, particularly the relationship that is going on here. Frankly, I would like to get some other advice on this.

Mr. Chairman: I'll return the Chair.

Mr. Deputy Chairman: In view of time...

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

Mr. Tanner: I second that.

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Stutter: Yes, Mr. Speaker. At 2:25 Committee came to order. Bill No. 12 and Sessional Paper No. 11 were discussed at some length. Bill No. 12, an Ordinance intituled Fuel Oil Tax Ordinance, was regularly moved by Councillor Chamberlist, seconded by Councillor Watson, that the Bill pass out of Committee without amendment. Motion carried. Sessional Paper No. 11, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that the proposal as put forth in the Sessional Paper be adopted. Bill No. 6, an Ordinance intituled First Appropriation Ordinance 1973/74, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that the Bill pass out of Committee without amendment. Motion carried. Bill No. 7, an Ordinance intituled Financial Agreement Ordinance 1973, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that the Bill pass out of Committee without amendment. Motion carried. Bill No. 20, an Ordinance intituled Corrections Ordinance, it was moved by Councillor Chamberlist, seconded by Councillor Tanner, that this Bill pass out of Committee without amendment. Motion carried. Bill No. 24, an Ordinance intituled An Ordinance to Amend the Labour Standards Ordinance, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that the Bill pass out of Committee without amendment. Motion carried. I can report progress on Bill No. 26. At 9:25 p.m. it was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker do now resume the Chair. I can report that that motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees, are you agreed?

Mr. Taylor: Mr. Speaker, I have a correction to the report of the Chairman of Committees. It was reported that it was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 12 be reported out of Committee without amendment. This Bill was amended in Committee, Mr. Speaker. I would suggest that it would have to be reverted into Committee

Mr. Taylor continues:

and the proper motion made to move it out of Committee.

Mr. Chamberlist: Point of order, Mr. Speaker, it was agreed by Committee that the typographical error be treated as amended, and it was left at that so it would be reported out of Committee without amendment, this was agreed by all Members. If the Honourable Member wishes to put a motion forward, we'll see if these amendments carry or not.

Mr. Taylor: Mr. Speaker, I might say with respect that the Bill was amended in Committee to read in line 7 of page 5, line 7 from the bottom, to a fine of one thousand dollars, and it was amended to read, to a fine not exceeding one thousand dollars. And it was not taken as a typographical error.

Mr. Chamberlist: I asked if we would accept this or -- it was agreed to by Members of Committee at that time, and the Honourable Member also agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Could we vote on the acceptance, Mr. Speaker? The acceptance of the report.

Mr. Speaker: Would someone give me a copy?

Mr. Chamberlist: No, the acceptance of the report. You've asked if we have agreed to the report and we have agreed.

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

Mr. Stutter: Yes, Mr. Speaker, it is the intention of Council to sit tomorrow at 2:00 p.m. to discuss Bills, Motions, Sessional Papers and Legislative Returns.

Mr. Speaker: May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker, I move we call it 9:30.

Mr. Tanner: I second it Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Whitehorse North, that we now call it 9:00 or 9:30. Are you prepared for the question? Are you agreed?

Mr. Speaker: We now stand adjourned until 2:00 tomorrow afternoon.

MOTION
CARRIED

MOTION CARRIED

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. Before proceeding with the Order Paper, I would like to draw the attention of all Honourable Members to the presence in the public gallery of the Chiefs of all our native people in the Yukon, and to welcome the gentlemen to the House and offer, I'm sure on behalf of all Members, our congratulations in respect of your very successful journey to Ottawa in respect of your land claims. Are there any Documents or Correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker, I have for tabling today Legislative Return Nos. 6, 11 and 12.

Mr. Speaker: Are there any Reports of Committees? Are there any Introduction of Bills? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? We will then proceed to Daily Routine. Under Motions, we have Motion No. 14: Moved by Councillor McKinnon, seconded by Councillor Taylor, "It is the opinion of Council that section 2(e) of the Medical Necessity Travel Subsidy Regulations be amended by expanding the interpretation and categories of 'Medical Necessity' so that a Yukon resident referred to a medical specialist outside of Yukon by a person lawfully entitled to practise medicine in the Yukon Territory, have paid to him from and out of monies advanced from the Yukon Consolidated Revenue Fund: (a) the return air fare from the point of referral in the Territory to the appropriate treatment centre in Edmonton or Vancouver, unless travel beyond either of these two locations is deemed to be necessary by the Chief Medical Officer of Health..."

Mr. Chamberlist: I rise on a point of order, Mr. Speaker; the Honourable Member knows that he should not leave his seat in the House when Mr. Speaker is speaking. I wonder if you could correct the Honourable Member.

Mr. Speaker: I'm afraid all Honourable Members do have this prerogative, unless the question has been put.

Mr. McKinnon: Mr. Speaker, I request a privilege. It is only when a question is being put by Mr. Speaker that Honourable Members are not allowed to leave the Chambers. I am going to get my notes on the debate that is going to come, Mr. Speaker. Certainly, unless the question is being put, all Honourable Members know that they have the ability to leave the Chambers.

Mr. Chamberlist: With respect, there is no point to the rule if the Honourable Member -- I would ask Mr. Speaker to look at Beauchêne.

Mr. Speaker: I will proceed with the reading of the motion and I will return to subsection (a) the return air fare from the point of referral in the Territory to the appropriate treatment centre in Edmonton or Vancouver, unless travel beyond either of these two locations is deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, and (b) to an escort deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, reimbursement of expenses incurred in the course of medical evacuation, at the rates appropriate for Yukon Territorial Government personnel on temporary duty away from home base. Councillor McKinnon are you prepared to discuss your motion?

Mr. McKinnon: Yes, Mr. Speaker. Of course, Mr. Speaker, this motion results from the motion that was passed by a majority vote at this last sitting of Council. Of course, Mr. Speaker, there are so many things that happen in the Yukon Territory these days. By the time the Administration is finished with the motion, which they full well knew the intent of, it was perverted to the extent that only those people that fit into the five categories which are namely: loss of life, loss of limb, loss of hearing, loss of sight, or mental breakdowns, were allowed to be able to go to seek medical specialist's help under the terms of the Medical Necessity Travel Subsidy Regulations. Mr. Speaker, if anybody reads the Votes and Proceedings, with an objective eye, it is not very difficult to realize that the majority of the Council voted that the Medical Necessity Travel Regulations be amended so that any Yukon resident who was referred to specialist treatment was to have his air fare paid to Edmonton or Vancouver. I have promised, Mr. Speaker, so many people who have called after the intent of the motion and after we saw what was happening to the motion, who have phoned, who have faced such serious problems because of the reluctance of the Government to pay their way for specialist's treatment. Last night, or two nights ago, Mr. Speaker, one lady who had cancer of the breast, and has been outside several times, asked whether the motion would come into effect, so that she would be able to collect air fare having applied on several occasions and having been refused by the Medical Health Officer. Under the regulations now, she was not in danger of loss of life and didn't have to have her way paid and I will give Honourable Members and the Minister the facts of this case following it. She has applied and she has not been accepted. I have another instance, of another person who has cartilage problems in his knee who has been referred for specialist's advice, who can't afford the price, being a young married person with a young baby just born, who can't go and see the specialist and his knee is just deteriorating daily because of this inability to get outside and seek medical treatment. These are instances when the stringent regulations under the Medical Necessity Travel Subsidy Regulations are not being given effect to and people are not getting the monies to have the ability of going outside to seek specialist's treatment. Mr. Speaker, every Member of this Council knew what we intended when we passed these regulations. That those people, when we passed the last motion, that those people who could not find specialist treatment in the Yukon and were advised by their doctor to seek outside, their way was paid in and out and from monies of the Yukon Consolidated Revenue Fund. Unfortunately, Mr. Speaker, the whole intent of that motion has been, as I said, deliberately misread and deliberately perverted by the Members in power in the Government of the Yukon Territory. I do not have the advice of legal people to help me in drafting motions. I can only work on the ability and the trust and the objectivity of those people in Administration and Government like they used to, by looking in the Votes and Proceedings, by getting the intent of the motion and by then putting into effect the wishes of the people of the Yukon Territory. I can only say that I disagree wholeheartedly with the figures that have been presented by the Member here where he says that it would cost his \$274,225.50. It seems that with the youngest, the healthiest population in the whole of Canada, which we have in the Yukon, that about 5% of our population each year has to go outside to seek medical specialist help -- I just disagree with these figures. I can't agree with them. They are just not right. The other figure, of course, he says the average cost will be \$247.05. Where the Medical Necessity Travel Subsidy Regulations come into effect that there has to be an escort in those five areas, namely: loss of life, loss of limb, loss of hearing, loss of eyesight and mental breakdown. In the ordinary problem such as orthopedic problems and other problems that I have mentioned, those generally, do not need a medical escort. Those people will only be putting upon the Yukon Consolidated Revenue Fund the actual fair and treatment of themselves, under the Medical Evacuation -- Medical Necessity Travel Regulations. Mr. Speaker, I can't impress upon this House enough, the very, very extreme hardship and the health of the public of the Yukon Territory, which is in that state because of the stringent attitudes; because of the reluctance of the Government of the Yukon Territory to accept a broadening of the categories under the regulations where people are paying a further penalty for living in the North and being far from the scene of medical specialist treatment. I

TABLING OF
LEGISLATIVE
RETURNS #
6, 11, 12

NOTION #14

Mr. McKinnon continues:

think it is probably one of the most humane things that this Council could do; they have done it once and they should do it again with absolute clarification of what this Council intends and that mainly, is to let people who are told to go to a medical specialist by a person lawfully entitled to practice in the Yukon Territory, have paid to him from and out of monies advanced from the Yukon Consolidated Revenue Fund, the return air fare from the point of referral in the Territory to the appropriate treatment centre in Edmonton or Vancouver, unless travel beyond either of these two locations is deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, and to an escort deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, reimbursement of expenses incurred in the course of medical evacuation, at the rates appropriate for Yukon Territorial Government personnel on temporary duty away from home base. Mr. Speaker, I want it made absolutely clear in the Votes and Proceedings that that is the intent of the motion that where a person is advised by a doctor in the Yukon Territory that he has to seek special medical treatment outside of the Territory, that the Yukon Consolidated Revenue Fund pay that person's way out and his way back in. Mr. Speaker, I think that that is one of the smallest things that this Government could do to ease the hardship of living in northern Canada and to ease the penalties that people are paying because they happen to want to live and work and make their home in northern Canada. Mr. Speaker, I can only urge all Members of Council to support this motion because you have no idea of the hardship and the suffering and the disruption of family life that is going on in the Yukon Territory because of the very reluctant attitude of the Administration and the Government of the Yukon Territory to meet these payments where it is an absolute necessity for the person's well-being that he seek specialist treatment.

Mr. Stutter: Mr. Speaker I would like to move that Motion No. 14 be referred to Committee of the Whole for further discussion on it. I have many questions that I would like to ask on it. I feel that this motion is far too important to come to a hasty decision on the Floor of the House. I would move that it be referred to Committee of the Whole.

Mr. Tanner: I'll second that motion.

Mr. Chamberlist: Before the motion is passed, there is one area that I will just --- I approve, it should go into Committee of the Whole. There is one area that I would have to make absolutely clear, just to let the public know at large, that some of the statements that have been made already by the Honourable Member for Whitehorse West are without validity. I would wish to point out, that under Establishment 500, in the Budget that we have just passed, and always in the Budget, there is an amount, this year there will be -- for the year 1972-73, this current year, there is an amount of \$91,030 which is for disease control, which includes to provide funds for the Government of the Yukon Territory's share of expenses for a program of treatment of cancer, tuberculosis and venereal diseases. We have passed, in the Budget for the following year, that is 1973-74, and if the Honourable Member would have been reading his Budget properly, he would have seen this, an amount of \$69,900. I'll say this, that in a case of cancer, there is no question at all, that all of the expense to a person that has cancer, are paid for. If the Honourable Member will come and tell you privately afterwards, what is that particular case, I can assure him that it will be looked into and corrected. Because I'm sure that either the person who advised him, had advised him incorrectly. Or that he has misunderstood what has been given him. That is point one, that I wish to answer. The other area that I wish to answer, is in relation to a particular case that the Honourable Member has just made reference to; a person with a cartilage. We also have funds under the Medical Indigent Plan, which doesn't necessarily mean that a person is on welfare, if a person is unable to proceed to a specialist, where the specialist has been advised, and it has not been approved, then there is help there. Also, if it is the case of a cartilage and the Chief Medical Officer is prepared to indicate that there might be a danger of loss of limb as a result, that could come into being. There would be no question there either. I will not go any further on that because I think the Honourable Member for Dawson and the Honourable Member for Whitehorse North have indicated there are many areas of this that should be discussed and I agree with the motion that it should be moved into Committee.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse North, that Motion No. 14 be referred to Committee of the Whole. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

Mr. Speaker: We will then proceed to the Question Period. We have Mr. Commissioner with us today. Will you proceed with the questions. Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I wonder if I might have the opportunity of replying to a question asked originally by Councillor Tanner on February 27th. I was asked whether I had any knowledge of a request from the Prospectors' Association for a grant that is similar to that given each year to the Chamber of Mines. Mr. Speaker, I wish to confirm that a request for an unspecified amount was received in my office, from the President of the Yukon Prospectors' Association, on February 13th. Their letter indicated that the Association would have a budget of approximately \$11,000 for their 1973 projects and simply requested that the Territorial Government consider their organization worthy and eligible for the grant from the 1973 Territorial Budget. On the same date, in reply, I acknowledged receipt of their request and suggested to them that since the mineral resources of the Territory are controlled by Ottawa, their application for a grant should be made to either the Director, Northern Economic Development Branch, Department of Indian Affairs and Northern Development in Ottawa, or the local Regional Director of Resources.

Mr. Speaker: Thank you, Mr. Commissioner. Any questions? Honourable Member for Dawson?

Mr. Stutter: Mr. Speaker, I have a question for the Commissioner. Are there presently any plans for an overall impact study of tourism upon the economy of the Yukon? And, more particularly, I have in mind regarding the Klondike area and the recently announced plans of the development there by the Department of National Historic Sites.

Mr. Commissioner: Mr. Speaker, there are two segments of the question asked by the Honourable Member. One of them, the first one, these plans afoot are to examine the economic impact totally across the Territory of the tourist industry. I would say that the answer is no to that part of the question. There has been a proposal put forward, in that in conjunction with the Dominion Bureau of Statistics, Statistics Canada, which we now refer to, that during the course of this coming summer, that there be a very close survey taken of the tourists travelling in the Territory. The attitude of the Administration at the present time is that this will be about the worst summer we could possibly attempt to take such a survey, because with the anticipated level of the visitors to the Territory, it might tend to give a totally improper overview of what the actualities over a long period of time would be. Now, the second part of the question has to deal with, are there plans afoot for an economic look at the Dawson area. In other words, a miniature Carr Report confining itself to the Dawson area. Now, at the moment, Mr. Speaker, the answer would have to be no, but I would say that we are definitely taking a look at this. The Honourable Member has spoken to me on this previously and I would say, subject to our original look at this thing, at the timing, whether it should be done now, or whether it should be done a little bit further downstream, once the Historic Sites program gets underway, it is our intention to conduct a miniature Carr Report, specifically on behalf of the Dawson area. I think, Mr. Speaker, that Honourable Members are aware that in the process of Historic Sites developing and the tourist industry developing in the Dawson area

MOTION CARRIED

QUESTION IN STUDY OF TOURISM IN KLONDIKE AREA

that is going to exhaust a lot of private capital. In other words, private enterprise is going to be called upon to provide many facilities there. I share the concern of the Honourable Member from that district and unless we can have something fairly factual to present to prospective investors, or to people who are currently involved, if they are attempting to expand their businesses or wondering if they should expand or not, we need some kind of a proper document and that particular question is looked upon very favourably as far as we are concerned. It is a question of not whether we will proceed, Mr. Speaker, but as to when it would appear most expeditious to us.

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse North.

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner concerning a report in the newspaper last night. There is some misunderstanding, apparently, between what the City understands the Commissioner said during the amalgamation talks and what the Commissioner understands he said. It concerns service lots without improvement, in particular, in the Takhini and Valleyview areas, and also in other areas of the greater Whitehorse municipality. Could the Commissioner indicate what the policy is, or could he give me a written answer sometime in the future? QUESTION RE
UNIMPROVED
SERVICE LOTS

Mr. Commissioner: Mr. Speaker, I would like to find out exactly what the misunderstanding is. I can tell Honourable Members that in a future Session of Council, once the land in question in Takhini, Valleyview -- is there another district up there? It is on a map -- it will be coming here in the form of an Ordinance seeking Council's concurrence in transferring this land to the City of Whitehorse. The land, at the present time, is part of an original Department of National Defence reservation which was, at a later time, turned over to the Federal Department of Public Works. It is now, by order in Council, being transferred to the Yukon Territory. That will be the next move on that land to the City. There will be an Ordinance here in the Council, and I will endeavor to find out what the further questions are. I am not going to guarantee an answer at this Session of Council because it depends on how involved the whole situation is, Mr. Speaker. I certainly appreciate the concern expressed by the Honourable Member in raising this question. I will do everything within my power to clear the matter up to everyone's satisfaction.

Mr. Speaker: Would the Honourable Member from Dawson kindly take the Chair?

Mr. Sturter takes the Chair.

Mr. Taylor: I have a few questions here that have piled up over the last few days. One of some importance I would address to the Administration: In light of the remarks made in the House on Tuesday last by Councillor Chamberlist respecting Medicare billing problems in Watson Lake, and in light of the fact that we in the Watson Lake area are very proud to have such an excellent physician and have no desire to lose him, would the Administration give consideration, at the earliest possible moment, to arranging a trip to Watson Lake by Mr. Tom Duncan, the Administrator of the Health Care Insurance Plan, with the purpose of assisting our doctor in matters relative to problems of Medicare submissions to the Administration's requirements? QUESTION RE
MEDICARE
SUBMISSIONS
IN WATSON LAKE

Mr. Chamberlist: Mr. Speaker, Mr. Duncan has already met and has attempted to meet on other occasions with the doctor in Watson Lake. The doctor there has failed to comply himself with the laws of the Territory, and, of course, he will be treated in exactly the same manner as anybody else that has failed to comply with the laws of the Territory. I have personally called Dr. Wigby, and the conversation has been, "Don't waste my time, Chamberlist!" BANG. And the receiver hung up on me. That is all I get. When this gentleman gets letters written to him, he sends the letter back and writes on the back of it, "You owe \$6000", puts it back in the same envelope, puts a staple on it, and readdresses it to the Yukon Territorial Government, and we pick up the eight cent postage stamp for the letter that comes back. We have done everything in our power, and I am pleased that the Honourable Member says that he is pleased with his physician; this may or may not be, but it also means that we, the Government that is, have a responsibility to enforce the laws. We have a responsibility not to pay out money to any medical practitioner who has not complied with the regulations and the procedures in setting up their businesses. We have no trouble with any other doctor in the Yukon Territory.

Mr. Taylor: Mr. Speaker, supplementary to my question, if I could have the attention of Mr. Commissioner: It has been pointed out that governments have certain responsibilities in this area. I am wondering if Mr. Commissioner could answer my question, and whether he would agree that the best interest in this particular case could be served by not involving personalities as much, and attempting to remedy whatever the Administration's problem is through the sending of Mr. Duncan to Watson Lake?

Mr. Commissioner: Mr. Speaker, there are twenty medical practitioners in the Yukon Territory at the moment. To the very best of my knowledge, there are no administrative problems with nineteen of them; if the reverse was the case and we were having difficulties with nineteen and one was on the other side of the fence, I would say there was something we could do about it. I am afraid that in this particular instance, we have to depend on the medical practitioner in question himself to come and sit down with our administrative people. He is just as close to our headquarters as we are to his. He must get these forms, and that is what they are, they are basic forms, and they are similar in content and makeup to that required in every other provincial jurisdiction where a Medicare scheme exists in the Dominion of Canada. They are not peculiar to us. If this particular medical practitioner were operating in British Columbia, he would have the same basic forms to fill out. I think that the situation is such that we would have to seek the cooperation of the particular individual in this. I think that the Honourable Member from Watson Lake shares my concern, as the Honourable Members who sit in this House under whose care core the Medicare scheme; we are concerned about this situation. We don't like to see it, but I think that every effort has been made by the Territorial Administration to accommodate the problem. Now we have to seek the cooperation of the medical practitioner to assist us in getting the matter resolved to everyone's satisfaction. I think that this is a very fair assessment of it.

Mr. Taylor: Mr. Speaker, if the Administration does not feel that they wish to assist in resolving this problem at this point in time by sending Mr. Duncan there, would the Administration consider giving me the data and the details and acquainting me with them so that I could then go and assist?

Mr. Chamberlist: I am quite prepared to give the Honourable Member a history of what has taken place with the gentleman that he has referred to. I am sure that even the Honourable Member, once he sees -- and I am prepared to give you the whole details -- once he sees what extent the Government of the Yukon Territory has gone to satisfy this gentleman and to encourage him -- not only that, Mr. Speaker, but the Yukon Medical Association has been asked to intervene by myself, and the Yukon Medical Association has attempted to get him to comply with the regulations, and it is still not forthcoming. I am prepared to give the Honourable Member the information that I feel would help him in discussing the situation with the medical practitioner concerned.

Mr. Taylor: Mr. Speaker, I was attempting to get some assistance, not a berating for our physician; however, I will do whatever I can in this situation. Could Mr. Commissioner advise as to when it may be expected that the position of Executive Assistant to the Commissioner will be filled, and if the Commissioner could indicate whether it is intended that this position be filled by a Yukoner? QUESTION RE
APPOINTMENT
OF EXECUTIVE
ASSISTANT
COMMISSIONER

Mr. Commissioner: Mr. Speaker, I am in no position to answer on behalf of my Minister at this time. As soon as I am in a position to do so on behalf of my Minister, whose prerogative this appointment is, I will be bringing it to this House's attention.

QUESTION RE DOCUMENT PRESENTED BY THE CITY OF WHITEHORSE Mr. Taylor: Mr. Speaker, during this Session there was presented to Council by the City of Whitehorse a rather lengthy document outlining fairly concisely some of the problems that are immediately facing the municipality of Whitehorse. Could Mr. Commissioner indicate at this time what action the Administration intends on taking in relation to these problems?

Mr. Commissioner: Mr. Speaker, the document in question was addressed to the Speaker and the Councillors, and I think it would be up to the Councillors to discuss it among themselves. I think that is where the answer should be forthcoming.

Mr. Taylor: Supplementary question, I would direct to Councillor Chamberlist: Would Councillor Chamberlist agree, if a motion is brought forward to discuss these problems, would he agree to discuss them in Committee of the Whole?

Mr. Chamberlist: I am not going to give an answer to something that has not taken effect. If the Honourable Member wishes to put forward a motion, he knows that he has the prerogative to do that. Then, it can be dealt with in the usual procedural parliamentary manner.

Mr. Taylor: Should I take that to mean no, Mr. Speaker?

QUESTION RE FINANCIAL STATEMENT OF THE CITY OF WHITEHORSE Mr. Tanner: Supplementary to the last question: Has the Administration yet received the financial documents which we require before we can discuss this project, from the City of Whitehorse?

Mr. Commissioner: Mr. Speaker, I say that my answer is no different than was given the last time that I was asked this question. To my knowledge we have the proposed budget of the City of Whitehorse, but it has not been brought to my attention that we have their financial statement.

QUESTION RE LIQUOR ORDINANCE Mr. Taylor: Mr. Speaker, in respect of the Liquor Ordinance, currently prior to this Session and since the last, the Yukon Hotel and Motel Association made several submissions respecting the Liquor Ordinance and problems that they may be having with the Liquor Ordinance. Could Mr. Commissioner advise Council today whether he has had meetings with these people, and, if so, if it is the intention of the Administration to bring down legislation to remedy some of these problems that they have brought forward to the Administration?

Mr. Commissioner: Mr. Speaker, there may well have been communication between my officers and the Yukon Hotel and Motel Association. I am sure that the Director of Liquor Control is in contact with them on a fairly continuous basis. As it is that the Liquor Control Department report to me through Mr. McIntyre, it may well be that even he has been in contact with these people, I don't know. The question of proposed changes to the Liquor Ordinance, it is certainly not the Administration's intention to bring forward any amendment to the Liquor Ordinance at this time. I would be very hopeful that any difficulties that are arising, the Hotel and Motel Association are bringing to us, and that this can be dealt with in the framework of the present Ordinance.

QUESTION RE MEDICARE COVERAGE Mr. Taylor: Mr. Speaker, I just have two questions left. One I would like to direct to the Member from Whitehorse East, and ask him, in relation to the Medicare program if, as yet, the Member can identify clearly and concisely exactly what Medicare does, in fact, cover?

Mr. Chamberlist: I will present the Honourable Member with the details, and the details of any other documents relating to Medicare; that is the Ordinance, if he hasn't read it yet, the regulations, and any of the publications in that area.

Mr. Taylor: Supplementary to that, Mr. Speaker: In view of the fact that I do have regulations and all of these various jumble of papers and facts and figures, I still have not, and no one else has in the Territory, a clear, concise and exact statement of just exactly what Medicare does cover. We know what it doesn't cover, but we don't know what it does cover. Could the Honourable Member provide me, and other Members of Council, with a clear, concise, capitalized, itemized description of what Medicare covers? What it is all about?

Mr. Chamberlist: The Honourable Member will get what he can already get from the Queen's Printer. Whatever he indicates has not been covered, the rest is covered.

Mrs. Watson: I am sure that the Honourable Member can be assured that it covers gout in the right foot.

QUESTION RE APPLICATION FOR LAND BY WHITE PASS AND YUKON ROUTE IN CARMACKS Mr. Taylor: Well, should I ever get gout in the right foot, I will certainly take that in mind. I have a final question that I would like to direct to Mr. Commissioner: It has reference to a question that I asked at the last Session respecting a large tract of land which it was assumed that White Pass and Yukon Route had applied for at Carmacks, assumably for railroad installation. At that time I was informed that no application had been received for such a tract of land at Carmacks. Could Mr. Commissioner inform me as to whether or not in the interval that application has been handed in?

Mr. Commissioner: Mr. Speaker, I am presently not aware of it, but if the Honourable Member wants to give me notice, I will certainly look into it.

Mr. Taylor: Yes, the Commissioner could accept that as notice.

Mr. Taylor resumes the Chair.

QUESTION RE MEDICARE PLAN COVERAGE Mr. McKinnon: Mr. Speaker, I would like to ask the Member from Whitehorse East, if a patient is referred to a chiropractor by duly qualified Yukon doctor, will that chiropractic treatment be paid out of the Medicare Plan?

Mr. Chamberlist: If the person is recommended by a doctor, the answer to that is yes, because it forms part of the doctor's treatment.

Mr. Stotter: Mr. Speaker, have actual cases of this nature taken place, and have payments been made to the chiropractor under the Medical Health Plan?

Mr. Chamberlist: I couldn't answer that, but I will take notice of that question and get an answer to it. It is unusual for a doctor in the Yukon to recommend that a patient go to a chiropractor because it conflicts with the doctor's own rules. However, I will look into this and bring an answer back to the Honourable Member.

Mr. Speaker: I would like to thank Mr. Commissioner for his attendance today. We will proceed now to Public Bills and Orders. What is your pleasure?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, Scientific Exploration Ordinance, be given First Reading.

BILL #28
FIRST READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 28, Scientific Exploration Ordinance, be given Second Reading.

BILL #28
SECOND READING

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 6, First Appropriation Ordinance, 1973/74, be given Third Reading.

BILL #6
THIRD READING

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are you prepared to adopt the title of the Bill?

Mr. Chamberlist: Yes, Mr. Speaker, I move, seconded by Councillor Watson, that the title to Bill No. 6, an Ordinance entitled First Appropriation Ordinance, 1973/74, be adopted as written.

BILL #6
TITLE ADOPTED

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Carmacks-Kluane, that the title of Bill No. 6, namely, the First Appropriation Ordinance, 1973/74, be adopted as written. Are you prepared for the question? Are you agreed?

Mr. Chamberlist: Division.

Mr. Speaker: A division has been called. Mr. Clerk, would you poll the House?

Mr. Clerk: The Member for Carmacks-Kluane.

Mrs. Watson: Yes.

Mr. Clerk: The Member for Whitehorse West.

Mr. McKinnon: Disagreed.

Mr. Clerk: The Member for Dawson.

Mr. Stutter: Agreed.

Mr. Clerk: The Member for Whitehorse East.

Mr. Chamberlist: Agreed.

Mr. Clerk: The Member for Whitehorse North.

Mr. Tanner: Agreed.

Mr. Clerk: The division, Mr. Speaker, is four yea, one nay.

Mr. Speaker: Thank you, Mr. Clerk. I declare the motion carried.

MOTION CARRIED

BILL #6
TITLE
ADOPTED

MOTION
CARRIED

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 7, an Ordinance intituled the Financial Agreement Ordinance, 1973, be given Third Reading.

MOTION CARRIED

BILL #7
THIRD
READING

MOTION
CARRIED

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Mr. Chamberlist: Yes, Mr. Speaker, I move, seconded by Councillor Watson, that the title to Bill No. 7, an Ordinance intituled the Financial Agreement Ordinance, 1973, be adopted as written.

BILL #7
TITLE
ADOPTED

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that the title to Bill No. 7, namely, Financial Agreement, 1973, be adopted as written. Are you prepared for the question? Are you agreed?

Mr. Chamberlist: Division.

Mr. Speaker: Mr. Clerk, would you kindly poll the House?

Mr. Clerk: The Member for Carmacks-Kluane.

Mrs. Watson: Agreed.

Mr. Clerk: The Member for Whitehorse West.

Mr. McKinnon: Disagreed.

Mr. Clerk: The Member for Dawson.

Mr. Stutter: Agreed.

Mr. Clerk: The Member for Whitehorse East.

Mr. Chamberlist: Agreed.

Mr. Clerk: The Member for Whitehorse North.

Mr. Tanner: Agreed.

Mr. Clerk: The division, Mr. Speaker, is four yea, one nay.

Mr. Speaker: The motion is carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Chamberlist: Mr. Speaker, I move, seconded by Councillor Watson, that Third Reading be given to Bill No. 12, Fuel Oil Tax Ordinance.

BILL #12
THIRD
READING

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Carmacks-Kluane, that Third Reading be given to Bill No. 12, namely, Fuel Oil Tax Ordinance. Are you prepared for the question? Are you agreed?

Mr. Chamberlist: Division.

Mr. Speaker: Mr. Clerk, would you kindly poll the House?

BILL #12
THIRD
READING

Mr. Clerk: The Member for Carnacks-Rluane.

Mrs. Watson: Agreed.

Mr. Clerk: The Member for Whitehorse West.

Mr. McKimmon: Disagreed.

Mr. Clerk: The Member for Dawson.

Mr. Stutter: Agreed.

Mr. Clerk: The Member for Whitehorse East.

Mr. Chamberlist: Agreed.

Mr. Clerk: The Member for Whitehorse North.

Mr. Tanner: Agreed.

Mr. Clerk: The division, Mr. Speaker, is four yea, one nay.

Mr. Speaker: Thank you, Mr. Clerk. I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

BILL #12
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 12, namely, Fuel Oil Tax Ordinance, be adopted as written.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 12 has passed this House.

BILL #20
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 20, namely, Corrections Ordinance, be given Third Reading.

MOTION CARRIED

MOTION
CARRIED

BILL #20
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 20, namely, Corrections Ordinance, be adopted as written.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 20 has passed this House.

BILL #24
THIRD
READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 24, namely, An Ordinance to Amend the Labour Standards Ordinance, be given Third Reading.

MOTION CARRIED

MOTION
CARRIED

BILL #24
TITLE
ADOPTED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 24, namely, An Ordinance to Amend the Labour Standards Ordinance, be adopted as written.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I declare that Bill No. 24 has passed this House. What is your further pleasure?

Mr. Tanner: Mr. Speaker, I would move that Mr. Speaker now leave the Chair, and that Council resolve in Committee of the Whole for the discussion of Sessional Papers, Legislative Returns, Motions and Bills.

Mr. Chamberlist: I'll second the motion.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair and Council resolve in Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Stutter takes the Chair.

MOTION #3

Mr. Deputy Chairman: I will now call Committee to order. In Committee, we presently have two outstanding motions, one outstanding Bill, and the first motion that we have outstanding is Motion No. 3.

Mr. Chamberlist: I wonder, Mr. Chairman, if we could continue with Bills at this time?

Mr. Taylor: Mr. Chairman, with all due respect, I note in the Public Gallery, people who would be very, and who are very, no doubt, concerned about any actions that the Yukon Council might wish to take in respect of this matter. I wonder if either the matter could be dealt with, or if the motion could be withdrawn from Committee.

Mr. Deputy Chairman: I might just state from the Chair that Councillor Chamberlist, as the mover of the motion, did give notice that he was prepared to debate it today, but he hasn't specified any particular part of the day. As the mover, I think it's his prerogative as to whether to proceed at this point.

Mr. Taylor: I wonder if the Honourable Member would be prepared, Mr. Chairman, to withdraw the motion or, indeed, set a time certain for its debate.

Mr. Chamberlist: I'm just holding myself in check for a couple of minutes because of an arrangement that Members of this Council already have. I will not accept that type of bullying for the sake of anybody that is in the Public Gallery. When I am ready to proceed with this motion, I will proceed with the motion. In the meantime, Mr. Chairman, I wonder if we could continue with Bills. MOTION #3

Mr. Taylor: Could we have a time certain?

Mr. Chamberlist: I have my prerogative.

Mr. Deputy Chairman: Is it the wish of Committee that we proceed with Bills at this time? The first Bill for your consideration is the re-entry of Bill No. 18, An Ordinance to Amend the Game Ordinance. BILL #18

Mr. McKinnon: Could we have the Legal Adviser present for this Bill?

Mr. Legal Adviser enters Chambers.

Mr. Deputy Chairman: Inasmuch as this Bill has been drastically changed, I wonder if it's Committee's wish that we reread the Bill? The Explanatory Note, I believe, is unchanged.

Mr. Chamberlist: Except that the Explanatory Note now will differ because of the fact that we're not making any reference to all terrain vehicles.

Mr. Deputy Chairman: (Reads new sections 1 and 2 of Bill No. 18)

Mr. Taylor: Mr. Chairman, I believe that's the end of that section.

Mr. Deputy Chairman: I would appear to be the end of it.

Mr. Taylor: Mr. Chairman, I have a couple of questions I would like to direct to Mr. Legal Adviser. First, in the interpretation of an amphibious vehicle, does this include a boat or does it exclude a boat.

Mr. Legal Adviser: It will exclude a boat; it will include vehicles which are capable of going either on land or on water. The direction of the adjective is at a Coot, which is a six-wheeled, articulated, multi-drive vehicle, which is capable of rolling on land and swimming in water.

Mr. Taylor: My second question would be in relation to section 13.1(2), Mr. Chairman, where it says, "Subsection (1) does not apply to a holder of a trapper's licence lawfully operating the vehicle on his registered trapline in the course of his business as a trapper". I was just wondering how this might affect a big game outfitter, or his delegate, who is looking after horses. Quite often now, they do use skidoos, and often it is to protect the horses from wolves as in some instances they are required to shoot wolves for that purpose, in order to protect the herd. Would this stop them from being able to protect their herd.

Mr. Legal Adviser: That won't affect that operation at all.

Mr. Deputy Chairman: (Reads new sections 3 and 4 of Bill No. 18)

Mr. Tanner: Mr. Chairman, in 38.(1), why do we specify the Commissioner, rather than the Head of the Game Department? Is it not a delegated authority anyway?

Mr. Legal Adviser: It's just that we follow the custom of using the name of the Head of the Government in sections like this.

Mr. Tanner: Mr. Chairman, if Members will recall, when we discussed the Ordinance we passed just now, the Fuel Oil Ordinance that we discussed last night, many times the area of authority was delegated. Why wouldn't it be simpler in this case to delegate it obviously right in the Ordinance?

Mr. Legal Adviser: If it was going to be a common thing, yes. We don't mean this to say that it will be at all common.

Mr. Deputy Chairman: Clear? (Reads 48.(1)(a) of section 1 of Bill No. 18)

Mr. Tanner: Mr. Chairman, if Members will recall, we had this discussion the last time. It was my understanding that (a) would read: "a Canadian citizen", and we were going to amend the balance of that subsection.

Mr. Chamberlist: Mr. Chairman, I think I recall saying yesterday that this could not be done because if the person is qualified to vote, he is qualified under any other area of any piece of legislation. I would draw Honourable Members' attention to the Canada Elections Act, Chapter 49 of the Statutes of Canada. Section 14.(3): "Every British subject, other than a Canadian citizen, who was qualified as an elector on the twenty-fifth day of June, 1968, and has not since that date ceased to be ordinarily resident in Canada, during the period commencing on the day upon which this Act is assented to and terminating five years from that date, is deemed to be qualified as an elector". The disqualifications would be -- so that five years after 1968 -- in error, I have given 1976 -- it would work out to be 1964, because where you're qualified on the twenty-fifth day of June, 1968, and have not since that day ceased to be ordinarily resident in Canada, and during the period commencing on that day -- that's right. Five years from that day, he would be qualified as an elector. So, until June of 1973, a person is qualified; after that date, I would agree, there is no necessity for a British subject to be in there. But, in the Yukon, the Yukon's elections are run under the Canada Elections Act, so what is applicable in the Federal Statutes is applicable in the Yukon. I say to you that at this time this should not be withdrawn. I agree that after June, it should be withdrawn, and I would be prepared to support it.

Mr. Taylor: Mr. Chairman, I can't agree. I think that it is within our legislative prerogative under the Yukon Act, where in section 16, "The Commissioner in Council may, subject to the provisions of this Act and any other Act of the Parliament of Canada, make Ordinances for the Government of the Territory in relation to the following classes of subjects". And, within these classes of subjects are, generally, all matters of merely local and private nature in the Territory, and also, the preservation of game in the Territory. I think that, in my opinion at least, it is within the competence of the House to restrict this prerogative of having an outfitter's licence to a Canadian citizen alone, period. I would think that I would agree with the Honourable Member for Whitehorse North, that this "other British subject" should disappear, and that we should limit this particular function as an outfitter to the Canadian citizens and Canadian citizens alone. I think that if the Honourable Member has any points at all -- I do not agree with his points -- I think that then it would be up to the Department of Justice in Ottawa to show us where we may have erred. But, it is within our legislative competence to do this and I would support any motion made by the Honourable Member to delete the words "other British subjects" from this Bill.

BILL 818

Mr. Chamberlain: Mr. Chairman, it is very interesting to hear the Honourable Member read from the section of the Yukon Act that specifically says that it is subject to this Act and any other Act. Well, the Act that I've referred to is a Federal Act, it is another Act, so it makes it quite clear. Now, I would ask the Honourable Member from Whitehorse North to recognize this position, because the Honourable Member from Watson Lake doesn't want to be objective in this at all, so there's no point in going beyond the fact that I agree that after these prescribed dates -- for instance, if there was another election, a Federal election, before the five years expire, the British subject who is not a Canadian citizen would still be able to vote, but if it came after the five years, then he would not be able to vote; and not being an elector, he would not be equivalent to a Canadian citizen, and then he shouldn't have the right to any of the privileges that a Canadian citizen has. Now, the Honourable Member from Watson Lake can say all the things he wants. He doesn't hurt me because I'm a far better Canadian citizen than he is. You know, he thinks he's getting at me because I'm one of these Canadians with an English accent, but that doesn't bother me. The point is, we have to stay with what is provided in the law. So, let's just go along with what's there.

Mr. Tanner: Mr. Chairman, I don't think anybody in this House would deny the fact that the Honourable Member sitting to my right has a great deal of legal knowledge, but it's always good policy to get a second opinion. Consequently, I'm directing my question to the Legal Adviser. Could the Legal Adviser give us his opinion of the debate that is going on in the House right now.

Mr. Legal Adviser: In my opinion there's a certain timidity to intervene in the debate, because I suspect that one of the Honourable Members is speaking of reciprocal legislation, because he might have been allowed to hunt kangaroos in the last year and would like Australians -- wallabies, I beg your pardon; I stand corrected -- and would like a certain interchange among the members of the Commonwealth. But, I regret that I must advise the House, in this matter, it is supreme and it can do what it likes.

Mr. Chamberlist: What can do what it likes?

Mr. Legal Adviser: This House can do what it likes in relation to this section and make any conditions it wishes, under section 16 of the Yukon Act.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser then would give the interpretation of what is meant "subject to any other Act".

Mr. Legal Adviser: Mr. Chairman, any other Act which controls it. For instance, in this field, there are certain intense provisions in the Yukon Act which protect the rights of native people to hunt under certain circumstances, and subject to that Act, this House can make laws in relation to game. But it cannot interfere with the intense clauses of the Yukon Act, which lays down certain conditions. That would be the Act in question in relation to this particular field, but the Citizenship Act would have nothing to do with it really, as far as votes are concerned.

Mr. Chamberlist: Well, nobody has been referring -- even the Legal Adviser can't hear what's going on -- now he's making reference to the Citizenship Act and I haven't even mentioned it. So, obviously, perhaps we should get further legal advice because his advice isn't much good in this instance. But, the very fact of this is that there is a clause in there which is a limiting clause after June and I think it should be left alone as it is. Actually, there's not going to be any hunting or whatnot going on until then.

Mr. McKinnon: Well, Mr. Chairman, I would like to bring a third legal opinion into this Committee Chamber this afternoon, from the very learned constitutional lawyer, who will remain nameless unto this point in time, who suggests that under the Yukon Act, one of the few rights and privileges and prerogatives that this House has is in saying who will be an outfitter and with the consideration of other Acts, who will be allowed to hunt in the Yukon Territory, and that this House has the full and supreme authority of deciding whether we allow a Canadian citizen, or other people, to be outfitters. Mr. Chairman, I would have been extremely surprised if the Honourable Mr. Legal Adviser, who I don't take his word in every matter but on subjects of British Colonial Law, it seems to be one area where he's pretty adept at, and there is no doubt, Mr. Chairman, in all the advice that I have received from sound constitutional legal people, that we have the ability under the Game Ordinance to set who we want to hunt and who we want to be outfitters. I have changed my opinion halfway on section 48(1)(a), because at one time -- I realize that it is discriminatory legislation and I think that all Members realize that and I was against it from the point, because there are people who have moved in, not being Canadian citizens, taking over hunting outfits and have become good Yukon residents and Canadian citizens. But, I know that the point in time in the Yukon's history has arrived where we have to be discriminatory about those people that we are going to allow to be big game outfitters in the Yukon Territory. You can say discretionary -- discretionary, I think that discriminatory is probably closer to the truth, Mr. Commissioner, and I agree in this instance, with this legislation. I've come around a bit from my other attitude but I would, at this time, and I will support a motion, and seeing it was the Honourable Member for Whitehorse North's idea, I certainly would support a motion if he were ready to propose it, that other British subjects be deleted.

Mr. Deputy Chairman: Councillor Tanner, do you have your motion worded yet?

Mr. Tanner: No, I haven't got it worded and it is time for another coffee break, Mr. Chairman. Maybe we could call it now.

Mr. Deputy Chairman: I'll declare a brief recess so that you can word your amendment.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. I believe we're about to receive an amendment to the Game Ordinance.

Mr. Tanner: I moved that section 48(1) of Bill 18 be amended by deleting the words "or other British subject" in section (a).

Mr. Taylor: I will second that motion, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, before the question is put, I would like to have a few final words on the motion. As I have already indicated, I am not opposed to the words being withdrawn at the appropriate time. Obviously, I'm going to vote against the motion on the principle that it does not give the right at present, to those people who elect legislators, for them to participate in the legislation that those people who have been elected, provide. This is the principle. The date is coming very closely, and I'm pleased that as a result of the new Canada Elections Act, more and more people are taking advantage of being Canadians -- it's only right that everybody should become a Canadian, once they have passed through the period of time that's required of them to become a Canadian. It's a very simple matter for any British subject to become a Canadian, and I think they should do. My family are British-Canadians and I think that the future for Canada is on people recognizing their responsibilities in that area. I think it is wrong to use this particular method -- it's wrong to use this particular method -- to cover up an area which becomes automatic upon a given date. The Honourable Member for Watson Lake has a habit of talking about days certain in various matters; the Federal legislation provides a day certain, that would be on the 28th of June, 1973. Mr. Legal Adviser has contradicted a statement that I have made, but then I'm not going to put value in it because he referred to a Citizens' Act, although he might have done so in error. Now, it is clear to my way of thinking, on any legislative matter, that where an individual has been given the right to use this franchise to vote, he should have the right to participate in every other area that a Canadian citizen, or other British subject, has the right to participate in. After, as I've already indicated, after that date, if this would have come up after the 28th of June, there wouldn't have been any need for this motion because it wouldn't have come forward in the legislation. Some members of the legal profession don't read their law books, and I would suggest at times that they go and buy themselves some up-to-date law books and see the

Mr. Chamberlist continued

different cases that are provided. It's always of interest to me, having come against various lawyers in court cases in the Yukon Territory, how little they know about the profession of law when it comes to protecting the individual's rights. This is another area where there's an individual's rights at stake. Those are the individual's rights of those people who are British subjects and entitled to vote. It's only for another few months. I'm going to vote against the principle -- I'm going to vote against the motion -- but I'm for the principle of everybody being a Canadian citizen and getting those privileges. I wanted to make those particular points clear, that I do not, and this is the last thing I'm going to say, I do not accept what has been said by Mr. Legal Adviser or by another learned friend. Thank you.

Mr. Deputy Chairman: Any further comment on the motion?

Mr. Tanner: Mr. Chairman, as the mover of the motion and as another ex-English-Canadian, or an English-Canadian, I think it's particularly appropriate that I should make the motion. I think it's a privilege to live in Canada and a particular privilege to live in the Yukon, and I think it's beholden of any immigrant who comes to this country to as soon as possible, obtain Canadian citizenship. I would ask all Members to support this motion, even those with legal differences of opinion.

Mr. Deputy Chairman: It has been regularly moved by Councillor Tanner, seconded by Councillor Taylor, that section 48(1)(a) of Bill No. 18, be amended by deleting the words "or other British subject". Are you prepared for the question? Are you agreed?

Mr. Chamberlist: Disagree -- division.

Mr. Deputy Chairman: Would those in agreement please signify in the usual manner. Is that one disagree? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. McKinnon: Mr. Chairman, several interesting points came up over coffee break and I wonder if I could ask Mr. Legal Adviser several questions. No person shall hunt game, from or with the aid of or by means of a tracked or amphibious vehicle. If a status Indian, who, living traditionally, shot a moose from a Skidoo or a snowmobile, shot a moose with the aid of a snowmobile or without, that would still be a valid kill under any Act -- the Yukon Act -- or it would also be legal under the Yukon Game Ordinance. Now if that person left the carcass of the moose, and went back and had people go out to dress the moose and pack that moose back to his place by a snowmobile, would those people who went out and did the dressing or did the packing back on the snowmobile be subject to prosecution? If they were either non-status Indians or white people, would they be eligible for prosecution under the terms of the Game Ordinance?

Mr. Legal Adviser: I'd hesitate to give a quick answer to that but it would appear that they're not involved in the hunting -- they're involved in the consumption. If you've a detailed question on a specific case and want a specific answer rather than just a quick answer off the top of my head, you've got the Yukon Act to consider in the middle of all this.

Mr. McKinnon: Well, what would the hunt be considered? In the legal terminology, what would the hunt be considered?

Mr. Legal Adviser: The hunt is defined in the Ordinance.

Mr. Tanner: Mr. Chairman, I think the Honourable Member hasn't gone far enough, because it doesn't necessarily have to be a status Indian. Unless the definition of hunt is very clear, a man moving his meat or moving his game out of the woods with a snowmobile, could technically I think, under this amendment, be prosecuted. Now, he could go in and hunt -- get off his snowmobile or get to the area where he wants to hunt and do his hunting, kill his animal, and then take his vehicle in to get the game out, and the way I read this, I could be corrected, but the way I read this, he could be prosecuted then for, not using the vehicle to hunt the animal, but using the vehicle to move his catch out of the woods.

Mr. Chamberlist: Mr. Chairman, to get to the meat of the matter we have to start, we have to decide when the hunt is completed. Is the hunt completed after the kill? I think this is the point.

Mr. Legal Adviser: It is hard to answer these questions. Hunting is defined here. Hunting means any chasing, pursuing, worrying, following after or on the trail of, stalking or lying in wait for the purpose of taking game, and any trapping, attempting to trap, or shooting at game, whether or not the game is then or subsequently captured, killed or injured. That is what hunting is. The verb, "to hunt" is a part of that. So all I can say is, I think the Honourable Member divinely answers for himself. There seems to be a lot of difference of opinion as to the legality of anything in the House this afternoon.

Mr. McKinnon: Another question that is perhaps difficult to answer, if a person went out with a snowmobile, set up camp, and went out from that place to hunt, would it be considered then that he was hunting with the aid of a snowmobile?

Mr. Legal Adviser: I think that if a person uses a snowmobile to go hunting, then he would be hunting with the aid of a snowmobile. You have got to produce a specific case of a specific location and then analyse it down. It is difficult to give an answer because the law has to be clear, but you have to fit the facts within the definition. Otherwise, it is not covered. There are other sections in the Ordinance dealing with other types of vehicles as well, which have to be considered.

Mr. Taylor: Mr. Chairman, as a point of interest, I was just reflecting back on a document that I came into possession of earlier today. That's the Royal Proclamation that the Indian Brotherhood have been dealing with in Ottawa and amongst it, I was just wondering if we do have any right at all to prohibit native people from doing anything they wish in their hunting grounds. Because it states, whereas it is just and reasonable and essential to our interest in the security of our colonies that the several nations or tribes of Indians, with whom we are connected and who live under our protection, should not be molested or disturbed in the possession of such parts of our Dominion and Territory as not having been ceded or purchased by us, are reserved to them, or any of them, as their hunting grounds. Do we then, in fact, Mr. Legal Adviser, have the right as a result of the proclamation, to prosecute the native people for hunting in any way, shape, or form they wish on that land.

Mr. Legal Adviser: Mr. Chairman, the Honourable Member is trespassing into dangerous grounds. There are cases from the provinces which say that where, under the B & A Act, the province has the power to legislate, it includes legislation in dealing with game. But in this Territory, there is a particular block in the Yukon Act which deals with these questions, and there have been cases which have gone from here to the Supreme Court of Canada dealing with these. To give an exhaustive explanation of the law on this subject, the Honourable Member would require to read the judgment of the judges in these particular cases, which is lay down exactly what people can and cannot do, and exactly what provincial power or territorial power may be legislatively exercised in relation to control of game. But the basic fact is that it is part of the Territory's right to make laws dealing with its own affairs. The court would lean favour of this, subject to any legal block imposed by such things as the Proclamation of 1663, or by the Yukon Act with which I think all Members are familiar, the special sections dealing with hunting in respect of native people in that Act.

Mr. Chamberlist: Mr. Chairman, I think the Honourable Member for Watson Lake has trespassed into the public gallery and he got into the wrong debate. Perhaps we might be able to deal with it a little bit later.

Mr. Taylor: Mr. Chairman, I don't think that I am in the wrong debate. I think I'm in the right bailiwick, I've got it here in black and white, and I asked the question. I am wondering if, indeed, the Royal Proclamation doesn't supersede the Yukon Act.

Mr. Chamberlist: What a character.

Mr. Deputy Chairman: Order, please.

Mr. Tanner: Mr. Chairman, I have got some reservations about the amendment even still, because there is obviously a great difference of opinion amongst all Members on section 2, 13.1. The Legal Adviser felt that we should look at the definition of hunting, and that is fairly wide. I wonder whether the Committee wouldn't be wiser to report progress on this and see if we can't come up with an interpretation of section 13.1 before we proceed with it.

Mr. Chamberlist: We have the interpretation. Really what we are trying to do here, and I'm sure all Members will agree to what we are trying to do, is to stop, and to use the word the Honourable Member for Watson Lake uses so often, to stop the harassment of animals by these types of vehicles. The Honourable Member for Whitehorse West made the point quite properly yesterday, that there are people who are using the track-type vehicle, especially snowmobiles, to harass animals. I think, quite rightly, the Director of Game is very, very concerned and I think we should all be concerned about this. But, really this is the purpose of this particular section. I think we should support that area. I don't disagree with what the Honourable Member has said, but we have an interpretation of hunting. Do we want to open up the whole Game Ordinance now, or do we want to do what is necessary and then provide, in another Session to come, for a complete review of the whole Game Ordinance, so that it can be looked into in all aspects of the Game Ordinance, which needs many areas of clarification. I think, this must be the key thing that we must do. Look at the Game Ordinance at a certain time and review the whole thing; perhaps get public opinion across the Territory on what perhaps should be in the Game Ordinance and deal with this in that type of manner.

Mr. McKinnon: I'm having too many troubles with the first question I asked. I think, under the interpretation of hunting, I think it would be extremely difficult for a prosecution to follow or to be won if in the first instance, somebody, after the kill, was going for the meat and taking it back. I think that is pretty well covered under the definition of hunting. I still have a lot of trouble, though, with the concept of going to a base camp where you could go via four-wheel drive, where you could go by plane, where you could go by any type of other vehicle, or horseback, and set up your camp. The only one where you would be liable for prosecution would be if, at the base camp, you had a track or amphibious vehicle. I think, that is -- I think, it should be cleared. Mr. Legal Adviser has pointed out that it is a pretty grey area right now, and probably that person, if he were caught with that snowmobile at the base camp, would be liable for prosecution under this amendment to the Game Ordinance. I don't think that is what we intend to do; I don't think it is the intention of the House to do that, because why should the person be prosecuted because he didn't go by plane, four-wheel drive, or horse, but rather went to the place where he wanted to start his hunt, by snowmobile, and if we are going to make that exception under this Ordinance, I'm sure it is not what the House is intending, and certainly not what I intended. I wouldn't support the amendment on this basis.

HILL #18

Mr. Legal Adviser: I would ask the Member to be cautious because hunting has developed from base camps in Alaska, with large vehicles which put the hunters in a box, rather like tiger shooting in India, and they go out to the trail and the shoot from the vehicle. It is quite a different deal from what we expect here. It is a very difficult area into which to trespass at this time. I ask the Honourable Member not to get as involved in the Alaska type of mechanized hunt where they are doing away with horses for the use in hunting, and going over to mechanized vehicles. Without speaking with the Game Director, I would deprecate any attempt to set up camps where people will come in by aircraft and then utilize snowmobiles for the purpose of hunting.

Mr. McKinnon: That is not the point.

Mr. Legal Adviser: This should not be possible.

Mr. Taylor: Mr. Chairman, with due respect, as I have said many times in discussing this matter, this is covered in section 8. It says, no person shall, for the purpose of hunting big game, use a firearm, and so forth. No person shall discharge a firearm from a vehicle; call it what you will, we're talking about a vehicle and that is now in the law and it is clearly defined in the Act.

Mr. Chamberlist: This is a different thing entirely, with respect ...

Mr. Taylor: I'd like Mr. Legal Adviser ...

Mr. Chamberlist: The point that Councillor McKinnon has made is quite valid and I am somewhat disturbed about it myself. It would appear to me that when you go out hunting, you stalk the game, and you have made the kill, you have stopped hunting. Then when you start to dress the carcass and take it out, is that part of the hunt? This is really what I -- if it doesn't appear to be part of the hunt, then nobody should be prosecuted for taking the meat out, but there is section 13 of the Ordinance now, which says that no person shall hunt or transport big game by helicopter. This is one exclusion; by helicopter. Certainly, it wouldn't appear that if there was to be another exclusion, surely it would say within that section itself, that the transport of big game would not be done by the other vehicles. I don't think really that is intended.

Mr. Tanner: Mr. Chairman, with respect, that particular facet of the discussion and the one that the Legal Adviser has got, are both different from what I'm thinking about. I'm thinking about a person who, from Whitehorse, goes out hunting. In the back of his truck or his pickup, he could have a snowmobile. He gets so far as he can on a major highway or road, to where he wants to go off into the bush, and then goes off into the bush to a base camp and he might stay there for three or four days. Then he goes out hunting from the base camp. He is not obviously going to go right back to the road and to his vehicle; he is going back to his snowmobile, his fire, his tent and his supper. I think that is what the Honourable Member for Whitehorse West meant. The same thing. The way that this reads, he could possibly be prosecuted.

Mr. Chamberlist: I wonder if the words "with the aid of" should be withdrawn so that it reads, "no person shall hunt game by means of a tracked or amphibious vehicle." You see, what it says there now is "no person shall hunt game from, with the aid of or by means of a tracked or amphibious vehicle." If it said "no person shall hunt from or by means of a tracked or amphibious vehicle", this is different. But when it says "with the aid of", I think Councillor Tanner has made the point that if he takes the vehicle in, it is aiding you to hunt. Is this your point.

Mr. Taylor: Mr. Chairman, I still can't see the point here. I can't see the need for it, for section 13.1(1) or (2), actually, because it is covered. First of all, in section 8, you can't discharge a firearm from a vehicle; secondly, you can't have in a vehicle a firearm which is loaded; and thirdly, you can't operate any vehicle at any time in any manner intended to harass, drive, or pursue any game. It still seems to me that it is quite clear and it is covered, and I don't know why we go round, round and round on this section 13.1.

Mr. Deputy Chairman: From the Chair, I would like to point out that under the present Ordinance, all one would need to do is to step off the snowmobile and you are all right; you would still be using the snowmobile to hunt and that is what we are trying to get away from.

Mr. Chamberlist: I wonder, if Mr. Legal Adviser would see that point; whether this would serve the purpose, if the words "with the aid of" were withdrawn, and then it would read, "no person shall hunt game from or by means of a tracked or amphibious vehicle."

Mr. Legal Adviser: Mr. Chairman, there is more in here than meets the eye. This is a very difficult situation. I would only appeal to Members not to tamper with this section as it is written because it is carefully written. We do, the Game Department does not want outfitters or other people to be able to move from a settlement by means of a snowmobile train bringing the hunters to and from, and go from a base camp to a sub-base camp, again with trains of snowmobiles, in any direction and to carry on their business without horses, when now they have to use horses or walk or use a fixed-wing aircraft into the bush. I think it is very, very important that we not tamper with this and that we prevent the use of snowmobiles in the aid of hunting. People will use horses and aircraft as they are at the moment, and nobody will ask for permission or suggest that it be given to outfitters or anyone else to be able to use snowmobiles for the purpose of getting to a base camp when they have other means of getting through, as they have at the moment. There will be no request from the public. No request from the outfitters to tamper with--I ask Honourable Members not to move into the field where it was not suggested in the legislation and we've always deprecated midnight moves in serious matters and it would be a very serious thing for the ecology of this Territory if we made a midnight move and tampered with this section at this particular time.

Mr. Taylor: Mr. Chairman, it would also be a more serious thing than dealing with ecology, than dealing with the rights and freedoms of an individual too. It can be suggested that an individual's rights could be denied by the misuse of this subsection. I think, possibly, the best thing to do is to take this subsection out, or this section out, and consider it for the next Session of Council, but if there is any suggestion at all that is a hardship for any person at all, I may don't pass it.

Mr. Tanner: Mr. Chairman, every time we pursue the subject, we seem to get off on another tangent. I do believe that the Legal Adviser has brought up another one; that being, are we really trying to promote the outfitting business? Now, is the object of this whole thing now becoming really apparent in what the Administration wants to do? Is it to force people who are going into the woods to use an outfitter's team?

BILL #18

Mr. Legal Adviser: The purpose of this legislation is to prevent the indiscriminate use of machines which damage the existing game structure of the Territory both in the winter and in the summer, interfere with the normal game population by this generation as well as the future generations, and this is to foresee the tremendous difficulties that this Territory is suffering from by the increased use of these machines which go any place, at a speed which the animal cannot keep pace with. They damage the ecology and they interfere with the animals, and they're beginning to have a serious effect. The Game Department is worried that there will be more and more of these machines in use, and more people not used to the outdoor life will be using them and interfering with the game population, interfering with the wild, outdoor life that people are used to. This has been very carefully drafted with this in mind, and drafted so as not to have to go to the next step too soon, which may well be to limit to narrow corridors, as in Quebec, the places where snow machines being used by the general public may go. That step may come, but it hasn't come yet. This is very carefully drafted, and I appeal to the Honourable Member not to start attempting midnight moves in this legislation at this time.

Mr. Tanner: Mr. Chairman, can we not go back to my first suggestion of a half an hour ago, and give all Councillors time to think about it, the implications of it, and just report progress for the next couple of days. Quite frankly, there have been two or three different thoughts gone into this debate and I personally am not sure where I stand on it. I would like to have some more time.

Mr. Chamberlist: Well, I think that's alright, especially if you're taking out the toughest part, the British subject; well, sure, we'll give way to this.

Mr. Deputy Chairman: Is it your wish that this last section be read? (Reads 48.(1)(b) through the remainder of Bill 18)

Mr. Taylor: Possibly we could report progress on this Bill, Mr. Chairman.

Mr. Deputy Chairman: Does Committee agree? The next Bill to be considered is Bill No. 26, Fraudulent Preferences and Conveyances Ordinance. BILL #26

Mr. Tanner: Mr. Chairman, Members will recall that last night I asked that this one be stood over so we could have more time. Quite frankly, what I have done is talk to members of the legal profession and they tell me that this is most necessary in the Territory. I've no further reservations if Committee wants to report it out.

Mr. Deputy Chairman: Do any other Members wish to discuss Bill No. 26? (Reads preamble and title of Bill No. 26)

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 26 be reported out of Committee without amendment.

Mr. Tanner: I'll second it.

Mr. Deputy Chairman: It has been regularly moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 26 be passed 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. Deputy Chairman: The next Bill is Bill No. 27, an amendment to the Motor Vehicles Ordinance. BILL #27

Mr. Chamberlist: Mr. Chairman, the Explanatory Note for the records: "The purpose of this Bill is to make certain changes in the Motor Vehicles Ordinance which modern experience has shown to be desirable. These changes include: (a) changing the onus of reporting insurance changes from the company to the owner; (b) requiring holders of operator's licences to submit to medical and driver examinations when this appears to be required; (c) implementing safety requirements concerning automobile trailers; and (d) making more convenient provisions for the temporary operation of new vehicles."

Mr. Deputy Chairman: Before proceeding with this Bill, is it the intention of ...

Mr. Chamberlist: Mr. Chairman, I wonder if we could recess Committee until 7:00 this evening so that Members of Council can go into caucus?

Mr. Deputy Chairman: Does Committee agree? I declare Committee in recess until 7:00 this evening.

RECESS

RECESS

Mr. Deputy Chairman: At this time I will call Committee back to order. We are discussing Bill No. 27; the Explanatory BILL #27 Note has already been read.

Mr. Taylor: Mr. Chairman, before we proceed with Bill No. 27, could I direct a question to the Honourable Member from Whitehorse East. I wonder if he could yet set a date certain or a time certain for discussion of Motion No. 37

Mr. Chamberlist: Mr. Chairman, I am pleased to say that tomorrow, right after the Orders of the Day when we go into Committee of the Whole, I would suggest that the first matter to be discussed should be that particular motion.

Mr. Deputy Chairman: Is the Committee agreed?

Members: Agreed.

Mr. Taylor: Thank you, Mr. Chairman.

Mr. Deputy Chairman: (Reads section 1,9(1)).

Mr. Taylor: Mr. Chairman, what does the current Ordinance provide?

Mr. Chamberlist: It is just exactly the same. 9(1) is exactly the same; it is (2) and (3) that have been changed.

Mr. Legal Adviser: The only change that I can see, Mr. Chairman, is that the preposition "of" is left out of the last line as it appears in the earlier version. I can see no other change, except the figures are written in full, fifty thousand dollars.

Mr. Deputy Chairman: (Reads section 1 9(2) through section 3).

Mr. McKinnon: Mr. Chairman, as we go through each section, could Mr. Legal Adviser tell us what the change is from the old Ordinance and the reason for the change?

Mr. Chamberlist: They are marked.

Mr. Legal Adviser: As the Honourable Member has pointed out, the changes are usually marked. The change here is to fill a gap in the Ordinance. If a person who did not have a driver's license, was having a driver's test, he would not be entitled to a driver's license, and he was committing an offence. So, we tried to tidy that up with that brief paragraph.

Mr. McKinnon: In section 2, Mr. Chairman, the onus is now on the owner of the vehicle rather than the insurance company, I presume, who used to notify the Registrar of the change of address. Is that correct?

Mr. Legal Adviser: Mr. Chairman, 15(3) is added to the existing onuses. 15(1) said, an owner who disposed of his motor shall have to register the change with the Registrar. Subsection (2) said, and it still says, that he must give his certificate of registration to the Registrar. Now, section (3) adds in that if he changes his address from point to point, then he must notify the Registrar. It is an additional onus.

Mr. McKinnon: What is the penalty on section 15 with the new onus?

Mr. Legal Adviser: Offhand, I could not say. It would come under a general penalty; it couldn't be a serious penalty, but it would be a penalty. It would come under the general penalties section of the Ordinance. For a first offence you are fined not exceeding one hundred dollars; for a second offence you are fined one hundred and fifty dollars; and for a third offence, not exceeding two hundred dollars.

Mr. Deputy Chairman: (Reads section 4).

Mr. Legal Adviser: Mr. Chairman, the changes here reflect the modern trend. Originally, I think it was about two years ago, the Registrar acquired the power, if he felt that the person was suffering from something like, say, diabetes or epilepsy or various things like that, he could require the applicant to submit himself for a license. Then, they took the power to require the holder of person to do something, and they required a doctor to notify the Registrar if he felt that the person was suffering from some disease which might render him incapable of driving safely. Now we are taking the power, if the information comes to the attention of the Registrar, to require the holder to submit himself either to a medical examination or a driver's competency test. This part of it is new.

Mr. McKinnon: I am still having problems with the second subsection of the new Ordinance. I just got involved in a change of address recently, and the last thing that entered into my mind was to write or phone the Registrar of Motor Vehicles and say, "Hey, look, I have changed my address to 710 Strickland" I am sure it is the last thing that anybody thinks of when they move, that there is an onus upon them to write or to phone the Registrar of Motor Vehicles and say, "My address has changed to such and such." Now, everybody who doesn't do that is liable to a penalty on first offence to a fine of one hundred dollars. The first question I have is why the onus has been changed from the insurance company to the registrant, because, certainly, one would think that he would be the one who would be notified, and the insurance policies are high enough that it is an administrative daily routine that he can be the one to notify the Registrar of a change of address. Secondly, how in goodness's name, with the transiency of Whitehorse and the Yukon population in general, are you going to force a guy who is moving from place to place to notify the Registrar of Motor Vehicles in every instance. Thirdly, I just don't think that without considerable publication, and in fact, a major publicity campaign, that this Government is going to make any impression at all, notwithstanding the passage of this Ordinance, that it is an onus on the registrant to inform the Registrar of Motor Vehicles of the change. I can see a person notifying the insurance company of the change, and then the onus being on the insurance company to inform the Registrar of Motor Vehicles. It being the onus on the registrant to also get in contact with the Registrar of Motor Vehicles, I don't think it will be enforceable. I think that you are going to haul all kinds of people into court, because it is the last thing that would enter your mind when you change your address; besides everything else that you have to do, you have to get in contact with the Registrar of Motor Vehicles and inform him of the change of address. It's one thing that would seem to naturally flow from out of your insurance policy, which you are paying enough for anyway in the Yukon.

Mr. Commissioner: Mr. Chairman, I think that the request here has to do with more than just the insurance. I think that Honourable Members are aware that we are attempting to inaugurate a premailing system for motor vehicle licenses and also for driver's licenses. I think that you will find on the new forms that there is a request that a change of address be notified to the Registrar of Motor Vehicles. I recognize that there is insurance involved as well, and I don't want to

Mr. Commissioner continues:

BILL #27 detract from the point that the Honourable Member is making, but I am suggesting that this is a further necessity to attempt to make it possible for these things to be mailed to a proper address.

Mr. McKinnon: Well, now, this is interesting, because I notified the Government of the Yukon Territory in as many Departments that I could think of exclusive of the Motor Vehicles Registration Branch, which didn't enter my mind, that I had moved from one address to another. Most departments of the Government, after about one or two months of not changing the address, and after a few notifications to different Government departments, they finally got the message that I had moved. Not the Territorial Secretary's office though -- other correspondence came from the Territorial Secretary's address to my new address. But, my registration for my automobile and my registration for my new license plates came to my old address, and to the Post Office, where they very conscientiously and very efficiently did change the address, because I had notified them of my new address. But, the Government of the Yukon Territory, in this instance, was the inefficient people in the whole ballgame. Yet, it is still my onus under this, even though I had informed Government departments but hadn't informed the Registrar of Motor Vehicles, and I could be hauled into court and fined one hundred dollars for not -- I don't buy it, I really don't.

Mr. Commissioner: Mr. Chairman, I think that the Honourable Member is very accurate in his saying that the Motor Vehicle Branch was the one department of Government in this instance who failed to make the necessary changes.

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Mr. McKinnon: It was my work with the other ones too.

Mr. Commissioner: There has been a monumental task to get the computer program for this -- for vehicle registration and individual licensing, operating. I may be wrong, by a month, but I do believe that they started to do this approximately in October of last year, and until they have been through the computer once, which I believe they have just started here a few weeks ago, there is no means of reprogramming to get those addresses changed. So there is no question at all about it, that would be one area in which -- not only the normal inefficiency, but a combination of inefficiency is bound to show up, but over a period of time, I think it will solve the problem that we are having, namely a great lack of efficiency in speed and issuing an ever increasing number of motor vehicle registrations, when everybody wants them out at one time.

Mr. Chamberlist: There is something that's bothering me and I didn't notice it before. It is under section 5 and we haven't come to it. The question being put here is as well as upon every change of address or change of name, the person to whom an operator's licence is issued shall, in the manner prescribed, forthwith in writing, notify the Registrar of the change. We have many people in the Yukon that take out operator's licences that might for two weeks be living in one hotel, another two weeks might be living in another hotel, in another two weeks might be living wherever they're working. I think that it is a bit tough to get these put in writing, a change in that particular area. With reference to the insurance policy, there is a necessity for this to be done, but I think when we come to section 5, before the Honourable Member stands up and tears it to pieces, I have a little sympathy for that.

Mr. McKinnon: I think, just for administrative ease you've putting a penalty and the onus on the guy who is paying enough for, one, his registration; two, his operator's licence; and three, his insurance. Particularly in the Yukon where the transiency of the population is just above and beyond any other jurisdiction in Canada; this is proven by statistics to think that the onus -- I can see it in just an unenforceable administrative nightmare, with five more inspectors naturally, hired by the Yukon Territorial Government to enforce it. It is just one of these areas that is just completely unenforceable.

Mr. Chamberlist: I wouldn't say so about the insurance. I think there is a requirement that we should know that a motor vehicle owner has got insurance and we should know where we can get hold of him, that motor vehicle owner. His last known address is the place that we have. I don't find anything really wrong with that and I'm sure that if the Honourable Member will reflect, and I am sure he'll see that. There may well be a necessity for us to be able to keep track of the owner of a vehicle, that is a very important. If the police wanted to know who owns a particular vehicle, and we don't have on our records who owns the vehicle, it might be necessary for us to find the owner of that vehicle at a particular time. Because the owner of a vehicle might not necessarily be the operator of the vehicle. I think that we have gone a little bit too far, in 32(i).

Mr. Legal Adviser: Mr. Chairman, these are ordinary administrative procedures. When you take out your registration, you are required to fill in your name and address. You are required then by this section, to fill in any change. Now there is no question that if you happen to be spending a weekend in a hotel, you don't have to change your address. We are talking about addresses: The kind of place where you can get correspondence. If you move from room 32 to room 33, that is a change of where you live, it is not a change of your address.

Mr. Chamberlist: The Honourable Member, I'm sorry, I may some times address the Legal Adviser as Honourable Member. He hasn't got the point that I've made. I am not talking about moving from room to room in a hotel. We have many many people here who obtain a driver's licence, an operator's licence, they might not have the same address, they might have ten different addresses.

Mr. McKinnon: Yes, in twelve different places in the Yukon.

Mr. Chamberlist: Yes, sure, it's easy, this type of thing occurs. Reflecting, I think, I'm not happy with that at all. I do think in that particular area I would be prepared to have that taken out. I overlooked this particular thing myself. I really did. I don't agree with the Honourable Member for Whitehorse West, when it comes to actual insurance of a motor vehicle. I think that that is fairly reasonable, but when it comes to an operator's licence, no way.

Mr. Legal Adviser: Mr. Chairman, I draw your attention to the fact that we have now provided for three years' drivers licences. If we can't keep an up-to-date record of where the person is, we don't know where he is and we should be entitled to find out where a person is living and what he is doing, so he can be served with a notice as his licence might be suspended, he can be served with a court summons, or his licence plates could be picked up. This is a requirement of administration. If the Members want to conceal where they are living, so the police can't get at them, that is a different thing.

Mr. Chamberlist: No, no, I'm sorry I can't buy that from Mr. Legal Adviser and I'm sorry. I regret, I must say this to all Honourable Members, I regret that I didn't spot this when we were going through it, because I certainly wouldn't have given my okay for it. As I made my position clear and I'll make it clear again. This is an item for administrative convenience and it doesn't help the public. Even if it is a licence for three years, it means that in three years a person has got to move thirty-six times. We are going to have to have some extra clerical workers just to keep track, if we have this type of thing going on. I don't approve of that, I wouldn't approve to have a clerical worker put in the Budget just to do that particular job and I will not support it.

Mrs. Watson: Mr. Chairman, I'd just like to enquire of the Honourable Member responsible for Health whether you are required to notify them in your medical scheme if you have a change of address.

Mr. Chamberlist: No.

Mr. McKinnon: Mr. Chairman, look it, it is just a physical impossibility. I think, it is an area where the Administration doesn't consider the facts of life of living in the Yukon. In summer employment, and many times I've lived in 15 to 20 different places in the course of a four-month period. I moved from Dawson City on the North Highway right down to Watson Lake in the south and right back up north to the border on the Alaska Highway. Was it my responsibility that every time I moved from one place to another for a week, two weeks, a month or three days, that I had to sit down and write a letter to the Registrar of Motor Vehicles and tell him that I had a change of address in the Yukon Territory. I was living in a different place and I was employed in a different place and I was there for that period of time.

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Mr. Chamberlist: Mr. Chairman, you know what this reminds me of -- everybody in the Yukon is going to be treated as an alien. All aliens must register each time they move. Because this is exactly the style that is done in most countries, they register aliens.

Mr. Legal Adviser: Mr. Chairman, the debate is getting out of hand. All we want to be able to do is to post a letter to the person. We don't want to know where he is living, or what he is doing. But we want to be able to address a letter to him, to say, this has happened or that has happened, or something else. Or in relation to Motor Vehicles something has happened, so you write to him and say something. That is what the address is. The address is where he can be found by a letter, not where he is living.

Mr. Chamberlist: Well, Mr. Legal Adviser knows full well that we have many pieces of legislation which says that people will be notified at the last known address. Okay, this can be done exactly the same way. Fair is fair. I'm not concerned. I'm sorry, I repeat again, that that went by me, I should have spotted that and no way that you would have got that in there. I must move that we dispense with section 5. I'm talking about section 5; this is not section 2. I'll go along with insurance but not with that darn thing.

Mrs. Watson: It is a requirement when you register to give your address. Well, if you don't have to give your address when you change your address, why bother putting an address down to start with?

Mr. Chamberlist: Okay, when you register, it is necessary to put an address down. This is required. But it seems to be quite ludicrous to me to have to keep on every time you move to notify the Registrar that you have moved. Just because you have a driver's licence, does this happen anywhere else?

Mr. Legal Adviser: Everywhere in Canada, except the Yukon, Mr. Chairman.

Mr. Chamberlist: Can I see the legislation on that, perhaps that was the reason then that I approved it in the first place, I don't recall. Certainly Mr. Chairman, if it is a matter of trying to get conformity in legislation which we are bound to do, I quite agree, it should be done, but even then I can't visualize that in a province you have to notify the Registrar, if you have an operator's licence, if you're moving. Gee whiz.

Mr. Deputy Chairman: Yes, I think, I'll declare a brief recess while the legal adviser hunts up this legislation.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. Mr. Legal Adviser, do you have the requested....

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Mr. Legal Adviser: I have one of them, Mr. Chairman. Section 11 of the consolidation in R.C., which has been in force for thirteen years in B.C., says: "In case the residential address of the holder of a driver's license issued under this Act is changed from the address stated on the application under which it was issued, the person to whom it was issued shall deliver to the superintendent forthwith, a notice in writing, stating the number of such driver's license, his name in full and his new residential address." There is no question. A few hundred miles south of here, this is it. As the Clerk points out, we provide a form which you can just insert the new address, put it in the mail, and that is that.

Mrs. Watson: Mr. Chairman, does the Territorial Agent have these forms?

Mr. Legal Adviser: No, it is part of the new deal that you get a form.

Mr. Deputy Chairman: Might I ask Mr. Legal Adviser from the Chair, is the intent then here to make it that if the holder of the license cannot be contacted through the use of that previous address -- I mean in normal instances, such as my own case now, I spend five months in the year here and the other seven in Dawson, but it isn't necessarily a change of address. By mailing to my Whitehorse address, I would receive it.

Mr. Legal Adviser: Mr. Chairman, we are talking about the place where you can receive a letter, or where in some way you can be tracked down.

Mr. Chamberlist: Why don't we say so; this doesn't say that.

Mr. Legal Adviser: We were trying to be simple just saying an address here. Most people know what an address is.

Mr. Chamberlist: I am not that simple; if we are going to go on the basis of that, then let's have the same wording that is in that Act. This says upon every change of address; even if a guy changes his box number.

Mr. Legal Adviser: "In case the residential address of the holder is changed from the address stated on the application the person shall deliver to the superintendent forthwith, a notice in writing stating the number of the driver's license, his name in full and his new residential address." It apparently has been the case in B.C. that your mail is delivered to your residential address, not just your address.

Mr. McKinnon: I don't think I would get too excited about the change of a mailing address, but the change of an address is the one that really gets me. It reads, "The change of an address." That means that if you work for five days in Watson Lake, you go and work for five days at Transport, then you work five days at Rancheria, that is a change of address. It is, and you are liable under the terms of this legislation ~~to~~ one hundred dollar fine every time you don't notify the Registrar that you have changed your address. I agree with you, if it were a mailing address, if they knew where they could get a hold of you, if they do have that address when you are working and you are changing jobs, then I would be prepared to go along with it. But, that is not what the legislation says. It says, "change of address"; if I move from Watson Lake to Rancheria to Beaver Creek to Haines Junction, that is my change of address, and I am liable under this legislation for one hundred dollars. I would agree to a change of mailing address.

Mr. Commissioner: Mr. Chairman, unless the Legal Adviser deems it to the contrary, we are going to be using the mails to contact the individual, so surely to goodness, it shouldn't hurt it at all to put in mailing address.

Mr. Legal Adviser: We just want to be able to find a person through the normal routine mails.

Mr. Taylor: This applies then back to section 2?

Mr. Commissioner: Could I suggest that maybe the Legal Adviser might consider putting in a section in the interpretation section of the Ordinance defining what address is. Maybe that finishes the whole thing up.

Mr. Deputy Chairman: Is there a motion to be put forward for this change?

Mr. Chamberlist: Can we agree that this is a change, then it will save retyping the whole sheet?

Members: Agreed.

Mr. Deputy Chairman: May we have it exactly the way it is to be worded then?

Mr. Chamberlist: It will read "mailing address".

Mr. Deputy Chairman: Does Committee agree? (Roads section 5 and section 6).

Mr. Legal Adviser: Mr. Chairman, what brought this about was problems that the Game Department had with their vehicles in areas such as the Deepster Highway when they wanted to close up a section of the highway for searches in relation to caribou. They were into position of danger because their vehicles did not have the flashing lights that police vehicles normally have. As the law presently stands, it says an ambulance, police vehicle or fire fighting vehicle, and then it appeared in the examination that there are other law enforcement vehicles which require the use of flashing lights to warn people of obstructions, to bring vehicles to a halt for one reason or another. The term "police" was changed to "law enforcement" having regard for the fact that there are no Territorial police.

Mr. Taylor: Mr. Chairman, as I recall the old Ordinance, there was also provision made for civil defence vehicles under this section. Why was that removed?

Mr. Legal Adviser: It wasn't in here, Mr. Chairman.

Mr. Taylor: I believe that at one time it was.

Mr. Legal Adviser: I would say no because at the time when the Ordinance was reorganized many years ago, there was no civil defence. It certainly wasn't taken out in recent years.

Mr. Deputy Chairman: Might I ask from the Chair, when, as a driver, I meet a vehicle with flashing lights, which vehicles under what Ordinances have the right-of-way and which don't?

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Mr. Legal Adviser: There are certain provisions dealing with ambulances and fire-fighting vehicles that say you are to draw in off the highway and not obstruct them. What those would be in the particular section, I couldn't undertake to give it. They have the right-of-way in that sense.

Mr. Deputy Chairman: (Reads section 7).

Mr. Legal Adviser: Mr. Chairman, I think that the sense of this is obvious. There have been very serious accidents in Alberta and Quebec resulting from people towing with a flexible rope, children and other persons on toboggans, and having, when the leading vehicle comes to a halt, the people behind have no method of braking, and slam into the back, and several children have been killed in recent years in Alberta. This is an attempt to anticipate this particular danger in the Yukon.

Mr. Deputy Chairman: Mr. Legal Adviser, could you tell me whether there is existing legislation now to prevent this happening behind a car? On Sunday, I witnessed a toboggan being pulled on about a thirty-foot rope behind an automobile.

Mr. Legal Adviser: I honestly don't know, Mr. Chairman. I just don't know what the position is regarding towing a person behind a car.

Mr. Chamberlist: It is an offence. They can prosecute you under it. It is in the Ordinance now.

Mr. Deputy Chairman: (Reads section 8).

Mr. Legal Adviser: Mr. Chairman, this is a very easily explained section. It appears to be a custom on Saturday afternoon and on Sundays, for car salesman to take out their clients for trial runs on particular vehicles, and then to bring them back to the particular headquarters and seal the deal in writing. In which event, the client or the client's wife is very anxious to take possession of the vehicle, straight away, having paid their down-payment, and the salesman is equally anxious that the client take the vehicle away and use it as their own. There is no provision for giving them any form of a temporary permit under those circumstances. What is presently happening is that, illegally, they have been giving them a form of permit by lending them their garage temporary plates which are not to be used on a car once it is not the property of the garage itself. This type of procedure has been winked at in the interests of trade and commerce and the public generally, but it was thought better to sanctify the custom by issuing to the garages some form of temporary permit they can place on the car, and are legally doing what they have always been illegally doing.

Mr. Chamberlist: That was a very proper explanation.

Mr. Deputy Chairman: (Reads section 9).

Mr. Chamberlist: Mr. Chairman, I want to get clear that by you putting this word "mailing" in, we aren't treating it as an amendment; we are just including it as part of what has been agreed upon.

Mr. Deputy Chairman: Might I ask from the Chair, why, in this particular instance, the "or any portion" has been added into that last section?

Mr. Legal Adviser: Abundanter cautela.

Some Member: Why do you say things like that?

Mr. Legal Adviser: That is an expression that means bundles of caution.

Mr. Deputy Chairman: (Reads preamble).

Mr. Chamberlist: Mr. Chairman, I would move that Bill No. 27 be reported out of Committee without amendment.

Mrs. Watson: I will second that motion, Mr. Chairman.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance to Amend the Motor Vehicles Ordinance, be passed out of Committee without amendment. Are you prepared for the question. Are you agreed? I declare the motion carried.

MOTION
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MOTION CARRIED

BILL #28

Mr. Deputy Chairman: The next Bill is Bill No. 28.

Mr. Chamberlist: Mr. Chairman, the Explanatory Note for the record: "The purpose of this Bill is to repeal the former Scientists and Explorers Ordinance and to re-enact it in a new form more suited to the modern purposes of the Ordinance. Prospectors are exempted from the Ordinance. Certain forms of mountain and rock climbing, professional wildlife photography and river travel by non-residents are covered in the new Bill."

Mr. Deputy Chairman: (Reads section 1 through section 3(1)).

Mr. Taylor: Mr. Chairman, just one question at this point. From time to time, we have not only Government agencies doing scientific exploration, we have people looking at bugs in our trees, and people working in our fishery, and, indeed, in just about all forms of scientific endeavor in the Territory. It seems to me -- how do these people know when they come into the Territory that they are going to have to have one of these permits? How does one publicize this? These people come and go all of the time, summer and winter.

Mr. Legal Adviser: Mr. Chairman, I don't know how the word gets around but scientists apparently have a Mafia of their own; they know and they ask. They don't have to be told; they are scientists.

Mr. Deputy Chairman: (Reads section 4 of Bill No. 28).

Mr. Taylor: I have a question, Mr. Chairman. How does the Legal Adviser define what is scientific exploration?

Mr. Legal Adviser: Mr. Chairman, this is a very old Ordinance and it's been there for a long time and we expect to change the wording to modernize it. In section 6, it says certain things which are: a person shall be deemed to carry out scientific exploration who engages in any mountain or rock climbing in a certain place; photographs wildlife; not being a resident, collects rocks or minerals and then a new one which is not being a resident and travelling on a river or lake except on a commercial vessel. These are some of the things but generally speaking, scientists come here for glacier exploration, for mountain exploration and for a variety of reasons and they usually know what is meant by scientific exploration.

Mr. Deputy Chairman: (Reads section 5 (1) and 5 (2)).

Mr. Taylor: Mr. Chairman, a further question. (Reads section 5 (1)). Does this entail giving the nature of the work? In other words, giving the findings of the work they have been doing?

Mr. Legal Adviser: Yes, Mr. Chairman. It's so that the Territory will have in its record, and can now be put in its archives, a scientific record carried out by others in respect to this Territory. In the days when this Ordinance was originally passed, there were no scientists native or resident to the Territory - it was a form of expedition and exploration for all of Canada, in fact, all of the world. And now in our records, our archives, we have records of many of these expeditions as a result of this Ordinance, which is virtually unchanged in its present form.

Mr. Taylor: Mr. Chairman, it brings us into another area, the area of petroleum exploration, which is a very much regarded -- is dealt with further. I'm not talking about a prospector; I am talking about an oil company doing seismic work, this type of thing, even drilling. I would say then that if you are going to involve them, then you'd better have some secrecy provisions involved in this Ordinance.

Mr. Chamberlist: With respect, Mr. Chairman, a scientific exploration has already been indicated by Mr. Legal Adviser, and if the Honourable Member would turn to section 6 (1), it clearly defines those areas of what is scientific exploration and, outside of those things, are not scientific explorations.

Mr. Legal Adviser: As in a number of things which are deemed to be scientific exploration, this is section 6. Section 7 is the operative one, any persons prospecting for minerals, and this would include prospecting for oil which in effect is a mineral and not covered by this Ordinance.

Mr. Deputy Chairman: I wonder if we could continue reading the Bill and then come back to other points. (Reads section 5(3) of Bill No. 28).

Mr. Taylor: Explain again, Mr. Chairman. I think this may go a little too far.

Mr. Legal Adviser: This is virtually that same as it always has been; it's just that the language has been modernized. We would hope to have record journeys and air journeys in exploration.

Mr. Taylor: I was thinking more particularly of the people who travel on any river or lake, except on a ferry or commercial vessel. There are many, many people that come in and just drift down the river -- this type of thing. I think that maybe this is a commitment, is it not?

Mr. Commissioner: Mr. Chairman, this is exactly what we are after here, because a number of these people have the hazard of the dangers to which they are, in many instances, being exposed. They come unprepared; it's really alarming. I think that Honourable Members are aware of these people; the people who chartered out from Mayo, I believe last summer, and that was just the end of the ball game. In fact, we didn't even know they had started off until some of their friends came looking for them.

Mr. Taylor: There's no problem with that particular angle. I'm working on the angle of the voyages on water taken by the licensee; information as to the routes followed on journeys by land or air taken by him, as the case might be, together with full particulars of such voyages and journeys. I am thinking of the case of the person who, the man or woman, may be taking a summer drifting down the river. I don't really think they should be forced to submit this type of information. I think that's asking just a little too much.

Mr. Chamberlist: Mr. Chairman, the point is that we want to know this so that it doesn't cost us \$200,000 to go looking for them, so we know where they are and where they are going to be at any particular time. If they tell us which river they are going on, at least when they haven't got to a given place by a reasonable time, we can go and look for them. This is really what we want to do.

Mr. Taylor: Mr. Chairman, you are going to have to look for them in order to get the log because what this is talking about is the past tense. The Honourable Member is talking about where they are going; we would like to know that but what you are saying here is "a log of voyages by water taken by the licensee". This assumes that the voyage is over and they have arrived safely and now you want the information of where they went or which mountain side they walked on. There's quite a vast difference.

Mr. Tanner: What's being accomplished here are two things and you've muddled the sections together. In one instance you want to know where people are going on water, which makes sense if you want to trace them if there's trouble, and in the second case, for scientific exploration you want some log when they come back. And, in the case the Honourable Member from Watson Lake mentions, is the case where both those things don't happen at once. You don't need that for the people who you don't want to keep track of.

Mr. Legal Adviser: Perhaps not in many cases but I think there is no harm to say when we ask them for a record that they should give it. I'm sorry, Mr. Chairman, "every licensee shall upon request". Very few people would be asked because only people whose log would be of scientific value to the Territory would be asked to give a record, but when they are asked, I think they should give a record.

Mr. Taylor: Mr. Chairman, "upon request", read the section again and you will see it. You are talking past tense. If you are talking about the future and saying we would like them to give us some idea of where they are going and what

BILL 828

they intend on doing, now that I agree with. Not to commit them to finishing their journey and then writing out this great bunch of garbage, verbiage, doesn't make sense to me.

Mr. McKinnon: Mr. Chairman, the Honourable Member from Watson Lake has a good point and I agree with the Administration wholeheartedly. I am in full favour of them granting a license to a person who wants to go off on a voyage in the wilderness in the Yukon, so that they know where he has gone, when, and when he is supposed to come back -- you know, details of his journey for his protection more than anything else and make sure that he is a bona fide person who is capable of taking care of himself in the bush. But what this does is make every person under 16 who gets that kind of a permit, then he shall be deemed to carry out scientific exploration, and if that person gets a license, then he is deemed to be carrying out scientific exploration and under 5(1) and (2). It is not "upon request" that everyone of those licensees shall, at the close of the work -- that person is deemed to be at a scientific exploration even if he is going down the Yukon River, and he has to come back and furnish, in respect of such work, a return to the Commissioner in the prescribed form. Then each one of these people, and it doesn't matter whether they are just on a summer pleasure trip down the Yukon River, has to furnish, along with the prescribed return, a copy of all the photographs he has taken down the Yukon River, and plans made in connection with work, together with the explanatory note. Now, certainly the Commissioner doesn't want every person who drifts down the Yukon River in the summertime to come back, come up to his office and give him all his notes, all his photographs and all the rocks and specimens collected along the way. This is what he wants in terms of bona fide scientific exploration but this is not what it says. In section 3, then it goes into the request section, "upon request" these things are furnished but not in sections 1 and 2. What it means is that the Ordinance is written that everyone that comes to the Yukon, gets a license to go on any chain of lakes or river in the Yukon, is deemed under this Ordinance to be carrying out scientific exploration and have to fulfill the requirements of 1 or 2 which means it doesn't matter if it is photographs or notes, tapes or anything made for home consumption and his family and be a record of the journey. The Commissioner is going to end up a warehouse full of summer projects.

Mr. Chamberlist: I think, Mr. Chairman, that sections 5(1) and 5(2) deal with where there have been scientific work carried out. I can quote rightly, once that work is carried out so that the Territorial Government archives can keep track of what has been done and what has become known about the Yukon as a result of that scientific work is made available. Now, I had no hold-up there and of course, I was a bit worried for a moment with (3) but you see in (3), it's only "upon request", after a trip is taken down the river, that there is a log required or information of the route by land or air. Now the question as I heard it, the Honourable Member from Watson Lake says, how can you get a log if you haven't made the trip yet. In other words, you have to make the trip before you have a log of a trip. I then draw your attention to 4(1) because it's at the time of the application for license that the route is given so that the log is only required after the work is done. The application itself in 4(1), (reads 4(1)), so that the route plan that the person is taking on the waterways are indicated on the application for the trip. Afterwards comes into force 5(3), every licensee, the person who has made application and granted a license, shall upon request, if he is asked for it, furnish to the R.C.M.P. or any authorized Federal or Territorial officer, a log of voyages by water taken by the licensee. So really, the application is one thing and at that time the route is given; after the trip is taken, then the question can be asked, would you give the necessary information. But only if the request is asked. It doesn't mean every person that has gone down the river, so to speak, is going to be asked to provide the information.

Mr. Taylor: Mr. Chairman, I still can't go along with (3) notwithstanding, and I thank the Member for drawing my attention to the other section. I can't agree with (3) as far as it applies to river travellers because I think it's asking a great deal, too much, and I can't agree to it at all.

Mr. Legal Adviser: Mr. Chairman, the river travellers provision, or the section on water travel, applies only to non-residents, not to residents. The bulk of the rivers are travelled by residents, of course.

Mrs. Watson: But it does state "upon request" and I am sure that the Government wouldn't request a log of a journey unless it was a scientific exploration. For example, two summers ago some students made an expedition down the Yukon River on an Opportunity for Youth Grant and spent a lot of time going down the Yukon River. The Territorial Government did not make them get a permit; we didn't get any of the information; we didn't get any of the maps. When this type of thing happens, they will have to get a permit and the Government can request that they file a log when they return and any of the information that they gather. And if you will note 5(1), if we had scientific work, at the close of the scientific work in respect of which this license was issued, scientific work. And 5(2) "every licensee shall, upon request, furnish with the prescribed return, copies of all photographs taken and maps and plans"; surely if people are going to go on a sort of sight-seeing tour, the Government is not going to ask them for photographs, but when they are going on some specific exploration where the Government could benefit from the photographs for our archives, then they could request that copies of these photographs be left in the Yukon Territory. Every one of the Members here knows that we have exploration carried on in the Yukon year after year and none of the information gained is ever returned to the Yukon, and why shouldn't we, in our legislation, make it possible, if we so wish, to get copies of some of the data that is being gathered on these explorations.

Mr. Taylor: Mr. Chairman, in the first place, you are now talking about photography. That's another area for consideration. We have people up here doing wildlife photography, and this type of thing, quite frequently and they do this with the purpose of selling their film, let's say, to Disney and you know this is quite a business. I don't think the Government has any right whatsoever to insist that the Government copy of this film; that's his own property and nobody can tell me it isn't, but it further supports my contention that sub (3) must be taken out of there. It says "the licensee, upon request, furnish to a member of the Royal Canadian Mounted Police, or any authorized Federal or Territorial officer". I don't know, if maybe you said, by the Commissioner, maybe that might make it more palatable, but I don't think in the best interests -- I certainly don't want any of these environmental officers coming up and harassing people, and I use the word harassment again, and God only knows they are being harassed enough as it is; this just opens the door for this type of abuses and I feel that the information taken by the individuals who are rafting on the river, especially photographs and this type of thing, is their own business, Mr. Chairman. I don't think we have any right to legislate that it become our business, other than to say that we should, as it has been stated here, know their route so that we know where to look for them if they don't make their destination, but (3) I could never agree to now. The further we get into it, the more repugnant it becomes.

Mr. Legal Adviser: Mr. Chairman, as far as I know, this section is unchanged for 70 years or thereabouts. It's a bit late to be changing it now, it's been in consultation. I think the only change is to bring in an authorized Federal or Territorial officer, I think is the only change in this section because we have now got an involvement with land use, we've got an involvement with the national parks, and we may not particularly want, in certain areas, the Commissioner or Territorial officer involved.

Mr. Taylor: Mr. Chairman, Mr. Legal Adviser just ran up another smoke screen. I am talking about people on river travel and there is no place dealing with river travel in the existing Ordinance, so that kind of nullifies that last remark.

Mr. Legal Adviser: Not specifically, except that it does deal with scientific exploration. Scientific exploration has its normal meaning. Mr. Chairman, it's written into the Ordinance, any scientific journey is covered.

Mr. Chamberlist: Mr. Chairman, if the Honourable Member would refer to Chapter 100, Ordinance Respecting Scientists and Explorers. Section 5 (2): every licensee shall forthwith, after being requested by him to do so, a member of the Royal Canadian Mounted Police or an officer in charge of a Government patrol or other Crown officer, a log of voyages by water taken by the licensee or information of the route followed on the journey by land or air taken by him as the case may be, together with full particulars of such voyages or journeys. This is quite clear that the intent is exactly the same. It's water, you know.

Mr. Taylor: Mr. Chairman, I am not saying that at all. My volume reads the same thing; that is quite evident. I am talking about where you include a person deemed to carry scientific exploration who isn't resident and travels the any lake or river in the Territory; this has never been in this Ordinance. This is the first introduction to it and that's what I am talking about, Mr. Chairman.

Mr. Chamberlist: It's my interpretation that the Honourable Member was objecting to subsection 5(3).

Mr. Taylor: Yes, I am.

Mr. Chamberlist: Well, what you read just now wasn't subsection 5(3).

Mr. Taylor: I am objecting to subsection 5(3) as it affects the people, not being a resident, travelling on any river or lake except on a ferry or commercial vessel, as you find in this new Ordinance.

Mrs. Watson: Mr. Chairman, surely the Honourable Member realizes that section 6(b) was put in specifically as scientific exploration because we were trying to find some way to control the travel that is being carried on our rivers in the Yukon by non-residents, and often the Yukon Government is responsible to look for these people after they have been lost or something has occurred to them. So, surely to goodness, this isn't that much to ask them after they have returned from one of these trips, if we feel it is necessary, for a log of the journey they have just completed. That's all we are asking.

Mr. Chamberlist: Mr. Chairman, I wish the Honourable Member would take note that when we are dealing with photography, we have specifically provided that if it's the ordinary person that is going down the river, the waterway, we don't want copies of their photographs; we won't even ask them for it. We can only deal with photographs as in section 6(1)(b), "photographs game or wildlife for gain or reward", and these are the people that we want to keep a check on because you know it may be as a result of them doing this for gain or reward, we might consider they are operating a business and maybe hit them for another \$250 for a business license as well.

Mr. Taylor: Mr. Chairman, I wish to answer the Honourable Member. The problem that has faced the Administration in preparing this Ordinance is covered by 4(1) as far as river travellers are concerned, and now I say that if 5(3) should apply to those people who travel on our rivers having to provide all this information and this type of thing to policemen, to the Federal or Territorial officer, I am opposed to it. It's that simple. If you can find a way to exclude this one new category from subsection (3) of 5, I might find it more compatible, but the way it now sits, I cannot agree with it. I could not under any stretch of the imagination agree with it.

Mr. Chamberlist: It would be necessary to get such information, the R.C.M.P. might want certain information. We might want to find out whether somebody has been on the highway or on an air trip or on a land trip has seen somebody else, or has contacted somebody else, while they have been on that. It is seeking evidence and information and, of course, first, shall upon request...

Mr. Taylor: Under penalty of law.

Mr. Chamberlist: No, no, upon request. It doesn't mean that there is going to be a request made for every instance. Surely to God, nobody is going to imagine that if we had 100,000 people using our water ways that we are going to stop everyone of them and make them give us the information.

Mr. Taylor: Mr. Chairman, in answer, I'm not talking about stopping everyone of 100,000 people who might go up and down our rivers. I'm saying you are putting the onus on a policeman, a Federal or Territorial officer and you are opening up a real area of harassment upon the people. Secondly, is what happened on that voyage after the voyage was safely completed by a river traveller is none of the Government's business.

Mr. Chamberlist: It certainly is. I mean after all this is -- a Government cannot have a roaring law enforcement agency and there is a reason to find out about these things. They are just recording of these things. I really find nothing wrong with that at all.

Mr. Deputy Chairman: Councillor Taylor will you take the Chair for a minute?

Councillor Taylor takes the Chair.

Mr. Stutter: I'm going to get into this too, because I'm really confused about it. If we take, first of all 3(1), it says, "no person may carry out scientific exploration in the Territory unless he is the holder of a valid licence." Okay, so then we have got to find out, whether you are carrying out scientific exploration and to find that out you have to go to 6. Now in 5(1)(d) it states that, "a person shall be deemed to carry out scientific exploration who not being a resident, travels on any river lake in the Territory, except on a ferry or commercial vessel." Okay, so now we have found out that visitors coming into the Territory and wanting to go to the river are carrying out scientific exploration therefore, they must require a licence. Once they have got their licence, under 5(1) it states, "Every licensee shall" and under (2) it says, "every licensee shall". Now it is all right to say that (3) is exactly the same as the old Ordinance, but if you go into the old Ordinance, there was never even any mention in there, there was never any definition as to what was considered scientific exploration. Therefore, it isn't fair to take that particular section, put it back into the new Ordinance, and say that there is no change.

Mr. Chamberlist: The Honourable Member, Mr. Chairman, was doing fine up to 5(1)(d), but then he went from 5(1)(d) to 5. What he should have done is to have gone from 5(1)(d) to 4(1), because it is there that the application for a license "on a prescribed form and shall include a route plan", in that particular instance, all we want is the route plan, not as the Honourable Member has suggested in 3(1) respecting to scientific work.

Mr. Stutter: Mr. Chairman, nevertheless, 4(1) is nothing more than a flight plan. It is exactly the same as if you own an aircraft, and I don't think that anybody argues with us. But, when you come to 5 it definitely requires that any licensee perform these certain duties.

Mr. Chamberlist: Well, can we report progress and have coffee?

Mr. McKinnon: I think that the Honourable Member from Carmacks-Kluane and the Honourable Member from Dawson have seen the light now. Mr. Legal Adviser, I am a non-resident of the Yukon; I have saved up my money for years and years for my dream trip of my lifetime. I am going to float from Whitehorse down to Dawson City, nothing else; that is all that I want to do. I have packed my camera along; I like to make sketches of birds as I go along; I am going to take some notes and make some rudimentary maps to bring back to my grandchildren. I come to the Yukon, and I want to obey all of the laws and regulations of the Yukon; so, I see that I have got to go, not being a resident, I have to get a license. Right? I apply to the appropriate department, and they give me the license. But, as soon as I have the license under the Ordinance, I'm deemed to be carrying out scientific exploration because I am, not being a resident, travelling on any river or lake in the Territory. Right? Upon completion of my journey under 5(1), I have to come back, not at the request of the Commissioner, I am forced to, I shall at the close of my work, and I am deemed to be doing scientific exploration, though it is just my vacation trip, I have to furnish in respect of such work which I am deemed to be doing under the Ordinance as it stands, to the Commissioner a return in the prescribed form. Not only that, Mr. Commissioner, but not upon request, I shall, it is mandatory upon me to give to you all of the photographs that I have taken -- I am pointing out the ludicrousness of all that I have to give you -- all of the home movies, all of the photographs Let's get sensible.

Mr. Legal Adviser: Mr. Chairman, I think that Mrs. Watson's suggestion was the right one. That is to insert in the appropriate places "shall, where so required upon request".

Mr. Chamberlist: Can we report progress?

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

Councillor Stutter takes the Chair.

Mr. Deputy Chairman: I will now call a coffee recess.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order and would suggest that we finish the reading of the Bill, and then come back to these that we are having difficulty on. (Reads 5(4) through section 11(1)).

Mr. Taylor: Mr. Chairman, there is so much wrong with this that it is hard to say where to begin. In light of some of the comments that have gone on before, I think that what should happen is that this Bill should go back to the drawing board. I think that 5(2) and (3), and I notice that (4) is in the old Ordinance where the Commissioner may collect these specimens and may dispose of them; I am not sure why that was in the old Ordinance, however, I don't think that a person who photographs game or wildlife for gain or reward; a person not being a resident, collects rocks and mineral specimens, or not being a resident travels on any river or lake in the Territory, except on a ferry or commercial vessel" should be deemed to be a scientific explorer. I think that, though I agree in concept with what is being attempted here, I certainly can't agree in the area of, for instance, wildlife photographers having to give copies of films to the Commissioner.

Mr. Taylor continues:

I think that is his own personal business. I don't think that a non-resident collecting rock and mineral specimens is, indeed, generally a prospector; I don't think that this fits, and I think it is completely unenforceable. And, I have explained my position on river travel. I think that this should go back to the drawing board, and find some other place to deal with these people. I am unalterably opposed to the Ordinance as it is presently constituted.

Mr. Chamberlist: Mr. Chairman, I wonder if the Honourable Member would recognize the fact that under section 5(1)(d) in the existing Ordinance, copies of photographs are required even in that Ordinance.

Mr. Taylor: Notwithstanding, under 5(1)(d) of the existing Ordinance we do not provide for people who photograph game, people who collect rocks and mineral specimens, and people travelling on our rivers. That is the difference.

Mr. Chamberlist: We say all photographs on that.

Mr. Taylor: But we don't include those categories. We are talking about scientists in this particular Ordinance.

Mr. Chamberlist: That is right, we say in this particular Ordinance, "Every licensee shall at the close of the scientific or exploration work in respect of which his license was issued, furnish, in duplicate, to the Commissioner". Here, in this new Ordinance, we are only asking for one copy. In the old Ordinance we wanted two copies of all photographs taken, and maps and plans in connection therewith. We are half as tough as we were last time.

Mr. Taylor: Mr. Chairman, this is not right. This is again another smokescreen because what I am saying is that under the existing Ordinance today, if you take photographs, if you collect rocks, or if you ride on a river, you are not included as a scientific explorer in respect of the existing Ordinance. That is the difference.

Mr. Tannor: Mr. Chairman, I probably have a compromise. How about if I move an amendment to delete section 2, 3, 4, 5, 6, 7, 8, 9 and 11 and the word "repealed" in 10. Then we will have an Ordinance that reads, "The Scientists and Explorers Ordinance, Chapter 8-4 of the Revised Ordinances of the Yukon Territory, 1971, is".

Mr. Taylor: Here, here.

Mr. Deputy Chairman: Mr. Legal Advisor, I would like to ask from the Chair, why in this new Ordinance, or in the new change, have you tried to specify who is carrying out scientific exploration? I notice that under the terms of (a), (b), (c) and (d) there is absolutely no mention of a person coming in to study bugs or flowers or upstern other things.

Mr. Legal Advisor: Mr. Chairman, I thought that some of the Members were being facetious when they said that they misunderstood what scientific exploration was. It is not defined in the Ordinance at all because it is left to the normal dictionary meaning for people to understand what scientific exploration is. It is exploration for scientific purposes. Artificially, then, added to normal scientific expeditions are the four categories in 6. Artificially, it would not be necessary to add those if they were listed as normal scientific exploration. Section 6 in its list, (a), (b), (c), (d), is not intended to be exhaustive. It is intended merely to be additional to what the normal person does understand by the use of the words scientific exploration. Now, this Ordinance is directed primarily against scientific exploration. Use is made of this Ordinance because it has a setup which is in existence and in operation dealing with expeditions carried out by scientists to bring within the category of people who must furnish us with a route map and make a return, certain additional persons. The main category added to this are people who engage in rock mountain climbing in the St. Elias Mountains and non-residents who go out and travel on rivers. It is possible there might be necessary additions of other classes of people to the Ordinance who will irrationally take journeys outside the normal accepted travelled route. It is considered that any person who is not a resident who travels on a river should notify some Government agency of his intentions. Give us a map or notice of intention so that when the time comes to look for him, our search and rescue forces will be saved some trouble by knowing at least within some square miles where to look for the body. This is the main intention regarding river travel. Apart from that, we are merely continuing on in existence the normal Ordinance which has been in existence for many years, of keeping a log in the Government of people who have applied for scientific exploration permits and obtaining a return for our archives or for university study if we had a university, of the results of the scientific exploration. There is nothing revolutionary in this Ordinance at all except the two categories being added to it for control purposes. Apart from that all that has happened in the language of the Ordinance has been brought up to date. I don't see any objection at all to adding into section 5, once we have non-scientists involved, of adding in to cover that where the licensee is required to give us copies of photographs, copies of returns and so on, to say that every licensee shall on request do this, that or the other thing. The request need not be made where it is a normal routine. If this Ordinance is let die in Committee, which I think one Honourable Member, in a sense, suggested, the old Scientific Exploration Ordinance continues in force unchanged. We have an out-of-date Ordinance for a modern situation, and we will be back where we started. This is merely an attempt to upgrade the existing, somewhat archaic, Ordinance.

Mr. Taylor: Mr. Chairman, is it not possible to retain the existing Ordinance and break it into Part I and Part II as a new approach to this problem. Retain the existing Ordinance, and put in a Part II which simply states that people who travel on rivers should, by some means or other, by licence, by any other means notify somebody where they are going, the proposed route, how long they expect to be on this route and asking them to report when they have completed their journey to somebody. This is what we are really looking for. Forget about people who photograph game or wild life and people who collect rocks and mineral specimens because I think it is almost unenforceable in any event. Take away the compulsion of part I where they have to give up all this film and have to give up all this nonsense. Maybe that is a more equitable way of approaching it. People who take pictures are not necessarily scientists. People who pick up rocks are not scientists. People who travel on rivers are not scientists.

Mr. Chamberlist: I think, the very last point that the Honourable Member just made was worthwhile. I think, perhaps, we might then look at the reason as to why we are calling this new Ordinance Scientific Exploration Ordinance, and why in the first place, whoever the people were responsible for drawing up the old one, called it that, an Ordinance Respecting Scientists and Explorers. Perhaps, if we called this an Expeditions Ordinance, and then had an interpretation in 6(1) of Scientific Exploration. An exploration, you know, expedition. This way we could really mix it up real good and I would suggest that we just report progress, get around it that way.

Mr. Deputy Chairman: Before reporting progress, I would just like to ask the Legal Advisor one question. Under the terms of the old Ordinance, it was discussed at the coffee break, that there is the one American company, I believe, that has been stationed at Burwash or in that area for some time, exploring the glaciers and the areas now within the Klunne Park. Under the old Ordinance, it states that the Commissioner may issue a licence. First, of all, I'd like to ask, Mr. Commissioner, did you actually issue a licence? If you did issue a licence, have any of the parts of the old Ordinance been complied with by that company?

Mr. Commissioner: Mr. Chairman, issuing a permit under this Ordinance is an ongoing thing. I would venture to say I average probably two of these a month. This Ordinance as it stands right now is very readily complied with by the scientific -- which are in the scientific communities. No problems at all. They expect to comply with this Ordinance. It appears as if it is common legislation in other jurisdictions and there is no difficulty at all. People that come here -- in fact, even the Government people who come here expect to be issued a permit under this Ordinance and they are issued permits.

Mr. Deputy Chairman: With respect, Mr. Commissioner, my question was pretty specific. I did ask, did you issue a licence to the Arctic -- I don't know the proper name of it, but perhaps...

Mr. Legal Adviser: Mr. Chairman, the Commissioner can find out whether or not a licence was issued. I would venture to say, that probably, yes, because it is a continuing ongoing relationship between expeditions such as this and exchanging information continually. We would have to trace back to before they came and signed an actual form of a licence. It is an ongoing, everyday thing, which doesn't cause problems, as the Commissioner said.

Mr. Commissioner: Mr. Chairman, I may also say that the particular group that you are asking about is one of the most willing groups that you can have in the Territory as far as compliance with Territorial Ordinances. In fact, they have practically voluntarily operated, along with Monty Alford, the controls that we have on mountaineering parties. They are very, very co-operative.

Mr. Chamberlist: Do we receive, under section 5, photographs and duplicates and things like that from them, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, I couldn't tell you how much of this material is presently available in our archives, but there is reams of it that has been provided by these people under this Ordinance from time to time.

Mr. Chamberlist: There are photographs of big game, I take it, as well amongst these, too?

Mr. Legal Adviser: Mr. Chairman, the copyright of the material supplied to us is not the property of the Government. It could not be published. It could rest in our archives and can be available for study, but we could not reproduce it without the permission of the people who supplied the photographs. In this way, it might not be known to the public that we possess it today.

Mr. Deputy Chairman: Is it agreed by Committee that we report progress on Bill No. 28? I am at the wish of Committee. We have before us a motion.

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

Mr. Deputy Chairman: Is there a seconder? It has been moved by Councillor Chamberlist, seconded by Councillor Taylor, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Taylor resumes the Chair.

Mr. Speaker: I now call Council to order. Do you have a report, Mr. Chairman?

Mr. Deputy Chairman: Yes, Mr. Speaker. At 2:55 p.m., Committee was called to order. We discussed Bill No. 18; it was regularly moved by Councillor Tanner, seconded by Councillor Taylor, that Section 48 (1)(a) of Bill No. 18 be amended by deleting the words "or other British subject". I can report further progress on Bill No. 18. Bill No. 26, it was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 26, an Ordinance intituled The Fraudulent Preferences and Conveyances Ordinance, be passed out of Committee without amendment. Motion carried. Bill No. 27, an Ordinance to Amend the Motor Vehicle Ordinance, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that this Bill pass out of Committee without amendment. This motion carried. I can report some progress on Bill No. 28. It was regularly moved by Councillor Chamberlist, seconded by Councillor Taylor, that Mr. Speaker do now resume the Chair, and this motion carried. Mr. Chairman, it is the intention of Council to sit tomorrow at 10:00 a.m. to discuss Bills, Motions, Sessional Papers and Legislative Returns. Mr. Speaker, I would now move that we call it 9:30.

Mr. Chamberlist: Mr. Speaker, as there is no seconder, I suppose we would have to move back to the Committee as a whole for discussing Bills, Sessional Papers, Legislative Returns, Motions.

Mr. Speaker: Well, I might suggest that a motion for adjournment at this time could be received by the Chair as requiring no seconder. Perhaps some Honourable Members could give the Chair some guidance in this regard.

Mr. Chamberlist: Well, I have in view of the fact that there is no seconder, Mr. Chairman, that we return to Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and Legislative Returns.

Mr. Speaker, I am going to second that motion, but I simply want to point out, the irresponsibility of the Honourable Member opposite who refuses to participate in the affairs of the Legislature. The Honourable Member yesterday spoke about how much respect he has for our Government ...

Mr. McKinnon: A motion for adjournment as the Honourable Member well knows is not debatable. And does not need a seconder.

Mr. Speaker: Members, the motion for adjournment is non-debatable; rather the motion put was that we now call it 9:30 which is a different motion and requires a seconder. It has been moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse East, that we now call it 9:30. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION CARRIED

MOTION
CARRIED

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

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: At this time I will now call Council to order. We will proceed with the Orders of the Day. Are there any tabling of Correspondence and Documents?

Mr. Chamberlist: Mr. Speaker, I have for tabling this morning Sessional Paper No. 16.

Mrs. Watson: Mr. Speaker, I have for tabling this morning Sessional Paper No. 17 which includes the Government of the Yukon's Policy Paper outlining in lay language the general changes that the Government is proposing to incorporate in the revised School Ordinance and in the education system itself in the Yukon.

Mr. Speaker: Is there any further tabling of Documents and Correspondence? Are there any Reports of Committees? Are there any Introduction of Bills?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, an Ordinance intituled Fourth Appropriation Ordinance 1972-73, be introduced.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, an Ordinance intituled Appropriation Ordinance 1973-74, be introduced.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, an Ordinance intituled Expedition Ordinance, be introduced.

MOTION CARRIED

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

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning Sessional Paper No. 16.

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? We will then proceed to the Daily Routine. There do not appear to be any motions in Council at the moment. Motion No. 3 is in Committee; Motion No. 14 is in Committee. We have with us Mr. Commissioner and we will now proceed with the Question Period. Are there any questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner a question. I heard a report on an unimpeachable news source, the public broadcasting system, last evening that the Minister of Indian Affairs and Northern Development said, to quote the report, that "some problems had arisen in the operation of the Executive Committee in the Government of the Yukon Territory." We are always hearing around this Council Table how well the Executive Committee is working from Members of the Government in the Executive Committee. Could Mr. Commissioner tell us what the problems specifically were that Mr. Minister was talking about in the functions of the Executive Committee?

Mr. Commissioner: Mr. Speaker, I am not aware of the Minister's statement, and as a consequence, I am in no position to answer.

Mr. McKinnon: I would be happy to get the report for Mr. Commissioner and have him study it. Perhaps he will have an answer when Council next sits, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, I was asked a question in the House yesterday by yourself concerning the permanent filling of the Administrative position here in the Government of the Yukon Territory. I advised the House at that time that as soon as my Minister, whose prerogative the appointment is, had made this appointment, or was prepared to make it, that I would be advising this House. I am very pleased to advise the House that Mr. Frank England, who is well-known to all Members of the Council and, generally, to the public of the Yukon Territory, has been appointed permanently to the Administrator's position and will be returning to the Yukon sometime in the latter part of the month of April to take up his duties.

Mr. Speaker: Are there any further questions? We will then proceed to Public Bills and Orders.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 26, Fraudulent Preferences and Conveyances Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 26, namely, Fraudulent Preferences and Conveyances Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 26 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 27, An Ordinance to Amend the Motor Vehicles Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 27, namely, An Ordinance to Amend the Motor Vehicles Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 27 has passed this House.

TABLING OF
SESSIONAL
PAPERS #16 &
17

BILL #29
INTRODUCED

MOTION
CARRIED

BILL #30
INTRODUCED

MOTION
CARRIED

BILL #31
INTRODUCED

MOTION
CARRIED

QUESTION RE
EXECUTIVE
COMMITTEE

QUESTION RE
ADMINISTRATOR

BILL #26
THIRD
READING

MOTION
CARRIED

BILL #26
TITLE
ADOPTED

MOTION
CARRIED

BILL #27
THIRD
READING

MOTION
CARRIED

BILL #27
TITLE
ADOPTED

MOTION
CARRIED

Mr. Chamberlist: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Motions, Sessional Papers, and Legislative Returns.

Mr. Tanner: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Whitehorse North, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing Bills, Motions, Sessional Papers, and Legislative Returns. Are you prepared for the question? Are you agreed? I declare the motion carried, and the Honourable Member from Dawson will take the Chair in Committee of the Whole.

MOTION
CARRIED

MOTION CARRIED

Mr. Deputy Chairman: Before calling Committee to order, I will declare a brief recess.

RECESS

RECESS

MOTION #3

Mr. Deputy Chairman: I will now call Committee to order. The first item for your consideration is Motion No. 3. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that the people of the Yukon, through the Yukon Territorial Council, seek means of becoming involved in any negotiations which may be conducted by the Government of Canada, or any group sponsored by the Government of Canada, so that all Yukoners have input into the future disposal or transfer of benefits of Yukon lands or Yukon mineral and natural resources, and that funds be made available in a similar manner to which funds were made available to other organizations for research, preparation and submission of a report to the Government of Canada. Councillor Chamberlist, are you prepared to proceed.

Councillor Chamberlist: Mr. Chairman, I would like to say at the outset that when I first came to the Yukon I was simply appalled at the conditions under which some of our citizens were living. It took me a long time to comprehend what had really taken place and why the retroactive steps that had obviously taken place gave to some of our Yukon citizens, a standard of living so atrocious that it was really pretty tough to live with and along side of. I am sure that our Indian citizens, in organizing themselves together in the manner that they have done, have performed a very important function so that they, like other Indian people across Canada, will be able to clearly and to finally attempt to get recompensed in some way for the suffering that they have had to endure for many years. In making those remarks I want it to be clearly understood that I have much personal sympathy in the overall situation that the Indian population of Canada, especially the Yukon, has found themselves in for many years. I am pleased that they have been able to organize themselves and show that they have strength. I am pleased also, that their strength is so great that politicians across the country who, because of the strength that has been shown by the Indian people, are either running to the Indian organizations for political support or, the moment the word Indian is said, run for cover. I am hoping that Members of this House come into an entirely separate category, that Members of this House are prepared to speak for and on behalf of all of the people of the Yukon. In this motion, there are three specific requirements that are being asked. I think that they are requirements that are reasonable. One is the involvement in negotiations. Two is the input of the people of the Yukon, and I will have to stress that I am talking about all of the people of the Yukon, into land and mineral and natural resource disposal. The third criteria is that funds be made available for research, preparation and submission of a report to the Government of Canada. I would like to quote Commissioner Smith on the 15th of December, 1967, when he referred to then Minister of Indian Affairs and Northern Development in his quote, Senator Arthur Laing, he said, "I can assure you that it is the urgent intention of the Minister to have his officers consult, not only with the Council, but with other persons interested in the future of the Territory. There was a Sessional Paper No. 22 on June 16, 1970, which I think Members of Council at their leisure can refer to, and the debate that followed with reference to Canadian sovereignty in the Yukon. I think that much of what was said in the Sessional Paper, which came as a reply to questions that I had asked from the Federal Government, points out quite clearly a genuine necessity for input by the people of the Yukon to any negotiations. I believe that Yukon development must have as its primary objective, responsible Government. This objective can only be obtained by a program of non-discrimination of all Yukoners, politically, economically and socially. This Council has received assurances from the present Minister of Indian Affairs and Northern Development, and his predecessor also gave assurances, that consultations on any matter relating to the Yukon and its people will be had before action is taken. We wish that promise to be kept. Government and ownership are inseparable, but Government and ownership of land can be separated. They do not always go hand in hand. In the Yukon sovereignty rights should rest in the people of the Yukon. This is why we must seek the right to participate in negotiations where land and its mineral and natural resources are in question. Many Councils past and present, and many individual Members, have spoken out before and must do so now on behalf of all of the people of the Yukon. This is also necessary to remind our Member of Parliament that he too must speak out in this regard of disposal of lands and mineral and natural resources on behalf of all of the people of the Yukon. I say that there are specific routes to be taken to achieve everything that is being looked for. We can't just take a by-pass route and not face us to the needs that responsible Government and other aspects that have been requested in the fairly expansive paper that has been presented by the Yukon Native

Brotherhood without consideration to all areas. At a special joint committee of the Senate and the House of Commons a statement on December 30, 1970, was made by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development, and in that statement specifically dealing with resource administration, he said this, and I quote: "If we are to consider the wider interest, Federal Government must continue to have control of the land outside of the settlements to protect the Yukon's environment for future generations and to ensure proper land use by the mining, oil and gas industries, as well as the provision of service such as roads and airstrips. Federal aid in the form of subsidies to industry and grants to the Territorial Government are essential to the development of the Territorial economy. But, to do this in keeping with our responsibilities, we must do so in a manner that is consistent with the improvement of social conditions of the residents and the advancements of local self-government." I bring specific attention to the fact that he spoke of future generations, and when he spoke in that particular vein, he spoke of future generations of Yukoners. He went on to say that the constitutional development of the Yukon may not have been as rapid as some would wish, but significant progress has been made in the last few years. In this connection, I want to emphasize that the Federal Government is dedicated to the proposition of advancing the constitutional development of the Yukon. This Council, and many Councils before, have, by motion to the Federal Government, asked for certain things. On January 23, 1968, the motion moved by the Honourable Member, then from Whitehorse North and now from Whitehorse West, asked among other things, that it be further resolved that that the Statutes of Canada be amended wherever necessary to give effect to the constitutional changes hereinafter set forth, and one of those changes was Territorial resources including land. Also in that motion, we asked all Crown land to be held in the name of the Crown in right of the Territory. We cannot go back on those things. In November 1969 the Prime Minister in a Telex said this in part: "As I stated in the House of Commons on November 13, the general principles laid down by the Minister was Government policy. Stop. What is being proposed is only a first step in the process of introducing a more responsible form of Government for the Yukon."

Mr. Chamberlain: And, I will hope that Council is prepared to accept the proposals in this spirit. However, the Minister of Indian Affairs and Northern Development and myself, will be pleased to receive the Council, or its representatives in Ottawa, at a mutually convenient date in order to exchange views with you." He went on, in another part of his wire, the important developments which will be required to give the elected representatives in the Yukon a greater role in the conduct of their government, will be discussed with them. I don't think, Mr. Chairman, that anybody can deny that within these areas our responsibility over the various things that we have asked for on June 12, 1972, the Minister of Indian Affairs and Northern Development in a talk, headed, "Plain Talk on Northern Development" also made certain comments which I will refer to in a few moments. I think it is necessary for the public at large to know, and be prepared to understand what is being requested by the Yukon Native Brotherhood and I don't think for one moment that there would be any objections to the negotiations that must be accepted by the Federal Government. So that there can be some alleviation of the damage that has been done to Yukon Indians over many years. I think it is necessary to point out some of the requests that have been made because obviously the public are not aware of them. This is why I feel that we as responsible Members of this elected body must, indeed, assure the people that we wish to participate in negotiations on their behalf and have the necessary input. The Yukon Native Brotherhood in presenting their paper have supplied a summary and I won't go into all the particular details of the summary. What I am concerned about, and what I must ask myself and what all Members must ask themselves, is whether or not we, as an elected body here, have the right to commit, indeed, almost perpetuity, the future generations of Yukoners to certain areas of requests that have been made, without the right to negotiate those requests. There was one request made that the qualifications for certain people be continued in perpetuity. It would also mean a continuing responsibility without negotiations and without us being in these negotiations, without us giving agreement for such perpetuities to continue and become perhaps a great burden upon the people of the Yukon. We have to consider whether the possibilities of the ramifications are such that we couldn't bear to live with them all. Apart from the cash settlement, that has been requested, one item which really is of great concern and we must be part of the negotiations on this particular item in the Yukon Native Brotherhood summary, we require a temporary land freeze on all unoccupied, unalienated Crown land to allow enough time for selection, survey and transfer of control to the Yukon Indian people. On June 12, 1972, in this "Plain Talk on Northern Development", the Minister of Indian Affairs and Northern Development said this and I quote, "A freeze in this vast land would be a return to the days of neglect and indifference, it would make it impossible to achieve our national goals to the North. It would thrust northerners back into a new dark age. A freeze at the expense of northerners is no solution to any problem and this Government categorically rejects the idea. Those who advocate such a freeze, show little awareness of the views of northerners. They ignore the Territorial Council and the local council. I have yet to meet a Territorial Councillor who would support such a course of action" unquote. Mr. Chairman, I would yet like to meet a Territorial Councillor who would suggest such a course of action, that is a freeze on all lands in the Yukon. This is one area and one point which I think is reason enough for us to have to ask for discussion. As I said, I think, the people should know that the request has been made that a cash settlement over 40 years be provided to the Yukon Native Brotherhood. I would just give the first few settlements here, and they are given as examples only. That in the first year, the Yukon Native Brotherhood has requested, for the first year, a million dollars settlement fund. For the second year, they have requested two million dollars, in settlement funds for that year. For the third year, they have requested five million dollars settlement funds. For the fourth and fifth years they have requested ten million dollars settlement funds in each year. And for the six to ten years, as a sample only, they have requested fifteen million dollars settlement funds for each year. Over and above that, it is indicated that this settlement will not in any effect do away with the rights of Yukon Indian people to all programs, benefits and responsibilities which we are entitled to as Canadian citizens. That Indian persons should not pay any income tax for twenty-five years. That the Government of Canada will continue to pay all the costs of health services for all persons for a period of twenty-five years. That they would phase out the Indian Affairs Branch Program. Now, these are specific areas where, I think there should be negotiations and where we should have input. I am not saying that many of the things that have been asked for shouldn't be granted to them. I will say this, that in the paper itself, there is much to be commended in the manner in which the Yukon Native Brotherhood have made their submission. There is no doubt about it, that consider support will be given to them. I just want to say, at this time, Mr. Chairman, that the necessity, because of the ramifications and the implications of the paper are so large and so great that without the Yukon Territorial Council being involved, and we have asked to be involved in all these matters, we may sell the Yukon people down the river. Quite frankly, I don't consciously think that I can do that without getting the right to know what is going on, to be in the negotiations, to look fairly and justly for all people of the Yukon. I would ask, Mr. Chairman, that Members give prime consideration to the three points that are in the motion. I feel sure that all Members of Council cannot argue against the three points, that the involvement in the negotiations. I don't think they can argue against the fact that there should be input into land and mineral and natural resources disposal. I am sure that it is very reasonable to request that we should prepare in a very efficient manner the -- a submission to support the contention that the Territorial Council has, indeed, some reason for participating in an negotiating committee. Thank you, Mr. Chairman.

Mrs. Watson: Mr. Chairman, no single factor will affect the future of this Territory as much as the decision of the Government of Canada to negotiate with Yukon Indians to settle their land claims. I personally, as pleased that the Government of Canada is prepared to negotiate a settlement with Yukon Indians. No one who has lived side by side with the Indian people in the Yukon, can deny that meaningful recognition needs to be given to their needs and aspirations. However, it is obvious that the settlement that the Indians are seeking will affect the future of all people of the Yukon: the people who are claiming Yukon their heritage and the people who have made Yukon their home and who have invested their earnings and savings, and who are also committed to the future development of the Yukon. We, as Members of the Territorial Council of the Yukon Territory, representatives of all people of the Yukon, must require the fundamental right, not only to be present at the negotiations, but to actively participate in them. We may trust the Federal Government and the Minister of Indian Affairs and the Yukon Native Brotherhood, but we cannot let others make the big decision for the Yukon, without any participation at all by us, the elected body in the Yukon. These decisions will need to be made, Mr. Chairman, decisions which will affect the future ownership and development of Yukon's minerals and natural resources. The future ownership and utilization of Yukon Lands and the future of Yukon Governmental structures both at the local level and the Territorial level. I, therefore, feel it highly desirable that adequate representation be offered to the Territorial Council in order that they may aid in ensuring a successful outcome, and eventual success in implementing any agreement which maybe arrived at resulting from the proposed Yukon Indian Land Claim negotiations.

Mr. Tanner: Mr. Chairman, I don't think anybody in this House, I don't think anybody in the gallery, or anybody in the Yukon doesn't realize the gravity and the seriousness of this motion that we are going to pass. It is not my intention, Mr. Chairman, to refer to the Yukon Native Brotherhood report. I think it is an accepted fact that nobody in the Yukon would deny the right of all the people in the Yukon to be involved in these momentous decisions, momentous recommendations that are going to come forth. The Honourable Member for Whitehorse North -- Whitehorse East made three specific points. However, to me the resolution as it presently sits does not read the way I think it should read. Consequently, I have an amendment. It is an amendment to Motion No. 3. It reads, that after the first word, "that" the motion be amended to read, "this Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of the Yukon Land Claims and Council recognizes that a successful outcome to the negotiations on the claims currently being programmed will require the aid and assistance of the Council of the Territory and will affect the future constitutional

Mr. Tanner continues:

MOTION #3

development of the Territory. Now therefore, this Council respectfully requests the Honourable Prime Minister, Pierre Elliott Trudeau, and the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in, (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such amendment does not impede or limit the future constitutional development of the Territory." I have copies, for every Member, of the resolution and it is seconded by Councillor McKinnon.

Mr. Chamberlain: Mr. Chairman, before we go to this motion, I wonder if the mover and seconder of the motion would grant the consideration, that I have given to them. My motion has been in for two weeks so that they can have time to study the motion. Now, we are expected to vote on a completely amended motion in just a few minutes. At this time, it is unusual for me to do this because I would never disclose a caucus arrangement but I feel that it beholds me to do it at this time. All I can say is what is in this motion was not in any way discussed in caucus, so that it has taken me completely by surprise, as it has taken perhaps all Members. Therefore, I will not say what has been discussed in caucus except that this was not. In view of what this motion is, I would suggest that Honourable Members just leave it in abeyance now until there has been sufficient time given to study the concept of it. I see the Honourable Member for Watson Lake is shaking his head. Obviously -- now let's see how really honest is the Honourable Member for Whitehorse West, to see whether he would shake his head on the request that I have made.

Mr. McKinnon: Mr. Chairman, I have no qualms at all, in allowing all Members of Committee whatever time they need to discuss the amendment. I might say that it took me by as much of a surprise, as seconder, as probably Honourable Members, because it just came to my attention that the amendment was going to be made by the Honourable Member for Whitehorse North, this morning. I think that the reason I agreed to second the resolution, is that essentially it says that the Government of the Yukon Territory feels that they should have part in negotiations with the -- along with the Indian representatives and the Federal Government, on any settlement that is made to the Indian people in the Yukon. I think, however, that it says it in a much more positive manner and not in a manner that almost appears from the motion, from the Honourable Member for Whitehorse East, that somebody got something and we didn't get any and now let's get our fingers in the cookie jar too. I don't think that that's the attitude that we want to express to the people of Canada -- to the Indian people of the Yukon, at this time. I think that the Indian people of the Yukon, and the other people in the Yukon, have so much in common. They've both been fighting the common enemy for many years. If one reads the history of the Yukon Territory from the time of the gold rush, you'll find it's been a constant battle for the people who have come to the Yukon, other than the native people, to try and find their rightful place in this Canadian democracy, as full-fledged Canadian citizens. In the last twenty-five years, the native people of the Yukon Territory have been trying to find their proper place in Yukon society and in Canadian society, as full-fledged Canadian citizens also. I think that most of us working together, have an awful lot in common, a lot more in common than many people in the Yukon seem to believe. Mr. Chairman, I would at this moment, like to say that I am fully, completely, unequivocally, in favour of a land claims settlement with the Indian people of the Yukon. I say they have a moral right to their claims; I say they have a legal right to their claims. I do not want to get into a battle with the Honourable Member from Whitehorse East on the legal battle, or with Mr. Legal Adviser. The fight is the same. From the research that I have done, from the studies I have done, I am assured in my mind, that not only do they have a moral claim but they do have a legal claim to a settlement. I'd like to say further than that, Mr. Chairman, that I think it was one my proudest moments, as a Yukoner, when I saw Chief Smith and the assembled Chiefs of all the bands of the Yukon Territory, meeting with the Prime Minister; meeting with Mr. Chrétien, and getting an answer that a negotiation committee was going to be set up and that negotiations were going to begin in the settlement of land claims for the Indian people of the Yukon Territory. I think probably, there is no one -- and I know that there is no one -- more directly or closely involved in this House, in the issue of Indian land claims for the Yukon Territory. Of course, it's no secret that the two people that I love most in life: my wife and my son, are both status Indians, through choice. Through the choice of what I would consider to be a fully liberated, in the true sense of the word "woman". Saying that there is no way that white law and a white legislative authority is in any way, shape or form, going to declare what my race or what my culture, or what my status is going to be. I think that it's very important, Mr. Chairman, that we realize that there are very grave considerations being given, in not only North America, but in the whole of the world, to Canada's native population, at this moment. I would like to read several excerpts from an article which has appeared around the world now, and I have seen it reprinted in various influential publications, both in North America and world-wide distributorship. It was written by a lady, Stella Hughes, who wrote in the Rhodesia Herald, Salisbury, accusing Canadians of being totally blinkered about their treatment of Indian people. "Canadians are fully behind the black people of Africa for they abhor any type of racial discrimination -- except in Canada, that is. The average Anglo-Saxon Canadian, Christian and middle-class, is totally blinkered as to the deplorable story of Canada's native people since the colonization of that part of North America. It never occurs to them that they themselves are colonists par excellence. This colonization, incidentally, was only a little earlier in parts of Canada than the advent of white men in Rhodesia and was long after the first settlement at the Cape. A pious Canadian housewife once told me 'I think the real blot on the history of the United States is the way they have treated their Negroes.' She would have been shocked if I had accused her of hypocrisy. The more self-satisfied Canadians, which covers most of them, have their native Indians firmly out of sight and out of mind. The native people of Canada -- Indian and Eskimo -- have been treated more disgracefully than any black African. Their political and economic life, the latter of which was perfectly ecologically adjusted, were destroyed with the coming of Europeans. An Indian cannot live off the land today as can a rural African. Yet there has been no sustained effort to teach Indians how to live in a monetary society. Canadian Indians, who number more than 245,000, have a higher rate of infant mortality than other Canadians. They have weaker eyesight and worse teeth as a result of almost total lack of medical care in some communities. Half of the Indians earn less than \$1000.00 a year, and 75% earn less than \$2,000.00. In some areas, for example northwest Ontario, more than 90% are unemployed. Many native homes lack basic amenities such as indoor sanitation and running water. Their suicide rate is 10 times the average for any other ethnic group in Canada. Canadians make quite a commotion over the disparity of wages between whites and blacks in southern Africa. But when the poverty line in Canada is \$4,300 a year for a family of four, and when very many Canadians earn upwards of \$10,000.00 a year, it can be seen that the same disparity exists here. The situation is aggravated by the absence of a subsistence economy among the native people. It fell under the advance of white settlement. But all this is not obvious to the ordinary Canadian. The Indians are really and neatly out of the way on their reserves, or in town ghettos. One reads in Canadian papers of the monotonous rows of houses in the African townships of Salisbury or Johannesburg. Canadian blood boils. It does not boil, however, at the thought of the native ghetto in Inuvik because many Canadians have not heard of or seen Inuvik. Canadians react ferociously to South Africa's Bantustans, which have been set up with some planning and order. Yet their own Indian reserves are similar in principle and a great deal less admirable in practice. All this may seem reasonable in a society which admits to discriminatory dealings with different races, but Canada claims to be a bastion of equality and furthermore urges integration on other multiracial nations. In the far north, where resources of untold wealth are being developed, few Eskimos or Indians, by the Federal Government's own admission, are profiting. Furthermore, drilling operations for oil, for example, are ruining the old hunting and trapping grounds. A representative of the Indian-Eskimo Association claims that the reserve life has obliterated 'any spark of initiative' and has led to endless joblessness and drinking. Undoubtedly it has helped to create the stereotyped image of an Indian. In 1971, the Minister of External Affairs, Mitchell Sharp, toured Africa and told African leaders that Canada was open to advice from black Africans 'on the southern Africa problem.' In discussing the sale of arms to South Africa an Albertan said heatedly to me: 'Well, what are the whites doing there anyway?' I was too dumbfounded to find the words to point out: 'The same as you are doing here, presumably.' Call it ignorance, call it nerve, or just call it hypocrisy -- that's Canada." Mr. Chairman, I think that when a person is so close to the situation as we in the Yukon are, that often it's very hard to see the forest for the trees. I think that the line that many of our Indian brothers use is "you really won't know until you've been able to walk a mile in my moccasins." We really like to think that here in the Yukon, we're far away from any type of bigotry or prejudice or discrimination or racism, but that just isn't true. Anybody who has been close to the problem will realize that what I'm saying is true. I know that in my own personal situation, the doors that were opened at one time, and welcome mats that were once out, aren't there any longer. I've come home -- I wish it was only one occasion -- on many occasions to find my wife in tears and the reason was because of a phone call at any time of the day or night, that started "you dirty squaw" and deteriorated from thereon. Mr. Chairman, I've seen whole villages, as the Village of Alchihik, which was uprooted completely. Where people have lived for thousands of years in complete and absolute harmony with their environment, uprooted. Their culture stripped from them and moved to an area which was totally alien to them and where they had no identification, where they could not live properly any longer. Mr. Chairman, I've been in Indian homes where tourists have just indiscriminately walked in the door, and thought they had the divine right to poke around in every corner and take pictures. After all, those were nothing but Indian people -- that's all they are. I've gone out to set nets, Mr. Chairman, with people who have fished in an area traditionally for thousands of years, whose access is now blocked by private property signs and by fences that have been put up by people who had been able to obtain

Mr. McKinnon continued

NOTION #3 that land from the white man government. I know the resentment, and I know the feelings, when these things happen, the same thing that has happened on many of the traplines -- that access has been blocked. Unwittingly, albeit, by government agencies, but still, the normal access to the original hunting and trapping areas have been taken away by our laws and by our legislation, Mr. Chairman. Mr. Chairman, I listened, and I've done a lot of listening in the last few years, which is extremely difficult for a person who is a politician, and tried to be unobtrusive, and tried just to listen and to hear what was being said. I've listened when girls from the mission school have gathered together to talk about their lives. Only two years ago -- or ten years ago, I should say, it's been better in the last few years -- where they talk about stories, this is ten years ago, of being whipped for speaking the only language they use -- the Indian language, because they were stolen, stolen by government authorities and sent off to the Mission school to become civilized. They were whipped and punished for having the audacity to try and hide their traditional food so that they could still maintain as a treat, the diet on which they grew up. These are the kind of memories that the Indian people have of white man's religion, of white man's education and of white man's laws. I think, Mr. Chairman, over those years, I've come to have an understanding -- no one will ever have a complete understanding of another person's problems and another person's culture -- I think I understand, at least a little, the depth of the feelings and the anguish and the frustration that the Government of Canada has put the Indian people of Canada, and more particularly, the Indian people of the Yukon, through. I think it would have to be a very cold and almost conscienceless person who didn't agree that the Government of Canada owed the Indian people of Canada and the Indian people of the Yukon something for what they have done to the cultural patterns, what they have done to the traditions and what they have done to the complete uprooting of a society in an attempt to miscegenate us all into one big common melting-pot which I think would be tragic for Canada, and tragic for the Yukon Territory. I second the amendment to Councillor Tanner's motion, because to me it presents a very positive rather than what I can only identify as a cry-baby attitude. The concept that the people of the Yukon Territory have to work in concert with the Indian people of the Yukon Territory in negotiations with the Government of Canada, to reach a just settlement which all of the people of the Yukon can work together in attaining their rightful place in Canadian democracy as full-fledged citizens in the Canadian experiment. I think that when Honourable Members examine the wording and the intent of the amendment to Resolution No. 3, they will have no problem at all in supporting it because it states what I think we all want to state in a very positive manner. Thank you, Mr. Chairman.

Mr. Deputy Chairman: I am going to rule that, in my opinion this is perhaps the most important and the most far-reaching debate that has come before this Council in the years that I have been a Member of it. Before the debate gets to the point where it could get out of hand, I am at this time going to declare a brief recess, and then we will come back into Committee and carry on with the debate.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. Before we proceed with the amendment or the motion, I don't believe it's necessary for me to point out again how important this motion, or amendment, is. I'm going to suggest, or seek the concurrence of Committee that this amendment be put off until the beginning of the week, because both are of such an important matter that I think it would be wrong at this point for any Member to call question on the amendment or the motion without considered reflection on the contents of each. This would be my suggestion, and I would seek advice from Committee at this point.

MOTION #8

Mr. Chamberlist: Mr. Chairman, I concur with what the Honourable Member has said because I asked for time for it, but there are a couple of points that I think I must speak on.

Mr. Deputy Chairman: Order, please.

Mr. Chamberlist: I have a right to speak on this now.

Mr. Taylor: What about some other Member?

Mr. Deputy Chairman: Order, please. It appears to be the general wish of this Committee that this matter now be put down until Monday.

Mr. Chamberlist: With respect, the question that the Honourable Chairman suggested is that the motion and the amendment be set aside for Monday, and I am in agreement with that. But, Councillor McKinnon has made some remarks, and I just want to answer those particular remarks because they are important to the people of the Yukon prior to that time.

Mr. Tanner: On a point of order, Mr. Chairman ...

Mr. Deputy Chairman: Order, please. Order, please. Councillor Chamberlist, please, order. It is the present wish of Committee that this subject now be dropped until Monday. If you have anything on a separate subject, fine. If you are referring to just this subject matter, it has been deferred until Monday.

Mr. Chamberlist: With respect, Mr. Chairman, that was not the ruling that was given. I wonder if Mr. Chairman would allow me to speak? I do not argue against the amendment or the motion being put forward until Monday. I agree to this. I have two specific small items to refer to while they are fresh in my mind. One, I do not make any argument about legal rights or legal claims; this is a matter for the courts to decide and it's up to the Yukon Native Brotherhood if they want to do it. I have no hold-out. The other point is that reference was made that the motion itself was a cry-baby motion. Certainly, I want to say this; if I have to get down on my knees and cry for the people of the Yukon, I'll cry.

Mr. Deputy Chairman: It has been agreed by Committee that Motion No. 3 and the amendment to Motion No. 3 be deferred until Monday. The motion to be discussed is Motion No. 14. It has been moved by Councillor McKinnon, seconded by Councillor Taylor:

MOTION #14

"It is the opinion of Council that section 2(e) of the Medical Necessity Travel Subsidy Regulations be amended by expanding the interpretation and categories of "Medical Necessity" so that a Yukon resident referred to a medical specialist outside of Yukon by a person lawfully entitled to practise medicine in the Yukon Territory, have paid to him from and out of monies advanced from the Yukon Consolidated Revenue Fund: (a) the return air fare from the point of referral in the Territory to the appropriate treatment centre in Edmonton or Vancouver, unless travel beyond either of these two locations is deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, and (b) to an escort deemed to be necessary by the Chief Medical Officer of Health or his authorized deputy, reimbursement of expenses incurred in the course of medical evacuation, at the rates appropriate for Yukon Territorial Government personnel on temporary duty away from home base". Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I've had my say completely on this motion, and it was on the request of other Members of the Council that this be brought into Committee at this time.

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

Mr. Taylor takes the Chair.

Mr. Stutter: Mr. Chairman, the main reason that I have asked to have this motion put into Committee is because I think that it's the duty of all of us to look into the far-reaching possibilities of it. I am in complete agreement with the thought behind the motion, but, as a member of the Financial Advisory Committee, if some of the points that have been brought forward by Councillor Chamberlist can be shown to be relatively true, or a relatively true reflection of the outcome or the costs that it could be to the people of the Yukon, I think that it's also the duty of the people sitting around this Table to come up with positive suggestions as to how those funds should be raised. As I stated the other day, it's an awful task to have to raise \$200,000.00 or \$300,000.00 in the Territory, and every time a move is made to do just that, there's the hue and cry that it is further taxation and that certain other programs should be cut back in order to come up with the necessary money. But, that isn't, in my way of thinking, good enough. I think that we have to be positive on both sides of the motion. If we accept the principles of the motion, we have to be prepared to -- to use a corny phrase, whoever calls the tune must be prepared to pay the piper, and I think that in this instance it is one that we must sit around, if we agree to the motion, and decide where the money is actually coming from.

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

Mr. Stutter resumes the Chair.

Mr. Taylor: Mr. Chairman, I would think that since the Fall Session of last year that the Government of the Yukon Territory have had ample opportunity to find those funds because this motion, in essence, was raised before Council some months ago. Not being a part of the Financial Advisory Committee, and having no input into the Budget, I don't know why this didn't happen, but this came up when we talked about the \$37,000.00 in this year's estimates, or the forthcoming year's estimates. We noted that, indeed, there were insufficient funds. As Members will recall, we noticed this discrepancy and we asked why; this is how we found out that no improvement had been made to this situation. I think that the remarks through two debates now, and possibly a third, have been made in this question, and I think that everybody should endeavour to support this motion. It's a very good motion and it is something near and dear to the necessity of the people of the Yukon. I would urge its support. I think that the Territorial Government, somehow, through supplementary estimates or through additional negotiations with Ottawa, should be able to come up with funds to implement the program.

Mrs. Watson: Mr. Chairman, I would like to congratulate the Honourable Member from Dawson City for his positive approach to this problem. We can't hide our heads in the sand and say that we want a program but we don't know where we're going to get the funds; the Government should find them. But, because Government is the people, and the minute the Government

Mrs. Watson continued:

has to find funds, the people are going to have to pay the price. Really, the Honourable Member for Watson Lake has taken an unrealistic approach to the problem. It is a problem, though. When I first came into this house, there was provision for medical evacuation and it was being used primarily to assist in paying the transportation of people who were referred outside to specialists. There was no provision, or it wasn't being used if there was provision, to assist people in areas outside of Whitehorse where there wasn't a resident doctor to get into Whitehorse to get the most simple medical attention that was necessary. I'm very pleased to see that now the Government has changed this and that some of the funds that have been voted in that Establishment, under Medical Evacuation, are being used to assist people in the outlying areas of the Yukon Territory when they have to come into Whitehorse for medical necessities, for a simple thing like a broken leg. In order to equalize, the Government has done this; and in order to equalize, they have services that are provided across the Territory. I'm wondering whether we should be looking in this direction, to paying travel expenses, or whether we should be looking in the direction of trying to get more specialists to come into the Yukon Territory. I think you're all aware that at the present time, the Health Services are bringing specialists in. It was just last week when the eye specialist was in, and I'm sure that he must have seen a hundred, or even two hundred people. He was here for a week, working constantly, night and day; in the evenings he had appointments. Now, if we could expand this service, which would be much cheaper for the Yukon Territorial Government, it would provide service to all of the people. The people in the outlying areas are referred in when the specialist comes in, and you would be able to service so many more people for less dollars. I'm wondering whether this is the route that we should be looking at.

Mr. McKinnon: I would suggest, Mr. Chairman, the way to go would be a combination of both; the combination of being able to bring more specialists in -- I know full well that the eye specialist came in, and there have been hearing specialists and internal specialists coming to the Yukon and seeing people here. But, the point is that when that specialist says, "Look, you need a stomach operation, you need a knee operation, you need an eye operation", at that point that person should not have to worry about the transportation to go out to get that surgery done. A combination of both of these, I think the effect upon the Budget would really be minimal if specialists were being brought in at certain times during the year. But, if that specialist said to the person, "You have to go and have the operation", that's where the crunch comes. Once again, with the categories as they are, and I know that the Honourable Member for Whitehorse East -- I give him full credit for all the time that he's been on Council that his prime desire in everything has been that every citizen of the Yukon is being treated equally, and the fault with the present Plan is that every person in the Yukon isn't treated equally because, depending upon the doctor, and depending upon the case that he can make that this orthopedic surgery may or may not result in the loss of a limb, then that person goes or does not go. I'll give you a perfect instance. You all know the case, where I couldn't get the person involved in it, out at one time for the orthopedic surgery, and the next time, I did get the medical evacuation. So, the Plan changed from one month to the other. The very next week, someone who needed the same type of surgery, went and applied and they didn't get it. They said if wasn't for loss of limb. Now, this is not being fair, equitable and equal to all the people of the Yukon Territory. This is what we have to do; we have to have a Plan whereby the ground rules are laid down, where it's not up to such far-reaching discretionary powers as to whether you get your way paid or whether you don't. What is happening is that people with the very same type of problem, depending upon the case that the doctor can make, and depending on the length that the doctor is going to stretch the report to be able to get this subsistence, decides whether that person gets it. It's just not fair; it's just not equal. We have somehow got to expand the terms so that people who do have to go out for specialist treatment, whose health is going to be affected, whose condition is deteriorating because of their inability to go out and have this specialist treatment, they have to be given the ability by the Territorial Government to get on that plane and get out to get that specialist treatment. I couldn't agree more with the Honourable Member for Carmanak-Xluana, when she says that we should bring in more of the specialists. I think, in consultation with quite a few from the Vancouver area, they are quite willing. It's amazing; particularly, the young graduate specialists who are crackerjack in their field but aren't established yet in the city, are willing to come to the Yukon and bring their knowledge and specialist treatment to the Yukon. But, when that person is told by the specialist that he has to have this operation or that operation, at that point the Government of the Yukon Territory is somehow going to have to find the money to pick up the tab. I hope that it can be kept within the bounds of funds that are presently available in the Yukon Consolidated Revenue Fund. The whole point that I'm trying to make, and I'm sure that the Honourable Member appreciates this, is that we have to be fair and equitable right across the board to Yukon residents, through some method, on this Medical Necessity Travel Evacuation Regulation.

Mr. Deputy Chairman: Councillor Taylor, I wonder if you would take the Chair?

Mr. Taylor takes the Chair.

Mr. Stutter: Mr. Chairman, there are several questions that I would like to ask, and this is another reason why I asked that this motion be put into Committee. I would like to ask the Member from Whitehorse West and also the Member from Watson Lake, being the mover and seconder of the motion, as I supported the first motion and I support this one; the thought behind it. I would like to ask both of you, first of all, as people, and secondly, as representatives of groups, if you would be willing -- if my thought is proved true that there would be a considerable surplus in the fund itself -- if you, as persons, and would you, as representatives of groups of people, be willing to use that surplus or to incorporate in the Medical Health Scheme itself, a travelling fund, realizing how easily this could get completely out of hand, and also realizing the increased administrative costs to the fund. This would, without a doubt, be the most equitable way of doing it since we all, as Yukon residents, pay into the scheme. If there is a surplus, would you both, as individuals and representatives of individuals, go along with that thought?

Mr. McKinnon: The way I understand it, if there is a surplus of funds in the Medicare Plan, would I be prepared, as an elected representative, to vote those funds for medical evacuations? Yes.

Mrs. Watson: Mr. Chairman, I don't think that's the question. Did you want medical evacuation as part of the Health Care Scheme; is that not right? Incorporated into the Health Care Scheme, and then everybody pays into it and the surplus would go in to provide this extra benefit. But, if more and more is needed, the premiums could go up.

Mr. Stutter: That's exactly it. If there was a surplus, rather than -- and I am not saying that there definitely will be. It happens to be my thought that there will be a surplus -- if this surplus does materialize, as near as I can see, we have two or three alternatives. We could either reduce the premium or we could increase the benefits. It is an obvious benefit to have equalized travel, as has been suggested in the motion. My question really is, would you go for this as an added benefit, or would you still go for a reduced premium and try to get from some other funding the money required for this travel assistance. I think it is probably the most equitable way of doing it. I couldn't agree more that there is something that we should be doing, but, nevertheless, I think we have got to be realistic and realize that we must, somewhere along the line, pay for it.

Mr. McKinnon: I think we are losing sight of what the role of the Government and those people who are in Government, is. We are bringing in a suggestion that we hope that the majority of Council will support. Then, I say, it's the Government's

responsibility to come up with a scheme of financing. If I were a member of the Financial Advisory Committee, or a member of Government, this medical evacuation would be one of the number one priorities on Government spending and Government funding. There are areas of the Budget which we have just passed, which would not have been given priority, and which would not have been given the go-ahead until this and the money for it were firmly established in the Budget of the Yukon Territory. I am saying that there is money available; money can be found. If I were in a position of Government, that priority would be made and that money for the funding of this program would be found. I am saying, as a Member not in the Government, that we are presenting this as a priority of Government to the Government, and it is up to them to find funding and schemes to present to us to be able to put the program into practice.

Mr. Stutter: I am so much in favour of the principle of this particular motion that now, after hearing those words, I would more than willingly again resign from the Financial Advisory Committee, and I would suggest that Councillor McKinnon gets on it.

Mr. Chamberlist: Touché.

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

Mr. Stutter takes the Chair.

Mr. Taylor: The only problem with that is that he would soon be in the minority position as is the Honourable Member from Dawson. In answer to the question raised by the Honourable Member from Dawson, I thought that he suggested that if there were some surpluses in the Health Care Insurance Plan that could be applied to Establishment 504 then they should be transferred. Depending on circumstances, I could agree with that. If you suggest to me that this form a part of the so-called Health Care Insurance Plan, I certainly would not agree at this time to that. If this answers your question?

Mr. Deputy Chairman: I would just like to say from the Chair, that in no way am I suggesting or about to suggest that any surplus of funds from the medical health scheme be transferred into the Yukon Consolidated Revenue Fund, if that is what you were just saying. I was not suggesting that.

Mr. Commissioner: Mr. Chairman, might I make a point for the record? It cannot be done.

Mr. Taylor: This is a tangent that you people got off on here. For what purpose, I am not sure. I am saying that this has to be funded out of general revenues in the same manner that \$37,000 is allocated this year for subsidized medical travel. Which, incidentally, is very difficult to get within the Territory, notwithstanding to get out of the Territory.

Mrs. Watson: Mr. Chairman, I think that this was a problem to start with when these regulations went in. But it has been clarified, and it has been structured with the local health care system and with the local health -- what do they call the person who works when the nurse isn't there? -- and with the doctors. The administrative structure has been cleared up and there isn't any problem now. It is just that a lot of the people don't know that this benefit is available to them. Counselors are always telling people that this is a benefit that is available to them.

Mr. Taylor: Mr. Chairman, not four days ago I had a call from a constituent from the Upper Liard who brought her child in to see this same specialist that you were just talking about a few moments ago. She applied for some assistance to assist her in her travel expenses, and she was told no. I might say that she is of native ancestry. When she applied for this assistance she was told, "No, if you came by bus, we could help you." But, she came in on C P Air Flight 22, and, obviously, she was told that she could not collect. This is only four or five days ago. How is this working, even with the \$37,000.

Mr. Chamberlist: Surely, the Honourable Member knows by now after all of his years on this Council that if a person is a status Indian it is not the responsibility of the Government of the Yukon Territory. You heard the Honourable Member stand up and speak about that. That is why it is not the responsibility, and you are asking, "How come?" Gosh. If you can't understand Mr. Taylor, and Mr. Chairman if Mr. Taylor can't understand after this time, what is he doing here?

Mr. Taylor: I didn't say anything about a status Indian; I said of Indian ancestry. This woman is married to a white man, and a very proud and respected person within our community. Now, who is listening?

Mr. McKinnon: Mr. Chairman, I have had problems over the past few years of accepting what I once thought was great political ability of the Honourable Member from Whitehorse East. I still have great confidence in his administrative ability. The Budget has been passed for this year; it is gone. I say that there are inequities under the medical travel evacuation and I think that if the Honourable Member would present to Council a paper utilizing what the Honourable Member from Carmacks-Kluane has said, the increase use of specialists travelling to the Territory with some form of regulation that is not going to be completely and totally uncontrollable, but is going to take in the very real deficiencies of which I speak, and, honestly, there are under the very stringent terms of the regulations that now stand. I think that we can really come up with a program that will be expanded but is not going to be too extensive for the pocketbook of the Yukon Territory. If the Honourable Member will work on it, and agree to come up with an attempt to Council, even a type that says, "These are going to be the costs; and, these are going to be the plans for funding. Let's put our money where our mouth is, and say, "Okay, the plan is too rich," or "not too rich". We are going to have to agree; or, we are going to have to disagree; or, we are going to have to amend it. I think that this can be compromised to a point where we can make this more expensive than it is now. And, we can take away the very real hardship that is being put on some people in the Yukon Territory because they can't get out to a specialist and because their health is deteriorating because of it.

Mr. Chamberlist: Mr. Chairman, the moment the words are used "because their health is deteriorating" immediately those words come into one of the criteria -- a danger of loss of life. This is where the prerogative of the Chief Medical Officer of Health, and he uses this, will allow people to go out. I want to comment on one particular thing because this afternoon I think we have to go on. What I do want to comment on is the wonderful manner in which the Honourable Member from Whitehorse West has seen fit to use the words that I put into the amendment to section 6. He has used it word for word, so, obviously, it is nothing original on his part when he brought forward (a) and (b) in his motion. He has taken (a) and (b) from section 6 which is the amendment to the regulations that I made. Now, he is attempting to transfer it into a medical necessity. When we talk about medical necessity, we talk about those particular areas -- Yesterday, when the motion was put on the Floor, the Honourable Member, I noticed that he didn't make any reference to those cases today because I think he has perhaps had second thoughts; he hasn't brought forward the information that I have asked for. They were not good examples; what I would want to make clear, and it is because it is the first part of the motion, which I had to go against. No way could it be supported by anybody when you read it. It says this: "It is the opinion of Council that Section 2(e) of the Medical Necessity Travel Subsidy Regulations be amended by expanding the interpretation and categories of 'Medical Necessity'". In that, you are asking for something to be done. When we go beyond that: "so that a Yukon resident referred to a medical specialist outside of Yukon by a person

MOTION #14

Mr. Chamberlain continues:

lawfully entitled to practise medicine in the Yukon Territory, have paid to him", etc. That is where I stop because if you think for one moment that I would allow the funds of the Yukon Territory to be placed in the hands of the medical practitioners for distribution, that is where I stop. This is why, under no circumstances, can that be considered. The Honourable Member has always been in favour of the funds of the Yukon Territory being the prerogative of Council's distribution. Through the various means of the Budget and approval. Look what we would be doing. Look what we would be placing in the hand of the doctors, the right to say who can have a trip outside. A person could go to a doctor and say, "Look, I am going out on my holidays, but when I go outside, I want to see a specialist." The doctor says, "Oh, that's fine. I will refer you to the specialist." So they tie in their holiday trip with the specialist. The Honourable Member knows that when he was on the Financial Advisory Committee himself, that this was happening. People going to Hawaii for their holidays were having half of their fare paid by the Government of the Yukon Territory. I can't support that in all conscience. I don't think that other Members can. If we are talking about looking for ways and means of expanding the criteria, I am prepared to have a look at that. It may be. I have already reasonably considered the fact that those people who were sent out on those criteria, we should pay the shot. This is not done anywhere else. My officers tell me that there is no other part of Canada where a Government pays the transportation costs from one jurisdiction to another. In the northern part of Saskatchewan they give assistance to visit some of the main cities where there are hospital facilities. I couldn't even think of placing the funds in the hands of a medical practitioner to decide whether the money is to be spent or not. I just couldn't do it.

Mr. Deputy Chairman: In light of the time, I wonder what the Committee wishes to do? Mr. Clerk, what work does Committee now have before us outside of Motion No. 14 and the Game Bill?

Mr. Clerk: Mr. Chairman, the Game Ordinance, Bill No. 18 is still in Committee, and the Scientific Exploration Ordinance is still in Committee. In addition, there are two Sessional Papers in Committee, Sessional Paper No. 2 and Legislative Return No. 8.

Mr. Deputy Chairman: Before declaring Committee in recess then I would like to point out that I think Committee gave me permission to be absent this afternoon.

Members: Agreed.

Mr. Tanner: We are obviously going to have to be around here on Monday. Is there any point in meeting this afternoon?

Mr. Deputy Chairman: Then I would entertain a motion for Mr. Speaker to resume the Chair.

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

Mr. Taylor: I will second the motion.

Mr. Deputy Chairman: It has been moved by Councillor Tanner, seconded by Councillor Taylor, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed?

MOTION CARRIED

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

Mr. Stutter: Yes, Mr. Speaker. Committee was called to order at 10:30 a.m. and Motions No. 3 and 14 were discussed at some length, and I can report progress on both.

Mr. Speaker: You have heard the report of the Chairman of Committees? Are you agreed? Might I have your pleasure in respect of the agenda?

Mr. Stutter: Yes, Mr. Speaker; it is the intention of Council to meet on Monday afternoon at 2:00 p.m. to discuss Bills, Motions, Sessional Papers, and Legislative Returns.

Mr. Speaker: What is your further pleasure?

Mr. Tanner: Mr. Speaker, I move that we call it 5:00.

Mrs. Watson: Mr. Speaker, I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Carmacks-Kluane, that we now call it 5:00. Are you prepared for the question? Are you agreed? I declare the motion carried. This House now stands adjourned until 2:00 p.m. on Monday afternoon.

MOTION CARRIED

ADJOURNED

MOTION
CARRIED

MOTION
CARRIED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. We will proceed with Orders of the Day. For tabling this afternoon we have, addressed to Mr. Speaker, Legislative Council. "Dear Mr. Speaker: Please find enclosed submission by the Yukon Hotel-Motel Association with copies to all members for Council's information. We hope this will receive Council's favorable attention." It is signed by Mr. W. J. Stitt, Secretary Yukon Hotel-Motel Association. Is there further tabling of Correspondence or Documents?

TABLING OF
LETTER
FROM YUKON
HOTEL MOTEL
ASSOCIATION
& LEGISLATIVE
RETURN #13

Mr. Chamberlist: Mr. Speaker, I have for tabling Legislative Return No. 13.

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

Mr. Tanner: Mr. Speaker, I have a Notice of Motion. I move that the submission from the Yukon Hotel-Motel Association tabled this day be moved into Committee for discussion, into Committee of the Whole for discussion.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? We will proceed then to Daily Routine. There being no Motions for the Production of Papers, we will proceed to Motion No. 15. It has been moved by Councillor McKinnon, seconded by Councillor Taylor, that Sessional Paper No. 16 be moved into Committee of the Whole for discussion. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION #15

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: We will now proceed with the Question Period. We have with us Mr. Commissioner, today. Are there any questions? Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, on more than one occasion I have been questioned during this Session of Council as to whether the Government of the Yukon Territory has been in receipt of a financial statement from the City of Whitehorse. I would like to advise the Honourable Members that His Worship Mayor Wybrew, delivered by hand, just prior to the opening of this Session, the financial statement of the City of Whitehorse, which I have passed on to my offices just prior to Council coming to session at this time. Also, Mr. Speaker, I believe that Honourable Members are aware that I have spoken to the Minister concerning certain aspects of a motion which Council has before it at the present time. I believe also that I was called upon to determine in what form some of these things would be dealt with at the Federal level, and I would like to advise Members that I have been advised by the Minister. He says "I am giving consideration to the manner in which to work and I have negotiations and response to the claims presented to the Yukon Native Brotherhood. Please assure Council that their views will be given every consideration in my deliberations. As soon as I have more information on this important subject, I will be in touch." It is signed by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development.

Mr. Speaker: Thank you, Mr. Commissioner. I wonder if it would be possible to table a copy of that letter. Are there any further questions? Honourable Member for Whitehorse North.

Mr. Tanner: Supplementary to the Commissioner's first answer, Mr. Speaker, is it the Administration's intention to table the financial report from the City of Whitehorse in this Council?

QUESTION RE
TABLING OF
CITY OF
WHITEHORSE
FINANCIAL
STATEMENT

Mr. Commissioner: Mr. Speaker, without interfering in any prerogatives that Honourable Members would have, if my memory serves me correct, we are committed to an examination of this statement as it applies to a Council motion. I am sorry, I would have to sit down and take look at what this motion says, Mr. Speaker. But, the question about the Government of the Yukon Territory tabling the City of Whitehorse financial statement, if we were requested to do so -- after all there is no reason why this would not be done. If we are committed already to do this by means of a prior motion, Mr. Speaker, I stand to be corrected.

Mr. Tanner: Supplementary then; will the report be made available to individual Councillors, those who ask for it, those who have an interest?

Mr. Commissioner: Mr. Speaker, I would know of no reason why not. I'm sure that in the eyes of the City of Whitehorse it would be looked upon as a public document, which in due time they will be publishing, I believe under the terms of the Municipal Ordinance. There're no inhibitions that I'm aware of, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Tanner: Mr. Speaker, I have a question for the Minister of Health, Welfare and Rehabilitation. In view of the interest stated in recent Status of Women's meetings in Whitehorse and the obvious need by many residents in the Yukon of child care centres, would the Minister indicate to this Council, what policy, if any, his department is following with regard to child care centres?

QUESTION RE
CHILD CARE
CENTRES

Mr. Chamberlist: Mr. Speaker, what I can say firstly -- it is a double-barrel answer that I have to give, is that the Government is giving consideration to all aspects of child care centres, but the Government is quite concerned with the fact that it had in the past made available funds for a child care centre and the child care centre, itself, was disposed of by the executive of that centre without the Territorial Government being made aware. As a result of that situation, we're looking very, very carefully at any area where capital funds for child care centres would become available.

Mr. Speaker: Any further questions? Honourable Member for Dawson.

Mr. Stutter: Mr. Speaker, I'd like to ask the Commissioner -- this would be a written question. I would like to know the number of prosecutions and also the number of convictions that have been brought about under the Game Ordinance in the last two years?

QUESTION #6

Mr. Speaker: Any further questions?

QUESTION RE
CHARTERS

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner would be willing to table before Council, the amount of charters that were taken by both the Executive and officers of the Administration of the Yukon Territory -- air charters within and without the Yukon Territory charters in the last fiscal year, and the cost to the people of the Territory of these charters?

Mr. Commissioner: Mr. Speaker, I would gladly do this; it will take a day or two to get it.

Mr. Speaker: Would the Honourable Member for Dawson kindly take the Chair?

Mr. Stutter takes the Chair.

QUESTION #7

Mr. Taylor: Mr. Speaker, I have a series of questions this afternoon. My first is a written question to the Administration. Within the past year a public petition was signed by a great many Yukon citizens asking in part, that the Governor in Council dissolve the Yukon Legislative Council and call a new election. It is reported that the same petition was delivered to His Excellency, the Governor General, in mid 1972, at Ottawa. Would the Administration, therefore, communicate with His Excellency, the Honourable Roland Michener, Governor General of Canada, with a view to determining what his disposition may be in relation to the public petition so received by him, and advise Council accordingly? Mr. Speaker, I have a further question. It appears that the policy paper on education, detracts in many ways from the provisions of the current agreement. I'm just wondering if Mr. Commissioner could inform me today, whether it is his intention to continue honouring the current contractual agreement with Y.T.A., which, I believe extends to June of 1974, notwithstanding, implementing any of the policies contained in the policy paper.

QUESTION RE
POLICY PAPER
ON EDUCATION

Mr. Commissioner: Mr. Speaker, with respect, the contract which presently exists with Y.T.A. is a contract which ultimately becomes a contractual arrangement between each teacher and the Government of the Yukon Territory. It has no relationship or bearing of any kind on the policy paper that has been tabled. There's no relationship between the two. I fail to understand the Honourable Member's question.

QUESTION RE
LABOUR
PROVISIONS
BILL

Mr. Taylor: It would appear from examination of this paper, Mr. Speaker, that they would be in conflict. It is possible that they may not. I just simply asked the question, if the Commissioner is intending on honouring that agreement. My answer is yes. I have a question respecting the Labour Provisions Bill. Inasmuch as it affects the implementation of the basic minimum wage, raising the level of the basic minimum wage, I'm wondering if Mr. Commissioner could indicate as to when he will be bringing this Bill, Bill No. 24, into force?

Mr. Commissioner: Mr. Speaker, I would have to have notice on that question, because it would be the Administration's intention to give the public some reasonable notice, some reasonable prior notice of the date of the coming into effect of the Bill. If the Honourable Member would leave the question with me for a day or two, I will be very happy to arrive at a date; I will advise the House accordingly.

QUESTION RE
SCHOOL
CALENDAR

Mr. Taylor: Mr. Speaker, I have a further question relative to the Education Report, policy paper. There appears to be a certain discrepancy. Apparently, the date of the opening of the school calendar for 1973 as published now, is September 4th, I believe, and that in the policy paper, I believe, they refer to August 27th, as the new opening date. Which date, in fact, will be the opening date for the school calendar?

Mrs. Watson: Mr. Speaker, at the present time, the present School Ordinance that is in effect, the opening date of school would be September 4th. With a revision of the Ordinance, if there is a revision before the beginning of the school year for 1973, then the Commissioner's Order will have to be amended. It is completely dependent upon the legislation.

QUESTION RE
TIME OF
SPECIAL
SESSION FOR
POLICY PAPER
ON EDUCATION

Mr. Taylor: Mr. Speaker, this gives rise then to a further question in respect of the policy paper on education. I am wondering, if Mr. Commissioner could indicate to Members of the House, as to just when, or approximately when, he may be calling this Special Session referred to, to deal with the policy paper on education. This is in order that we might make our plans accordingly for the balance of the summer.

Mr. Commissioner: Mr. Speaker, I will be guided by the advice that comes to me from the Executive Committee in making a final decision on this. I am quite satisfied that in a manner of this nature, that adequate notice will be given to the public and to Members of the Council, prior to that particular event coming about. I think that a reasonable assumption is that we will have a Special Session of Council to deal with this most important subject and certainly, we are hardly about to spring that on Honourable Members or the public, without pretty reasonable notice.

Mr. Tanner: Mr. Speaker, supplementary to the last question. Could the Commissioner or some Member of the Executive Committee, give us some general outline. Is it going to be May, for example, June, or is it late summer or within the next month? Just some general indication?

Mrs. Watson: Mr. Speaker, it is very difficult to answer. In the first place, we would like to give the public the opportunity to study the policy paper that we have, and to get some reaction from the public on this policy paper. Once we have had some reaction from the public, and we can more or less ascertain what their feelings are, then we can go ahead and prepare the legislation and the regulations. I would be certain it wouldn't be within six months from now.

QUESTION #8

Mr. Taylor: Mr. Speaker, I have one final question. It is a written question again, requiring a written answer. It does parallel with an oral question asked this afternoon, however, possibly, this would assist in getting the answer. The question is, the Administration is respectfully asked to provide Council with details respecting aircraft charters by the Government of the Yukon Territory during the fiscal year 1972-73 as follows: (1) Individual breakdown of each charter flight indicating departure point to destination point; type of aircraft; the number of passengers; the reason for the charter flight, and the cost of each flight. (2) The total cost to Y.T.G. for all charter flights? I will resume the Chair.

Councillor Taylor resumes the Chair.

Mr. Speaker: Are there any further questions?

QUESTION RE
BRIEFS
PRESENTED TO
LEVERS'
COMMISSIONER

Mr. McKinnon: Rising out of the questions already asked, Mr. Speaker, I wonder if I might ask the Member for Carmacks-Kluane whether there will be a position or a procedure paper presented to the public of the Yukon Territory, on how they may make their further views known, now that the policy paper has been presented. I have had requests over the weekend that evidently the briefs that were presented to the Levir's Commission, were not incorporated in the policy paper. They would like to make sure that the Government, before the legislation is passed, that the policy brief can be presented to the Government of the Yukon Territory by the Yukon Legislative Council?

Mrs. Watson: Yes, Mr. Speaker, I would like to contradict the Honourable Member. The majority of the recommendations

Mrs. Watson continues:

in the Levir's Report have been incorporated into our policy statement. However, a procedure whereby the public can make further recommendations regarding the policy paper, will be advertised and outlined by the news media and in our newspapers.

Mr. Speaker: Are there any further questions? I would like to thank Mr. Commissioner for his attendance in Question Period this afternoon. We will now proceed to -- as there are no Private Bills and Orders, to Public Bills and Orders. What is your pleasure?

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, Fourth Appropriation Ordinance 1972/73, be given First Reading.

MOTION CARRIED

BILL #29
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, Fourth Appropriation Ordinance 1972/73, be given Second Reading.

MOTION CARRIED

BILL #29
SECOND
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, Second Appropriation Ordinance 1973/74, be given First Reading.

MOTION CARRIED

BILL #30
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, Second Appropriation Ordinance 1973/74, be given Second Reading.

MOTION CARRIED

BILL #30
SECOND
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, Expedition Ordinance, be given First Reading.

MOTION CARRIED

BILL #31
FIRST
READING
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 31, Expedition Ordinance, be given Second Reading.

MOTION CARRIED

BILL #31
SECOND
READING
MOTION
CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair, and Council resolve itself into Committee of the Whole for the discussion of Motions, Legislative Returns, Sessional Papers and Bills.

Mr. Chamberlist: I will second it.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Whitehorse East, that Mr. Speaker do now leave the Chair, and Council resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Legislative Returns and Motions. Are you prepared for the question? Are you agreed? I shall declare the motion carried, and the Honourable Member from Dawson will take the Chair in Committee of the Whole.

MOTION CARRIED

MOTION
CARRIED

Mr. Stutter takes the Chair.

Mr. Deputy Chairman: I will now call Committee to order. We have before us in Committee two outstanding motions, the first of which is Motion No. 3. You have before you at the moment an amendment.

MOTION #3

Mr. Tanner: Mr. Chairman, as the mover of the amendment, I believe at the last sitting Councillor Taylor didn't have an opportunity to speak. I would like to hear what he has to say.

Mr. Taylor: Mr. Chairman, I listened with some interest to the discussion in relation to the amendment to Motion No. 3 when last we discussed this on Wednesday. I became somewhat puzzled over the trend of the debate. In a way, I think it was really sad that the matter arose here as it did in the first instance. I even found it was sadder to note the possibility of some dissension in respect of the amendment. I think it has been noted across Canada by leading editorialists, by journalists, by politicians and, generally, the citizenry of Canada, in southern Canada and in the neighbouring Northwest Territories, that they are applauding the native people in the Yukon in their successes in presenting their land claims to the Prime Minister and the balance of Canada. I found it somewhat objectionable, and I wasn't very proud to be a Member of a Council which possibly would reject these rights, or even suggest that they should not be considered. The amendment is sound; it more clearly states than the original motion the true position of the people of the Yukon Territory and the Legislative Council which represents those people. I think it is quite clear. I think it should be supported by all Members on a very unanimous basis. Firstly, the amendment congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of Yukon Indian Land Claims. And, they should be congratulated; their presentation has really shown that they have worked at this; they have shown tenacity. They have also shown determination in their presentation to the Prime Minister to the extent that the Prime Minister and the Government of Canada, having viewed the Royal Proclamation which, indeed, sets out their rights, the Royal Proclamation of 1763. They have just done a tremendous job. I don't think that anybody could say enough to compliment them on it. I think it becomes very clear now that there can be no doubt whatsoever of the ability of the Indian people of the Yukon to speak clearly, to make demands, and to administer in any area of consideration, and to speak out clearly, as they have in this case, on issues, be they moral, be they social, be they economic. They have proven this, and they have proven this to all Canadians. I think that we should be justly proud of this ability and respect it here at home. The amendment to Motion No. 3 points out the case for the Government of the Yukon, and all people of the Yukon, that the meaningful discussions which must take place in Ottawa, the result of those discussions will have very, very far-reaching effects on the future of the Yukon and its citizens. Consequently, it asks that in some way we, through the Government of the Yukon Territory, can participate in negotiations with Canada. It has occurred to me over the weekend that I could have been hasty in assuming that this possibly should be a political input. I have somewhat mixed emotions on this subject. I think possibly this is not the time for politicians to be involved in these discussions, more particularly from this particular legislative Council. I think possibly this might well be left in the hands of the Government of the Yukon Territory, and that is something you very rarely hear me say at this table. I think in this particular instance we need the expertise which can generally be found in administration. They seem to have been able to confound this legislature and the people of the Yukon for so many years, I am sure they would consider this a great challenge to work on behalf of the Council of the Yukon Territory and the people in any involvement they may have involving land claims. The points are clear. One, the Brotherhood has made their proposals in a very, very fine brief. I must confess that I have only skimmed through it; I think one would have to read that document five or six times to really understand it. I am pleased with it. I don't think, as was suggested by the Honourable Member from Whitehorse East in his remarks on Friday, that we are talking about sovereignty. I don't think that the Native Brotherhood is talking about sovereignty at all; they are talking about land claims. I would think they are as justly proud of being Canadians as we are. They are asking for what is due them and properly so; and, I agree with them. The Royal Proclamation spells it out; it is there. Meaningful negotiations will take place. Constitutionally, I don't think we can demand a seat on those discussions. I often refer back to this blessed little document dated the fifth day of October, 1962, in a judgement. The last words said on this subject by Justice Sissons from the Northwest Territories, where he states: "I know of no Government of the Yukon Territory, distinct from the Commissioner or the Commissioner in Council, and the home Government of the colony is the Government of Canada." That is who the negotiations are taking place with the Brotherhood. I think we can best ask and express through this amendment our desire to participate in these negotiations. I think it behooves the Government of Canada to listen to our request. We are not making a demand; we are making a request. I really and truly think that the powers that be in the great ivory tower down in Ottawa will accede to this request as stated in the amendment. In closing, I would again extend my personal congratulations and the congratulations of many of my constituents to the Native Brotherhood on their achievements to-date. I personally would go further; I would hope that their negotiations go well in Ottawa. It is hard to believe the good that can result from these discussions, from these negotiations. Everybody in the Yukon is going to benefit, be it economic, socially, morally, any way you want to talk about it. The matter has been a long time coming. It is on the Floor; it is in the Forum; once it is done and settled, it is done and settled. I wish them luck, and I think that everybody in the Territory should wish them luck too. On that basis, Mr. Chairman, I am more than proud to support the amendment to Motion No. 3. I will assume the Chair. Councillor Stutter.

Mr. Taylor assumes the Chair.

Mr. Stutter: Mr. Chairman, I think I perhaps find this particular motion and the amendment to it to be without a doubt the most difficult one that has come before Council, and it is the most difficult one to debate. I think I am going to be completely truthful. To begin with, after reading the brief -- I have only read it once -- I particularly want to congratulate the Yukon Native Brotherhood on the approach that they have taken, on their positive manner. I don't think any one of us, I don't think there is anybody in the Yukon, probably nobody in Canada, disputes the moral rights, the injustice that has been done to the native people. I think that we all recognize that it is high time, in fact, it is long overdue, that a settlement be made with the native people so that they can pick up what is left of their heritage, what is left of their lives, and carry on from there. In the main motion there are really three things that are embodied in the motion. I find a little difficulty with the wording of it, but the main things that are embodied in that motion are the Council involvement, the success of the negotiations as far as all people of the Yukon are concerned, and the request

Mr. Stutter continues:

MOTION #3

for financial assistance to carry out research into the whole area of the claim. In the amendment, I also find difficulty in the wording there too. I have only read the brief through once, and I stated that I am going to be honest; I am going to be honest. I, personally, wouldn't want to see everything that has been stated in the brief come about. I believe that the Yukon Native Brotherhood in their submissions, are putting forth proposals, and putting forth demands that are basically in a bargaining position. I think they probably don't look to get exactly everything that they have spoken for. In the amended motion, I go along with the first part of it one hundred percent, that is congratulating the Yukon Native Brotherhood. The second part of the motion, I am not too sure that I have got it completely clear what that second part of the amendment is requesting. I feel that we must have involvement; we must have involvement of all of the people of the Yukon whether it be through Council directly, or through a representative set up or appointed by Council. Nevertheless, we, as the elected representatives of the people, must do just that, must represent all of the people. I have probably got as many native people in my area as anybody. I think that the people in Old Crow, particularly, have a very, very valid claim, but perhaps no more than anybody else; but, it is physically more evident in their way of life as a group of people. There are probably other areas in the Territory that can have the same claim, but they are areas that I am not personally familiar with, and I can't honestly talk about those particular areas. I do know that they have a very valid claim, as far as I am concerned. Getting back to the amended motion, the final points, (a), (b) and (c), I can support them all wholeheartedly provided that the aims of that amendment are that the outcome of the negotiations are mutually successful. By that, I mean successful as far as all of us, all of the people of the Yukon, are concerned. We are all going to have to continue living together; as long as we recognize this fact, we must be careful that all of the people of the Territory are adequately represented at those negotiations. As far as the main motion, or the amendment to the motion, is concerned, it is extremely difficult to know which one to support. I think I would have to support the amendment ahead of the main motion. Thank you, Mr. Chairman.

Mr. Stutter resumes the Chair.

Mrs. Watson: Mr. Chairman, to me this is a very, very simple situation. I think the Honourable Members sitting around this Table have made it complex because they can't disassociate their emotional feelings on these issues. Emotional feelings should not enter into this at all. We should not even be discussing the Indian land claims, whether it is morally or legally that they have a right. This is not the decision that we have to make here. The Federal Government has accepted the land claims; they have agreed to negotiate, but the Federal Government has forgotten that there is a third government involved. This is the issue that every Honourable Member sitting here today must realize. We should not be discussing the land claims, the merits, whether they have a right to them or not. We should be saying very specifically and very simply in any motion that goes to Ottawa, that the Federal Government is going to negotiate with the Yukon Indians; there is a third party, a very important third party, and that is the Government of the Yukon Territory, and I mean the elected people of the Yukon Territory. They also should be involved. Our motion should be very simple; should be very neutral. It just should say, "Look, you are negotiating something that we feel we own, partially own. Now, we should be involved in the negotiations." That is all that is necessary at this time. We cannot let our emotions get involved. We cannot let our personal feelings get involved. We have to be completely analytical because these negotiations, the results of them, are going to be for keeps. This is one of the most important issues that has ever come before the Territorial Council. We have to sit here and accept our responsibility as Yukon Territorial Councillors, Members of the Yukon Government, and it is on this basis that our motion should go forth to Ottawa.

Mr. Chamberlain: Mr. Chairman, I would like to recap for a few moments the reasons behind the motion, that is the main motion, and the circumstances surrounding the amendment to the motion. I would firstly like to indicate that the main motion has no political theme. It was simply brought about because the Honourable Member from Carmacks-Kluane and myself were firmly convinced that we do not represent separate constituencies in a matter of this nature. In fact, we represent the people of the Yukon, even those who grin unobjectively from time to time. I was prepared to proceed with the motion on the day following, but at the request of some Members of Council the motion was delayed, and we were requested to go into caucus to attempt to obtain certain information. I made my commitment that I would do that; we went into caucus, and we waited almost two weeks for some information. Last Wednesday night, when it was intimated to me that the information would be available for the following day, I stood up in this House and said that we would be proceeding with the motion. When Council opened on that day, one of the Honourable Members, the Honourable Member from Watson Lake, although he was part of that caucus, part of that agreement, stood up, because there were our fellow native citizens in the public gallery, and played to the public gallery, and questioned me as to when I was to proceed with the motion, knowing full well that he was part of the agreement, and that I would not proceed with the motion until such time as we got the information. Then, of course, you will recall that I said that I would proceed when I was ready. During a break the Commissioner informed me that certain information was available. We went into caucus; the Honourable Member from Whitehorse North was out of the caucus room at the time that the decision was made. I feel that in presenting his motion, although it was in error, certainly he was not aware of what had taken place. The Honourable Member from Whitehorse West and the Honourable Member from Watson Lake had both agreed to an amendment to the main motion, which all of us had agreed to, would take place. The following morning, as all Members know, the Honourable Member from Whitehorse West got up and made quite a spectacle of himself in a very sentimental way, and told us about his family life, what was concerning him, and then declared that the main motion that was made was a cry-baby motion, and I have already remarked on that, that if I have to cry for the people of the Yukon, I will. I have indicated in this Council that when it came to the type of trick that was pulled by the Honourable Member from Whitehorse West, I have referred to him as shallow; I have said that we can see through him like a mirror -- like a plate glass window -- I have questioned his honesty and his credibility. Now I have to question his integrity, and I am talking about his political integrity. Obviously, to agree in caucus and then without letting anybody know, withdraw that agreement, shows that there is a necessity for him to recognize what a mess he's in and, perhaps, gain some maturity to remove his political diapers. I will say this, and the records will show my feelings toward the native people of the Yukon, and I think none of us, and I echo the Honourable Member from Dawson City's remarks, none of us can feel anything but a great amount of remorse for the suffering that the native people have had to endure over many, many years up here. I have sympathy for them, but I have a lot of sympathy as well for those other people who are not Indian people. I have sympathy for all of the people of the Yukon. When I spoke last week, I made reference to the fact that there are many political people who run to the Indians for political support, or run for cover. Mr. Chairman, I want to assure them right here and now that I don't run to them for political support, nor do I run for cover from them. I tell you this though, and this is what is bothering me so much about the remarks that have been made by the Honourable Member from Watson Lake today, he found it objectionable; he said he found the main motion objectionable, but he approved of it with a slight amendment. But, he has backtracked. He backtracked in exactly the same way that the bouncing ping-pong ball would go. He looked to see which way the Honourable Member from Whitehorse West was batting. This is a regular thing that happens. Certainly, nobody rejects the rights of the native people, but the Honourable Member from Watson Lake said, "I have just skimmed through this." And, yet, the manner in which he spoke anybody would think he had become an exceptional specialist on the particular paper. He has just skimmed through it. I can say that I have read it twenty times; as usual, when I want to speak about a subject, I make sure that I know what I am talking about. This is the beginning of the sellout of the people of the Yukon. The Honourable Member has said -- and this is what has bothered me about this amendment, because it says so in the amendment too -- the Honourable Member has said, "We don't want Council input." The times over the last twelve years, or so, that he has been a Member of this Territorial Council, that he has been speaking for responsible Government, that he has been wanting to have input into everything that takes place, and with an important situation like this, he now says, "We don't want input." What does the second paragraph of what purports to be

Mr. Chamberlist continues:

a motion -- incidentally, only the first part is a motion, the rest becomes gibberish because the people that have brought this together don't even know how to put a motion together; so, it is unfortunate. But, you see, the words they have used is that adequate representation be afforded to the Council, not the Council themselves. No, all of a sudden, nobody want the Council involved. All of a sudden, the people who have been speaking about the bureaucrats now want the bureaucrats involved. What strange bedfellows these people are now. In going through again, the paper, and I again say there is much merit in it, and I hope they are going to get lots of support, they will from me as well in many areas, but, I am not going to sell my next generation and the generations afterwards and everybody else into perpetuity down the river for the sake of any one individual group, because it would be wrong for me to do it. I say that the Yukon Native Brotherhood themselves know that it would be wrong for anybody to do it. They have been sold down the river themselves; so, why should they want any other group of people to be sold down the river? I can tell you this, the paper itself makes no mention at all of the intent of how non-Indian people in the Yukon, Yukoners like themselves, will be affected. Quite frankly, after reading it for the twentieth time, it seems to me that the people of the Yukon are going to become the guinea pigs of Canada, and if we aren't careful, the Federal Government will impose the payments to meet the demands on the people of the Yukon, that freedom from payment for a specified group which has been already asked for, and I say that this is legally wrong and this is morally wrong as well. Let Honourable Members worry about that particular point. The Honourable Member from Carmacks-Eluane made a specific point of saying that Members should remember that there should be no personal involvement at all or no personal feelings in relation to their actions here because they are primarily Members of the Territorial Council representing the people of the Yukon Territory. I am not going to support an amendment to a motion which defeats the simple idea that has been given. I noticed that the Honourable Member from Dawson City quite clearly laid out those three points. The amendment that has been made is not, in fact, an amendment, nor was it intended to be. As far as I am concerned, the actions taken by the Honourable Member from Whitehorse West and the Honourable Member from Watson Lake in supporting, after they had agreed to a certain policy, is just something that cannot be answered to, and they will have to answer to the public eventually. I hope that when the time comes along, and I can say this now, and that once certain things like the Education Bill are completed at the emergency Session of Council, and if we can get the Workmen's Compensation Fund through, I will be content to have the Honourable Member from Watson Lake come forward with a motion to dissolve the Council, and I will support him very, very quickly, because this particular person and his colleague have turned out to be treacherous in the political sphere. They have to live with that, and they will have to remember how treacherous they were. This is the basis. I say this, that I want very clearly the people of the Yukon Native Brotherhood to remember that if there can be a double-cross taken place in this Chamber, the people of the Yukon Native Brotherhood can be double-crossed as well. Just remember, and I have no hesitancy in saying, that may well occur. There is a group of people that I am concerned about that not much consideration has been given to. They are not members of the Yukon Native Brotherhood. They are the YANSI organization that needs consideration as well. I will speak up for them in exactly the same way as I speak up for all Yukoners. I would ask that people give consideration to what really are the key things that are required; that's involvement of this Territorial Council because without this involvement, the very thing that the Honourable Member from Whitehorse West has been standing on his feet for years, screaming about, will come to an end; that what is enshrined within this paper that the Yukon Native Brotherhood -- it is not simply a land claims settlement; it will destroy the future of the Yukon as sure as I am standing here, if the elected people of the Yukon Territory are not allowed to participate. As far as I am concerned, a pox on any political party; I want people to start speaking for the Yukon. The time must come for people to realize that Yukoners are suffering because of the manner in which we have to be governed. We all know this, but I would ask Members who have already given their thoughts on this to remember, don't damage what we have already done, and don't damage what we could get as well. Let's support the Yukon Native Brotherhood, by all means, as the Honourable Member from Dawson has said, in the manner in which their claim has been put, but don't just try the path of the motion that will, in fact, accept -- I don't care what the Honourable Member from Dawson has said, if he said that the amendment is a little bit better. That isn't the point, but if it is accepted as it is, we are congratulating the Yukon Native Brotherhood and it would appear to the public at large that we are supporting the requirements that have been asked for in their claim. This is the thing that you have to consider; this is where, I think, we would go wrong. I would ask you to revert back to the main motion and amend it, by all means if you wish, as we have already agreed to, or in any other way, but you must have those key three criteria that are required so that we can indeed participate and help all Yukoners to be justly treated. Thank you, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, I just want to say something for the record and I want it to appear in the record. I made no deal -- I made no agreement in caucus with the Member from Whitehorse East. I've been around here too long to make any political deals with the Member for Whitehorse East and I'm too smart, Mr. Chairman, to go to bed with a rattlesnake. Mr. Chairman, I would move that question be called on the amendment to Resolution No. 3.

Mr. Chamberlist: Mr. Chairman, I don't want to get into a procedural thing, but if we're going to deal with the question, I would suggest that we wait on an important question like this, until all Members of Council -- we are a Member short -- a Member who has a large Indian population in his constituency, may wish to -- I don't know. Perhaps it might not be necessary to do that. I'd also like to indicate that this motion has come into Committee of the Whole for discussion, and I don't want to take advantage of any procedural matter, but these are things that you can understand. I won't support it.

Mr. Taylor: Mr. Chairman, may we have the question called?

Mrs. Watson: Mr. Chairman, would the Honourable Members consider delaying this question until the Honourable Member from Mayo can be present? It is rather an important question that's facing the House today.

Mr. Deputy Chairman: May I seek guidance from Committee. What is the wish of Committee?

Mr. Taylor: That question be put, Mr. Chairman.

Mr. Chamberlist: Well, that is something that I must bring attention to again, Mr. Chairman. You will recall the other day -- I will grant to the Honourable Member for Whitehorse West -- that when I asked for some study time to be given to the amendment to the motion, that the Honourable Member for Whitehorse West agreed, but the Honourable Member for Watson Lake, he shook his head in disagreement, so then of course now, he's not talking about bulldozing. Anything else that we've been doing in the last couple, three weeks, there was a steady cry of bulldozing. Now he's bulldozing. I think, Mr. Chairman, there would be a risk if you call without honouring the request of two Members of this Council to wait until there is a full membership of the Council here.

Mr. Taylor: Question, Mr. Chairman.

Mr. Deputy Chairman: Question has been called. It has been regularly moved by Councillor Tanner, seconded by Councillor McKinnon, that Motion No. 3, that after the word "that", the motion be amended to read as follows: "that this Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada, of the Yukon Indian land claims, and the Council recognizes that a successful outcome to the negotiations on the claims currently being programed will require the aid and assistance of the Council of the Territory, and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests the Honourable Pierre Trudeau, Prime Minister of Canada, and the Honourable Jean Chretien, Minister for Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in: (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory."

Mrs. Watson: Mr. Chairman, I wonder whether we could see what the majority of the House feels about delaying this question until the Honourable Member from Mayo is present. We haven't heard from the Chairman or from the Member from Whitehorse North. We've only had an indication from two Members who want to proceed with the question. Surely the majority of the House can

Mr. Taylor: Mr. Chairman, I believe question has been called for.

Mr. Tanner: Mr. Chairman, if the Honourable Members want to hear my opinion, I think that the two Members who have asked that we delay it so that the Honourable Member for Mayo, who is not present -- I think they've got a legitimate point. However, the Honourable Member for Mayo hasn't been in the House for the last two weeks. I have personally talked to him. He's cognizant of the fact that this motion is being put. It's public knowledge that we've had much discussion on it. Everybody's expressed their opinions, incidentally, except me, except through my resolution. That has been done deliberately. I think that if the Honourable Member for Mayo had indicated to any Member of the House -- well, to me anyway, whom I think of as a very personal close friend -- he would have let me know that he wanted to be here today, or he would have asked us for a delay. Now he hasn't asked me. The motion has been sitting around the House -- the amended motion has been sitting around the House for three weeks, almost, now. The time is shortly becoming near when the Minister is going to be picking his negotiating team, so I would say the question should be put.

Mrs. Watson: Mr. Chairman ...

Mr. Chamberlist: Shut up.

Mr. Deputy Chairman: Order, please.

Mrs. Watson: Mr. Chairman, I think everyone realizes that this motion has been bandied around in this House for several days, and we were never able to ascertain when the vote would be taken. Now, if we could set a day certain, I'm sure that the Member from Mayo would make himself available to be present in this House. He has been ill in the hospital. This motion has been in here for more than two weeks and he has not been able to attend all of that time. If you set tomorrow, if you set Wednesday, for the day for the vote to be taken, I can assure you that the Honourable Member for Mayo will be present. Surely, this is not asking too much of Members here today.

Mr. Taylor: Question.

Mr. Chamberlist: Mr. Chairman, there's an area necessary to look at, quite properly; the request that's been made. If we can somehow or other get rid of that Sony taperecorder that's sitting over there and only seems to know "question", perhaps we could get other people to understand what is being asked, Mr. Chairman. It would be most improper, I think, for Committee at this time to deal with this matter without the full membership here. As I say, I don't want to have to go to procedural matters, where -- I'm asking Mr. Chairman to just stay with the motion that put this matter into the Committee. If you will read the motion, the motion reads that Motion No. 3 be moved into Committee for discussion. Therefore, under Beauchesne's Rules, when it's only in Committee for discussion, then it would have to go into the House for the vote. This is why I have no wish to take advantage of the situation, because Mr. Deputy Speaker would be in the Chair, and then of course, we would have then to vote in the House. I don't want to go that way and I think that the request that has been made, Mr. Chairman, and I think it's been your prerogative to deal with the matter in this area, that we put a day certain aside for the taking of the vote. I think perhaps it would be an appropriate time now, as we often do, to take a ten minute

Mr. Chamberlist continued:

MOTION #3

break, so that we can consider the situation. I wonder if Mr. Chairman would not do that at this time.

Mr. Deputy Chairman: Mr. Chairman, at this point, would readily agree, since I need to seek guidance on procedural matters.

Mr. Chamberlist: Agreed, agreed.

Mr. Taylor: Mr. Chairman, before you call a recess, I'd promised myself faithfully that I wouldn't be baited by all this garbage I've heard from across the table, and I will attempt not to be baited by it, but I would say, procedurally, there is no question requiring guidance. The Member who has just given you information is entirely incorrect. It is quite competent, and indeed necessary, in most legislatures, to take matters into Committee. It is competent for Committee to amend them in any form they so wish, to sub-amend them if absolutely necessary, and to report them out of the House as carried, as amended and carried, or otherwise.

Mr. Chamberlist: You'd better look up your book.

Mr. Deputy Chairman: Order, please.

Mr. Taylor: Question, question on the motion, Mr. Chairman.

Mr. Deputy Chairman: I will now declare a recess to consider this matter.

RECESS

RECESS

Mr. Deputy Chairman: I will now call Committee back to order. I would like to say that I have been advised that under Beuchesne, Rule No. 195, I would be prepared to accept a dilatory motion from Councillor Chamberlist on the question on the amendment, to be put off to a day certain, if that's his wish, and this motion would be not debateable. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I was aware that I have the prerogative to do that, and this is what I was referring to, Mr. Chairman. However, I feel that we can perhaps make an effort here in getting our problems cleared up. Mr. Chairman, it was my intention to read a few chapters of the Indian Act, which of course, would be

Mr. Deputy Chairman: Order, Councillor Chamberlist. I called a recess to look into the procedural matter as to whether to deal with question on the amendment, and this is the matter under consideration at this point. Do you wish to proceed with a dilatory motion?

Mr. Chamberlist: I'm sorry, Mr. Chairman, I thought you called for a recess for coffee. I wasn't aware ...

Mr. Deputy Chairman: Order, order, please. Mr. Chamberlist, you know full well why the recess was called, and I ask you once more, do you wish to proceed with a dilatory motion or not?

Mr. Chamberlist: Not at this particular moment, Mr. Chairman.

Mr. Deputy Chairman: Then -- order, please -- under Standing Order 59, which states: "that Standing Orders of the House shall be observed in the Committees of the Whole House so far as may be applicable, except for Standing Orders as to the seconding of motions limiting the number of times of speaking and the length of speeches." Under this rule ...

Mr. Chamberlist: Mr. Chairman, with respect, the Honourable Member, I know, is trying his best to get the procedural -- but now I have an amendment to the amendment, which is proper and in order. I would move, seconded by Councillor Watson, that the amendment to the amendment to Motion No. 3, read as follows: -- copies are being printed, Mr. Chairman. Moved by myself, seconded by Councillor Watson, that the words 'the manner of' be added after the word 'on' in the first line and the word 'mutually' be added between 'A' and 'successful' in the third line, and that the word 'Right' be added in between the word 'the' and the word 'Honourable' in the seventh line, and that the words 'adequate representation be afforded to' be deleted from the tenth line, and the words 'to freely' be deleted from the eleventh line, and in subsection (a), add the word 'mutually' in between the words 'A' and 'successful' and in subsection 9B(b), add after the words 'implementing' the words 'within the Yukon any tripartite'. The amended motion will therefore read as follows: "That this Council congratulates the Yukon Native Brotherhood on the manner of their presentation to the Government of Canada, of the Yukon Indian Land Claims, and the Council recognizes that a mutually successful outcome to the negotiations on the claims currently being programmed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now therefore, this Council respectfully requests The Right Honourable Pierre Trudeau, Prime Minister of Canada, and the Honourable Jean Chretien, Minister for Indian Affairs and Northern Development, to ensure that the Council of the Territory take part in the proposed negotiations in order to aid in, (a) ensuring a mutually successful outcome to the negotiations; (b) eventual success in implementing within the Yukon, any tripartite agreement, which may be arrived at, resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory." I wonder if Mr. Chairman would like to read the motion, and I would like to speak to the amendment to the motion -- the amendment to the amendment.

Mr. McKinnon: Mr. Chairman, I would like to draw your attention and that of the House, and the Chairman of Committees in particular, to annotation 204, on page 173 of Beuchesne, that no Member may amend his own motion, but with leave of the House, he may withdraw it and substitute another. Mr. Chairman, if the Honourable Member wants to withdraw his motion and with the consent of the House, can do it -- he can't amend his own motion.

Mr. Chamberlist: With respect, Mr. Chairman, the Honourable Member doesn't realize that the mover of a main motion can amend the amendment to the amendment, when it is moved by other Members. The Honourable Member should familiarize himself with the annotation he has read out; it just deals with the main motion and not an amendment to the amendment.

Mr. Deputy Chairman: I think I would have to accept that point. The amendment to the amendment: "It is moved by Councillor Chamberlist, seconded by Councillor Watson, that the words 'the manner of' be added after the word 'on' in the first line, and the word 'mutually' be added between 'A' and 'successful' in the third line and that the word 'Right' be added in between the word 'the' and the word 'Honourable' in the seventh line, and that the words 'adequate representation be afforded to' be deleted from the tenth line and the words 'to freely' be deleted from the eleventh line, and in subsection (a), add the word 'mutually' in between the words 'A' and 'successful' and in subsection 9B(b), add after the word 'implementing' the words 'within the Yukon any tripartite'." The amended motion will therefore read as follows: "That this Council congratulates the Yukon Native Brotherhood on the manner

Mr. Deputy Chairman continued

of their presentation to the Government of Canada of the Yukon Indian land claims, and the Council recognizes that a mutually successful outcome to the negotiations on the claims currently being programmed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests The Right Honourable Pierre Trudeau, Prime Minister of Canada, and the Honourable Jean Chretien, Minister for Indian Affairs and Northern Development, to ensure that the Council of the Territory take part in the proposed negotiations in order to aid in, (a) ensuring a mutually successful outcome to the negotiations; (b) eventual success in implementing within the Yukon, any tripartite agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory." MOTION #3

Mr. Taylor: Question.

Mr. Chamberlist: Mr. Chairman, I would like to speak to the amendment. I think that it has become apparent that we're all trying to get to the same goal, and I think that in providing this amendment, we're going to reach that goal. It's a matter of sincerity now to Members as to whether or not they want to see a unanimous vote taken. I want to see that unanimous vote and I think that Members can see that when these amendments are made to the amendment, that the thing we are seeking, the involvement in the Council, the input by the Council, the mutual benefits to all Yukoners, are enconced right within this amended motion. I would trust that all Members would recognize it so that we can have this amendment universal agreement amongst us that it goes through.

MOTION #3

Mrs. Watson: Mr. Chairman, I would suggest that this motion be left now until tomorrow so that all Honourable Members have an opportunity to study it; and that the Honourable Member from Mayo may also be present; and that the vote on the amendment be taken tomorrow.

Mr. Deputy Chairman: Do I take it that you're proposing a dilatory motion under Section 195 of Beauchesne? Do you have a seconder then?

Mr. Chamberlist: Yes, I will second the motion.

Mr. Deputy Chairman: It has been moved by Councillor Watson, seconded by Councillor Chamberlist, that the question on the amendment to the amendment to Motion No. 3 be not put until tomorrow. Are you clear for the question? Are you agreed? Those agreed, please signify in the usual manner. Against? I declare that motion defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Deputy Chairman: Question has now been called on the amendment to the amendment.

Mr. Chamberlist: I have a right to speak to the amendment. The Honourable Member knows that I have the right to speak to the amendment. Mr. Chairman, it is obvious that one of the areas of requirement in a matter of this description is that each Member of Council ascertain what is involved in those areas that our native citizens are actually involved in. I think it would be only right to recall that piece of legislation, which in itself has been very damaging to the people of the Yukon, that involved in the piece of legislation itself is some hundred and twenty-four sections. Now, I am sure that the Honourable Members will be patient with me, and in bringing to your attention all these hundred and twenty-four sections, you will appreciate the fact that the importance of these sections is such that every Member must be made aware of them. Excuse me, Mr. Chairman, I wonder if I could have a glass of water? It is not necessary for me to give you the citation of the Indian Act itself, but it's necessary to give you the interpretations that are laid out in section 2 of the Act. In this Act, a band means "a body of Indians (a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after the 4th day of September, 1951 ...". Now, in the Yukon, under the Yukon Act, there have been no reservations so therefore there are no lands under the Indian Act set aside at all for the Indians. "(b) for whose use and benefit in common, monies are held by Her Majesty, or (c) declared by the Governor in Council to be a band for the purposes of this Act", and although we have bands in the Yukon for the purpose of this Act, we certainly do not have land for the purpose of this Act. The interpretation of a child, "includes a legally adopted Indian child"; the council of the band, "(a) in the case of a band to which section 74 applies, the council established pursuant to that section, (b) in the case of a band to which section 74 does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band". Then there's a definition of a department, and a department means "the Department of Indian Affairs and Northern Development"; an elector "means a person who (a) is registered on a Band List, (b) is of the full age of twenty-one years, and (c) is not disqualified from voting at band elections". Now, there is a very peculiar point here which we must consider in relation to Indians. A person who can vote in a band must be twenty-one years of age, yet we have in our own legislation in the Yukon the provision for them to vote at a younger age and provision for them to vote at a younger age in a Federal election. I think these are important points that must be considered. Of course, the Act takes into consideration the estate of Indian people because there is an interpretation which "includes real and personal property and any interest in land"; an Indian "means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian"; Indian monies "means all monies collected, received or held by Her Majesty for the use and benefit of Indians or bands"; intoxicant "includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors ...". Mr. Chairman, I think you will notice, there isn't a quorum here. Can we recess now?

Mr. Deputy Chairman: Very gladly. I declare Committee in recess until 7:00 p.m.

RECESS

RECESS

Mr. Deputy Chairman: I now call Committee to order.

Mr. Taylor: Mr. Chairman, I wonder at this time if we would call question on the amendment to the amendment?

MOTION #3

Mr. Deputy Chairman: Is Committee agreed?

Mr. McKinnon: Agreed.

Mr. Deputy Chairman: The amendment to the amendment has been read. Are you prepared for the question? Are you agreed?

Mr. Taylor: Agreed.

Mr. Deputy Chairman: Agreed to the amendment to the amendment.

Mr. Taylor: Sorry, this is the amendment to the amendment? Disagree.

Mr. Tanner: Mr. Chairman, what was the question?

Mr. Deputy Chairman: Once again, we're now voting. Question has been called on the amendment to the amendment.

Mr. Taylor: Disagree.

Mr. McKinnon: Disagree, Mr. Chairman.

Mr. Deputy Chairman: I declare the amendment to the amendment defeated.

MOTION DEFEATED

MOTION
DEFEATED

Mr. Deputy Chairman: We now come to the amendment. That has also been called from the Chair. Are you prepared for the question? Are you agreed? I declare the amendment to the amendment, oh, excuse me, the amendment carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Deputy Chairman: Now we come to the main motion. It has been moved by Councillor Chamberlist, seconded by Councillor Watson, that this Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of the Yukon Indian Land Claims and Council recognizes that a successful outcome to the negotiations on the claims currently being programed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests the Honourable Pierre Trudeau, Prime Minister of Canada, and the Honourable Jean Chretien, Minister of Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in, (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such amendment does not impede or limit the future constitutional development of the Territory." Are you prepared for the question?

Mr. Chamberlist: On a point of order, Mr. Chairman, we were waiting to hear a message from the Honourable Members, whether they wished to discuss this in caucus with us. The Honourable Member for Carmacks-Kluane and I were waiting to get an answer to that message. At least there could of been some goodness, some decency involved in that before the matter was called. We certainly left our doors opened. We certainly didn't hear the bell ring.

Mrs. Watson: Did the bell ring?

Some Honourable Members: Twice.

Mr. Deputy Chairman: Order, please. The bell summoning Members to Committee was rung, I believe, at least twice.

Mr. Chamberlist: With respect, Mr. Chairman, I must say this, we didn't hear it, and I certainly was hoping that at least we could of got a message back to say that the Members didn't want to caucus with us. This was a little bit of courtesy that could of been extended and I'm surprised at Honourable Members; they request that we supply courtesy to them at all times and after all, it just isn't forthcoming.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Chamberlist: Would you have the Members indicate, please, Mr. Chairman?

Mr. Deputy Chairman: Those in favour please signify in the usual manner?

Mrs. Watson: Mr. Chairman, just what are you moving on? The amendment? Which amendment? Which motion?

Mr. Chamberlist: What are you moving on?

Mr. Deputy Chairman: Against? We are on the main motion.

Mr. Chamberlist: Oh, that's out of order then. Thank you very much, Mr. Chairman. Have you voted on the amendment?

Mr. Deputy Chairman: The amendment to the amendment, the amendment and now the main motion.

Mr. Chamberlist: You mean this was all done without the Honourable Members having the opportunity -- I've got great people, I've got terrific colleagues in this House.

Mr. Deputy Chairman: Those against, signify in the usual manner. I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

MOTION #3 Mrs. Watson: I don't even know what we are voting on, Mr. Chairman.

Mr. McKinnon: If you'd be here when you're supposed to be.

Mr. Deputy Chairman: Order, please.

Mr. Chamberlist: We'll get you fellows; I'm a patient guy.

MOTION #14 Mr. Deputy Chairman: The next motion to be discussed is Motion No. 14. Might I ask from the Chair if Councillor Chamberlist has anything further in supporting his claim if this motion were brought into effect would cost the Government or the people of the Territory, in the neighbourhood of a quarter of a million dollars?

Mr. Chamberlist: Mr. Chairman, this is Councillor McKinnon's motion. I would wonder whether he is finished speaking on it?

Mr. McKinnon: Yes.

Mr. Chamberlist: Then I can proceed. I would like to give him the courtesy so he would have the opportunity to say as much as he wanted to.

Some Honourable Members: Question.

Mr. Chamberlist: You can't call the question now. Once again you see the nonsense coming out against me. They're the Toni twins without the proper shampoo. Mr. Chairman, it is obvious that the motion that has been put cannot stand. The simple reason is firstly, both the Honourable Members for Watson Lake and Whitehorse West have complained about specific cases and yet I have asked for them to supply the information. The information is not yet forthcoming. Obviously, most Members have spoken with an empty mind and certainly with an empty record. The Government cannot see to this request of this motion. I will not say anything further on that. I think I have given all the information that need to be given in this matter.

Mr. Taylor: Mr. Chairman, I think we could go on in this matter at some length. However, I would feel -- there must be a million and a half dollars, at least, hidden in that Budget somewhere. There has got to be funds out of that Budget available for the purposes as suggested in this motion. If they are available, fine. If they are not available, possibly this matter could be considered in a supplement to discussion with the Federal people in Ottawa. In any event, I think, the motion should receive wholehearted support and if, indeed, ways and means can be found to provide the funds necessary to give effect to the provisions of Motion No. 14, well and good. I think it should receive the wholehearted support of every Member of the Council.

Mr. Chamberlist: Mr. Chairman, it wasn't my intention to say anything more, but after hearing all that bunch of gibberish, I guess I have to reply to it. I hear the Honourable Member is now suggesting that we can find a million and a half dollars in the Budget, and just when we went through the Budget piece by piece he was unable to come up with anything of that description or even try and find any money. Obviously, the Honourable Member doesn't know what he is talking about. He is not prepared to face up to the fact that the Government of the Yukon Territory is not a philanthropic society, but any monies that have to be found, have to be found from the taxpayer's pocket. We have already heard how Members have already been opposed to equalization of fuel and find one cent. Now they want us to find, something like \$250,000 so that everybody has part of their holiday paid for on the way to Hawaii or Mexico. Whatever the situation is, as far as this motion, I think, it would be insensible of any Member to support the particular motion in the manner in which it is written. It is obvious that both the mover and the seconder have no responsibility as far as the taxpayer's money. They are prepared to give away unnecessary funds. We have protected the taxpayer by making sure that people do not abuse funds in medical evacuation. I think, that the extent of the motion in the December Session was such that there was a reasonable request that was made. To make sure that those people who were, because of the criteria set in the Public Health Regulations attained to medical evacuation, were forced to pay \$100, notwithstanding there was a danger of one of the five criteria to themselves. We have gone that far. We found that money. We have complied with the wishes of Council, although, Members will recall that I was opposed to that. We were able to find that difference. Certainly, it would be most improper for Committee at this time, to approve irresponsibly a motion of this description.

Mr. Tanner: Mr. Chairman, as the motion presently reads--I put forth--I wonder whether. Here we go again. A nice amendment wouldn't fit in here rather well. Supposing we took everything out after Medical Necessity and deleted the rest of the motion and leave it to the Executive Committee Member in charge and the Executive Committee as a whole, to see whether they could investigate whether or not there are areas which need enlarging on medical evacuation, and brought back to Council at the next Session. I am not prepared to make the amendment at this time. I would like to get the consensus of the opinion around the Table.

Mr. Taylor: Mr. Chairman, the motion, we have all discussed it, the motion expresses an opinion. It is the opinion of Council that this be done. I would think if the Administration were to work in the best interests of the people and I'm sure that they would, if this motion was carried, that they could resolve this problem and I don't think it is something that should be left over until the next Session.

Mr. Tanner: Mr. Chairman, the reason that I'm suggesting this is that if you, even if you leave it at the opinion of Council and you ask the Executive to act on it, by putting in the balance and stick to (a) and (b), you are specifically asking them to give you advice in those two areas. Whereas, if you take it out and suggest that it is the general opinion of Council that the greater cost should be supplied by the Government, whatever way it is available to evacuate people, I think you have given them enough room that they could probably come back with some suggestions or Legislative Return which will indicate whether or not, in their opinion. Then we can disagree. Whether or not it is in their opinion, money can be found to evacuate the people under the Medical Evacuation Scheme. However, if you leave it in the two subsections, (a) and (b), you are asking them to specifically give an opinion on those two areas. I would suggest to Honourable Members that if we make the amendment as I suggested, there is sufficient room for them to look around at all areas of medical evacuation and it might be worthwhile to all of us. We might get what some Members feel is an extreme need of the public in the Yukon.

Mr. McKinnon: Mr. Chairman, I've lost an awful lot of fights around this Table in the last couple of years. If I can see a glimmer of hope, even way far off in the distance, I am often willing to accept half of the loaf rather than the whole. If it were the opinion of the Honourable Member for Whitehorse North if the motion were amended to read as he stated, then it would win the support of Council, then we would have my support for that amendment also. I thought the motion was simple as it was stated. What I am trying to do is to expand the interpretation and categories of Medical Necessity. Right now the only way that a patient gets his way paid out, is if the following eventualities should occur: loss of life, loss of limb, loss of hearing, loss of eyesight, mental breakdown. I say that those categories just aren't broad

Mr. McKinnon continues:

enough to take into consideration many, many people who are suffering. I assure all Honourable Members that there is very great suffering being provoked upon people in the Yukon Territory because of the stringent criteria and interpretation of Medical Necessity. If, with the agreement of Council, that people would look to expand the categories of Medical Necessity so that other people may have an opportunity that just don't fit into these five criteria of journeying to seek specialist's help, then I am all in favour of it. I just think that we are being, and so many people are being faced with an extra penalty living in the North because of the narrow interpretation of Medical Necessity. I mean, all Members could bring to the attention of Committee areas where they know the constituents of theirs should have had medical evacuation paid for bona fide medical requests and haven't because of the narrow interpretation of the Medical Necessity. If the Honourable Member proposes the motion and gets a seconder, I'll be happy to go along with him with the amendment.

NOTION #14

Mr. Chamberlist: Mr. Chairman, when I spoke last on this motion you will recall, I made it quite clear that I would not allow that taxpayer's money be controlled by medical evacuation. Indeed, this is what this motion asks for. The Honourable Member for Watson Lake obviously doesn't care who controls the money, although, he has often said that the money should be controlled by the Territorial Council. This is what he has said often. Yet, he seconds the motion that in actual effect, places into the hands of the medical profession the wherewithall to decide who should use the taxpayer's money in the transportation costs of a person who is being medically evacuated. This is again the first objection I have to this. There is another has-been to my knowledge. Any specific case brought forward by any Honourable Member where there hasn't been an investigation made to see if in fact the suggestions that have been made regarding Medical Evacuation were correct, I repeat, the Honourable Member for Whitehorse West cited two instances, one of a cancer instance which I can assure him, had no valid ground whatever, I have checked that very, very thoroughly. And on another instance where he had not supplied the names of either one. The Honourable Member for Watson Lake had also given an instance in general terms and has also not supplied the names of the case. The Administration and the administrative officers are unable to examine a specific situation if Members of Council are not prepared to come forward and give the information so that we can check. So what so we have now -- we have a motion based on some general things that may have happened. It is pretty difficult, indeed, I'm sure all Members will agree to deal with matters in this particular way. We have got to have facts. We have got to have the names of the people. I have asked the Honourable Member for Whitehorse West if he will give me the names of the people privately, because I don't think that a person's case should be brought up in Council, in open Council here. I would be prepared to have my people look into this. If this information that I have asked cannot be provided -- then I find it impossible to try to satisfy any Honourable Member who objects to these areas unless I get that information. There seems to be a lot being said about the five criteria I can assure you that the Director of Health Services, Dr. Jayschandran, is not limited as to what he can interpret as danger of loss of life, and danger of mental breakdown. Certainly, in no way whatever interfere with his decision. I have said before that he is my technical advisor in the Department and I accept what he advises. I know of many instances where he has gone beyond the strict interpretation of the five criteria where it is thought that this is required. We will continue to allow the Chief Medical Officer of Director of Health Services to use his prerogative in this particular area. Again if any Member can bring a specific case forward for me to look into, then I will take time and assure him that I will look into it. All I am getting are generalities, but no absolute facts. I must ask Members not to support the motion as it is. I have already indicated that I am quite prepared to look, I say it, if the Honourable Member would've stopped in his motion by going as far as the interpretation of Travel Medical Necessity. I think, it would've been reasonable for me to take a look at the areas. But to include that continuing section which would allow the doctors to say who can go out, this is where I must dig in. I say to you, in all honesty, it would be improper for anybody to support the convention that we allow anybody outside the Government, to control the money of the taxpayer without proper legislative authority to do so.

Mr. Deputy Chairman: Councillor Tanner.

Mr. Tanner: Mr. Chairman, just think about my suggested amendment for a moment. What it is doing is expressing an opinion of Council that the Administration look for ways of giving greater scope to medical evacuation. Just sitting here in the last two minutes, I thought of three or four things they should be looking at. For example, they could give more discretion to the Director of Northern Health Services who is the final authority. They could be looking at the next Budget. They could be looking at specific cases which Members could bring in the next three or four months before the next Council sits, and say, "Yes, well, you have a case there. You haven't got a case there." They could, as the Honourable Member from Dawson has suggested, use the so-called surplus in the Medicare scheme, and give some thinking to whether they can use those extra monies to evacuate people. Basically, it would give all Members time to substantiate their case that people who are suffering hardships bring their case to the Member in charge of that Department and the Executive Committee, and say, "Look, I know of a case; I know of something that has happened; I know people here who are suffering hardships; I know people who might have gone to medical welfare and had a hard time getting money. What can we do to help them?" The amendment that I am suggesting to Honourable Members will probably give the Executive and the Minister in charge a fair opportunity to give that research, and look at it. On the strength of that, I would move that Motion No. 14 be amended to delete everything after "Medical Necessity". I would hope that some Member would see the merit of my suggestion and second the motion and give the Administration time to look at the problem, find the facts, find the costs, and come back to Council with a paper on the subject. Let's try to treat the subject with some sort of rationality, and give the Administration a chance to find some way of trying to help the public in the Yukon. MOTION #14

Mr. Deputy Chairman: Is there a seconder to the amendment?

Some Member: You can pass the Chair over to him.

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

Mr. Taylor takes the Chair.

Mr. Stutter: I will have to second that amendment to the motion.

Mr. Chairman: It has been moved by Councillor Tanner, seconded by Councillor Stutter, that Motion No. 14 be amended by deleting all of the words after "Medical Necessity" in line three thereof. Are you prepared for the question? Are you agreed?

Mrs. Watson: Mr. Chairman, would you please read the motion before we vote on it?

Mr. Chamberlist: Yes, read the motion before we vote on it.

Mr. Chairman: I just read it.

Mr. Chamberlist: Mr. Chairman, if everything is removed like that, it still is asking for a straight amendment.

Mr. Chairman: Order please. Just from the Chair to clarify the position. We are now voting on an amendment to a motion. I have just read the amendment, and I am asking for your acceptance or otherwise.

Mr. Chamberlist: I am speaking to the amendment, Mr. Chairman, which I am sure that Mr. Chairman knows that I can speak to the amendment.

Mr. Chairman: Proceed.

Mr. Chamberlist: Thank you. What the amendment would do would, in fact, create a fixed policy, because it would read: "It is the opinion of Council that Section 2(e) of the Medical Necessity Travel Subsidy Regulations be amended by expanding the interpretation and categories of 'Medical Necessity'". I don't think that this was the intent of the Honourable Member from Whitehorse North. What he was saying, and what I approve of, is that opportunity be given to examine the situation to see if amendments to expanding the interpretation and categories of "Medical Necessity" might be carried out. I wonder if the Honourable Member from Whitehorse North would clearly identify if this is not what his intention is?

Mr. Tanner: Mr. Chairman, that is my intention, but I think, the way I read it, what the three lines that we have left of this motion, is that there is basically an obligation of the expression of the opinion of Council on the Administration to look at Travel Subsidy Regulations and amend them where possible. Also, to bring their paper down to Council and tell us why and what you are going to do, and whether there is any possibility at all to further expand them, be it through Budget, or through discretion, or through the subsidy if there is one in the Medicare Plan. I don't think that what is left of the basic motion puts the Minister of Health in the position where he has got to come and explicitly change any specific subsidy regulations. All he has got to do is come back to Council and give us his opinion of it and, in the mean time, if he can, expand them and that is fine.

Mrs. Watson: Mr. Chairman, that is not what that amendment says. That amendment says that the regulations must be amended to expand the interpretation and categories of "Medical Necessity." You have retained the meat of the original motion. You haven't given any flexibility into that motion at all. You are asking the Honourable Member to consider amending, but if we leave the amendment the way that you have it, you are asking him to amend it.

Mr. Chamberlist: Mr. Chairman, one thing I would say, and make this quite clear, under the Yukon Health Care Insurance Plan, or Medicare, there is no provision for meeting the costs of transportation. It is because there is no provision under the Federal Medicare Act which automatically doesn't provide the provisions in the Territorial legislation, that we had to find a way and means of providing some funds to meet the requirements. These funds were found by virtue of the Public Health Ordinance, and we have seen fit to make regulations under the Public Health Ordinance. This is the only area where funds can be made available in this instance. I know, and I am satisfied that the Honourable Member from Whitehorse North wants to give the Government a flexibility which would allow myself and my officers to examine this specific area. As has already been pointed out by just that particular part, it wouldn't allow, by deleting after "Medical Necessity", it wouldn't allow me very much flexibility. I would be amenable if the Honourable Member would just adjust, before the vote is taken, if this read: "It is the opinion of Council that section 2(e) of the Medical Necessity Travel Subsidy Regulations be considered under the interpretation and categories section of 'Medical Necessity'." We would be amenable to this. I think that this is really what the Honourable Member is trying to do. I wonder if he could indicate if this would be what he was trying to do?

Mr. Tanner: Mr. Chairman, yes, that is what I am trying to do. There is no doubt about that, but on the other hand, the

Mr. Tanner continues:

MOTION #14 Honourable Member from Whitehorse East is a past master of being able to fulfill the obligations and the opinions of the Council. In fact, what I am suggesting is that the Minister of Health could, I am quite sure, expand the interpretation and categories of "Medical Necessity" in some minor way, therefore fulfilling the requirements of the opinion of Council, and at the same time, do the things that I think every Member of this Council wants him to do, and that is to come back with a report of the costs, come back with a report of the various alternatives of the Council, come back with a report of what other Members have told him in the next three or four months, come back with a report of how we can help the people who have got the need. Even if you leave the amended motion exactly as it is, I am quite sure that the Honourable Member from Whitehorse East is astute and sharp enough to make some small amendment and just leave it. Then, we don't have to go back and amend another amendment. We are getting into the habit of amending amendments. I like to make them, but I don't like to see them amended.

Mr. Chamberlist: Mr. Chairman, I thank the Honourable Member for his kind remarks and understanding of my capabilities. It was very nice of him. I would point out that if I were to take advantage of the amendment I only need to alter two words, and then I would alter the interpretation and it would defeat the whole motion. It is not my wish to defeat the motion; it is my wish to try and give some help to the mover and the seconder of the main motion so that I can try and give them the little bit of encouragement towards what they are seeking. After all, this is my aim in life, to help other people. I do want to help my friends on the other side of the Table. I am quite prepared to let it go; I will just allow the Honourable Member to allow me to use my own judgement in this matter and will support the motion.

Mr. Chairman: Any further discussion on the motion?

Mr. Tanner: Well, Mr. Chairman, now I am becoming suspicious. Let's make it very clear so that the Honourable Member from Whitehorse West, the Honourable Member from Watson Lake, the Honourable Member from Dawson, and myself have expressed, I think you can read the Votes and Proceedings, what we want to do. Perhaps I need just a little bit of reassurance. If the Member from Whitehorse East could stand and say that he is going to read the Votes and Proceedings, take the motion in light of those Votes and Proceedings, and he will try and endeavor to come back to Council with what has been discussed in the Votes and Proceedings. Will the Honourable Member from Whitehorse East just give me that little bit of consideration?

Mr. Chamberlist: I would like to point out to the Honourable Member from Whitehorse North that this Member always reads the Votes and Proceedings, always tries to understand what is said in the Chambers, although, of course, at times there are some colleagues here that I find very difficult to understand, but I do try. I can assure the Honourable Member that I will try to give effect to what is intended.

Mr. Chairman: Are you prepared for the question on the amendment? Are you agreed? I declare that the amendment is carried. Are you now prepared for question on the motion as amended? Are you agreed? I declare that Motion No. 14 as amended is carried.

MOTION CARRIED

MOTION CARRIED

Mr. Stutter resumes the Chair.

BILL #18 Mr. Deputy Chairman: The first outstanding Bill is Bill No. 18, An Ordinance to Amend the Game Ordinance. Councillor Taylor, would you take the Chair again, please?

Mr. Taylor resumes the Chair.

Mr. Chairman: Councillor Stutter.

Mr. Stutter: Mr. Chairman, I specifically asked a question in the House this morning. I realize that it was only this morning, but I would like to await the answer to that question if at all possible before dealing with a certain section in the suggested Ordinance before us now. I am of the opinion that if the present Game Ordinance were adequately enforced, that there are sections of the one before us that wouldn't need to be brought into effect. I would certainly like to see if prosecutions and convictions have been made under certain sections of the Game Ordinance before we deal particularly with, in this case, 13.1(1).

Mr. Chairman: Does the Committee agree with the suggestion made by the Honourable Member?

Mrs. Watson: Mr. Chairman, I have another suggestion to make. I would suggest that we leave section 13.1(1) of the Game Ordinance until more research can be done, and we can clarify certain aspects which are not very clear in the minds of the public and the minds of the people who are sitting around this Table here. I would suggest that we just delete section 2 of that Bill.

Mr. Chamberlist: Second the motion.

Mr. Stutter: Agreed.

Mr. Chairman: It has been moved by Councillor Watson, seconded by Councillor Chamberlist, that Bill No. 18 be amended by deleting section 2 thereof. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chamberlist: Have we read this Bill, Mr. Chairman?

Mr. Tanner: Mr. Chairman, we haven't read the amended Bill, I don't believe.

Mr. Chairman: I will refer the Chair back to the Honourable Member from Dawson.

Mr. Stutter takes the Chair.

Mr. Deputy Chairman: That completes the reading of the Bill with the exception of the preamble. (Reads preamble.)

Mr. Chamberlist: I would move that Bill No. 18 be reported out of Committee as amended.

Mr. Tanner: Mr. Chairman, it is my pleasure to second that motion.

Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 18, be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Deputy Chairman: Next Bill is Bill No. 28. Correction, I believe 28 has been replaced by 31, has it not? All right, it is Bill No. 28.

BILL #28

Mr. Taylor: Mr. Chairman, I would like to move at this time that Bill No. 28 be left to die in Committee.

Mr. Chamberlist: I second the motion.

Mr. Deputy Chairman: It has been regularly moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 28, an Ordinance intitled Scientific Exploration Ordinance, be allowed to die in Committee. Are you prepared for the question? Are you agreed? I declare the motion carried.

NOTION CARRIED

NOTION
CARRIED

Mr. Deputy Chairman: Next Bill, No. 29.

BILL #29

Mr. Tanner: Mr. Chairman, I wonder after exhaustive discussion on Bill 28, we should clear Bill No. 31?

Mr. Deputy Chairman: Bill No. 29, an Ordinance intitled Fourth Appropriation Ordinance 1972-73.

Mr. Chamberlist: Mr. Chairman, the purpose of this Bill is appropriate \$100,000.

Mr. Deputy Chairman: Is there some additional information with this Bill? Councillor Chamberlist, perhaps you could give us a brief explanation on the backup material.

Mr. Chamberlist: This program, Mr. Chairman, is Federal labour intensive program. The overall amount of borrowing for this program is \$220,000. It is 100% recoverable from the Federal Government. We have two Bills today. This particular Bill is only for \$100,000 so that the \$100,000 can be used in the 1972-73 year. The balance will come in the second Bill, that will be in Bill No. 30. The details that we have is a list of projects, Winter Works Projects 1973; the projects for the various communities are listed. I think if any Honourable Member wishes to discuss any particular item, we would be pleased to give any information we can to the Honourable Member.

Mr. Tanner: Mr. Chairman, it has sort of come out very quickly and I haven't had a chance to look at it all but, first of all, where the various localities that have been mentioned have the local L.I.D.'s, are local people involved? Did they make the request initially and secondly yes, I do now, thank you.

Mrs. Watson: Mr. Chairman, a great deal of work has been done on the programs. The Department of Local Government and Manpower Needs Officer of the Territorial Government have been working closely in order to provide this Winter Works or Federal Intensive Program in communities that do not have Local Initiatives Programs. All of the unemployed manpower is not being used by the L.I.P. program, and these projects here actually are based on the manpower that is available in the Yukon Territory.

Mr. Tanner: Mr. Chairman, I don't want to pursue this, because obviously it's got a lot of merit and it's not going to cost us anything, which is even more merit, but could the Member who just spoke inform us if this is as a consequence of the Liaison Officer personally going around the Territory - is this one of the things they have been looking at between the Department of Manpower and Territorial Government? Is this one of the things they have already produced or is that not that?

Mrs. Watson: Mr. Chairman, yes, some of the information they have brought about the unemployment situation in some of the communities - they have brought the information back to the Department of Local Government and every one of the communities have been contacted some time ago by the Department of Local Government to see whether they could work this program into their community and it's been pretty well accepted by all of the communities. I believe that the manpower that is required will be available so that these projects can be completed this year; May 31, 1973.

Mr. Tanner: Mr. Chairman, I just have one final question, and that is, how is that figure determined? Are we sure we have got the absolute maximum that is possible on the L.I.P. program as was available to use or how are the funds allocated across the country?

Mrs. Watson: Mr. Chairman, that I cannot answer. I have no idea. This \$222,000, we were told that was the amount. And with the unemployment and manpower available, I don't think we would be able to spend much more with the 670,000 L.I.P. program that it would be very, very difficult to find any people who are qualified for Winter Works Program.

Mr. Chamberlist: Mr. Chairman, the Honourable Members should keep in mind we can't look a gift horse in the mouth because this is the situation. We get this for nothing.

Mr. Taylor: Mr. Chairman, I have a question related to Page 2 (a) Territorial campgrounds clean-up. They were talking about 53 man-months I believe. I wonder if I could have an explanation as to this program and is this to be done by private enterprise or is this done by Territorial Government?

Mr. Chamberlist: All these programs are for where there are unemployed people. It is the Government that is finding the employees for this program. This is what this money is for, not contractual areas. For instance, you take these communities, it's day labour for the people in the communities to work on it.

Mr. Taylor: Mr. Chairman, maybe I can direct that question to Mr. Commissioner for reply?

Mr. Commissioner: Mr. Chairman, the Territorial Government will be providing the supervision for the job by normal Territorial people who are involved in the campground program. They will be paid their salaries from normal Territorial budgets. The money that is involved here is for material, transportation for the people who will be involved and materials and \$226,500 which will be day labour paid to people in the various communities where they are hired to do the work, under the supervision of Territorial Government employees whose salaries are not included in that figure.

Mr. Deputy Chairman: Any further comments on Bill No. 29? (Reads Bill No. 29).

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 29 be reported out of Committee without amendment.

Mrs. Watson: Mr. Chairman, I second the motion.

BILL #29 Mr. Deputy Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Watson that Bill No. 29 be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? The motion is carried.

MOTION
CARRIED

MOTION CARRIED

BILL #30 Mr. Deputy Chairman: The next Bill for your consideration, is Bill No. 30. The Bill is intituled Second Appropriation Ordinance, 1973-1974.

Mr. Chamberlist: Mr. Chairman, for the record the purpose of this Bill is to appropriate funds for the Federal Labour Intensive Program. These funds are 100% recoverable from the Department of Indian Affairs and Northern Development. Mr. Chairman, this Bill is for the balance of \$222,000 which will be in the 1973-74 year.

Mr. Deputy Chairman: (Reads Bill No. 30).

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 30 be reported out of Committee without amendment.

Mr. Tanner: I second that motion.

Mr. Deputy Chairman: It was moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 30, an Ordinance intituled Second Appropriation Ordinance, 1973-1974, be passed out of Committee without amendment. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

BILL #31 Mr. Deputy Chairman: Next Bill is Bill No. 31.

Mr. Chamberlist: Mr. Chairman, for the record, Explanatory Note "The purpose of this Bill is to regulate the carrying out of expeditions in the Territory".

Mr. Deputy Chairman: (Reads Bill No. 31).

Mr. Taylor: Mr. Chairman, first of all in Section 2 (1) sub. (b) and (c), I think they are completely unenforceable. I don't think they have any part in this Bill "photographs game or wildlife for gain or reward" and "not being a resident, collects rocks and mineral specimens". I can't see how you could ever enforce it and I think that in that respect, that should disappear. People are photographing wildlife and they don't get good footage, they are not really for gain or reward or if they happen to be doing it on their own but if they do get good footage, they may choose to sell it which would then bring them into this category. I don't think that they should be carrying on an expedition if they are wandering through the Territory, point by point, and they will be classed as an expedition whereas you will see further in the Ordinance every application shall have a route plan and this type of thing and these people just don't operate this way. They might go here, they might go there. They couldn't give you a route plan of where they are going: they might be in Carcross today and might decide to stay 3 weeks so it's unworkable. "Not being a resident, collects rocks and mineral specimens" would merely categorize themselves as prospectors and I see this as an unworkable thing. And (d) "not being a resident, travels on any river or lake in the Territory, except on a ferry or commercial vessel". I think you would have to include and I think this is what the whole Bill was about, something to the effect "or in company of a resident". Because what you are saying here is that if you've got a non-resident accompanying a resident on any river trip, say down to Dawson, in terms of law being a non-resident and making that trip, not being on a commercial vessel or ferry, he is by law supposed to comply by taking out a licence notwithstanding that he is in the company of a resident. That's another point. Then we come on down to section 3 which blows the whole thing. We just got rid of Bill 28 as being repugnant but 3 brings the whole kettle of fish, Mr. Commissioner's term to call it, back into being when we say "the Commissioner may issue a licence in the prescribed form subject to such conditions as he may prescribe" prescribe, of course, by regulation. The items that we found repugnant in Bill No. 28 could well, under the Commissioner's Order, fall back into this Ordinance and I think that Committee should take a look at 3.

Mr. Chamberlist: Mr. Chairman, the only valid point I think the Honourable Member has brought up, and I am pleased that he did bring it up, as far as I can see, is the question of 2(d). Perhaps we might have to take a look at that because it's worded here, in that particular subsection, that a person travelling on the river in company with somebody who is a resident would have to -- would be deemed to be carrying out an expedition. I think there is some value in what he says there. I can't agree with him on 2(b) and 2(c) and the main reason there is that we do want to know, if he's a non-resident, where he is because, if he gets in trouble, we want to know exactly where we have to look for him. Certainly, if a person comes in to photograph game or wildlife for gain or reward, certainly he's on a photographic expedition and this is the only way that we can term it. I don't find anything wrong with that. I think, in the case of a person who has gone out on an expedition to find sample rocks or mineral specimens, if he's not a resident and he's not a bona fide prospector, certainly we want to know what's going on. The question that the Honourable Member raised, Mr. Chairman, in section 3, I find very little merit to what he says there because it's the Commissioner that issues the licence. It's necessary for us to be sure that the licence, especially the one in 3(1), is issued in the prescribed form, and certainly the regulations should have conditions under which the licence holder is going to carry out that expedition. I find nothing at all wrong with that. Certainly, in 3(2), we want to have the power to revoke a licence if we find that the person who is licensed to carry out an expedition, has been acting in a manner detrimental to the Territory. So, really, I will just come down to what the Honourable Member has said in regards to 2(1)(b). I think that was a very valid point. I wonder if Mr. Legal Adviser, perhaps, could indicate whether we could make a change, especially in view of the remarks that have been made by the Honourable Member.

Mr. Legal Adviser: Mr. Chairman, my assistants on either side of me have both pointed out that in (d) we could have the words after "not being a resident", "or accompanied by a resident"

Mr. Chamberlist: Does that satisfy the Honourable Member on that particular point, Mr. Chairman?

Mr. Taylor: I must rise to say, Mr. Chairman, just before we get into further debate on this, if you suggest to me that anyone who goes out and photographs game or wildlife, wants to take a picture of a moose or a duck -- I think that's his business and where he goes to get that picture -- you're not specifying whether it's a resident or not -- I think that's his business and I think it's none of the business of the Government to even intimate. The same goes for a person who collects specimens of rock or mineral, as most tourists will, and to suggest to me that they need a licence for this privilege is just unthinkable. I certainly couldn't support the Bill as long as that remains. It's unenforceable. Pretty soon, we'll have to have a licence to have our daily quota of fresh air in the Territory. It will be a police state. It's nonsense, and I think that in all honesty, Members should really take a good look at it and really consider it; they will find as I do, that it's completely repugnant. It has no place in this Ordinance.

Mr. Chamberlist: Mr. Chairman, the Honourable Member is mixing up what is a commercial venture and what is tourism. There is no intent at all to restrict tourists from picking up rocks and specimens -- not being a resident, collects rocks and mineral specimens ... I just see it now, and I agree. I think that should be where, not being a resident, collects rocks and mineral specimens for gain or reward -- I think it should be put in that section as well. Then, that would be a different proposition. Certainly, anybody who wants to take photographs of game, who is a tourist, they would be no reason at all why he should be licensed. Under (b), it says photographs of game or wildlife for gain or reward. Certainly, he's carrying out an expedition then. This is what he is doing -- he's on a photographic expedition and certainly, if he collects rocks and minerals for gain or reward, he's on an expedition. I think the point is well taken again, by both Honourable Members. I wonder if Mr. Legal Adviser could perhaps take a look at that 2(1)(c), because it does appear that a tourist would have to be there, unless Mr. Legal Adviser can show differently.

Mr. Legal Adviser: Mr. Chairman, as I understand it, the purpose of this Bill is to control people who wander from the beaten track. These licences, as I would see it in this Bill, are given by the Commissioner but can be applied for, anywhere in the Territory which is convenient, such as the Territorial Agent, presumably the R.C.M.P. themselves. We want to know where people are going so that the rescue services can get after them fast, accurately, and quick. Now, so far as people going into the mountains are concerned, that needs more and more control as there is more and more expense being incurred to the Territory in bringing people back from expeditions they had no business to undertake in the first place, not being properly qualified to do so. Anybody who goes out who's not qualified to climb the St. Elias Mountains, shouldn't be allowed to do it. The other people find their way in for various reasons such as photographing game, for wood, rock hounds are controlled, because they have a habit too of wandering off the beaten path. Also, people who wander down on rivers without any form of supplies, without any form of planning; these are the four things that are mentioned in this type of expedition, which we are attempting to control. But I presume, licence fees are provided to get people to tell somebody in authority where they are going.

Mr. McKinnon: Mr. Chairman, with all due deference to Mr. Legal Adviser, this is still one of the funniest Bills that has ever come before this Council of the Yukon Territory. I was glad that the Honourable Member for Watson Lake pointed out first section 2(d), because that was one that hit my eye. It went down to the extremity of being ridiculous, and if you were towing your brother-in-law on water skis, who came in from outside to visit you in your cabin, someone could stop him and ask him if he had a licence to travel on that Yukon lake that you were towing him on, and if he didn't, he could be subject to six months in prison and a five hundred dollar fine for having the audacity to water ski behind a boat on a Yukon lake or river. That's how ridiculous this Ordinance is. Section 2(1)(a) -- what do you define as the St. Elias Range? Does that mean that I, as a resident, go out behind Dezadessah Lodge, which certainly has to be in the St. Elias Range, pick up a few rocks, Mr. Licence Inspector comes along and says "Have you got your licence this year to be able to be rock finding in the St. Elias Range?" and I say "No, Mr. Inspector, I haven't", then he says "Well, you're liable to six months imprisonment and a \$500.00 fine, too.", which I am. It's as simple as that, and as ridiculous as that. Section 2(1)(c) -- the nicest old ladies and old gentlemen who travel the length and breadth of Yukon and Alaska are all rock hounds; the lapidaries are taking over as the prize tourist in North America. Everywhere you go you find these little, old ladies chipping at rocks and putting them in their bags, and there's no harm done whatsoever. Under this Ordinance, every one of those people who come to the Yukon Territory has to go through Mr. Commissioner, has to get a licence to be able to chip rocks along the Alaska Highway. Please, Mr. Legal Adviser, take this back to the drawing board. We know what you want to do, but as it stands now, if it wasn't so sad, it would be funny, one of the funniest pieces of legislation that has ever been presented before this Legislative Council. I'm sure all Honourable Members can see just how unenforceable, how ridiculous, and how really silly it is.

Mr. Chamberlist: I don't think the Honourable Member should go that far. All legislation appears ridiculous to those who don't understand the purpose. I'll be very kind to you in that manner. There are some areas that we should look into, certainly, a few changes should be made, and I think perhaps we should have another look at it tomorrow. But, I wouldn't put it into the words that the Honourable Member has. There are some areas that need clarifying, and I certainly tend to agree that section 2(1) is not a happy section.

Mr. Deputy Chairman: Does Committee agree to report progress on Bill No. 31? I think, in light of the time, I'll declare a recess.

Mr. Deputy Chairman: I will now call Committee back to order. The first outstanding piece of business before you is Sessional Paper No. 2.

SESSIONAL
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Mr. Tanner: Mr. Chairman, I suggest that we consider that tomorrow.

Mr. Chamberlist: Mr. Chairman, if we go ahead with the business in the House, we might get finished tomorrow.

Mr. Tanner: Well, then let's get finished tonight, Mr. Chairman.

Mr. Chamberlist: Well, let's get on with the business of the House.

Mr. Deputy Chairman: Order, please. Councillor Taylor, are you prepared to proceed with Sessional Paper No. 2?

Mr. Taylor: Could this matter be stood over until tomorrow, Mr. Chairman?

Mr. Chamberlist: I am prepared to grant the Honourable Member that consideration, Mr. Chairman.

Mr. Deputy Chairman: Is the Committee agreed?

Mrs. Watson: Mr. Chairman, I don't see how we possibly can. I think we should get on with the business of the House.

Mr. Chamberlist: Oh, no, let's be kind to the fellow.

Mrs. Watson: We must take a vote on this right now, today.

Mr. Deputy Chairman: Order, please. The next item is Sessional Paper No. 16, moved into Committee by Councillor McKinnon. Are you prepared to proceed with this Councillor McKinnon?

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Mr. McKinnon: Mr. Chairman, I am prepared to hear Mr. Legal Adviser if he could give us the highlights of Sessional Paper No. 16 which is the Legal Aid paper. Following Mr. Legal Adviser's remarks, I would imagine that Members of Council would have question of Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, it is awkward, unless the Honourable Members have read the paper, to give a brief exposition of the highlights of it because the paper runs for some seven pages of such small print that the print these days, that I find it very difficult to read the small print without the aid of binoculars or something. Briefly, the paper sets out that a system of legal aid has become common in many provinces and in very many jurisdictions throughout the world. In the Territory we have had a system of legal aid in respect of criminal matters in operation at least since 1964, and the table of the total disbursements in relation to criminal legal aid are detailed out in the paper, and are now running at approximately \$18,000 a year. The fees which are paid to lawyers who accept a commitment to take a legal aid case are quite low in the Territory in relation to actual real costs, and have not changed since the inception of this scheme, and for comparison purposes, details of the scales in Ontario as they were in 1971, are appended for comparison with ours and the Territorial scale is appended as an appendix to the paper. Two or three studies have been undertaken in the Territory, and two or three studies have been undertaken in the Northwest Territories with a view to bringing to this Government and to the Federal Government some knowledge as to what the magnitude of the problem is in relation to giving aid to people who require it in criminal matters and in civil matters. I think the first study that was undertaken here would be familiar to the Members. It was the Cashman Study which was never made a public document. Mr. Cashman found that the aid which was given to the public who required it in criminal matters was adequate for the purpose, but he had some suggestions that more publicity should be undertaken to bring the knowledge of the scheme to those who required it, and possibly some system of duty counsel should be undertaken so that there would always be someone who could undertake a case straight away from the moment of its inception, either the magistrate's court here or before a Justice of the Peace or the magistrate in outside jurisdictions. A study was undertaken in my office which, basically, was a comparison of the various schemes which have come into operation in Canada. The two principal schemes which were in operation at that time, being the scheme in Ontario and the scheme which started in British Columbia. Since that time legal aid has become more common and there are now schemes in Manitoba, Saskatchewan, Alberta, Nova Scotia, Ontario and British Columbia. The Northwest Territories has a similar scheme to the scheme proposed by the Department of Justice for this Territory and now has come on stream. I think it is in operation now since last August or August twelve months, I have forgotten which. The paper is an unusual type of paper to come before the Territorial Council, in that it asks the Council to indicate to the Government which general type of scheme the Council would favour, making the assumption that the Council will favour one or other type of legal aid scheme. In brief terms the paper outlines the different choices in the field which are available to this Government and bases it on the history of what has occurred in other jurisdictions. The concept, I think, is familiar to what has been referred to earlier in the debates in this House this Session as a duty care scheme, which is the Ontario, the English scheme, and to some extent the British Columbia scheme. Basically, under this scheme a person who needs assistance makes an application which is machined through the appropriate channel, and then a certificate is given to that person which is cashable, in a sense, with a lawyer, and the lawyer then gets the authority from the certificate to eventually have his bill paid. Alternatives in various American states, and particularly in the cities, have been a neighbourhood law centre of various sorts where the shopfront lawyers operate and bring law to the people, usually keen young active lawyers assisted by law professors and by law students. They, in a sense, actively canvass people to seek their aid. The disadvantages as pointed out in the paper to this type of scheme is that you are actually working up a clientele, and you are encouraging people not only to use the lawyers but to use the lawyers to change the system under which the people operate. That is, they attack landlords who are rapacious, they attack municipal governments, city governments, state governments alike for unjust laws. They generate a certain amount of heat. The question is posed in this paper whether in the Territory we want to encourage this type of activity. The honour system which is mentioned, is a public defender system, which really only applies in criminal law. Under this scheme every person who requires it is immediately given defence counsel in any form of criminal case where he requires it. The disadvantage of this scheme is that you have people on staff from some agency of Government; they may be operating independently, but they are paid for by the Government. They don't charge any fees; they just deliver a service. Certainly, in Chicago, in New York, and in some American cities where this has been tried, the public defender system works, but it carries a certain taint with it, or so people think, that the person who is using the public defender has no money and it is obvious because everybody in the court stream recognizes the particular man who is defending him is from the public defender's office. It is an admission of need in the first instance. In addition to that, being very, very busy they become experts in what is now called plea bargaining. The peril of the situation here might be where some particular lawyer was engaged on contract or with a staff lawyer who was engaged possibly by Mr. Murphy's office in Social Welfare, or even attached on the fringes to my office, or Mr. Taylor's office, and could be approached and -- maybe there might be two or three of them -- who would defend every case that came along. They would become very familiar with the Crown prosecutor and experts at what is now called plea bargaining. A tremendous number of the cases in which public defenders in the cities of America have become involved have settled by accepting a guilty plea

Mr. Legal Adviser continues:

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to a lesser charge. This is not all wrong because human nature knows that at least 98% or 99% of people who are charged with an offence are eventually found guilty of an offence, but there are 2% or 3% who are not. But, people say, if he was defended vigorously he would have got off in the first place; there was no necessity to plea bargaining. It's suggested that maybe they are being lazy and so on. The one alternative which is suggested in one of our studies was to use a combination of these methods by having a lawyer who would do the particular things which busy lawyers downtown charge a lot of money for; say, a certain amount of undefended divorces, a certain amount of guilty pleas, but the bulk of the work would be given to lawyers to a certificate such as Ontario or B.C. gives. Another alternative was to have a system whereby we would have an ombudsman, and the ombudsman would be in himself a committee, and when a person required aid in legal form either for a civil action or for a criminal action, he would apply to the ombudsman's office who would then assign a lawyer to him. As it is pointed out in this paper, one of the disadvantages of that system is that the ombudsman would choose the lawyer for the client depending on what he thought the best lawyer was. For instance, he might choose a lawyer from one block here on my left for a certain type of case, and another lawyer on a different block for an alternative type of case. He would do the choosing, not the client. There are some disadvantages of this, and it would almost certainly require that the ombudsman be, himself, a lawyer in order to make these choices and advise the person who was coming to him. There is an argument for saying that an ombudsman does not have to be a lawyer, and, indeed, in some cases people would argue that he should not be a lawyer. The ombudsman in Nova Scotia is a lawyer; the ombudsman in Alberta is an ex-policeman; and, so it goes from place to place. Sometimes he is a lawyer; sometimes he is not, but the choice appears to be, at the moment, a legally oriented law professor, a senior ex-police officer, or some such person. The policeman is opted for because he has a knowledge of investigation of Government machinery.... for the people who make complaints to him. The lawyer is opted for by those who believe that you need legal expertise to deal with Government since Government is assisted by so many lawyers with their rules and regulations. What this paper does is ask the Council to give us a choice in one or other of the schemes. The particular scheme which is favoured by the Department of Justice is the scheme of which they have experience, which is presently in operation in the Northwest Territories. In general, in the summation to this paper it points out what is common to all of the schemes, and what is different about each of the schemes, and then goes on to suggest how some of the funding should be arrived at by pointing out that there is an untapped source of funds available to us from interest and trust accounts which at present lie dormant in banks and do not earn any money for anybody, at least they don't earn money for the clients who earn the money, for the lawyers who deposit the money, but they may earn some money for the banks who use the money for investment purposes. This type of funding has been adopted in a couple of provinces in Canada, and they have creamed off the interest on trust accounts to put to certain types of endeavor such as law libraries, legal research, scholarships, and so on. The legal profession in the Territory has been approached on the matter. Would they be willing to cooperate in permitting the Territorial Government to obtain the advantage, if any, to be derived from the funds lying dormant in this fashion? They have agreed that they would cooperate in enabling the Territorial Government to obtain this money. This would only be a proportion, I couldn't say, I am not a financial expert, how much this might garner for the Government in any particular year. It might be considerable; it might not, but certainly, in order to get it you would need the cooperation of the lawyers who deposit these monies in the bank. In addition to having to fund this, we'll have certain extra expenses added on to the normal legal expenses of the Department of Legal Affairs in an average year. We will probably need from next year on, an extra magistrate, a second formal court, and some supporting staff. This is my opinion. If we bring in legal aid, I think we will certainly require this extra backup because the involvement of lawyers does not shorten cases. When a lawyer gets into a case, and does justice to the case, I think in most cases, certainly in criminal cases, the case tends to lengthen rather than shorten. In civil actions this is not always correct. In civil actions the involvement of a lawyer may satisfy the client more quickly and he may be more content with having the matter explained to him, or having a settlement arrived at on his behalf, but normally you can't settle a criminal case so easily; so, it will lengthen those and possibly shorten some of the civil actions. It will also enable people who would not normally be able to obtain justice from the courts to obtain this justice. I have put as a cost, increased expenses of the Department to operate a second court, I have put a cost of \$60,000. The Department of Justice estimates, in very rough terms, that the maximum in any year that legal aid should cost would be \$75,000. I have no reason to justify this estimate, but against that I have no reason to say that it is incorrect. Certainly, the figure of \$75,000 is in and about what it has been costing the Northwest Territories. I think that our costs in legal aid should be less because we would have less air fares, less charter flights, and we will have less long circuits on which we would have to pay lawyers to go as they do in the Northwest Territories for defense purposes whether or not they are involved in a case. They have the duty counsel system where a counsel goes expecting to find clients and he goes and he provides the lawyer for the client on a speculation basis. I don't think that our expenses other than the increased court costs should run beyond \$75,000. The Department of Justice have tendered their particular scheme which is based upon a committee which would be appointed by the Commissioner, basically to consist of an official, a member of the public, and a lawyer who we would expect would not be participating in the scheme. They suggest that people should be channeled to this committee both from the court and through involved agencies such as social welfare; persons such as yourselves, when a person looking for legal aid, you can refer him to the committee; police would refer people to the committee, and so on. The applications would be screened and dealt with by the Committee unless they were certainties which were referred to by the courts, where the court would know the person involved. They would then be given legal aid and they would have the right then to choose their own counsel from the panel of lawyers who had offered themselves for employment by persons seeking legal aid. It is estimated that this scheme would cost, we don't know what it actually would cost, but estimate a cost of not more than \$75,000. Assuming that \$75,000 would be the cost, then the Department of Justice have undertaken to pay half of the cost, that is fifty cents on the dollar, of this scheme regardless of how high it goes, or how little. There is no reason to think that the cost will be small. The cost must be at least \$60,000 or \$70,000 in any year; so, this would mean that our expenses would move from their present \$18,000 or \$20,000 to, say, \$32,500 or \$33,000. We would be looking at an increase of at least \$13,000 in any average year over and above what we are spending now, plus any extra expenses which the increased business would generate when we needed backup and so forth.

Mr. Tanner: Mr. Chairman, I have no other reason for asking this except somewhere in the last two years I have heard that there was a scheme suggested by the Federal Government and I think it was at the same time when the Northwest Territories came in and at that time, I believe Mr. Commissioner had some reservations and I would like to ask Mr. Commissioner what his opinion is now, what's happening in the Northwest Territories and whether he thinks we are ready for legal aid now.

Mr. Commissioner: First of all, Mr. Chairman, very obviously I can only express an opinion which I cannot back with fact within the Yukon Territory because very obviously all Honourable Members will realize that we are talking about civil legal aid and criminal legal aid. Now criminal legal aid is already knowledgeable to the Honourable Members from voting on the funds in the Budget. There may be some question as to whether or not there is not a better system of handling it but it is being handled and we know what the cost is. There is no argument at all about this. Now when it comes to civil legal aid, I do not think that anyone can give the Honourable Members any kind of a factually backed-up statement to indicate that it would cost X number of dollars more or less. I do not think that this can be done. Likewise, when you ask about my hesitation originally on this, I think that in some of these social programs, fools rush in where angels fear to tread and one of the things that we are constantly after at this Table, is not to be getting ourselves involved in programs, particularly Federally cost-sharing programs that leave us completely vulnerable after we have gone into a program for a year or two, to have the rug pulled out from underneath them and left holding the bag to pay the whole thing. Maybe this is more by trepidation and maybe it is totally unfounded in this particular instance because definitely our relations with the Department of Justice and other things that we are doing with them does not lead us to believe that they will leave us stranded, although it took a lot of talking in dealing with one of the senior officers and the former Minister of the Department, to get them to remove the ceiling of their cost-sharing at \$75,000. Now, another thing I think that Honourable Members want to give a lot of consideration to here, with the paper before them, is that maybe the first step is to give a lot of consideration to constituting the position of ombudsman, who after that position had been in operation for a year or two, there would be some kind of a proper assessment available to Honourable Members as to just what need, if any, and to the extent of the need of civil legal aid really in the Territory. I think that you were also questioning a prior Session of Council, not this Council as the Honourable Member for Department of Health, Welfare and Rehabilitation has clearly indicated, that there are instances where the Canada Assistance Plan does come into play under certain conditions when certain civil legal actions are necessary and also, I think if you have read the paper before, you will realize there are very strict limitations concerning what civil cases can be considered for extending legal aid to. Now, at that point in time, you are just in the same position as you are in Medicare. Once you have gone for a certain amount of these civil cases, then the pressures are on you to remove these other inhibitions and extend the program. Don't think for one minute that once you have embarked on a program, that that is the end of the line; it's only the beginning. I have another comment to make and that is concerning ... we have talked about a medical indigent and it has come up in questions raised by the Honourable Member from Whitehorse West when we have been talking about extending the medical evacuation program. Now there's a lot of questions in my mind dealing with presentations that I have seen on legal aid when I am told that a person below a certain income is a person who is a legal indigent, if you want to use that term; personally, I think that there's a lot of people earning what most of us look upon as a fairly substantial income, but when it comes down to seeking legal aid or maybe legally indigent, simply because of the fact that legal services generally speaking, tend to be costly and I am not being critical of those costs, it's a simple fact of life. Another thing I would like to comment on and that is the suggestion from the Director of Legal Affairs that in his present experience, it would appear that very much more of the load on our courts is going to call for literally speaking, a creation of a second magistrate's court. I am not going to question at all the comments made by the Director of Legal Affairs in this matter because I don't have any factual information nor have I investigated the comments on this, but I think that the Honourable Members should give a lot of consideration to the fact that there is only 20,000 people, give or take 5% one way or the other, in the Yukon Territory, and pretty soon you know, by the time you have to make the costs court circuits around here, it is going to put some of the rest of the programs you have here completely to shame. Now we talk about another court costing possibly \$60,000 on top of whatever our court costs are at the present time, and this on top of the cost of civil legal aid; no matter what these costs are, it's going to add a considerable sum of money to the cost of the operation of justice here in the Yukon Territory. From what I have seen and we have had some very, very good papers presented to the Executive Committee in connection with the provision of civil legal aid within the confines of some kind of manageable proportions, that we feel that the Government of the Yukon Territory can reasonably finance and out of all these things, and I simply pass this as a personal opinion, because you will see from the paper that has come before you with a synopsis of these three proposals and the Administration is not taking a firm stand one way or the other. But in my personal opinion, I strongly recommend that we give a lot of consideration to the establishment of the position of an ombudsman. After that position, which would have to be dealt with by legislation in this House, after that position had been in operation for a year or so, you will be in a much sounder basis to make a decision about civil legal aid and to what level you are prepared to fight. I likewise point out to you, that under the inadequate political system that we have in the Territory, and although there are signs of reform on the horizon, many, many people are finding it literally speaking, impossible to seek not necessarily redress from actions of Government, but they are finding it more difficult to find out if they have been rightfully or wrongfully harmed or treated by the Government in their every day business. And I do feel that the position of a creation of an ombudsman is a position which if the Yukon Territory would, not necessarily bring any more discipline into the day-to-day activities of Government, but would give the ordinary individual on the street, a clear cut and no cost opportunity to find out from a completely neutral source, if indeed he has recourse or should be seeking redress or should have a decision of Government reversed or changed in his favour. Now whether or not this can this can then be extended to the individual to prescribe whether civil legal aid is-- in other words, if this individual isn't really redressed from Government that he is looking for, he should be going to the courts to seek that redress. As to whether or not the position of ombudsman should pass judgement on that to a degree, I share the concern of Mr. Legal Adviser but I do say that generally speaking no one is in any position to advise the Members around this table as to what the basic needs of civil legal aid in the Territory. I do not deny but what there is a need, we do not know what the extent of that need is nor can we effectively tell what the potential cost of that particular kind of a program would be. And remember that once you embark on it, there is no turning back. It has become the common denominator in social programs across Canada, as Mr. Legal Adviser has said, for Government to make available civil legal aid with certain basic restrictions attached to it under a whole variety of things; I don't think that one province has exactly the same scheme as another. Everyone has their variations of it. To say that the Yukon is not ready for this or to say that we should not have it just because everybody else has it, aren't good enough arguments I don't think. I think that we have to accept the fact that this kind of a program will have to be instituted in the Territory and the question being when and under what circumstances. And Mr. Chairman, I appreciate the opportunity to be able to pass my personal comments on this and I want it to be clearly understood that this is not any position taken by the Administration in the Executive Committee, but are strictly my own personal comments and I simply close by saying I personally, strongly feel that with our present situation and present format of Government here in the Yukon Territory, that Council would do well to give a lot of consideration to the creation of an ombudsman position and possibly then move from that point as far as civil legal aid is concerned.

Mr. Chamberlist: Mr. Chairman, I have the feeling that Members of Council are seeking ways and means of obtaining a legal aid program for the Territory. I think the Honourable Member from Whitehorse West once rose to ask when or if any

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implementation of a program of this description would be brought forward and I cannot but think of the many areas of specifically criminal legal aid where people are charged with an offense in the Territory here, are interviewed for about five or ten minutes by a lawyer who is handy, to find out whether or not he had sufficient funds to hire a lawyer with. And in many instances, these offenses a person has been charged with, are of such a serious nature that a particular lawyer may not have the know-how to properly defend the person, so it really places the person who happens to have sufficient funds to get top legal advice, places that person in a prejudicial position. I think we have to overcome that wherever possible. I personally, am in favour of legal aid programs inasmuch as it will give to people who get into trouble, firstly with the criminal side of law, an opportunity to be properly defended. I think it gives an opportunity also to people who because of a lack of funds, to either sue or set a defence in a civil action. Also a proper defence or a lawyer could act on their behalf. Now many people who can't even afford to get advice because advice in the legal profession comes very high at times, the general attitude of Government, whether it be on the provincial, territorial or municipal-type level, and its boards, various tribunals or indeed individual public servants themselves, not necessarily deliberately but quite often, without due thought to what they are doing, place individuals at a disadvantage because of a specific action that they do. In the Province of Alberta, they have a four month deputy commissioner of the R.C.M.P. to act as ombudsman to deal with masses of that description. In Manitoba, they have a former Chief of Police from Winnipeg to act as ombudsman there; in Quebec City they have a lawyer who acts as ombudsman; in Nova Scotia, Dr. Harry Smith a former professor of Social Services at the University there last year, took the position of ombudsman; in New Brunswick they have a lawyer who has the position of ombudsman. These people all have a very high responsibility to the public at large and the benefits of an ombudsman is - for example, in Manitoba a person was detained improperly in a mental institution and he was there for 7 years because he was placed there during the Lieutenant-Governor's pleasure. There were three Lieutenant-Governors that changed positions and it was only until an ombudsman was appointed that he was able to seek redress against the Government administration to protect him there. This is the type of work that an ombudsman does. The ombudsman is not a judge in that he does not sit as a final arbiter, the facts are presented by two different parties and he doesn't enforce a judgement, he is not an advocate or an attorney in the true sense of the word where he is giving advice and he is not a legislator with a duty to any legislative body nor to any constituents - that is not his function. He is not to legislate public policy, or amend or repeal public policy. He is not an administrator, he just simply holds the view that he must examine whether an individual has been wronged. Now the whole idea of an ombudsman function is to see that there aren't any wrongs being done to an individual by an officer of a territorial government department or provincial government department or municipal department, whether or not any officers in the municipal department have breached any of the administrative areas of government and the individual needs to be protected. I think that we have to recognize the ombudsman today has become the modern hero in government, the Sir Calahad who has rescued the little man from the mistakes and miscalculations of government and at times he overcomes these obvious over-zealous, bureaucratic actions of individuals who make mistakes inadvertently, and we in the Yukon Territory should attempt to establish this kind of office so that we can have indeed, an opportunity made available to every person who feels he has been wronged by the Government. Many instances come to mind in, for instance, land transactions, welfare, even medicare, where an individual feels that he has been wronged. Where he might feel that the administrative people he has gone to to seek redress, are not prepared to give that redress, the ombudsman then is the man given the right by legislation, to inquire into all areas of Government where a particular person has made a complaint.

Mr. Chamberlist: I think that the -- because it is getting a little late, I think that I shouldn't go too deeply into the overall functions of the ombudsman. Just generally, the functions are to investigate complaints made by individuals who feel that they have sustained an injustice as a consequence of misadministration of a Government office. I think, that officials of municipal government, just like officials of Territorial - Provincial Governments at times make errors I feel that generally, the ombudsman should be able to attend to aggrieved person's needs. I think that an ombudsman who really is fulfilling his function, will create a much happier environment for people to live in, in the Yukon, because people will then know that if they are being, or consider they are being improperly treated, they can then go forward to the ombudsman. On the basis of a complaint, have his complaint looked into without necessarily either party knowing who has complained. Everything is carried out by an ombudsman. It is carried out in much secrecy. There is no reason why one couldn't even extend this type of investigation to local improvement districts or other public bodies. I think that everybody should be allowed to register a complaint against Governments or any of its forms at any time. So, I won't go any further on the basis of the ombudsman, but I would like to address a few moments to the need for general legal aid. I think, in the area specifically, I think, that the Legal Adviser has already indicated where there is a need in the matter of criminal matter. We have never had the opportunity of legal aid to be given to people, who perhaps may be placed in a detrimental position in civil matters. Generally, the paper that has been presented, shows quite clearly, that there is really a need for legal aid services in the civil matter area as well, and I think, criminal areas. I think, if there is -- if all Members of Council, if they are interested enough, can perhaps request from the Administration for a copy of the various reports that have been made up on the legal aid programs, for study. I know, that all Honourable Members are getting a little bit tired tonight, and not necessarily of me, but there is a need, as I say, because of the importance of this particular program, for Members to make themselves familiar with the fact that legal aid is something that is becoming a requirement throughout the country. Obviously in other jurisdictions, the acceptance of an ombudsman is part and parcel of an operation if not necessarily a legal aid operation. Because of our population, I think it would be advisable to try in some way to tie in the cost of legal aid and ombudsman together, to keep the cost down so that the committee of legal aid could act in the same capacity as that of the ombudsman and vice versa.

Mr. Taylor: Mr. Chairman, in view of the time and the enormity of the information which has just been disclosed to Committee, I wonder, if at this time, we can report progress on Sessional Paper No. 16.

Mr. Deputy Chairman: Is Committee agreed? What is your further pleasure?

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

Mr. Chamberlist: I second that.

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

MOTION CARRIED

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

Mr. Stutter: Yes, Mr. Speaker. At 2:40 p.m. Committee was called to order. During the discussions of Motion No. 13 at 4:10 p.m., it was necessary to recess Committee due to a lack of a quorum. At that time those present in the House were Councillor Chamberlist, the Chairman and Councillor Taylor. At 7:15 p.m. Committee again came to order to discuss Motion No. 13 and other motions. It was moved by Councillor Chamberlist, seconded by Councillor Watson, that an amendment to the amendment to Motion No. 3 which reads as follows: "Moved that the words 'the manner of' be added after the word 'on' in the first line and the word 'mutually' be added between 'a' and 'successful' in the third line and that the word 'Right' be added in between the word 'the' and the word 'Honourable' in the seventh line and that the words 'adequate representation be afforded to' be deleted from the tenth line and the words 'to freely' be deleted from the eleventh line and in subsection (a) add the word 'mutually' in between the words 'a' and 'successful' and in subsection 9B(b) add after the word 'implementing' the words 'within the Yukon any tripartite'." The amended motion will therefore, read as follows: That this Council congratulates the Yukon Native Brotherhood on the manner of their presentation to the Government of Canada of the Yukon Indian Land Claims, and the Council recognizes that a mutually successful outcome to the negotiations on the claims currently being programed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests the Right Honourable Pierre Trudeau, Prime Minister of Canada and the Honourable Jean Chrétien, Minister for Indian Affairs and Northern Development, to ensure that the Council of the Territory take part in the proposed negotiations in order to aid in, (a) ensuring a mutually successful outcome to the negotiations; (b) eventual success in implementing within the Yukon any tripartite agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory." When question was called on the amendment I can report it was defeated. The amendment, it was moved by Councillor Tanner, seconded by Councillor McKinnon that Motion No. 3 be amended by deleting the words after "that" and substituting therefore, "This Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of the Yukon Indian Land Claims, and the Council recognizes that a successful outcome to the negotiations on the claims currently being programed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests the Honourable Pierre Trudeau, Prime Minister of Canada and the Honourable Jean Chrétien, Minister for Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in, (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory." When question was called, Mr. Speaker, I can say the amended motion was carried. The main motion was then put, which reads, "Moved by Councillor Chamberlist, seconded by Councillor Watson, that this Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of the Yukon Indian Land Claims, and the Council recognizes that a successful outcome to the negotiations on the claims currently being programed will require the aid and assistance of the Council of the Territory and will affect the future constitutional development of the Territory. Now, therefore, this Council respectfully requests the Honourable Pierre Trudeau, Prime Minister of Canada and the Honourable Jean Chrétien, Minister for Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in, (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ensuring that any such agreement does not impede or limit the future constitutional development of the Territory."

Mr. Chamberlist: I rise on a question of privilege, Mr. Speaker. I would have it recorded that that is not the motion

Mr. Chamberlist continues:

of myself or the Honourable Member. We know that the Prime Minister is the Right Honourable Member and we would never under any circumstances just refer to him as the Honourable Member. The motion is not ours. The Honourable Member for Carmacks-Kluane and myself do not accept that motion as ours.

Mr. Speaker: Fortunately, I must rule that the motion as I have it from the Chair, from the Chairman of Committees, was an amended motion, but the mover and the seconder of the motion remain as indicating that they were the initial movers and seconds of the motion. Continue with the Report of Committees please.

Mr. Stutter: I can declare that this motion is carried. In discussing Motion No. 14. May I come to that, Mr. Speaker, Motion No. 14? Bill No. 28, discussing Bill No. 28, it was moved by Councillor Taylor, seconded by Councillor Chamberlist, that the Bill be allowed to die in Committee. This motion carried. Bill No. 29, it was moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29 pass out of Committee without amendment. This motion carried. Bill No. 30, it was moved by Councillor Chamberlist, seconded by Councillor Tanner, that Bill No. 30 pass out of Committee without amendment. This motion carried. I can report progress on Bill No. 31. I can report progress on Sessional Paper No. 16. If, Mr. Speaker, would give me but one minute to find Motion No. 14, I will report on that. Mr. Speaker, I have it here. In discussing Motion No. 14, it was moved by Councillor Tanner, seconded by myself, that the words beyond "medical necessity" in the third line be deleted. This amendment then read, "It is the opinion of Council that section 2(e) of the Medical Necessity Travel Subsidy Regulations be amended by expanding the interpretation and categories of 'Medical Necessity'." The amendment carried. It was moved by Councillor Chamberlist, seconded by Councillor Tanner that the amended motion pass out of Committee. This carried. That is the Report of Committees.

Mr. Speaker: You have heard the Report of the Chairman of Committees.

Are you agreed?

Mr. Chamberlist: Disagree. Division.

Mr. Speaker: Mr. Clerk would you poll the House?

Mr. Clerk: Member for Carmacks-Kluane?

Mrs. Watson: Agreed.

Mr. Clerk: Member for Whitehorse West?

Mr. McKinnon: Agreed.

Mr. Clerk: Member for Dawson?

Mr. Stutter: Agreed.

Mr. Chamberlist: I will make it unanimous. I agree too.

Mr. Clerk: Member for Dawson?

Mr. Stutter: Agreed.

Mr. Clerk: Member for Whitehorse East?

Mr. Chamberlist: Agreed.

Mr. Clerk: Member for Whitehorse North?

Mr. Tanner: Agreed.

Mr. Clerk: The vote, Mr. Speaker, is five yea, no nay.

Mr. Speaker: Thank you, Mr. Clerk. What is your further pleasure in respect of the agenda?

Mr. Stutter: Mr. Speaker, it is the intention of Council to come to order at 2:00 p.m. tomorrow to discuss Bills, Motions, Sessional Papers and Legislative Returns.

Mr. Speaker: Is there anything further?

Mr. Tanner: Mr. Speaker, I move we call it 9:30.

Mrs. Watson: I second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable for Carmacks-Kluane, that we now call it 9:30. Are you prepared for the question? Are you agreed? I declare the motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Council now stands adjourned until 2:00 p.m. tomorrow afternoon.

ADJOURNED

ADJOURNED

Mr. Speaker reads the daily prayer. Councillor Rivett is absent.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The House will now come to order. We will proceed with Orders of the Day. Are there any Documents or Correspondence for tabling?

Mr. Chamberlist: Mr. Speaker, I rise on a question of privilege. I have no tabling of Documents today, but I thought if I may with Council's permission, and your permission, give some information that had been requested, which I now happen to have.

Mr. Speaker: Could this be handled in Question Period?

Mr. Chamberlist: Certainly.

Mr. Speaker: Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers? We will then proceed to Daily Routine. We have -- there are no motions on the Order Paper. We will proceed with the -- oh yes. Motion No. 16, I'm sorry. Mr. Clerk, could you get a copy? Maybe I have one. I don't have a copy. The Chair requires a copy of Motion No. 16.

MOTION #16

Mr. Chamberlist: I recall, Mr. Speaker, that the Honourable Member moved, gave Notice of Motion, but it appears that there isn't a motion, nor is there a seconder. The Motion is not on the Order Paper. It is on the Order Paper, but there is no motion provided.

Mr. Speaker: Would the Honourable Member for Whitehorse North be prepared to state the motion at this time?

Mr. Tanner: Mr. Chairman, yes.

Mr. Stutter: It is on page 323 of the Votes and Proceedings.

Mr. Tanner: Could I have a couple of minutes? Yes, Mr. Speaker, my motion read, "I move that the submission from the Yukon Hotel-Motel Association tabled this day, be moved into Committee for discussion; into Committee of the Whole for discussion."

Mr. Speaker: Is there a seconder?

Mr. Tanner: Mr. Speaker, I believe the Honourable Member ...

Mr. Chamberlist: Yes, I second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse East. The motion reads as follows: "I move that the submission from the Yukon Hotel-Motel Association tabled this day, be moved into Committee for discussion." Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: We will now proceed with the Question Period. I wonder, Mr. Clerk, if Mr. Commissioner would be available for questions this afternoon? I'll declare a brief recess.

RECESS

RECESS

Mr. Speaker: At this time we will call Council back to order. We have with us Mr. Commissioner for the Question Period. Are there any questions? Commissioner.

Mr. Commissioner: Mr. Speaker, I have two items that I would like to reply to, if I may, at this time.

Mr. Speaker: Proceed.

Mr. Commissioner: On March 1st, you yourself, Mr. Speaker, asked whether the White Pass and Yukon Route had made application for any land in the Carnacks area. A check of the records of both the Federal and Territorial land office did not indicate that any such application has been made to date. Yesterday, I was asked, if there was a firm date fixed as yet for the establishment or the proclamation of the new minimum wage. I would like to advise Members that, my officers advised me, that June 1st would appear to be the best possible date for the proclamation. We had been in the habit of giving 60 days or better, notice to the general public. If we can follow through on this, it will give the public approximately 75 days notice of our intention.

Mr. Chamberlist: Mr. Speaker, I wish to give some information to Members of Council as a result of questions that have been raised due to the Medical Evacuation. On July 28th of 1972, a letter written by Dr. Tom Jayachandran, Director of Health Services and Zone Director for Yukon, was written to all doctors in the Yukon with reference to medical evacuation for Yukon residents. It reads as follows: "Recently there have been some questions as to whether patients were qualified for subsidized travel for medical necessity when they have to go outside for diagnosis and/or treatment because the facilities are not available in the Yukon. The present regulations for a patient needing care do not stipulate this should be an emergency. But they do say medical necessity; so patients who have to go out of Yukon because facilities are not available here, may also now come under this Plan. Of course, each case will be evaluated on its individual merits. I am sure you are all concerned regarding the spending of taxpayers' money unnecessarily. Hence I am sure you will take every precaution not to abuse the Plan." Mr. Speaker that will indicate that the medical necessity has been extended, also upon investigation Mr. Speaker, I can inform Council that on the advice from the Director of Health Services, I am told that he has not turned down one application that has been provided under the signature of a medical practitioner in the Yukon. Further information on medical evacuation. During the last six months our highest chartered cost of evacuation from Haines Junction to Whitehorse was \$932, by helicopter. The average charter within the Yukon from place to place has been between \$500 and \$600. The regular fares for evacuation from Whitehorse to either Edmonton or Vancouver are as follows: regular, mother and child - \$249; regular, nurse-patient seated - \$332; regular, husband and wife escort - \$290; stretcher, nurse escort - \$498. Thank you.

Mr. Speaker: Any further questions? Honourable Member for Whitehorse North.

QUESTION RE DEVELOPMENT OF GOVERNMENT IN YUKON

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner. In the information telex which was placed before Council recently, concerning development of Government in the Yukon, it reads and I quote, Mr. Speaker, "In the Yukon I recently advised the Commissioner and the Territorial Council"-- I'm quoting the Minister of Indian Affairs and Northern Development--"that I shared Council's view expressed in their latest resolution on the need for additional representation, and that I accepted, it would be desirable to increase the number of elected representatives in the Executive Committee." I question the Commissioner -- could the Commissioner elaborate any further on this point? Secondly, what would this Council have to undertake to give effect to this statement?

Mr. Commissioner: Mr. Speaker, the Honourable Member has been kind enough to give me notice of asking this question. But, as so many of the things involved depend upon the political decisions of the senior government it's not too easy for me to give really definitive answers that might satisfy the queries that the Honourable Member has made. However, in the hypothetical context, if a decision has been made at the Federal Government level to increase the size of the Territorial Council, Honourable Members will appreciate that this would first call for an amendment to the Yukon Act. Time is of the essence in this respect, if, indeed, this amendment was to have effect at the next scheduled Territorial election, which I believe would be due sometime early in September, 1974. It is my understanding that the Chief Electoral Officer requires six months lead time for any major changes that are to be made, prior to an election over which he is to supervise. Counting back on that basis, it would mean that all administrative and legislative preparations except for enumeration, on the work of the electoral officers, would have to be completed in late March or early April, 1974. In between the time that these electoral preparations take place and the time that the Yukon Act is amended, it will be necessary for certain things to take place in Council. One of these things would be the consideration, I'm sure that Councillors will want to give, to looking at the voting age. I think that Honourable Members in view of the fact that the Federal voting age is 18, and I believe our Territorial voting age is 19, may well want to look at this. I pass no judgement whether they want to change it. Secondly, Councillors have generally expressed a desire that if there are extra Members, or more Members on the Council, that the redistribution or the establishment of electoral boundaries would be done by an Ordinance that would lay down the criteria for the establishment of these boundaries and that the boundary definitions would be drawn by what is loosely referred to as an Electoral Boundary Commission. This may well consist of one or more people. The Ordinance may direct, depending on Council's wishes on this, that this be done by a specific individual, by a specific group, or they may even say that it is to be done by a particular court. Once that is done, then there will be an embodying of these new boundaries within the confines of that Ordinance, which I would assume, subject to any comment of Mr. Legal Adviser to the contrary, would call for a schedule to be attached to that Ordinance, but undoubtedly that schedule would require the ratification of the Council as a body, Mr. Speaker. All that I'm trying to point out here is that an amendment to the Yukon Act, the possible attention to the Elections Ordinance, the Redistribution Ordinance, the establishment of an Electoral Boundaries Commission and the ratification of your work, would all have to be done. We are in the month of March now; we have got approximately 12 months for all this to be done. I think that in my Minister's position, having to seek the concurrence of his Cabinet colleagues to the proposed changes that he wants to bring about, I think, he is probably talking about a May or June suggestion and, of course, he has before him the resolution of this Council which he referred to in the letter which I gave or I read to Honourable Members here a few days ago. I don't think that there is anything further that I could add and I would want it to be clearly understood, Mr. Speaker, that I am speaking entirely extemporaneously on a hypothetical situation, because I cannot foretell what the essence of the Federal Cabinet decision will be. I trust that I have answered the Honourable Member's question as best I can.

Mr. Tanner: One supplementary question, Mr. Speaker, if I may. Should the hypothetical case of which the Commissioner speaks of, come about, is the Administration prepared to bring forth the legislation required in the next Session of Council?

Mr. Commissioner: Mr. Speaker, I would hesitate to be in the Commissioner's shoes if it wasn't ready.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I wonder if I could ask the Honourable Member from Whitehorse East, since what date has there not been a single case turned down for medical evacuation upon a doctor's request?

QUESTION RE
MEDICAL
EVACUATION

Mr. Chamberlist: Mr. Speaker, I am advised since only this morning by Dr. Jeyachandran, that in all of the time that he has been here he has not turned down any medical evacuations where a doctor has signed a certificate under the Medical Evacuation Plan.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner if Mr. Alan Innes-Taylor has been notified that his contract with the Yukon Territorial Government will be terminated at the end of March?

QUESTION RE
MR. ALAN
INNES-TAYLOR

Mr. Commissioner: Mr. Speaker, the Honourable Member has asked me a question of which I do not have up-to-the-minute knowledge. As far as my memory carries me, Mr. Innes-Taylor has a contract at the present time which would expire at the end of the fiscal year. As to whether or not that contract was to be renewed would be something of which would be up to the discretion of the Director of the Department of Travel and Information, who have contracted for the last several years for Mr. Alan Innes-Taylor's services. Beyond the end of March, I have no immediate factual knowledge of what will transpire in this particular area.

Mr. McKinnon: Supplementary question, Mr. Speaker. The Commissioner is not then aware that the Director of Travel and Information has notified Mr. Alan Innes-Taylor that contracts will not be renewed at the end of March?

Mr. Commissioner: Mr. Speaker, I would have to verify this. If the Honourable Member is telling me that this has transpired, I accept this as a fact, but I would have to verify the situation because I have not had a conversation with the Director of Travel and Information in this particular matter. In order to say one way or the other as a positive fact on this, I would have to verify this.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, seeing as this is probably, although one never knows, the last day of Council, Mr. Speaker, I was very, very disappointed with the answer that was given to me on Legislative Return No. 2 which is the mystery of the four missing hockey tickets. I wonder if on this last day of Council whether the Honourable Member from Carmacks-Kluane is prepared to tell the House who used the four tickets for the Canada-Russia Hockey Game that were retained by the office of the Executive Committee Member for Education?

QUESTION RE
CANADA-RUSSIA
HOCKEY GAME
TICKETS

Mrs. Watson: Mr. Speaker, I should be very pleased to solve this puzzle that has plagued the Honourable Member from Whitehorse West. I used one of the tickets; my husband used one of the tickets; Mr. Chamberlist used one of the tickets; and, I don't know who Mr. Chamberlist took with the other ticket.

Mr. McKinnon: Supplementary question. Who did Mr. Chamberlist take to the Canada-Russia Hockey Game?

Mr. Chamberlist: Mr. Speaker, I went to the hockey game with the intention of taking my wife with me, but as she was unwell at the time, and she didn't want to come, and it was a half an hour before getting on the plane, I was able to give it to the first man that came along, and he happened to be a Mr. Thompson.

Mr. McKinnon: For how much?

Mr. Chamberlist: How much what? I think that we should indicate, Mr. Speaker, that Councillor Watson and her husband paid for the tickets, supplied their own fare, and went completely at their own expense. I went at my own expense; and the gentleman that used the other ticket also went at his own expense and also paid for the ticket. There is nothing gratis at all from the Yukon Territorial Government under any circumstances.

Mr. Speaker: Are there any further questions?

Mr. Stutter: Mr. Speaker, rising on a point of privilege, I wish to give notice of my resignation as Deputy Chairman of Committees to become effective with prorogation of this Session of Council.

Mr. Chamberlist: Mr. Speaker, I rise on a question of privilege, and I would like to indicate that the Honourable Member has done a fantastic job as Deputy Chairman, and I think that all Members would ask him to reconsider his position. I know it must have been a trying time for him, but after all, it is part of the learning of all Members in the operation of a legislative assembly. I am sure that if he reconsiders between this Session and the next Session, all Honourable Members would be very pleased indeed to see him back in the position that he has so properly fulfilled.

Mr. Tanner: Here, here.

Mrs. Watson: Mr. Speaker, I would like to point out one thing to this House here. I am sure that the Honourable Member's position would have been a lot easier if this House had adopted a set of rules under which they operate. I think that we have been very negligent in this area, and I think that we should take some steps to correct this as soon as we possibly can.

Mr. Speaker: From the Chair, I can only say that it is indeed regretful that the Honourable Member from Dawson has found it necessary to submit his resignation to the House. I think that I would say that the duties that he has performed, he has performed them very well, and I think, without any exception whatsoever, very impartially and very honestly. It is very regretful that the Member has chosen to resign, and I can only conclude by saying that we have more than appreciated the fine work he has done in his duties as Chairman of Committees. I would hope that perhaps the Honourable Member will reconsider prior to the next Session. Any other further questions? We will thank Mr. Commissioner for his attendance in the Question Period this morning, and we will proceed to Public Bills and Orders.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendment to Bill No. 18, An Ordinance to Amend the Game Ordinance, be given First Reading.

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the amendment to Bill No. 18, An Ordinance to Amend the Game Ordinance, be given Second Reading.

MOTION
CARRIED
BILL #18
THIRD
READING

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 18, An Ordinance to Amend the Game Ordinance, be given Third Reading.

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 18, An Ordinance to Amend the Game Ordinance, be adopted as written.

MOTION
CARRIED
BILL #18
TITLE
ADOPTED
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 18 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 29, Fourth Appropriation Ordinance 1972-73, be given Third Reading.

BILL #29
THIRD
READING
MOTION
CARRIED
BILL #29
TITLE
ADOPTED
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 29, Fourth Appropriation Ordinance 1972-73, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 29 has passed this House.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 30, Second Appropriation Ordinance 1973-74, be given Third Reading.

BILL #30
THIRD
READING
MOTION
CARRIED
BILL #30
TITLE
ADOPTED
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Watson, that the title to Bill No. 30, Second Appropriation Ordinance 1973-74, be adopted as written.

MOTION CARRIED

Mr. Speaker: I declare that Bill No. 30 has passed this House. What is your further pleasure?

Mr. Tanner: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole to discuss Motions, Sessional Papers, Legislative Returns and Bills.

Mr. Chamberlist: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Whitehorse East, that Mr. Speaker do now leave the Chair and Council resolve itself into Committee of the Whole for the discussion of Motions, Sessional Papers, Legislative Returns and Bills. Are you prepared for the question? Are you agreed? I declare the motion carried, and the Honourable Member from Dawson will take the Chair in Committee of the Whole.

MOTION
CARRIED

MOTION CARRIED

Mr. Deputy Chairman: Before calling the recess, I wonder if I could ask Councillor Taylor if he is prepared to go ahead with his motion that Territorial parks be discussed in Committee?

Mr. Taylor: Yes.

Mr. Deputy Chairman: Would you require the presence of the Commissioner and Mr. McIntyre?

Mr. Taylor: Yes.

Mr. Deputy Chairman: Mr. Clerk, would you see if they are available? I will now declare a recess.

RECESS

RECESS

Mr. Deputy Chairman: At this time I will call Committee to order. First of all I would like to welcome the Grade Eleven students of F. W. Collins, presently in the gallery. We are discussing Motion No. 10. It was moved by Councillor Taylor, seconded by Councillor McKinnon, that the subject of Territorial Parks be discussed in Committee of the Whole with Mr. Commissioner and Executive Committee Member, Mr. Gordon McIntyre, in attendance. I believe the Commissioner is presently on a long distance phone call. Councillor Taylor.

Mr. Taylor: Mr. Chairman, I was hopeful that Mr. Commissioner would be here when we discussed this. The matter arose during discussion of the Budget. Just reflecting back to the Votes and Proceedings, I note that I had asked a question respecting Territorial Parks, and I was informed that nobody really knew much about them other than there had been land set aside in respect of them. So I asked if someone could find me the press clipping that referred to this matter from the Department of Travel and Publicity. I believe Mr. Chamberlist commented, "I don't know who told you that," but I was suggesting that the matter be discussed in Council. I since found a copy of the press clipping which states in part, "the next stage is to draft policies and legislation, which is expected to be ready for Territorial Council's consideration during the Spring Council Session." This is the reason that the matter is brought before you today. One of these parks is in the Francis Lake area and many residents of that area have asked me to inquire of the Government just what the parks are all about. Just what does the reserve mean? What are the rules and regulations by which it is to be administrated? Just generally, what is the basic concept of the Territorial Park system? I don't know, Mr. Chairman, if Mr. McIntyre can answer the question, but no doubt Mr. Commissioner could.

Mr. Deputy Chairman: Mr. McIntyre, would you like to answer that or would you perhaps ...

Mr. McIntyre: Well, I can indicate where the areas of the parks are and Mr. Commissioner should answer any questions dealing with the situation concerning policy and matters of that nature. The land situation is that the Territorial Government has made an application for a reservation or a withdrawal from disposal of land in the vicinity of Kusawa Lake, Millhaven Bay, Ethel Lake, Francis Lake, the Arctic Circle Crossing on the Dempster Highway; a small reservation at Conrad, and the hot springs area in the McArthur Game Sanctuary. Now these are not withdrawals by Order in Council, these are withdrawals within the department itself. The reservations have not been established by Order in Council. If any of you wonder where they are I can show you on the map.

Mr. Chamberlist: Mr. Chairman, all Members should have a copy of all these ...

Mr. McIntyre: The first one is Kusawa Lake. Right here. There is one at Millhaven Bay which is a Bay on Bennett Lake. Here. There is another one at Ethel Lake, in the Mayo area. That's here. There is one at Francis Lake. Right here. One at the Arctic Circle Crossing on the Dempster Highway. One at Conrad, which is an abandoned mining town on the Carcross-Skagway Road. About here. The other one is the hot springs area in the McArthur Game Sanctuary. There's Hot Spring Creek. It's the area right around Hot Spring Creek.

Mr. Taylor: Mr. Chairman, Mr. Commissioner is now with us. The discussion, Mr. Commissioner, is in relation to Territorial Parks. It was suggested that in the Travel and Publicity release on this matter on November 27th last, that the next stage is to draft policies and legislation which are expected to be ready for Territorial Council's consideration during the Spring Council Session. Obviously, someone in Administration has done some work on this. Obviously, there must be some information available as to how the parks are to be administrated, what controls are being laid upon them, and this type of thing. In general, the whole concept of Territorial Parks as viewed by the Administration. I am wondering if Mr. Commissioner could enlighten this matter.

Mr. Commissioner: Mr. Chairman, the Territorial Parks package is basically an extension of the campgrounds and the lunch stop program, which has been operating here in the Territory since approximately 1944 or 1945. It is designed or hopefully will use as its design, the proposal made by a Mr. Baker, who submitted a report approximately three or four years ago. The urgency or non-urgency depending upon, I suppose, how you look at these things, of establishing the reservations and at least indicating where we would hope to put parks, has become very obvious to us due to the tremendous use that the recreational vehicle traffic is giving to our present campgrounds. These parks are all the way from the size of present campgrounds and present lunch stops, to others which would be several hundreds or maybe a few thousands acres in size. The legislation that will be required will be subject to Council's approval, naturally, Mr. Chairman. It will be up to Council to accept or reject the concept that would be put forth in the legislation as to what restrictiveness in the way of land use, mineral exploration and all the rest of the things that Council would want to pass judgment on. Very obviously, as the Territorial Government, we cannot restrict Federal exploration programs because that comes under Federal legislation which our legislation cannot touch, unless we went to the Federal Government and sought their concurrence to the removal of some of these areas for mineral exploration purposes, which is a long way down the road at the present time. But, in a nutshell, Mr. Chairman, the Territorial Campground Program on an extension of the present lunch stop or the Territorial Park Program, I'm sorry, is an extension of the present Lunch Stop and Campground Program basically designed or based on the report made by Mr. Baker, some years passed.

Mr. Taylor: Mr. Chairman, I am more particularly concerned with the reserve that has been set aside, I believe, it is indicated on the wall map, in the Francis Lake area. This isn't a thousand acres. This is something in the area, I believe, somewhere in the area of about sixty square miles. This is a little different from a thousand acre park. Number two, is that there are people who have situated, or are located on that lake. Some live there year round and of course, some use for summer recreation purposes. They have expressed to me a great concern upon hearing of this Territorial Park situation, because they don't know where it leans then. Some of these people, indeed, have title, I suppose or leases on their land. But a great many others do not, they are more or less settled there and haven't made applications for land. My purpose, or my basic purpose in bringing this question before Committee is to attempt to find out just what position they're in, what they may expect they may have to do. Whether they sell and get out, or whether they should or could continue to remain there; just what do they do. There is another question that arises out the paper too. They are talking about a core area. Do I assume the core area will be within the already established boundaries; are the established boundaries in effect, the core area? I wonder if Mr. Commissioner could advise me on these two points.

Mr. Commissioner: Mr. Chairman, if I happen to be in a position of being a property owner on Francis Lake, I have a title to my property. I certainly wouldn't be attempting to sell it, simply because around about me a park reserve had been established. I see no cause for concern for any individual there at all. Mr. Chairman, there is no attempt to dislodge or disrupt anything of that nature, but by having the reserve created, if others come along and seek leases or are seeking title to property within that reserve, until such time as the legislation has been dealt with here and the boundaries fixed, the applications aren't going to be dealt with and that's all there is to it. That is the idea of the reserve. The next part of the question is that there might be core areas. You are questioning in this instance, is the area outlined the core area or is the core area within that? I think, in the case of a fairly large

Mr. Commissioner continues:

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place such as the Francis Lake one, I would suggest that the core area would be well within that. That would become the developed area because certainly, I'm afraid we are not in a financial position with the Federal Government to undertake to develop the whole sixty square mile area, or advertently, to such a large area as this.

Mr. Taylor: Mr. Chairman, then possibly I could properly assume from the remarks of Mr. Commissioner, that those people who have not any deed or lease to the land at the moment, that the advice is to get out of Francis Lake and go find another lake because they cannot really get property within the park area. Do I take this to be correct, that they should go?

Mr. Commissioner: Mr. Chairman, I think that every situation would have to be examined in its proper context. Generalizing a situation of this nature is pretty hard. If they are just simply sitting there, and they have made no attempt of any kind to get any kind of title to land or lease of land, something of this nature, I think, the smart thing for them to do before they do anything, is to have their particular situation examined by the Federal land people and then they can determine, as based on the answer they get from the Federal land people, as to what their next course of action should be.

Mr. Taylor: Further, Mr. Chairman, when does Mr. Commissioner think that it will be possible to lay before Council, either by mail or Session assembled, the actual policy and philosophy behind, and all data related to the proposed Territorial Park System?

Mr. Commissioner: Mr. Chairman, if we are able to do this within the next twelve months we will have done very, very well. We are talking about a very comprehensive long-range situation here and in fact, I am positive after we table it here in Council, Councillors are going to want several months to take a look at it before they are going to be prepared to pass judgment on it. I would suggest that subject to any comments that Mr. McIntyre would have to the contrary, because he is working closer with Mr. Goldner than I am, but I would suggest that a year from now would be a pretty fair appraisal as to when we are going to get that information.

Mr. Taylor: This is my very point, Mr. Chairman, if it is going to take a year, you might virtually say there is a land freeze in that particular area for a year and there can be no development there for a year, in that respect. This is what I wanted to find out; in other words, those people who don't have a deeded land or titled land, who have intention of going in there, that my best advice to them is to clear out, stay out, and go some place else. If there is a land freeze on, this is the only other answer until there are policies defined.

Mr. Commissioner: Mr. Chairman, with respect, you cannot generalize an answer. I wonder if the Honourable Member would be good enough to go back and revert to my earlier remarks that the individuals involved would be well advised to speak to the Federal land agent, preferably in Whitehorse, if they can. Depending upon the answers that they get from him, then decide on their course of action. It may well be that they're located in a particularly peripheral area with regard to the park in which there would be no question at all about their ability to stay there. On the other hand, they may well be in a particularly desirable area which, if they don't have any prior rights, very obviously they're not going to be able to stay there. It is too difficult to generalize, Mr. Chairman. Please pass on the advice originally suggested. Contact the Federal land people.

Mr. Taylor: I will direct a question to Mr. McIntyre. I am not sure if he is Executive Assistant or as the Federal Lands people. I will probably try him in his capacity as Federal Lands people. I wonder if there are any guidelines set down by the Federal Government in relation to the question that we are talking about, and that is lands within Territorial parks.

Mr. McIntyre: The same principles apply that apply to any other area withdrawn from disposal. While it is withdrawn it cannot be disposed of. If you have nothing on the land itself, no cabin and so on, of course, you have nothing to protect; so, for that person the land is, in fact, withdrawn until such time as the reservation is lifted or some other disposition is made, but for the person who has built a cabin somewhere, he is in a position where he has the first refusal of that property. I am sure that if a Territorial park were created, these individual people who have actually built cabins, would be dealt with on the basis of some remuneration for the possession of their cabins. This has been the history all along on this type of thing.

Mr. Chamberlist: Mr. Chairman, I think that perhaps Mr. Commissioner should now be put in the position to answer what would be the situation in regard to the Indian land claims in relation to these Territorial parks?

Mr. Deputy Chairman: I think at this time, I would not accept that as a question. Any further comments, Councillor Taylor?

Mr. McKinnon: I am not clear as just what the status of the reserve is at the moment. If I understood Mr. McIntyre correctly, there has been no Order in Council passed by the Federal Government, reserving the land for Territorial parks. I wonder if I could ask either Mr. Commissioner or Mr. McIntyre, if such an order in Council has been requested by the Government of the Yukon Territory at this time?

Mr. McIntyre: Not at this time.

Mr. McKinnon: Then, actually all we have done is just draw a few lines on the map and that is the extent that the -- is there going to be a request from the Government of the Yukon Territory for an order in Council from the Federal Government reserving these for Territorial parks? I agree wholeheartedly with the philosophy and the principle of having Territorial parks in these areas, as long as we can keep the user's fee from the Territorial residents on them. Certainly, it would seem to me that if the Government of the Yukon Territory is serious about the philosophy of developing a system of Territorial parks, if there is any serious intention at all, the first thing that they would do would be to apply to the Federal Government for an Order in Council so that those lands would be put on a Territorial Park reserve.

Mr. Commissioner: Mr. Chairman, we are serious about this, and we have taken the proper first step. Mr. McIntyre with his land experience, would verify that effectively speaking, the land is now removed from disposal to all intents and purposes and subject to the proper policies being accepted by this Council and the proper legislation being enacted, then and only then, would it be a proper situation for us to seek an Order of Council.

Mr. Taylor: I have nothing more on the subject other than to say that I am most hopeful to receive any information possible in relation to parks such as I suggested earlier.

Mr. Chairman: Any further questions?

Mr. Commissioner: We agree, Mr. Chairman.

Mr. McKinnon: With respect, Mr. Chairman, it seems that the only thing that has happened is six new areas blocked off with little red lines on the map of the Yukon Territory.

Mr. Commissioner: Mr. Chairman, that is exactly what we did with Metro for approximately sixteen years until it became effective.

Mr. Chamberlist: I would suggest, Mr. Chairman, that there is also a request made to block off all of the Yukon.

Mr. Deputy Chairman: Any further comments regarding Territorial parks? I would like to thank Mr. McIntyre and Mr. Commissioner for being with us. The next thing before you is Sessional Paper No. 2., put in by Councillor Taylor.

Mr. Taylor: Yes, Mr. Chairman, Sessional Paper No. 2 is a question near and dear to my heart.

Mr. Chamberlist: Yes, we understand that.

Mr. Taylor: And, for many years now I have made the suggestion that we provide two additional electoral districts for the Yukon Territory. I have often waved this familiar map, and I will say it again, showing the electoral districts and the proposed districts of Ross River-Carmacks and the new seat for the municipality of Whitehorse and area. There are in the area of Carmacks-Ross River, and I think you could even include Felly, there are approximately some two thousand people or more. Actually, there should be more than two thousand. It is quite easily geographically defined. The area is linked by a common road system, and I think also that both socially, on an intra-community basis, that the communities involved in this proposed area have a great deal in common. The distances between Watson Lake and the Ross River-Faro area are somewhat great, and it isn't always possible to be on sight when a person should be on sight, should we say. It is often necessary to use the mails and the telephone for communications which is, I think, second best to having someone located on sight. I can recall in 1961, when we had a five-man Council in the Territory, and I think with a population of about 14,500 people at that time, we increased the number of seats in the Council by two, and Watson Lake got the electoral district now described on the map on the wall. One of the greatest complaints we had was that we were being represented three hundred miles away in Whitehorse by a representative from Whitehorse. We felt that we should have this district, and the powers that be, obviously felt the same way, and we have a new district. The situation I lay before you today, and I have laid before you before, in the same way. I think that the people of Faro and Ross River certainly feel that they would like representation at home instead of 275 miles away in Watson Lake. I leave this for your consideration. We have talked long and hard about adding seats to Council. The numbers have varied from 21 to 11 to various numbers in any event, but upon reflection, I think it is only reasonable to assume that the Council could not be extended by more than two members at this time. By reason of the fact that, if we extended it by any more than two members under this current form of Government, we would just be over-heavy at the Legislative Table. I think that if you agree on the principle of one Councillor for, say, 2200 people or 2300 people, then the two additional members would fit like a glove. The Minister has stated, as one Honourable Member stated this morning, he said, "in the Yukon I recently advised the Commissioner and the Territorial Council that I shared the Council's views expressed in their latest resolution on the need for additional representation, and that I accepted that it would be desirable to increase the number of elected representatives in the Executive Committee." This doesn't say that he is going to do that, but I

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certainly would hope that he would. There is no commitment from the Minister as yet, but I hope that we will very soon, especially in light of the remarks made by the Commissioner this morning on the subject, I hope that we will very soon be hearing something from the Minister. To bring a balance of representation to this Table as far as the people are concerned, then I think you would have to add the two seats. I had a motion to propose in respect of this, but I think with the temper, the content and the makeup of the Council at this moment, it would have very little chance of passing; so, I will not propose the motion.

Mr. Chamberlist: Right, even Ken would agree with me on that one.

Mr. Deputy Chairman: Order, please.

Mr. Taylor: Other than to say that I would hope the Administration in dealing with this matter between now and the next Session, would give some consideration to the comments I have made, and the representation that I make on behalf of the people in this proposed area.

Mr. Chamberlist: I just wanted to mention that I think what has been said by the Honourable Member this afternoon is superfluous; the answer to the whole question was given quite clearly by Mr. Commissioner. And, we are fully aware of what is required in this area.

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Mr. Deputy Chairman: Are there any further comments on Sessional Paper No. 2? The next is Legislative Return No. 8, again put in by Councillor Taylor.

Mr. Taylor: Yes, Mr. Chairman, this should have to do with Faro, if I remember right.

Mr. Deputy Chairman: This was the census of the Town of Faro.

Mr. Taylor: Last spring when we went through the Municipal Ordinance, we went round and round and round and all of our representations were generally rejected at most municipal levels, anyway, in relation to the Municipal Aid Ordinance. Most Members are clear on the fact that the DSS census showed 863 people as being residents of Faro. It is noted in the Legislative Return that the Medicare count is 987, but, in fact, by actual count in Faro at mid-month, there are 1167 people in Faro. Indeed, I believe that there are more because this did not take in the periphery of Faro; this just took in the main townsite. This being the case, the people of Faro are receiving a great reduction in what is due to them in grant monies under the Municipal Aid Ordinance. As far as I am concerned, I think that it behooves the Government and this Council to do something about it. You might find that this amounts to \$13,000 or \$14,000 for Faro coffers. I have asked in the question that this Legislative Return deals with that in view of the relationship between the Municipal Aid Ordinance and the Dominion Bureau of Statistics census figures as they affect municipal grants, would the Administration advise Council if the Administration has considered requesting that the Dominion Bureau of Statistics oversee a municipally operated census on the Town of Faro to correct the serious deficiency in grant allocations? If so, when will such census be taken? One is that, "Yes, the Administration has considered it." Two, "a new census will not be taken because it has been found that there are advantages in using the figure fixed in 1971." I disagree with this wholeheartedly as I am sure that most everyone in Faro does. We know that populations fluctuate, and although the Faro population may presently be slightly greater than the census figure, it is possible that at a later date the population may be less. I don't foresee in the immediate future that the population of Faro will be decreased, although I do see it increasing. I am not satisfied with the reply that the Administration has given to this matter. We feel that if a representative of the Department of the Bureau of Statistics in Ottawa were to come to the Yukon and go to Faro and oversee a municipal census within the community, or the town now, and oversee it and take a count, then there can be no doubt in DSS's mind or in the minds of this Administration or the Federal Administration, as to how many people there are in Faro, and in how many people should be recognized in Municipal Aid grants; but you can't tell me that you can administrate the needs and services required for these people based on less than the amount of grant monies which properly should be allocated to them, and you can't run Faro when you are only getting paid for 863 people when you have some 1200 people in that community. I would ask once again, if the Administration, through Mr. Commissioner, would give consideration to the course of action that I have suggested in an effort to bring some equality to this matter because I don't think that anybody, when you are talking about taking money away from them, they recognize that there are 1200 people there, but when you are talking about giving something to them, you are talking 304 people in the balance here. I would ask if Mr. Commissioner would give consideration, or reconsideration, to establishing a census in the Town of Faro.

Mr. Commissioner: Mr. Chairman, I am afraid that I cannot give the Honourable Member the kind of an answer that he would like to have. We have been around the mulberry bush on this with the Federal Government ourselves since Day One, and it will be going on until the end of time. Until there is some means of computerizing everybody in Canada so that everybody knows where they are all of the time, I'm afraid that we are going to be stuck with these kind of factual situations. In a mining community such as Faro, I think that many of the Honourable Members have been here just as long as I have, and know that this kind of community tends to fluctuate very rapidly under certain conditions. I think that it would be a disaster for Faro if we were to attempt to regulate their Municipal Aid Grant every year based on a current census figure. We may well find ourselves an extra \$3000 this year, and maybe paying them \$5000 less the next year. It is just a poor method. The big argument with municipalities, as Honourable Members know around this Table, prior to the Municipal Aid Ordinance, was that they never knew what kind of money that they were going to get from the Territorial Government, and as a consequence they could never put a budget together. The Faro municipal budget was on my desk either today or yesterday to sign. I see that they have a mill rate of — I had better not repeat it in case I am mistaken on this, but I think that it is 16 mills. What I would gather from the Treasurer and from our Director of Municipal Affairs is that the general affairs of the municipality of Faro seem to be getting very well handled and very competently by the people that are running it. They seem to have a very competent city council, a very competent city manager, and they appear to have the ability to finance the level of municipal services that is required in the community. They went into quite a borrowing program last year in order to get paving and certain other things done in the community. I don't know exactly what their plans are for this year, but quite frankly, I say in all sincerity, I think that over the long haul it is in the best interests of YTG and of the municipality to leave the DSS census figure as it is in the Municipal Aid Ordinance, and then there is no argument about what we are paying to the municipality. I know that from time to time it would appear to work to their disadvantage, but there will be just as many times when it will conceivably work to their advantage. We have other communities in the near future, who are going to be seeking municipal status. If any of the predictions concerning the Ross River area come true, it is very possible that we are not too far away from another municipality getting located in that area. We have an LID application at this time from Teslin; I believe another one is in the process from Carmacks. The basis of those municipalities coming into being is good, and the idea that they have some prior knowledge of the kind of assistance that they are going to get from the Territorial Government, I don't see how we can predicate on any other basis unless the Federal Government of Canada is prepared to wipe out Statistics Canada's figures, and each year when we go to get our deficit grant, not only in connection with the deficit grant as such, but in other programs such as Medicare, they are separately funded, YHIS, and all of these other things, if they are prepared to accept our census figures. When that day arrives there will be no problem about us carrying it all down the line, but until that day arrives, we are just dead.

Mr. Taylor: Mr. Chairman, I don't think that we are dead at all. The only thing that might be dead around here is the Administration.

Mr. Chamberlist: Shame.

Mr. Taylor: I have wholeheartedly disagreed with the remarks that have been made by Mr. Commissioner. If this Administration were seriously thinking about the well-being of the people of the Territory, more particularly, those in the municipalities, this Administration would be standing up and saying, "What can we do to help?" You cannot convince me, and I don't think other Members at this Table, that it is not possible for the Commissioner to ask the DSS to come up here and oversee a municipally-operated census in the Town of Faro. I am not asking for a year to year change, as the Commissioner is suggesting. I am talking about the base grant. Suddenly, you've swept 300 people the rug, and you say, "Well, they don't exist." I am here to tell you that they do exist, and they are certainly entitled to their fair share of grant monies that are allocated by this Government to the municipalities. That is what I am sent here for, is to fight for those monies, and I am here to fight for them. I demand that this Administration start respecting the municipalities of this Territory for once, and rectify some of these problems. This is absolute hogwash, this business of, "We can't do this," and "We had better let that alone." This is nonsense; let's get out and do something about it. There is a wrong to be righted. You can't sweep 300 people under the rug. I would demand that this Administration do something because I am not going to let it lie here. Maybe we are going to prorogue Session today, but this thing will -- we'll do something about it if the Administration doesn't.

Mr. Tanner: Mr. Chairman, I wonder whether the Honourable Member...

Mr. Taylor: And, I don't need sarcasm either.

Mr. Deputy Chairman: Order, please.

Mr. Tanner: I wonder whether the Honourable Member is aware of the fact that after any Federal census, there is an appeal to Statistics Canada if there is an obvious error. And, in fact, there was an appeal sitting on the desk of the Township of Faro for two months, and, by oversight as it turns out, they didn't choose to use that appeal. Consequently, the one opportunity they had to have that figure updated, if that is what was required, they omitted to take advantage of the appeal section within the Statistics Canada regulations. This isn't any reason, if the Honourable Member is correct, that another appeal can't be written. Honestly, I don't see any reason why the Territorial Government can't assist them in that appeal. But, the Honourable Member must remember that there was an appeal, there was an opportunity to appeal, and they, by omission didn't make that appeal, and that hasn't helped the case here.

Mr. Taylor: Mr. Chairman, when that census was made, there was no Municipal Aid Bill, the first of June, 1971.

Some Member: What has that got to do with the appeal?

Mr. Taylor: It wasn't known to the Village of Faro at that time, that Municipal Aid grants would be based on census figures. I think everybody in the Territory knows that a lot of people did not register in that census, or avoided it, or gave incorrect information. As a matter of fact, people all over Canada did that. I understand that they are prosecuting them now, because it was an invasion of personal privacy in many respects. This is what people felt, and they avoided it. Obviously, the figures are wrong. What was the total figure for the Yukon, 18,388 people. Certainly, there were more people in the Yukon than that at that time. I don't find that the census even was accurate, but I think that an accurate census can be arrived at by going and doing it on site in Faro, in order to establish the base population upon which to base their grants. I think it is worthy of fighting for.

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

Mr. Taylor takes the Chair.

Mr. Stutter: I am not going to argue about whether the census was right or whether the census was wrong, or whether Faro didn't take up their chance to appeal the census figures, or what. I agree with the Member that the answer that came back to his question is not entirely equitable. If we recognize the principle, to begin with, of the Municipal Aid Bill, which is entirely based on population, if there isn't an adjustment made in the case of Faro, I don't find that it is that necessary in Whitehorse and Dawson because the populations are a little more stable; nevertheless, in Faro recognizing that it is a mining town, and that the very existence of Faro hinges on the world metal markets, if we are locked into the present system where we don't recognize changes in population, it is quite conceivable that the population of Faro inside of a year or two years, could be down to around 200. If you are using this present system, is Mr. Commissioner and the Administration going to tell us that they are still going to give Faro a grant for a population of 863? I am getting a nod all around the table. Then following up our thought a little further then, you are recognizing, in fact you have stated in the answer, that it would be detrimental to Faro if they didn't get this increased amount of money. It seems to me that you are saying then that the present monies allocated under the Municipal Aid are not equitable; they are not sufficient, because you are willing in the case of Faro, to give out three and possibly four times as much per head if there is a drop in the population. Do you think that the taxpayers of the Territory, to begin with, should pick up that tab of a reduction of six or seven hundred people in Faro?

Mr. Commissioner: Mr. Chairman, as a Councillor I sat around this Table and fought on behalf of the municipality that the Honourable Member represents from Dawson to get them the very kind of consideration that you are talking about right now that could conceivably happen in Faro. Dawson's declining population as a mining community had found itself in the position of having a service base which was costly to operate and was designed to accommodate a population far in excess of the population which existed there ten or twelve years ago. There wasn't one Councillor that I know of that sat around this Table at any time that ever denied that there had to be special funding or funds in excess of the normal go to Dawson to accommodate that particular situation. If you had a decline of the population in Faro, you would have the same problem. You would have a service base just because you had a decrease in the population, the cost of maintaining that service base would not decrease, and if you did not permit the census figure to stand in the Municipal Aid package to be paid on the basis of it, whatever was left of that municipality would absolutely disintegrate and die on the vine immediately. We have been through the hoops on it; most of the Members sitting around this Table have been through the hoops.

Mr. Stutter: Mr. Chairman, I still state, as I did a minute ago, that the principle behind the Municipal Aid Bill, I recognize as being equitable, and I am sure that every Member does. It is the amount that we all argue about, the amount per person, the amount per head, and the amount of monies that a municipality receives. In the case of Dawson, as a matter of fact, the population changed four over the 1972 census as compared to the one before.

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Mr. Commissioner: Mr. Chairman, I am not referring to that census. I am talking about the period of the decline of Dawson from approximately 1958 to about 1963. This is what I am referring to, and it was when I was a Councillor here at that time that the special funding that was given to Dawson for all of those years was established. This was the argument that was used by Councillor Shaw and supported by the rest of the Councillors here, that the cost of maintaining the service base in the City of Dawson did not decrease simply because the population decreased. The same thing will apply to Faro. That water system and the streets and everything else, the street lights, if that population of Faro decreases by fifty percent, the cost of maintaining those services is going to remain, and you are going to have to permit the basis of the Municipal Grant package to go to that municipality, or else it is simply going to liquidate itself and you will end up paying the bills there anyway.

Mr. Stutter: Mr. Chairman, I wonder if I might ask the Commissioner then, using the same argument, if the population of Faro increased by fifty percent, would the cost of providing the services still remain the same?

Mr. Commissioner: To a very great degree, they do, Mr. Chairman. The fact that the services provided by the municipality in Faro, street maintenance, sewer and water maintenance, street lighting, they don't necessarily go up by fifty percent because the population increases by fifty percent. One of the situations that you have in Faro, the Honourable Member from Watson Lake can correct me if I am wrong on this, but I believe that it is the intention of the Anvil Corporation to replace some of the single men's housing that at the present time I believe they class as temporary types of housing. They are simply going to move this into another part of the community and build a different kind of a building. I believe, in the process of doing so they are hopeful of decreasing the single population and adding to the married or the family population of the community. They will be able to do this within the confines of the serviced district at the present time, and those things which will increase in costs, such as the provision of sewer, the provision of water, the disposal of sewerage, and picking up of garbage, will be picked up in the increased service charges that those more homes and buildings will provide, but the cost of maintaining the streets that run past those buildings is not going to change one bit.

Mr. Stutter: I recognize this as true as long as the street remains exactly the same length, but normally with an increase in population it requires an increase in area. If this was true, then perhaps the cost of providing services within the metropolitan area...

Mr. Commissioner: Mr. Chairman, with respect. To show you the fallacy of this, you want to maximize the use of these municipal services. In the Honourable Member's constituency in Dawson City, the whole tax revenue base of the City of Dawson has improved dramatically in the course of the last six or seven months by maximizing the use of the presently available facilities. I don't know how many housing units have been built there but they have been built in areas which were already serviced with streets and with sewer and water. I am subject to correction on this. The estimated deficit in the water system for the coming year is reduced dramatically by maximizing the number of customers on the line. Sure, the pumping costs will be a little bit more, but the number of customers has increased dramatically. The same applies to the street maintenance of the city. There might be one more street in Dawson that will have to be maintained as a consequence of the extra housing that has been built, but generally speaking, all that has happened is that instead of vacant property lining the streets, it is now revenue-producing property. Is this not a fair assumption, Mr. Chairman?

Mr. Stutter: Yes, Mr. Chairman, I would have to agree it is, but I would just like to correct the Commissioner on the statement that he has made regarding the houses in Dawson. Out of the four main areas that the new buildings were put on, three of them had to be serviced. One of them was on service. And, that included water and sewer.

Mr. Commissioner: Yes, Mr. Chairman, but would it not be a fair statement that the general overall costs of maintaining services in Dawson City were not dramatically inflated as a consequence of whatever number of housing units went in?

Mr. Stutter: I hope that the Commissioner is correct. I think perhaps that he is.

Mr. Commissioner: If the Honourable Member would please be honest with his fellow Councillors, he has seen the budget of the City of Dawson, as I have, and the costs have not dramatically increased, but the income has dramatically increased. As a matter of fact, in the current fiscal year just completed, the City of Dawson has wound up with a cash surplus for the first time in living memories. There isn't too much the matter with the Municipal Aid Ordinance.

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

Mr. Tanner: I don't think there is much the matter with the Member from that constituency who can do this for the first time in seventy-two years. I think all of the Members should congratulate the Member from Dawson.

Mr. Stutter: I would just like to correct the Honourable Member from Whitehorse North. I have nothing to do with the finances of the City. The credit goes where it belongs.

Mr. Chamberlist: To the Territorial Council.

Mr. Stutter: And that is to the mayor and the council in conjunction with the Administration of the Territory.

Mrs. Watson: Mr. Chairman, some of the credit should go to the Municipal Aid Ordinance.

Mr. Commissioner: A very great amount.

Mr. Chairman: Mr. Stutter, would you resume the Chair.

Mr. Stutter resumes the Chair.

Mr. Taylor: Mr. Chairman, I am very pleased to hear that things are going well in Dawson because they are certainly not going well in Faro with this great overrated Municipal Aid Ordinance. I am still saying, all of this Mr. Chairman nonsense, this is nonsense. I am saying to you in relation to Legislative Return No. 8 that I have asked on behalf of the people of Faro that a census be taken of the community, and I know it is within the capability of Government to ask DRS to come up here and oversee it. There is no question about that. So, what I am being told, Mr. Chairman, is that it is not a case of we cannot, it is a case of we will not. This being the case, then I must say, Mr. Chairman, that the Executive Committee of this Administration are not being honest with the people. As far as I am concerned, they are not. If you can sweep three hundred people under the rug, that is not being very honest. These people are entitled to their fair share of grant monies, and they are not getting it through this wonderful Municipal Aid Ordinance. As far as I am concerned, maybe this Council isn't the only thing that needs cleaning out. Maybe that Executive Committee needs a good cleanup too.

Mr. Commissioner: To start with, Mr. Chairman, two of the Members on the Executive Committee, the Council appoints. I have nothing to do with it. Secondly, I want to say something about the Territorial Government's treatment of Faro. That is this: That to the best of my knowledge there has been no community of a similar size in Canada that has been so richly endowed with Government money since this inception of the Town of Faro. I'd say further, the last little situation out there, Mr. Chairman, consists of a one million dollar -- is that close enough? -- one million dollar addition to their school facility which endows that community with probably one of the most luxurious, physical school plants and staff and probably the highest qualified teachers of any school of a similar size in North America. Secondly, there was a great deal of concern, and I shared this concern, when the airstrip which was being used for the community was located in close proximity to the mine, became a victim to the mine's tailings overflow. This was a fact of life. There was a concentrated effort by the Territorial Council and the Territorial Administration and we have been able to secure and able to provide for that community, an airstrip under very, very difficult conditions last fall so that they could get air service in and out of that community. Insofar as general level of other municipal services are concerned, I don't think there is anything to be ashamed of, either on the part of their administration or the taxpayers out there and the taxpayers throughout the Territory. It is a very well-served community, Mr. Chairman, and there has been a conscious effort on the part of the Territorial Government to do everything within its power to assist in maintaining that service base in the community of Faro. Quite frankly, I have yet to receive anything in the course of the last few months, after being able to complete the airstrip and to complete the school, that would lead me to believe that the general population out there are anything but satisfied with what is going on.

Mrs. Watson: Mr. Chairman, I was just going to bring up this point. The Commissioner brought it up and he can verify it. To our knowledge there have been no complaints from the taxpayer, the residents, the municipality, the Councillors themselves nor the administration of the municipality, that they are not satisfied with the Municipal Aid Ordinance or that they are not satisfied with the services that are being provided in the Territory by the Territorial Government, in the municipality of Faro. The only complaints we are having right now are all from the Honourable Member who represents that area, but never visits the area.

Mr. Taylor: Read the Raven.

Mr. Chamberlist: Mr. Chairman, I would like to say this, that we have on record, letters from the taxpayers in Faro, the mayor, the administration of the city there, all thanking us for the help we have given them when we go down there. I think I have visited Faro more times than the Honourable Member that represents them. I would really say, we should forgive him because he knows not of what he speaks. We should also understand quite clearly that today he is making a pitch because tomorrow he might be pitched right out, and he wants to try and prevent that. There is no doubt at all in my mind that what he has actually said today is based simply on an attempt to try and get a little bit of news coverage. But it is not working, for the simple reason that the Council of Faro, who are in continual correspondence with the Territorial Government, know the position, they know what we are trying to do, and they know full well that when the moment arrives, we will do our best to see that they get what they are entitled to. I am sure whatever the Honourable Member for Watson Lake will say -- and he really is the Honourable Member for Watson Lake because he is not the Honourable Member for Faro because he is not doing the right job there. I am satisfied, Mr. Chairman, that Faro is getting ...

Mr. Taylor: Point of order, Mr. Chairman, I don't think I'll accept that and I don't think the Chair should accept this. The so-called Honourable gentleman is casting aspersions upon my motives and he is telling an untruth. I think he should be ruled out of order.

Mr. Chamberlist: I'm sorry, I regret I said the so-called Honourable gentleman; he is not the so-called Honourable gentleman. I have nothing further to say.

Mr. Taylor: Mr. Chairman, I do. That last dissertation was a great batch of bovine excrement, I think it's about the best way one can put it. I have been accused of a lot of things. I was accused of having doubt here the other day. Now, I'm accused of not even visiting my constituency. This is just typical of the nonsense that the people of the Yukon have had to contend with for the last two and a half years. Dished out -- at least I am honest and I am honourable and I say, go the people, but four Members of this Council haven't got the guts now to go to the people because they know that they would get tossed out.

Mr. Deputy Chairman: Order, please.

Mr. Taylor: They would not answer a challenge and I have continually raised this challenge at each Session, and you haven't got guts, so shut up.

Mr. Deputy Chairman: Order, please.

Mr. Taylor: Secondly, in relation to the school and the smoke screen that Mr. Commissioner just threw up, I agree with much he had to say, of course, but I consider it to be nothing more than a smoke screen. You built a million dollar school in Faro because you went and found the school population was increasing and it was needed; that's why you built the million dollar addition in Faro. Now, I'm telling you to go into Faro and count the people because there is a bigger population in Faro than what they are receiving grants for, at least by 300 more people. I am saying, go to D.B.S., get them to supervise the census, then pay them the grant money that they are entitled to. Simply and purely, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, that is exactly what our problem is. We listened to the people in Faro about all the kids that were supposed to be there; we built the school and now there is nobody in it.

Mrs. Watson: It was over built.

Mr. Deputy Chairman: I'll presently declare a brief recess.

RECESS

RECESS

Mr. Deputy Chairman: I'll now call order. The next item for your consideration is the submission by the Hotel-Motel Association put into Committee by Councillor Tanner. Councillor Tanner.

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Mr. Tanner: Mr. Chairman, the reason I asked this to go into Committee was basically because the number of hotel and motel operators over the past year and a half have repeatedly come to me and said; we are trying to talk to the Territorial Government about our problem; we are not having that much access to the Territorial Government; we are subject to regulations and are subject to legislation in which, to a great deal of extent, we have had no input. They are

Mr. Tanner continues:

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also, I understand, subject to a great deal more inspection. I haven't any quarrel with any of these things they are subject to, except, this is the only industry that I know where the Government -- I have said earlier, about two weeks ago -- that the Government controls not only the retail, not only the operators, not only the retail outlets, not only the operators, but also the very source of income that these people are making a living from. I think it behooves the Government in that case to bend over backwards to do two things. First of all, to protect the public; that has got to be the first obligation of the Government or the Administration. Secondly, they have also got an obligation to give -- to ensure firstly that the retailer has some recourse if he doesn't like the decisions that are made. Secondly, to make sure that he doesn't set up his -- the Government in government administration purely for the benefit of the Territorial Government. I will give you an illustration, Mr. Chairman. As everybody knows, I have a retail store. If I had to personally buy all my merchandise from one particular store and I didn't have any alternative at all, the store from which I am buying that merchandise would either have to be very -- have such cognizance of the fact that I haven't got an alternative or I wouldn't stay in that business, because if I had a quarrel with my supplier, I could do nothing. The retailers out here, the retailers of liquor; if they can't get it here from Government on what they consider a legitimate point, what else can they do. They have got no alternative whatsoever. Basically, what I would like to do is to get some discussion going on this presentation and, to my mind, it is not unreasonable until somebody within the Administration can show me it is unreasonable. The presentation itself is, if you like, respectful. They are merely asking us to look at the situation, dispute the facts or agree with the facts and do something about them. I don't think any segment of society in the Yukon or anywhere else should be denied that right, particularly when in this case they have been trying to do this for eighteen months. I think part of the problem is a consequence of transfers and part of the problem is a change in both the Director and Executive Committee Member who is in charge of that area; a lack of, in some respect, I think, on the part of the operators to get together; part of the responsibility lies in the fact that the operators, when they got together, weren't able to police themselves. I think all those things are becoming more and more apparent. So if Honourable Members would give a little time and a little thought to this brief -- it is fairly short -- see if the operators have a case and if they have a case, let us bring some pressure on the Administration to either listen to them or qualify why they are doing the things that this brief asks them to change.

Mr. Taylor: Mr. Chairman, the brief deals, basically, not so much with legislation as it does with regulations; regulation by Mr. Commissioner and his cohorts on the Executive Committee.

Mr. Chamberlist: These regulations were made before we got on the

Mr. Deputy Chairman: Order. Order.

Mr. Taylor: The brief finds fault in several areas involving prices, involving the tide line on glasses, involving the seating capacities in lounges, but there basically seems to be the lack of dialogue between the Government of the Yukon Territory and the Yukon Hotel-Motel Association. I would suggest that many of the problems may be resolved only after this dialogue takes place. I would suggest, Mr. Chairman, that Mr. Commissioner be exposed to a meeting with this Association, or the executive of this Association at the earliest possible moment to fully discuss the matters contained in the brief. I think, as a result of that meeting, maybe you can establish a line of communication between the two. Listen to their views. Maybe the Administration has some points of view to put forth that the Hotel-Motel Association are not aware of and possibly they have something to report. Because really and truly they are the people that have to live with the regulations that are forthcoming from the Administration in respect of the Liquor Ordinance. This is about all that I have on it. I think, that if the Commissioner could give us the assurance that he will endeavour to get both parties together and set up a constant line of communication, I think, this would resolve the problem.

Mr. Commissioner: Mr. Chairman, to the best of my knowledge the presentation that is before you now is the first really concrete evidence that the Hotel-Motel industry has got together and prepared to speak with a voice which will give us an ideal opportunity to hear them. There is nothing worse than Government attempting to deal with a problem in which there is absolutely nothing concrete, or nothing other than an apparent vacuum in which you are trying to talk. I think there was an attempt and a reasonably honest attempt, approximately two years ago, on the part of the Hotel-Motel operators to set up a branch of the British Columbia Hotel Operators' Association, now I'm subject to correction if I'm using the wrong terminology here; at that time we were asked if we would be prepared to listen to this group of the voice of the industry. My answer to them, and it was given publicly, was, indeed, if this was the role that they were prepared to accept that we would welcome them in that role. The next that I heard from these people was when changes were made in our regulations last year concerning tide-line glasses and limitation in the mark up of beer for off-premises sale. At that time I suggested to them, that they should present a proper package to the Territorial Government, outlining the problems. We want to talk to these people and so does the Liquor Licensing Board want to talk to these people as a group. I welcome what has been put here right now for you because quite frankly, although there is no question at all about it, that you could find some fault with the things that are maybe put in this brief here, at least there is something down in black and white. It indicates that somebody is doing some thinking and is attempting to put together a package which loans itself to some kind of an intelligent discussion. It is in the Yukon Territorial Government's just interest with the liberalized liquor laws that we have, that we don't want those liquor laws to be restricted or pulled back in any way. We have an industry that is effectively policing itself in the conduct of those laws and I agree very much with the fact that we are the sole supplier of their products and as a consequence we have certain obligations in that particular field that don't normally come in the supplier situation. I certainly will be only too happy not only to personally be present with the meeting of these people, but I would be only too happy, certainly, based on the evidence of their good faith, that is in this brief here, to see that there is a continuing line of liaison established between the Government of the Yukon Territory and this group of people here in connection with this. There are two sides of the story. We want to have the opportunity, likewise, of presenting our side to those people. Frankly, shortly after we brought in some of these regulations there was a meeting between myself and some of the executive of this group. Basically speaking, this was the course of action that was tentatively agreed upon. That there would be something like this put together. I'm happy to see that this has happened.

Mr. Chamberlist: Mr. Chairman, I would like to say that I too will support the concept that we now have consultation with the Yukon Hotel-Motel Association. Like the Commissioner said, we now have got something from them on which to work to. I'm sure that all Members of Council will allow us the sufficient time to study the submission that has been made and allow the Administration to call for a meeting with them.

Mr. McKinnon: Mr. Chairman, if no one will take umbrage of the wording, I think I'd like to congratulate the Yukon Hotel-Motel Association for what I consider to be a very well thought out and documented brief. I am prepared to handle it in either of two ways. The normal order of things naturally, would be that it being by regulation, that it be decided by the Administration what they intend to do with meetings with the Hotel-Motel people. Whether they intend to change any of the regulations or keep the regulations as such, and then bring out the changes by regulation. I have no quarrel with that method of handling this brief. Because, of course, that should be the right order of procedure. If any Member of Council or group of Members of Council will disagree with the regulations that are promulgated following this meeting, then they then have the ability by a majority of the House, to change those regulations. I am further

Mr. McKinnon continues:

prepared if that is not the concept of what the Administration is prepared to do to go through the fixed proposal at this Council Session and ask for witnesses from the Hotel-Motel Association to hammer it out in the Committee. I am amenable to either one of the suggestions. If there is a meeting now which seems to be indicated by the Commissioner and the Member for Whitehorse last's remarks, I wonder whether it would be possible, if a meeting was set up between Hotel-Motel people and the Administration, whether Members of Council who are available would be invited to attend such a meeting, even if they didn't happen to be so fortunate or unfortunate, as the case may be, to be members of the Government side?

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Mr. Chamberlist: I think that all Honourable Members will agree that the first thing that is required is for the Administration to take a look at the brief pretty thoroughly. We have just had a cursory glance at it, and I am sure that the Honourable Member who has just spoken recognizes that he has already said that it is a function of the Administration to provide regulations, and I think no better results can be obtained from this than for the Executive Members to meet with the Yukon Hotel-Motel Association, and the result of that position will be passed on to all Honourable Members of Council.

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Mr. Tanner: I think that the approach that has been suggested by the Honourable Member from Whitehorse West and the Honourable Member from Whitehorse East is a reasonable one. I think maybe if we can rely on them to either carry forward the proposal that has been made and have a meeting, I know absolutely without question that if it doesn't happen, we are all going to hear about it, the Honourable Member from Whitehorse East and myself immediately. Unless it is by invitation of the Hotel-Motel Association, I don't think we should put the obligation on the Government to ask them to invite any of the Members around this House unless someone specifically wants to go there. I think we should let the two parties get together, see what happens, see if they come up with some results; if they don't, we are going to hear about it anyway, and if they do, the situation is going to be solved.

Mr. Taylor: Mr. Chairman, I think that I am quite satisfied in any event. As long as the two parties can get together fairly swiftly I think that the problems will no doubt resolve themselves. I am very, very pleased to hear that the Administration will undertake this.

Mr. Deputy Chairman: Anything further on this submission? There are just two outstanding pieces of work in Committee. I wonder if we could clean up Bill No. 31 by allowing it to die in Committee?

BILL #31

Some Members: Here, here. Let it die.

Mr. Deputy Chairman: The final remaining paper is Sessional Paper No. 16. I wonder if Councillor McKinnon has any further wishes to discuss this paper?

SESSIONAL
PAPER #16

Mr. McKinnon: Mr. Chairman, Sessional Paper No. 16 is, of course, an extremely important document, and I don't think one that can be handled with the care and consideration that it deserves in the late moments of this Session of Council. I think that what I personally intend to do is to take the studies that were indicated that the paper is a summation of, over the next few months, and have a good hard look at the suggestions that were made in the various studies that the paper points to. From this study, and I hope that all of the Honourable Members will avail themselves of the same studies and be able at the next Session of Council, to suggest to the Government just what route that we intend to follow in the course of legal aid for the Yukon Territory. So far it has been made pretty clear to Members of Committee that both the Commissioner and the Honourable Member from Whitehorse East favour initially, the role of the ombudsman being set up in the Yukon Territory. I don't think at the moment that I do disagree with the reasons that they have brought forth for the initial installation of the ombudsman theory in the Yukon Territory; I have some reservations about the choice of a man in the other areas that are involved in legal aid. There is a committee system set up and when we have the ombudsman, so much relates to the choice of that person. The whole criteria, the whole thought behind this system of going into the legal aid rests entirely upon the ability of the man that the Yukon chooses to head this type of service. I think it is particularly important in the area of the Yukon Territory that we try some type of an ombudsman approach because over and above the civil, and of course, over and above the criminal cases, I think that in northern Canada where in relationship to the population there is, because of the very constitutional makeup of the northwest and the Yukon Territory, a preponderance of government services that are not found anywhere else in Canada. The majority of complaints that come to Members of Council's ears who are not on Government's side, deal with what I call the nameless, faceless bureaucrats and the concept that you just can't fight City Hall. There is nothing worse than this feeling that you have knocked your head on all of the doors, and you have knocked against all of the walls, and there is just no person that you can turn to, to at least even get a hearing. To think, whether you have been or whether you haven't been unjustly dealt with, with the might of bureaucratic office, that there isn't even a person that you can turn to who will listen to your story, and say, "You have a point," or "You haven't got a point," for this, this, and this reason. This is one of the reasons that I like the ombudsman approach, because I think that in a place like the Yukon Territory where the might of Government service is so great, I think that people need recourse in someone that they can call a father-confessor, that they can pour their heart out to and at least get some recourse or some explanation of what they feel has not been a fair deal from Government. Of course, so much depends upon the choice and selection of this one man. Personally, thinking that I have a very good knowledge of the makeup of the Yukon Territory, I don't think that an ex-police commissioner or an ex-officer would work in respect of the Yukon Territory. I think that a majority of the complaints and the majority of miscarriages of justice, and I know that I shouldn't use that term loosely, but I have to state that I know that I have seen, perhaps in legal jargon it hasn't been, but in my mind and in my knowledge, it has been a definite miscarriage of justice because there has been the inability of the court to have the time or the ability to realize just what has been happening in that court of law. The person in this ombudsman type of position has to be and have the trust of every aspect of Yukon society. The people feel that they are not going to be put off by a person who is pretentious, who has pretentious offices and surroundings, but a person that they can talk to. I think that was the highest compliment that was ever paid to the Justice of the Northwest Territories, Justice Sisson, he was given the Eskimo name of the "man that you can talk to". I am positive that this is the type of person that we have to be thinking about when we are thinking about the ombudsman role in the Yukon Territory. I think that Sessional Paper No. 16 is a very important document; I think it behooves all Members of Committee to make themselves avail themselves of the studies that are available and that have been said would be made available to Members. I think that all Members of Committee at the next Session of Council should come prepared to sit down at this table and hammer out the best approach and the best legal aid that we can possibly come up with in the Yukon Territory. Thank you, Mr. Chairman.

Mr. Taylor: Mr. Chairman, along the lines just suggested by the Honourable Member from Whitehorse West, possibly this is our best course to follow. There is a great volume of information both to be found in the Sessional Paper and in the extremely interesting remarks made which will be covered in Votes and Proceedings made yesterday afternoon in the House. I would suggest that the matter be deferred and that all Members give great consideration to the matter pending the next Session of Council when no doubt the Administration will raise this question again.

Mr. Deputy Chairman: Is it agreed by Committee then to defer the contents of the Sessional Paper No. 16 to the next Session of Council?

Members: Agreed?

Mr. Deputy Chairman: That appears to complete the work now before Committee. Do any of the Members have anything further?

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

Mr. Tanner: I second it.

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

MOTION
CARRIED

MOTION CARRIED

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

Mr. Stutter: Yes, Mr. Speaker. Committee came to order at 3:00 p.m. and the wishes of Motion No. 10 were complied with. We had with us Mr. Commissioner and Mr. McIntyre to discuss the subject of Territorial parks. Sessional Paper No. 2 was discussed. Legislative Return No. 8 was discussed. The submission from the Yukon Hotel-Motel Association was discussed. In discussion of Sessional Paper No. 16, it was decided to defer the contents to the next Session of Council. It was then moved by Councillor Chamberlist, seconded by Councillor Tanner, that Mr. Speaker do resume the Chair, and that motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed? What do we have in respect of the agenda?

Mr. Stutter: Mr. Speaker, all work that has been referred to Committee has now been completed.

Mr. Speaker: All work having been completed by Committee brings us close to prorogation; I wonder if Council would agree that we set a time of 7:00 p.m. this evening for the purpose of replying to the Commissioner's Opening Address, following which we may advise Mr. Commissioner that we would be prepared for prorogation? Is Council agreed?

Members: Agreed.

Mr. Speaker: If you will so note, Mr. Clerk, I will stand Council in recess until 7:00 p.m.

RECESS

RECESS

Mr. Speaker: I will now call Council back to order. We have arrived at the time for the airing of the replies to the Commissioner's Opening Address. At this time, we will call upon the Honourable Member for Whitehorse North.

Mr. Tanner: Mr. Speaker, fellow Councillors, my constituents, and the general public of the Yukon: By news reports, both in the newspaper and over the radio and television, I don't think the public thinks we've done a great deal in this Session of Council. But, I believe that this Session of Council has been a major turning point in the progression of the Yukon towards self-determination, towards the decision-making process within their own lives, and towards an expression of the people in their own government. Mr. Speaker, the Commissioner's Opening Address concerned itself basically with a number of pieces of legislation and the Budget. We've got to face the fact that the Budget is an important piece of legislation; without it we can't operate, and it has been passed with not quite as much controversy as last year but certainly a certain amount of controversy. In spite of the Commissioner's Opening Address, and in spite of the fact that we passed a number of pieces of legislation, I think three things have been more important in this Session of Council than all the Ordinances we passed, and all the arguments around this Table, and all the bad, good or indifferent press that we might have experienced. The least important thing that I think we should be looking at at the next Session of Council, but one that is important -- one of the three -- is that it is very important as far as this House is concerned, to adopt a set of House Rules so that we don't get ourselves into the same bind as we got ourselves into yesterday or the day before. I think it is extremely important that this House and these Members, and the Members who come after us, follow the program and the progress that has been set up over eight hundred years of British legislative structure. I really believe that we are too small and -- for a lack of a better word -- immature yet to adopt the full rule, to conduct our business in this House, and it would be my suggestion that by the next Session of Council, the Council should sit down and be prepared to discuss a set of rules which would suit our particular needs. I said before that we passed a lot of legislation, but I don't think that is as important as three other things that have happened. I believe we've got to pass the new House Rules, but two other things have happened which are very, very important to all Yukoners. In this Session of Council, we have had a very rugged debate, Mr. Speaker, and a few amendments, which I seem to be getting famous for, and quite a difference of opinion on the Yukon Indian Land Claims Submission to the Federal Parliament. Something else, which has really come up today but has been at the background of everything we've done this Session, which I have reason to wonder whether all Members appreciate, is the fact that by the Commissioner's announcement this afternoon, we have moved, I believe, a big step forward in determining our own future. Insofar as the Yukon Native Land Claims is concerned, I would draw to all Members' attention and to the public's attention that the description of it is "Together today for our children tomorrow". The Yukon Native Brotherhood sat down and chose this title because they realize that the decision that they make in Ottawa will affect themselves, their children, their grandchildren and probably the native population of the Yukon for the rest of time. In fact, they even say in their brief that this is the last claim, and the final claim, that they have against the white population of the Yukon, against the white population of Canada, against Canada, the Queen, England and all jurisdictions in general. They have a subtitle, Mr. Speaker, to their brief, and I like that subtitle; I think it's a genuine, honest attempt by the native people of this province -- whoops, I've jumped one, Mr. Speaker -- of this Territory, soon to be a province, I hope. They say, "A statement of grievances and an approach to a settlement by the Yukon Indian people". The most single point to come out of their approach to the Prime Minister was the fact -- two facts, as I understand them: the first is that the Prime Minister congratulated the Yukon Native Brotherhood on their positive approach; and secondly, for the first time in Canadian history, the legal counsels of this country can define an Indian, and an Indian, according to the Land Claims Settlement, is a man or woman or child in the Yukon's case who has lived here since 1941, who has at least 25 percent Indian blood, and who can be put on the roll for a settlement in this Land Claims Settlement that the people of Indian blood have put forward. The Prime Minister went out of his way to congratulate that definition. That definition, Mr. Speaker, includes all the people of the Yukon who are of Indian blood, including the people of YANZI and anybody else who is not by our law entitled and privileged to be called an Indian. I have not, in this past Session of Council, expressed the view, my personal view, of what I think of the Yukon Indian Land Claims Submission. It is not my intention now to elaborate, but I would say that I do believe the Indian people have honestly sat down and put together a rational approach to a settlement of a problem that is going to plague this country for the rest of its life if they don't sit down in the next few years and get it settled. I believe the amended motion that this House put forward encompasses two important things: Number one, a recognition of the fact that the Indian people have done an excellent job of putting forward their proposal and recognition of the fact that our constitutional future depends in some respects on the outcome of those discussions with the negotiating team in Ottawa. I think it is right and proper that this House should ask to be represented on the negotiating team. The other important aspect, Mr. Speaker, of this Session is, the Commissioner said this morning, in answer to a question that I put to him, the way I read it, that we are moving towards, rather quickly, I suspect, recognition of the fact that the people demand and have the right to their own self-determination in many areas. I personally, Mr. Speaker, am convinced that the experiment that has been undertaken in the last two and a half years, in spite of the fact that there have been disagreements, in spite of the fact that perhaps the personalities involved were controversial, in spite of the fact that we haven't enjoyed popular acceptance, I honestly and genuinely and sincerely believe, Mr. Speaker, that we are moving towards self-government, and I believe the announcement made this morning, or this afternoon, by the Commissioner, is a further step. There is no doubt in my mind, Mr. Speaker, after being on this Council for two and a half years, that we need more Territorial Councillors. I believe it's essential. If you take for comparison any other provincial or federal jurisdiction, you will find that the Members of the House are responsible for certain portfolios. There is a Minister of Forestry; there is a Minister of Mines; there is a Minister of Finance; and one of the things that is essential for the future acceptability of this House is that we need more Members so each Member can take a particular area of authority and be an expert, have particular knowledge. One of the criticisms that I have of the present system is the fact that I came in here like other Members two and a half years ago, and had to make a decision on a myriad of subjects and there is no way that you can take anybody out of the public to represent the public's view, who can be an expert of every subject. The best that you can expect is to get expertise in certain areas and just general knowledge in other areas. I hope and pray that the Minister in Ottawa, the Minister of Indian Affairs and Northern Development, has the foresight to enlarge this Council. I think I can say -- I'm sure I can say that that is going to happen. If we enlarge the Council, Mr. Speaker, it's obvious and necessary that we take away from the civil servants of this Territory the executive ability to make decisions. If the people of the Yukon are prepared to accept the responsibility for making their own decisions, then we have to accept the fact that we're going to have Ministers making these basic policy decisions, and the Administration is going to carry them out. I think, Mr. Speaker, that we are probably going to look back on this particular Session, four or five years from now, as the turning point. I think it's important that all Members review their positions on the Indian Land Claims Settlement, come back to Council the next time, for the next Session, be prepared to discuss it, as the Member from Carcross-Kluane says, without being emotional; I find that difficult, personally. I think she was right. We should be prepared to come back here and if we have to, if the subject comes up again, we should try to rationally discuss it. I think we should come back here determined that this Council must sit until it has put through the legislation which will enable the next Council to be elected to be more representative of the people, to have more seats, and more executive positions. Mr. Speaker, thank you for the opportunity of speaking. I wish all Members a happy Easter.

Mr. Speaker: I will now call upon the Honourable Member for Whitehorse West.

Mr. McKinnon: Mr. Speaker, Members of Council: It seems that no Session of Council can any longer be conducted in an area of mutual trust, respect and co-operation that is so necessary for the proper conduct of the people's business, and was at once the accepted procedure in this House. Now, Mr. Speaker, each Council Session sees bitter harangues, personal attacks and procedural manoeuvres that have completely destroyed the credibility of this Council to the people of the Yukon. To top it all off, Mr. Speaker, the ridiculous legislation keeps pouring out of the Executive Committee's Ivory tower, of all the repugnant measures imaginable in the Yukon, Mr. Speaker, there's now a tax on fuel oil used for heating purposes; two cents more on diesel fuel per gallon. And, a five dollar user fee for campgrounds for Yukon residents, after already having contributed \$184,000.00 of our tax dollars in the next fiscal year for the construction and operation and maintenance for visitors to Yukon. There's no money for relief of the taxation burden for Yukoners, but money for tourist program officers; money for four more inspectors to bother the people of the Yukon; money for an additional thirty-seven civil servants in the employ of the Public Service of the Territory, paid by your tax dollar and my tax dollar. Just how, Mr. Speaker, is the ordinary taxpayer in the Yukon making out. I think I speak for all of us who are struggling to meet our mortgage payments, somehow keep food on the table as the costs mount monthly, and watch our taxes spiral due to insufficient municipal funding by the Territorial Government. Mr. Speaker, the next Territorial election is, thank God, only eighteen months away. There is no way, in eighteen months, that the people of the Yukon are going to forgive and forget the smug, arrogant way in which the present Government has completely and deliberately isolated themselves from the people of the Yukon. They will not forgive and forget the measures that have been passed by this Government that make it next to impossible for the average citizen to make ends meet and have a bit of beer money left at the end of the month, after the bills and the taxes have been paid. They will not forget to resoundingly toss out the present Government Members at the next election. Mr. Speaker, I cannot let this opportunity pass without commenting on the dismissal of Alan Innis-Taylor from the service of the Government of the Yukon Territory. This grand gentleman has been retained at the magnificent sum of \$400.00 per month, out of which he pays his own expenses, by the Territorial Government under contract as a consultant to the Department of Travel and Information. He has probably provided more information about the Yukon, and contributed more in the public relations field for the Yukon, than the whole of the Department of Travel and Information has managed to do with its seemingly unlimited budget. Any other jurisdiction but the Yukon would be proud and honoured to have this knowledgeable, dedicated Yukoner on its staff. What does the Government of the Yukon do? They give him his walking papers. Unfortunately, this is the only way that this matter can be drawn to the attention of the public. Alan, I can only let you know how much the people of the Yukon appreciate you and your work, and how unfair we consider your dismissal to be. To you, and to all of the people of the Yukon, I can only say, don't give up; keep the faith. We are on the downhill run, and the moment of truth isn't really that far away. Thank you, Mr. Speaker and Members of Council.

Mr. Speaker: The Honourable Member for Carnacks-Kluane.

Mrs. Watson: Mr. Speaker, Members of Council: My reply to the Commissioner's Address is in the form of a public statement which I personally plan to have published in the newspaper in the Territory in order to clarify to all people in the Yukon my position on the issue of the Yukon Territorial Council's involvement in the Indian Land Claims Negotiations and Settlements. I do this to make it clear that I do not share the opinion of Councillors McKinnon, Taylor, Stutter and Tanner that the Yukon Council has no business being a party to the negotiations going on between the Indian people of the Yukon and the Federal Government. I feel that since the Yukon Territorial Council represents all people of the Yukon, it is our right and our duty to be a party to the negotiations. It seems to be a general misunderstanding of the implications involved in the Indian Land Claims Negotiations; the public, in particular Councillor McKinnon and Councillor Taylor, do not appear to realize that there are several extremely critical constitutional points to be considered. Any decision on these points will affect our children and their children for generations to come. This is not something that I can take lightly, nor is it the kind of thing that Councillor McKinnon and his colleagues should play political games with. At the outset, let me make it perfectly clear that I want to see the Yukon Indian people get a just settlement, and I will do everything in my power to make it happen. However, I have an obligation to all Yukoners to make sure that their birthrights are not bargained away without their consent or knowledge. That is the only reason why I want the Yukon Territorial Council to be represented at the bargaining table. To point out these important items, in the provinces the natural resources belong to the people of the province and not to the Federal Government. The Federal Government has not got the right to sell, trade or give away any of those resources to anybody without the consent of the province. In the Yukon, there has never been any clear statement from the Federal Government that the resources of the Yukon belong to the Yukon. Clearly, if the Yukon's natural resources belonged to Yukoners then only the Yukon can make any agreement that gives away any part of those natural resources to any other party. If the Federal Government bargains away any of those resources, then it is giving wealth that I feel does not really belong to it. Or, if the Federal Government bargains away those resources, in doing so, it makes the claim that all of the resources of the Yukon belong to the Federal Government and not to the Yukon. I find this totally unacceptable. If we, the representatives of the people, agree to this giveaway, we are saying to the Federal Government that we will never want to become a province. We are saying that we do not own our natural resources. We are saying that the Federal Government has the right to give or trade them away in any way it sees fit. Furthermore, we are saying that since we will never own our resources, we are content forever to be a subservient, non self-supporting state. How can the Yukon ever hope to be autonomous and self-supporting if we are willing to give up our rights to our natural resources. Lastly, the Indian Claims make a request that all development in the Yukon be frozen until their claims are settled to their satisfaction. I totally disagree with this idea. I refuse to allow the Yukon to be kept in a deep-freeze while the negotiations are going on. Think what would happen if we froze mineral exploration, road building, land development, hydro development, parks development; and the negotiation could go on for years. I state categorically that Councillor McKinnon and his supporters are abdication their responsibility to the people who elected them. I say they are playing political games with people's lives. I do not want to be associated in any way with the decision they have forced upon me, and I hope that when the full implications of their moves become known to the public, they will remember that it was Councillor Chamberlist and I who stood firm while the others sold out our children's heritage. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Whitehorse East.

Mr. Chamberlist: Mr. Speaker, fellow Members of Council: Public office is not an easy berth. It is very much like a sailor's hammock; it's hard to get into, and hard to get out gracefully. I say this because I have come to the conclusion that to serve in public office in the Yukon for anybody, whether they be in the small L.I.D. trusteeship, a municipality or this Territorial Legislature, is a responsibility that they accept not because of any particular gains they might make but only because it's the wish to serve people. For me, people know that I don't need any more assets than I've already got. I'm making this quite a clear point; I serve in public office because I feel that I have a duty to all those of my fellow Yukoners to give of my best wherever I can. I think the most important area of advantage to the Yukon coming out of this Session was the manner in which we have been able to increase our budget requirements to show to the Federal Government that we are getting very close to the stage when we, indeed, will be able to manage and finance our own affairs except for capital structures. It is quite often the consideration that must be given when raising funds for the services that are required in the Yukon, that it could be said that we must consider not only why we need funds, but the ultimate reasons that funds are raised. Some people think in terms of taxes and taxpayers, but how so, so little do people not stop and think that a taxpayer is very much like a person who doesn't have to pass a civil servant's exam, yet works for the Government. In that particular light, I would say that everybody works for the Government to supply the funds to give Government the opportunity to govern. Mr. Speaker, in going through the Budget and the debates on the Budget, I was struck by many attitudes of Members in relation to taxation. I would say it was a revelation for me to recognize this time, more than any other Council Session, how little knowledge some Members of Council have in relation to general taxation and Government

Mr. Chamberlist continued:

financing. It appears that the attitude of some Members is that the best form of taxation is that which will be paid by somebody else. What is the use of agreeing to something that you can't afford to pay for. This is the point that must be considered when Members ask for programs when there is the inability to budget for those programs. I might, with a sense of levity, say that I told a donkey all things that some Members wanted the Government to provide and what the taxes would be. I did this because even a jackass would weep. I can only relate this to the particular situation that develops from time to time when we speak about taxation. Obviously, I have heard, because Members of Council who have spoken one way and voted one way find that the words that they speak brings back a saying -- Man does not live by words alone -- in spite of the fact that many men, especially Members of Council, especially in this Council Session, have been forced to eat some of their own words. Before dealing with responsible and future government, which I would like to say a few words on, I would wish to point out, Mr. Speaker, how ignorant of what is going on in Government is the Honourable Member from Whitehorse West. In reply to a statement he made a few moments ago in regards to a man who I consider to be a very good friend and a very capable man, Mr. Alan Innis-Taylor. He obviously is not aware that Mr. Alan Innis-Taylor is not an employee of the Yukon Territorial Government, but a contractor supplying contractual services. His contract expires at the end of the month, and if there is a requirement for his contractual services, he will enter into a contract with the Territorial Government in exactly the same manner as he has entered into contracts in previous years. So, the statement that was made that he has been fired from his employment as an employee of the Territorial Government is completely without merit, without fact, and, I repeat, shows up the ignorance of the Member who brought that forward. Mr. Speaker, there has been some comment relative to our Legislature here. I would say this, that a few days ago, a lesson was given in parliamentary procedure, and I am sure that we could all learn. What had occurred in relationship to motions, amendments to motions and amendments to amendments is a normal procedure in operation in every western democracy, certainly in every provincial jurisdiction in Canada, certainly in the Federal Parliament of Canada, and certainly in the mother of parliaments, in the United Kingdom. So, I don't think that any reference to the occurrence within this Chamber should be really taken very seriously because the fact is that perhaps I, having a little bit more grey hair than the Members who seem to be upset by the procedure, know that it was completely proper according to the rules and the Standing Orders which this Council has operated under for a number of years although the rules were not brought into effect in this Council. Mr. Speaker, there is a responsibility for future government, but there is a responsibility for Members of this Legislative Body to plan for the political future of this Territorial Legislature. I say this, that if we do not plan for the future, we will find that the legislation that we provide will be absolutely useless. I think that the time has come when we in this Legislature should absolutely and definitely get away from old political party lines until such time as the Yukon has taken its proper place in Confederation. I believe that our Federal representative should be a person of independent stature who is prepared to speak for the people of the Yukon and not for any political party. I believe that there should be an enlarged Council. I believe there should be a Yukon party, that is prepared to speak and work towards the benefit of the Yukon. I think that when we get to recognize that this would be the best result for the Yukon, then when we have grown up completely to the status of a province, then we can deal in the area of political partisanship. I will not go as far as saying that political partisanship has much to do with the objections that were made by certain Members of Council to the main motion that was provided on the Indian Land Claims, but certainly I abhor an attempt to use the Indians, our fellow citizens in the Yukon, as footballs. I abhor it for the simple reason that it doesn't do any good for them to be caught in a crab's claws, or two crabs' claws, and certainly I think no benefit can come from the fact that those that wish to use the Yukon Native Brotherhood and any other group of Indians to the detriment of the people of the Yukon as a whole, can be anything but detrimental to the people of the Yukon. I have made my position quite clear. I support the stand that the Honourable Member for Caribou-Kluane has made, and I've already made it clear. Although the records might read that because the original motion was changed, that Councillor Watson and myself were placed ahead of the motion, I, in no way, wish to associate myself with any area where the people of the Yukon as a whole are entirely forgotten. I think it would be wrong of us to provide that our grandchildren and our great-grandchildren will have a swell time paying for the things that they didn't get. It appears to me, this is going to happen. I am going to say, Mr. Speaker, that Member of Council who failed to embody in the amended motion that the Territorial Council, the elected people of this Territory, would be participating in the negotiations, have now given to those bureaucratic people in the Federal-Territorial Department of Indian Affairs and Northern Development, the power to put somebody in to represent the Council, and not have the Council participate. I know, and I have joined with the Honourable Member for Whitehorse West very often in insisting that wherever there is at stake any matter where the people of the Territory must be involved, that they must be involved through their elected representatives. I think that the Honourable Member for Whitehorse West specifically, has definitely and without any doubt gone back completely on his avowed policy of seeking responsible government for the people of the Yukon through their elected representatives. Mr. Speaker, I would say this, in finality, that we must not at any time take the attitude that, because we have gotten to a stage of where there is an attempted involvement of a conflict between the Indian people and the rest of the people of the Yukon, we should allow our minds to be in any way altered by the fact that we, as Yukoners, must work to serve our native citizens, to serve our non-native citizens, to make sure that whatever happens in the Yukon benefits all. I cannot, under any circumstances, condone what I consider to be the derogatory attitude of these people that have taken the stand that their own sentimental interests come before the interests of the people of the Yukon. I will say this, I am appalled that the Members of Council who agreed, and then agreed to disagree with what they had agreed with, have now taken the stand that what comes first are the Indian people, and not the people of the Territory. I am pleased to say, in speaking to many of the Indian citizens of the Yukon, that they too are appalled at the turn of events because it was their intention, as they have explained to me, to be a participant; and they erred and they have said so themselves, in their paper that they have submitted when they did not include the Territorial Council. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Dawson.

Mr. Stutter: Mr. Speaker, fellow Members of Council, residents of the Yukon, several very significant facts have occurred either as a result of this Session of Council, or during its time of sitting. We have now passed a record \$49 million budget with slight increases in taxation. But, monies have been provided in that budget for the completion of some costly programs. The indication seems to be towards the levelling off. Then let us hope that the level of taxation will have also levelled off accordingly. Yukon residents in rural areas will now receive an easing of their cost of living through the introduction of the fuel equalization scheme. This scheme has been brought about, unfortunately, at a slight increase in cost of living to Whitehorse residents, who, as a general rule, enjoy an overall cost of living some fifteen to twenty-five percent less than residents in the more distant rural areas. Areas which contribute so greatly to the economy of Whitehorse and the Yukon. Many of the Bills recently passed are of a housekeeping nature, but are nevertheless significant as the Yukon gradually becomes more sophisticated and complex. With the increased emphasis on keeping the Yukon unspoiled and as a place to be enjoyed by our residents in the future, legislation has been passed to ensure that new buildings anywhere in the Territory conform to recognized standards. Houses have been provided for anti-pollution measures, and campgrounds are to be upgraded and increased in numbers. The Yukon will once again enjoy the same time zone; the date of the change will be decided by the Executive Committee, and it will no doubt depend upon presently published travel and publicity schedules. The Yukon Native Brotherhood presented a positive brief to the Federal Government and after much debate the majority of Council have supported the aims of the brief and have requested, regardless of what we have been told, that Council be included in negotiations with the Yukon Native Brotherhood and the Federal Government to ensure that we will all be able to live together in respect and understanding in the future. It has become increasingly apparent that the Yukon has rapidly become too complex and political for a seven-man Council to continue to work harmoniously and effectively, and for this reason, it is particularly encouraging to read remarks made by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development, to the effect that he is sympathetic with Council's wish to increase the number of seats and the elected representatives to the Executive Committee. I am of the opinion that without these vital changes the Territorial Council will have great difficulty in remaining an effective governing body in the Territory, and will not attract the caliber of Councillors so vitally needed to guide the Yukon towards the eventual provincial status in the not too distant future. Thank you, Mr. Speaker.

Mr. Speaker: Would the Honourable Member from Dawson kindly assume the Chair?

Mr. Stutter takes the Chair.

Mr. Acting Speaker: The Honourable Member from Watson Lake.

Mr. Taylor: Mr. Speaker, I have listened with great interest to the replies of all Honourable Members, and I would like to say that I really intended upon making comments on the matter of the House rules as some Members have commented on. However, we are exercising House rules which have been used generally in this House since 1958, and they still apply today, and I can only assume that Members should bone up on their rules, because I have found that they have been used and used to good advantage here in the Council by those who understand them. I can only assume that this is a cry-baby attitude on the part of some Members. I also wanted to comment though, Mr. Speaker, on some of the unusual comments that I have heard here this evening in respect of land claims. I hadn't intended on commenting on this particular situation. I think that the Native Brotherhood of the Yukon and the Government of Canada are certainly well-equipped to carry out negotiations, but, to hear statement bandied around the House this evening that meaningful negotiations are not such, but they are absolute conflict is rubbish. There is no conflict between the two that I know of. I have heard statements on the Federal Government giveaway of Yukon resources. This is absolute rubbish. Nobody has given away anything. I might also say that any government that can effectively baffle the people of the North for so long certainly must be good bargainers when it comes down to the negotiating table with the Native Brotherhood. I think those are going to be fine negotiations, and nobody is giving away anything; so, why cry wolf? This is nonsense, and this is also rubbish. One Honourable Member suggested that we should plan for a political future. I would say that the immediate election of a new Council would be one of the best plans for a political future that we could undertake at this time. It would appear that those who speak with forked tongue on land claims issues, respecting the native people of the Yukon, still refuse the people of the Yukon this particular prerogative. Firstly, Mr. Speaker, I would like to say a few words in respect of my electoral district. I would like to say how pleased we are with the introduction of Anik, satellite television facilities, in our area. The picture and sound are clear, and with some reservations, there would appear to be something for everybody, old and young alike, in its content. While we trust that in time we may experience some Yukon input into Anik, we in the hinterlands who are fortunate in receiving these facilities are truly appreciative of the educational, informational, and entertainment orientation in its production. Notwithstanding my former remarks, however, much has yet to be done in the field of broadcasting. Although most of the mining communities throughout northern British Columbia and the Yukon have received these facilities, many of the larger outlying settlements have not. I have pressed Mr. Speaker, for years to provide Ross River with basic radio facilities. While the transmitter and the license for this station have resided in Whitehorse for at least the past two and one-half years, a way has yet to be found to put it on the air. This problem can, and must, be resolved quickly. Since the inception of the frontier packaged TV programs some years ago, the citizens of the sizeable community of Teslin have made repeated requests for similar facilities. But, to date, nothing has been accomplished. I would like to ask again of the Canadian Broadcasting Corporation in Ottawa that they alter their budget priorities for this forthcoming fiscal year, and make available to Teslin and other Yukon communities as well, these wonderful facilities which they have so often requested and have for so long been denied. The decision of Government and Council to levy a five dollar campground fee to Yukon residents was very regrettable, for at least two very apparent reasons. Firstly, the residents of the Territory through taxation from various forms are already paying for the upkeep and maintenance of campgrounds. Thereby, constituting for many a form of double taxation. Secondly, and more important, when one considers that campgrounds throughout the Territory were designed specifically to control fire and garbage, it is not difficult to assume that the imposition of this additional fee will have the real effect of increased forest fire losses this forthcoming summer, as well as property and wildlife considerations. And, could well result in making the Yukon one large garbage dump as people scatter litter across the countryside in an effort to avoid Territorial campgrounds. Therefore, I would once again ask that the Government reconsiders seriously the implementation of this detrimental program in light of the potential danger to our ecological system here in the Yukon. Having reference to municipalities, I have once again, today, raised a very important question of the relationship between the Dominion Bureau of Statistics census figures and the Municipal Aid Ordinance as it affects the Town of Faro. The census taken in 1971 indicates a population of 863 people. By actual count in mid-February, true and accurate figures show that there are in fact 1167 people residing in Faro. This discrepancy of some 300 people amounts to grant allocation for 304 people, I should say, and it results in an appalling loss of some \$13,000 to \$14,000 in Faro coffers. Therefore, how can the town administration possibly provide the reasonable level of services when such a great inequality exists in grant allocations to this large and rapidly growing municipality? I have asked on behalf of the Town of Faro that the Dominion Bureau of Statistics send representatives to Yukon with the express purpose of overseeing a municipally conducted census in an effort to correct this deplorable inequality. I once again would ask this Government to reconsider and to accede to this request without delay so that this serious problem may be resolved in the early part of the forthcoming fiscal year. Many times in the past I have

Mr. Taylor continues:

raised the question of redistribution of Council seats in an effort to create two new constituencies. One for the Faro-Ross River-Carmacks-Pelly area, and an additional constituency for Whitehorse. Population growth and distribution support clearly this proposal, when you consider that our population has risen from 14.5 thousand people in 1961 to an estimated 20 thousand people in Yukon today. In addition, one must take into account the introduction of Faro, which alone contains nearly 1200 people, add to this the Carmacks and Ross River and Pelly areas and you come up with something in the area of 2000 to 2200 people. These people have properly requested on-night representation and deserve to have it. It is extremely difficult to do justice to these demands at present when the Member resides some 300 miles away and is attempting to adequately represent the vast area of some 48,000 square miles of territory, much of this by telephone and letter communication. Population increases in the Whitehorse area have proven the need for the second constituency. These additional constituencies are very necessary; however, I would hesitate at this time to suggest that the Council be increased beyond the nine members suggested, until constitutional reform takes place in the Yukon. Whereby a Government by the people and for the people will fully replace the totally dictatorial styled Administration that we have today. I would therefore trust that the Minister, the Honourable Jean Chrétien, will set aside any further delays and present to Parliament the necessary amendments to the Yukon Act at the earliest possible moment. Finally, Mr. Speaker, I would like to say how concerned I am with the current trend of Government in the Yukon. US Senator Samuel James Irving coined it beautifully when he stated, and I quote: "The history of mankind shows that governments have an insatiable thirst for power. This desire for power will carry them to tyranny unless it is prevented." I believe that most people of the Yukon have now clearly noted the gradual but consistent flow of legislative control from this legislative body over the past two and one-half years to the executive branch of Government. If this trend is to continue, we will find shortly that there will be little authority left in this House and the people it represents. Such powers having been fully transferred to the Ottawa controlled executive arm of government. This intolerable situation must be resolved, and in my view, can be resolved in one of two ways. Either by dissolution, and the election of a new Council in the hope that a majority of Councillors so elected do not, and I repeat, do not align themselves with the executive arm, but rather work honestly and diligently and openly in the interest of all of the people. To this end I twice have tried and twice have failed in an attempt to pursue this course of action. Alternately, the other course of action can come only from Parliament itself, when in its wisdom it may accord to our Yukon democratic institutions which would parallel those of our provincial neighbours to the south. In short, Mr. Speaker, a government by the people and for the people, not a government by Ottawa and for Ottawa, as we find today. History has shown that any government in the past has never been prepared to relinquish power and authority without a struggle. So, we must, at all costs, and as Yukoners resist the oppressive government and continue to strive for those reforms so necessary in our pursuit of true and meaningful Canadianism for all who live and work here in the North. I thank you, Mr. Speaker.

Mr. Taylor resumes the Chair.

Mr. Speaker: Mr. Clerk, would you escort the Commissioner to the Chambers at this time? I will just declare a brief recess.

Mr. Sergeant-at-Arms: Order; Mr. James Smith, Commissioner of the Yukon Territory.

Mr. Commissioner: Please be seated.

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

BILLS #1,2,3,4,5,6,
7,8,9,10,11,
12,13,14,25,
26,27,29,30,
ASSENTED TO

Mr. Clerk: An Ordinance to Amend the Interpretation Ordinance, Public Inquiries Ordinance, An Ordinance to Amend the Pounds Ordinance, Civil Defence Workers' Compensation Agreement Ordinance, Third Appropriation Ordinance 1972-73, First Appropriation Ordinance 1973-74, Financial Agreement Ordinance 1973, Loan Agreement Ordinance (1973) No. 1, Faro General Purposes Loan Ordinance, Dawson General Purposes Loan Ordinance, Whitehorse General Purposes Loan Ordinance, Fuel Oil Tax Ordinance, An Ordinance to Amend the Fire Prevention Ordinance, An Ordinance to Amend the Dental Profession Ordinance, An Ordinance to Amend the Pharmaceutical Chemists Ordinance, Building Standards Ordinance, An Ordinance to Amend the Vital Statistics Ordinance, An Ordinance to Amend the Game Ordinance, An Ordinance to Amend the Cooperative Associations Ordinance, Corrections Ordinance, An Ordinance to Amend the Mental Health Ordinance, Loan Agreement Ordinance (1973) No. 2 (Employment Loans Program), Territorial-Municipal Employment Loans Ordinance, An Ordinance to Amend the Labour Standards Ordinance, Purchase and Supply Services Agreement Ordinance, Fraudulent Preferences and Conveyances Ordinance, An Ordinance to Amend the Motor Vehicles Ordinance, Fourth Appropriation Ordinance 1972-73, Second Appropriation Ordinance 1973-74.

Mr. Commissioner: Mr. Speaker, and Honourable Members of the Wholly Elective Council of the Yukon, your deliberations during this Session have resulted in a considerable number of Bills having been dealt with and a considerable amount of matters that have been brought to your attention, both by the Administration and as motions tabled by yourself; all of which have received a very good and thorough hearing, and for which I am sure that the benefits will endure to the people who reside in the Yukon Territory. Not very many people of the general public understand fully the role and the frustrations of the role of a Member of the Council of the Territory. I happen to have sat on both sides of the fence and have a very thorough appreciation of the position that Councillors find themselves in. Particularly, in this transitory period, when we are moving slowly but surely from the time when the Council was simply called upon by the Commissioner to, literally speaking, represent those things which he felt necessary in order to permit him to carry out some kind of a day-to-day activity of government in the Territory, and the time when ultimately the Council will assume not only the legislative role but also, from among their midst, the full administrative complex or the content of government will emerge. Somehow, the role that you are playing at the present time is doubly hard on account of the transition coming very close to some kind of a culmination. We don't know when that culmination is going to come, but if the Yukon Territory is going to go ultimately anywhere, it is going to go there as a consequence of the endeavours of the people that live here, and the activities and the participation and interest that they take in their government. It doesn't matter whether it's your city government, or their Territorial Government, or Federal Government. I also would like to suggest, Mr. Speaker, that the only way that everyone in the Yukon is going to play a role in this Government, is if we have a government structure that is going to allow everyone some kind of an opportunity to participate in it. I was very, very happy to be able to announce the intention of my Minister to enlarge the size of the membership of this Council, and also, his recognition of the fact that it would be desirable to have more elected people on the Executive Committee. I sincerely hope that the necessary political decisions will be made in the senior government level and that the administrative actions and the legislative actions required at this level will take place so that these things can bear fruit in the 1974 elections, which are not really that far away. At that time, I'm very hopeful that the electoral boundaries of the districts of this Territory will be designed and structured in such a way that they're not only going to give cognizance and recognition to centres of population, but will also be designed to give recognition to the areas where ethnic groups have to have representation, where the economic future of an area requires that it has representation, and also that based on historical patterns, that the representation will continue. There's such uncompleted work that for reasons over which no one has any control, was unable to be presented to Council at this Session. I am sure that the advice from -- that I will be receiving from the Executive Committee will require that there will be Sessions of a special nature to deal with special problems, called in the not-too-distant future. I recognize that with the summer season coming on, which is the productive season of individuals in the Territory, that this is going to be a disruption of Councillors' normal activities and I would like to give you my personal assurances that all the notice possible will be given of these special Sessional requirements and that the frequency of them will be no greater than what the demands of the public business call for. I am sure that Honourable Members realize that the Workmen's Compensation funding scheme, which we have promised for some time, is one reason that we will want to consider dealing with specially, and also, the question of the new Education or School Ordinance is another item along these lines. Mr. Speaker, I am very pleased to give assent at this time, to the Bills as enumerated by the Clerk of the Council, and give my particularly special thanks to each and every Member of the Council for the consideration and the courtesy that they continue to show to myself and the Office that I hold, and also my special thanks to my own staff, not only those who serve directly here to the needs of the Legislature, but those who behind the scenes are constantly giving us the support services that we need to give the Government of the Yukon Territory a basic administration, which I think no one has to make any excuses on behalf of. I sincerely trust that all Councillors will have a profitable and pleasurable spring and summer season ahead. Those who have travelled further distances to get to their homes, I hope that they have a safe trip there, and Mr. Speaker, thank you very much for the opportunity of being able to address the Council once again at the prorogation of this, what I consider to be, a particularly fruitful Session of this Legislature.

Mr. Speaker: I'd like to thank Mr. Commissioner for his closing remarks and perhaps I would be remiss in my duty if I did not on behalf of all Honourable Members, convey to Mr. Commissioner, his Administration, and more particularly, the staff of Council who have worked so hard in the preparation and presentation of this particular Session. They've done a real bangup job and I'm sure that we all appreciated it very much.

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

PROROGUED

PROROGUED

January 25, 1973

SESSIONAL PAPER NO. 1 - 1973 (FIRST SESSION)

Mr. Speaker,
Members of Council

Subcommittee on the Employment of Native Northerners

On December 6, 1972, Councillor McKinnon asked a verbal question, respecting the Subcommittee on the Employment of Native Northerners.

The Co-ordinating Committee of the Advisory Committee on Northern Development established the Subcommittee in the Summer of 1972.

This Subcommittee is a creation of the Federal Government and as such, is basically a Federal Interdepartmental Committee. The Territorial Government had no part in the organization of the Subcommittee, but were invited to participate.

Our representative on the Subcommittee is Mr. Peter Frankish, Employment Liaison Officer. There are no native organizations represented on the Subcommittee.

Any results forthcoming from the deliberations of this Subcommittee will probably be realized as Federal Government policy.



J. Smith,
Commissioner.

January 25, 1973

SESSIONAL PAPER NO. 2 - 1973 (FIRST SESSION)

Mr. Speaker,

Members of Council

Judicial Redistribution

On December 6, 1972, Councillor Taylor asked Question No. 1 as follows:

"In view of the expressed desire by the Ross River-Faro-Carmacks area for a new constituency and seat on Council, would the Administration indicate what progress has been made to date relative to judicial redistribution and enlargement of Council membership."

Neither judicial redistribution, nor the enlargement of Council membership, are within the competence of this Administration.

The matter of constituency boundaries is one that is governed by the Elections Ordinance and the Council has the ability by amending that Ordinance, to establish the electoral districts in any manner desired.

The enlargement of Council membership can only be accomplished through an amendment to the Yukon Act by the Canadian Parliament.



J. Smith,
Commissioner.

January 25, 1973

SESSIONAL PAPER NO. 3 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

C.B.C. Ross River and Teslin


On December 6, 1972, Question #3 reading as follows was asked by Councillor Taylor:

"Would the Administration ascertain from C.B.C. what progress is being made in the provision of radio broadcast facilities to the community of Ross River and also, in the provision of television services to the community of Teslin."

In Sessional Paper #2, 1970, 2nd Session, it was indicated that it was expected that application would be made to the CRTC in 1972 for the establishment of an LPRT radio transmitter facility in Ross River. This question was again raised in the 3rd Session, 1971, and then again at 1972, 1st Session. On March 14 in Legislative Return #14 it was stated that the C.B.C. had decided to install a LPRT facility in Ross River but that high construction charges for a program circuit had created an impasse. I have been informed since the question was asked at the 2nd Session, 1972, that more precise information on the establishment of this facility is not available at this time.

As regards the question of the installation of a ground receiver transmitter to provide TV facilities for the community of Teslin which was also asked at the 1972, 1st Session--the answer then given is the most precise information on the subject available at this time, namely:

"the settlement is designated as a possible site for installation of a ground receiver transmitter sometime between the launching of the satellite and 1976."



James Smith
Commissioner

February 12, 1973

Mr. Speaker

Members of Council

Highway Advertising

At the 1972 First Council Session, a resolution was passed "that the Government of the Yukon Territory bring forward regulations effectively controlling advertising on Yukon highways." I am pleased to report that a program has been proposed by our Tourism and Information Branch which is intended to carry out the terms of this resolution.

In order to restrict advertising on Yukon highways, the Government of the Yukon Territory must provide some alternative by which commercial enterprise can attract customers to their premises. We propose to establish Rest Stops on highways near Yukon communities for this purpose, and include ample space in these areas for signs to be erected advertising local businesses.

These Rest Stops would be attractive roadside picnic areas, fully landscaped, and would include facilities such as tables, privies, garbage disposal, drinking water, and a large information board displaying maps and points of interest in the community. They would be located outside the communities of Watson Lake, Teslin, Whitehorse, Haines Junction, Beaver Creek, Carmacks, Faro, Ross River, Mayo and Dawson City. A total of eighteen Rest Stops would be required to cover highway access to these centres.

The capital cost of constructing one such Rest Stop would be approximately \$15,000, which is broken down as follows:


Road and parking lot	\$ 3,000.
Picnic facilities	3,000.
Landscaping	6,000.
Information Board	3,000.
	<u>\$15,000.</u>

The cost of constructing eighteen Rest Stops would be \$270,000. Maintenance cost of these Rest Stops, including periodic repainting of signs, would be approximately \$27,000 per year, or \$1,500 per site. Both construction and maintenance of the Rest Stops could be carried out as part of the existing campground programs as administered by Tourism and Information Branch.

When these Rest Stops have been developed to the point where they can be used for advertising, regulations will be brought into effect prohibiting advertising on Yukon highways except at the designated places.

Fees would be charged for use of advertising space in the Rest Stops. The revenues would be set to cover the cost of producing and displaying the advertising signs, but would not offset the above-mentioned capital or maintenance costs. The signs could be provided either by the Yukon Government, or by each advertiser conforming to Government blueprints.

The elimination of highway advertising is dependent on implementation of the above proposal. We cannot expect private enterprise, particularly those segments involved in the tourist industry, to suddenly carry on without the benefit of this advertising. We believe that the above plan, if adopted, would provide a reasonable alternative, and still carry out the wishes of Council regarding highway advertising.


J. Smith,
Commissioner.

February 9, 1973.

SESSIONAL PAPER NO. 5 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

Discovery Day

At the last Session of Council a motion was passed to have the Interpretation Ordinance amended to define Discovery Day as the third Monday in August.

Coincidentally, the Government had been considering an amendment that would provide more flexibility. This amendment would add to Section 20 of the Interpretation Ordinance, the following subsection:

- "20. (3)(a) Discovery Day shall be the 17th day of August, but shall not be a holiday except as provided in this subsection.
- (b) Any municipality may, by resolution, declare a day in the month of August to be the official holiday in respect of Discovery Day in respect of that municipality.
- (c) The Commissioner may declare a day in the month of August to be the official holiday in respect of Discovery Day in respect of any area or areas not within a municipality."

These two proposals are submitted to Council for consideration and a recommendation as to which amendment would be preferred.



J. Smith,
Commissioner.

9 February, 1973

SESSIONAL PAPER NO. 6 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

Report on the Operation, Objectives and Policy of
the Yukon Housing Corporation for the period
ending January 31, 1973.

History

The Housing Corporation Ordinance was enacted at the 1972 (First) Session Territorial Council.

The Ordinance was proclaimed June 14, 1972 and a Board of Directors appointed under the Chairmanship of E. C. Ball.

In November 1972 the operation of Staff Housing was transferred to the jurisdiction of the Housing Corporation.

Objectives

The objectives of the Corporation are to create, co-ordinate and give direction to housing programmes based on need and demand, so as to provide and make available the best possible standard of housing to all residents of the Territory, whether this be done through home ownership or subsidized rental.

To provide the means whereby acceptable and adequate shelter may be made available to low income families so as to bring their housing conditions up to a minimum adequate shelter requirement.

To upgrade by means of replacement any substandard YTG staff housing in outlying communities.

Operations

During the period ending January 31, 1973 the following projects have been undertaken under Section 40 and Section 43 of the National Housing Act:

Section 40 - National Housing Act

1. Whitehorse

43 units of duplex and row housing type construction by Engineered Homes Ltd. All these units are now complete and full occupancy will be achieved during the month of February.

2. Watson Lake

10 units constructed by Engineered Homes Ltd. All units are complete and as of this date nine of the units are occupied.

3. Mayo

10 units constructed by Engineered Homes Ltd. All units are scheduled for completion by February 15, 1973 and it is expected they will be occupied shortly thereafter. 14 applications are being processed to date.

4. Dawson City

20 units constructed by Engineered Homes Ltd. All units are scheduled for completion on or about February 15, 1973. One complete duplex unit is, with the approval of CMHC, to be sold to YTG for use as a Childrens Group Home. A total of 22 applications have been received in Dawson City to date for both projects, that is the project under Section 40 and the additional 20 units under Section 43 outlined below.

Section 43 - National Housing Act

1. Dawson City

20 units completed and it is expected that in addition to the three units now occupied the full occupancy will be obtained during the month of February. Contractor for this work is Knight, Schmidt.

2. Ross River

10 units constructed by Coates Industries Ltd. Due to the inability of the contractor to fulfil the terms of his contract this project has been delayed. However five units are scheduled for completion February 15, 1973. Nine applications have been received to date.

3. Haines Junction

10 units constructed by Coates Industries Ltd. This project is in the same category as Ross River with the same number of applications.

During the summer of 1972 a Housing Need and Demand Survey was carried out in all communities except Old Crow. This survey reached an average of 75% in each community. Copies of survey reports have been provided to Members of Council.

Projects Administration

The various projects outlined are being administered by the Corporation with the co-operation of Housing Associations who are elected by the tenants of the housing units. In Whitehorse a Housing Authority was formed by private citizens selected from names brought forward by a nominating committee consisting of Federal, Territorial and City representation.

A Housing Education Programme is being instituted in conjunction with the Department of Education and the Supervisor of this programme has been appointed.

Long Range Objectives

It is apparent that whilst the initial objectives in the field of housing is the construction of some 460 units over a five year period, efforts must be made to institute programmes which will assist residents of the Territory in the middle income range. Families earning in excess of \$13,000 can obtain financing through standard NHA loans. There are many families in the gap between a maximum of \$8,000 for low income housing and the \$13,000 range for which home ownership is not possible through existing programmes. It is hoped in the near future that the Corporation will present for Council's consideration a programme which will alleviate this problem.

Other areas being examined by the Corporation is the provision of Senior Citizens accommodation outside of Whitehorse, and the provision of single persons accommodation.

The Corporation also intends to establish a library containing information about innovative housing, brochures from prefab suppliers and other useful references for builders etc.



J. Smith
Commissioner

9 February, 1973

SESSIONAL PAPER NO. 7 - 1973 (FIRST SESSION)

Mr. Speaker
Members of Council

Public Housing Program, 1973

A five year projection of houses to be constructed under Rental Purchase and Public Housing projects was presented to Territorial Council at the 1972 (First) Session and it outlined a 1973 construction programme as follows:

<u>Community</u>	<u>Rental Purchase</u>	<u>Public Housing</u>
Dawson City		20
Haines Junction		20
Pelly Crossing	10	
Carmacks	10	10
Stewart Crossing	10	
Watson Lake	20	
Teslin	10	
Upper Liard	10	
Carcross	10	
Burwash	5	
Beaver Creek	10	
Destruction Bay	5	

During the summer of 1972 a housing need and demand survey was carried out in each community with the exception of Old Crow. The results of this survey indicate that the above projections should be amended for the following reasons:

1. The most critical area of demand is within the Whitehorse Metropolitan area. Of the 97 applications received for the 43 unit project in Whitehorse, 35 applications were from single parent, one or two children families. This type of family unit can be accommodated in a one or two bedroomed apartment.
2. In the outlying communities the 5 year projection was not confirmed by the results of the survey. In a construction programme CMHC provide the bulk of the funds. It is therefore necessary that demand for housing be established to obtain project approval.

Therefore the Housing Corporation recommends the following construction programme for 1973 under Section 43 of the National Housing Act:

Whitehorse	2 - 18 unit apartment blocks	36 units
	20 - 3 & 4 bedroomed family units	20 units
Teslin	14 - 3 & 4 bedroomed family units	14 units
Carcross	15 - 3 & 4 bedroomed family units	15 units
Carmacks	10 - 3 bedroomed family units	10 units
Pelly Crossing	5 - 3 bedroomed family units	5 units

A total of 100 units



J. Smith
Commissioner

February 7, 1973.

SESSIONAL PAPER NO. 8 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

Campgrounds

The present campground fee of \$3.00 was established for the 1972 season. Revenue amounted to just over \$12,000.00.

Costs of maintaining campgrounds are rising steadily each year, particularly as campground traffic increases at its present 15 to 20% rate.

The revenue from campground permit sales should be greater in order to support increases in campground program budgets. This can be achieved by tighter collection methods and by increasing the fee for all users (including residents).

Unless Council objects, it is proposed to increase the campground permit fee to \$5.00 and to eliminate the section in the Campground Regulations which exempts permanent residents.



J. Smith,
Commissioner.

SESSIONAL PAPER NO. 9 - 1973 (FIRST SESSION)

MR. SPEAKER,

MEMBERS OF COUNCIL

I HAVE THE HONOUR TO WELCOME YOU TO THIS, THE SEVENTH SESSION OF THE TWENTY-SECOND WHOLLY-ELECTED COUNCIL OF THE YUKON TERRITORY AND THE FIRST SESSION OF 1973 - A VERY SPECIAL YEAR FOR YUKON.

IT'S OUR 75TH ANNIVERSARY - PLANS FOR EVENTS TO MARK THIS MILESTONE IN OUR HISTORY HAVE MET WITH ENTHUSIASTIC SUPPORT THROUGHOUT YUKON. GUIDED BY THE KLONDIKE '73 COMMITTEE, THE YEAR AHEAD PROMISES TO BE AN EXCITING ONE.

THE ANNIVERSARY OF TWO IMPORTANT LAW ENFORCEMENT AGENCIES WHICH PLAYED A VITAL ROLE IN THE FORMATION AND SHAPING OF THE TERRITORY IS TO BE COMMEMORATED THIS YEAR. THE ROYAL CANADIAN MOUNTED POLICE ARE ONE HUNDRED YEARS OF AGE - IT IS 75 YEARS SINCE THE ESTABLISHMENT OF THE YUKON FIELD FORCE, AND ALTHOUGH DISBANDED IN 1900, I BELIEVE YUKONERS WOULD BE REMISS IF THEY OVERLOOKED THE IMPORTANT ROLE THESE 200 MEN OF THE ROYAL CANADIAN DRAGOONS, THE ROYAL CANADIAN ARTILLERY AND THE ROYAL REGIMENT OF CANADIAN INFANTRY PLAYED IN MAINTAINING LAW AND ORDER IN FORT SELKIRK AND DAWSON CITY IN OUR FORMATIVE YEARS.

YUKONERS ARE WELL AWARE OF THE ROLE PLAYED BY THE ROYAL CANADIAN MOUNTED POLICE DURING THE GOLD RUSH AND INDEED, THROUGHOUT THE HISTORY OF YUKON. I UNDERSTAND THE FORCE IS PLANNING A NUMBER OF EVENTS

IN CONJUNCTION WITH KLONDIKE '73 TO MARK THEIR CENTENARY.

MANY OTHER ORGANIZATIONS AND GROUPS CELEBRATING AN ANNIVERSARY THIS YEAR WILL ALSO BE WORKING TO MAKE KLONDIKE '73 A MEMORABLE EVENT. ON BEHALF OF THE TERRITORIAL GOVERNMENT, I WISH THEM ALL SUCCESS.

YUKON'S ECONOMIC WELL-BEING HAS TRADITIONALLY DEPENDED UPON THE MINING INDUSTRY. IN 1971, MINING PRODUCTION REACHED 93 MILLION DOLLARS AND IN 1972, THIS CLIMBED TO 103 MILLION DOLLARS. THIS YEAR WE ARE EXPECTING THE CUMULATIVE TOTAL FOR ALL MINING IN THE TERRITORY TO PASS THE BILLION DOLLAR MARK. AS OF THE END OF 1972, THE TOTAL WAS 827 MILLION. TO REACH THE ONE BILLION MARK, THE VALUE OF OUR MINING PRODUCTION THIS YEAR WILL HAVE TO EXCEED 170 MILLION DOLLARS, BUT WORLD MARKETS AND PRICES FOR THE PRODUCTS OF OUR MINES ARE GOOD AND THERE IS AN EXCELLENT POSSIBILITY THAT WE WILL REACH THIS PLATEAU DURING OUR SEVENTY-FIFTH YEAR.

IT IS INTERESTING TO NOTE THAT 43% OF YUKON'S TOTAL MINERAL PRODUCTION SINCE 1886, A PERIOD OF 87 YEARS, HAS BEEN MARKETED DURING THE PAST SEVEN YEARS. THIS GIVES A GOOD INDICATION OF RECENT RAPID GROWTH IN MINING.

YUKON'S SECOND INDUSTRY, TOURISM, IS ALSO SHOWING CONTINUED STEADY GROWTH.

IN 1972, TOURISM FIGURES INCREASED BY 21% AND THE TERRITORY ATTRACTED NEARLY 271 THOUSAND VISITORS. ESTIMATES

INDICATE THAT THIS INDUSTRY HAD A VALUE OF OVER 21 MILLION DOLLARS LAST YEAR AND IF CURRENT GROWTH PATTERNS CONTINUE, IT WILL HAVE A VALUE OF FIFTY MILLION DOLLARS ANNUALLY BEFORE 1980.

KLONDIKE '73 FESTIVITIES WILL ENCOURAGE A HEALTHY INCREASE IN THE NUMBER OF VISITORS THIS YEAR. DEVELOPMENTS SUCH AS KLUANE NATIONAL PARK, HISTORIC SITES RESTORATION WORK IN DAWSON CITY AND ON THE TRAIL OF '98, WILL ALSO HAVE LASTING BENEFITS AS TOURIST ATTRACTIONS.

I ASSURE YOU THAT IT IS THE INTENT OF THIS ADMINISTRATION TO SEE THAT THE VERY REASONS FOR THIS GROWTH IN TOURISM, YUKON'S NATURAL BEAUTY AND HERITAGE, ARE NOT DESTROYED IN THE PROCESS.

OIL AND GAS PRODUCTION AND THE BENEFITS YUKON MAY DERIVE FROM PRODUCTION IN ALASKA OR THE MACKENZIE DELTA AREA STILL REMAIN AN UNKNOWN FACTOR. WHILE THERE IS A GREAT DEAL OF INTEREST THROUGHOUT CANADA AND THE UNITED STATES IN THE NORTH'S POTENTIAL AND SO-CALLED "ENERGY CRISIS", EXPLORATION IN YUKON REMAINED AT A MORE OR LESS CONSISTENT LEVEL IN 1972 AND NO MAJOR DECISIONS WERE MADE THAT WOULD APPEAR TO AFFECT OUR ECONOMY. PRESENTLY, THREE EXPLORATORY WELLS ARE BEING DRILLED IN THE CRANSWICK, ROLAND BAY AND GULF RIDGE AREAS. SEISMIC EXPLORATIONS ARE BEING CARRIED OUT IN THE PORCUPINE RIVER AREA AND GEOPHYSICAL SURVEYS ARE UNDERWAY AT STOKES POINT.

TO ASSESS THE IMPACT OF PIPELINE ACTIVITIES ON THE TERRITORY, A PIPELINE CO-ORDINATING COMMITTEE HAS BEEN

ESTABLISHED WITHIN THE GOVERNMENT. AN INTERNAL STUDY HAS BEEN INITIATED UNDER THE AUSPICES OF THIS COMMITTEE TO OBTAIN A BROAD OVERVIEW OF SOCIOLOGICAL CONSIDERATIONS AND OTHER RELATED ASPECTS CONCERNING PIPELINE CONSTRUCTION IN OR AROUND YUKON. THE RESULTS OF THIS STUDY ARE NOT LIKELY TO BE KNOWN FOR A NUMBER OF MONTHS.

WHILE UNEMPLOYMENT HAS BEEN A MAJOR CONCERN IN CANADA FOR SOME TIME, YUKON HAS NOT BEEN FACED WITH THIS PROBLEM TO THE SAME DEGREE AS OTHER REGIONS.

THE EMPLOYMENT PICTURE IS SHOWING STEADY GROWTH IN THE TERRITORY. THERE IS NO QUESTION THAT THERE ARE AN INCREASING NUMBER OF JOBS BECOMING AVAILABLE FOR THOSE PEOPLE WHO ARE QUALIFIED. STATISTICAL RECORDS SHOW THAT IN 1972, THE YUKON LABOUR FORCE GREW BY AN ESTIMATED SEVEN PERCENT OVER 1971 TO TEN THOUSAND TWO HUNDRED WORKERS. THE FORECAST FOR THIS YEAR INDICATES THAT THE LABOUR FORCE COULD REACH TEN THOUSAND EIGHT HUNDRED WORKERS IN 1973.

IT IS EXPECTED THAT HEAVY DEMANDS WILL CONTINUE IN THE MECHANICAL, CLERICAL AND SERVICE OCCUPATIONS, WITH AN OVERSUPPLY OF WORKERS IN THE UNSKILLED AND SEMI-SKILLED AREA. THE MINING AND TRANSPORTATION INDUSTRIES ARE EXPECTED TO REMAIN RELATIVELY STABLE WITH REASONABLE GROWTH EXPECTED IN THE EXPLORATION, TOURISM, CONSTRUCTION AND OTHER BASIC INDUSTRIES.

TWO AREAS OF VITAL IMPORTANCE - AREAS THAT AFFECT US NOT ONLY ECONOMICALLY, BUT ALSO, SOCIALLY - ARE

COMMUNICATIONS AND TRANSPORTATION. THIS YEAR, THROUGH THE EFFORTS OF TELESAT CANADA AND THE CANADIAN BROADCASTING CORPORATION, YUKON WAS TIED TO THE REST OF CANADA BY MEANS OF SPACE AGE TECHNOLOGY. FOR THE PAST TWO WEEKS, MANY YUKONERS HAVE SAT BEFORE THEIR TELEVISION SETS DERIVING THE BENEFITS OF ANIK ONE. THERE IS EVERY REASON TO BELIEVE THAT THIS NEW COMMUNICATIONS LINK WILL PROVE TO BE ONE OF THE MOST SIGNIFICANT EVENTS IN OUR HISTORY. I'M SURE I SHARE THE SENTIMENTS OF ALL YUKONERS WHEN I SAY THAT I AM LOOKING FORWARD TO THE DAY WHEN ANIK CARRIES CONSIDERABLY MORE NORTHERN CONTENT THAN HAS BEEN POSSIBLE DURING THESE FIRST WEEKS OF OPERATION. IT IS HOPED THAT SOME DAY TWO-WAY PROGRAMMING WILL BE ESTABLISHED AND ANIK WILL BECOME A TOOL THROUGH WHICH OTHER CANADIANS ARE ABLE TO LEARN OF CANADA'S YUKON, RICH IN BOTH HISTORY AND RESOURCES.

I AM CONFIDENT THAT THIS WILL DEVELOP AND I UNDERSTAND THAT CBC WILL BE FILMING IN YUKON DURING RENDEZVOUS NEXT WEEKEND.

JUST AS ANIK HAS PROVIDED US WITH TREMENDOUS ADVANCEMENT IN THE FIELD OF TELEVISION AND TELECOMMUNICATIONS, AND HAS BROKEN THROUGH THE BARRIER OF ISOLATION, YUKON IS ALSO ON THE VERGE OF BREAKING THROUGH THE TRANSPORTATION BARRIERS AND IS DEVELOPING A HIGHWAY SYSTEM MORE SOPHISTICATED THAN THE ONE-ROAD ALASKA HIGHWAY ROUTE THAT WE HAVE GROWN ACCUSTOMED TO. NEW ROADS TO BOTH THE ARCTIC AND PACIFIC OCEANS WILL BE OPEN IN THE NEAR FUTURE AND IN RECENT WEEKS, ANNOUNCEMENTS HAVE BEEN MADE BY AIR CARRIERS SERVING YUKON THAT THE FREQUENCY

OF FLIGHTS WILL BE INCREASED, ALL OF WHICH POINT TO A NEW ERA IN THE FIELD OF TRANSPORTATION.

WE FULLY REALIZE THAT DECISIONS REGARDING TRANSPORTATION POLICIES, OPERATIONS AND INVESTMENTS MUST BE BASED ON A CLEAR UNDERSTANDING OF OUR EXISTING NEEDS AND FUTURE REQUIREMENTS. BECAUSE OF THE RAPID CHANGE UNDERWAY IN YUKON'S TRANSPORTATION INDUSTRIES, WE FIND IT NECESSARY TO CONSTANTLY REVIEW OUR BASIC SOURCES OF INFORMATION. AS MUCH OF THIS DATA IS CONTAINED IN THE CARR REPORT, WHICH IS NOW FIVE YEARS OLD, THE FEDERAL GOVERNMENT HAS AGREED TO ASSIST THE YUKON RESEARCH AND DEVELOPMENT INSTITUTE IN UPDATING THE TRANSPORTATION SECTION OF THIS REPORT.

WE WERE PLEASED TO SEE MADE PUBLIC A FORECAST OF TRANSPORTATION REQUIREMENTS FOR THE CANADIAN NORTHWEST BY THE MINISTER OF TRANSPORT. THIS PLAN, CALLED "THE NORTHWEST TRANSPORTATION PLAN 1972" HAS THE STATED OBJECTIVE OF IDENTIFYING THE ROLES THAT TRANSPORTATION WILL PLAY IN NORTHWEST CANADA DURING THE 1970'S AND 1980'S AND PROVIDES ASSISTANCE FOR THE FORMULATION OF AN OVERALL TRANSPORTATION PLAN. COPIES OF THIS REPORT WILL BE PROVIDED TO COUNCIL DURING THIS SESSION.

ALTHOUGH DISCUSSIONS BETWEEN THE TERRITORIAL GOVERNMENT AND WHITE PASS AND YUKON ROUTE ARE CONTINUING WITH AN EYE TO IMPROVING BOTH THE QUANTITY AND QUALITY OF RAILWAY SERVICE TO YUKONERS, NO DEFINITE CONCLUSIONS HAVE BEEN REACHED BY EITHER PARTY AT THIS TIME. WE ARE FACED WITH SEVERAL POSSIBILITIES IN THIS AREA -

EXTENDING THE EXISTING SYSTEM, EXTENDING THE CONTINENTAL RAIL SYSTEM INTO YUKON, OR LINKING THE TWO SYSTEMS IN SOME MANNER.

DECIDING ON WHAT BENEFITS MIGHT ACCRUE TO YUKON FROM ANY ONE OF THESE BASIC CONCEPTS REQUIRES AN EXTENSIVE AMOUNT OF RESEARCH AND DISCUSSION BY REPRESENTATIVES OF THE GOVERNMENT. I ASSURE YOU, MR. SPEAKER, THAT THIS STUDY IS BEING CARRIED OUT AS EFFICIENTLY AS POSSIBLE AND HOPEFULLY, THE INFORMATION WE GAIN AND THE DISCUSSIONS UNDERTAKEN, TOGETHER WITH THE RECOMMENDATION OF THE FEDERAL GOVERNMENT AND TRANSPORTATION AGENCIES; WILL CULMINATE IN AN OVERALL PLAN FOR THE DEVELOPMENT OF A YUKON RAIL SYSTEM IN THE NOT TOO DISTANT FUTURE.

YUKON'S MEDICARE PROGRAMME HAS RECEIVED GENERAL ACCEPTANCE AND THE BENEFITS OF PREPAID MEDICAL CARE HAVE ALLEVIATED POTENTIAL FINANCIAL DISTRESS FOR MANY OF OUR CITIZENS. HOWEVER, IT IS THE RESPONSIBILITY OF THIS GOVERNMENT TO ENSURE THAT THE LEGISLATION PERTAINING TO THE YUKON HEALTH CARE INSURANCE PLAN IS ENFORCED. THE ORDINANCE AND ITS REGULATIONS HAVE BEEN GIVEN CONSIDERABLE PUBLICITY IN THE TERRITORY. YUKON CITIZENS WHO HAVE BREACHED THE LAW WILL BE NOTIFIED AND IF, AFTER BEING GIVEN DUE NOTICE TO COMPLY, THEY CONTINUE TO IGNORE THIS LEGISLATION, PROSECUTION WILL FOLLOW. I WILL BE PRESENTING A PAPER ON THE PROGRESS OF THE YUKON HEALTH CARE INSURANCE PLAN TO COUNCIL AT THIS SESSION.

CONSULTATIONS FOR THE TRANSFER OF RESPONSIBILITIES OF THE NORTHERN HEALTH ADMINISTRATION TO THE TERRITORIAL

GOVERNMENT ARE PROCEEDING. THIS INCLUDES THE FULL RANGE OF HEALTH SERVICES AND WILL HOPEFULLY RESULT IN A CONSOLIDATED HEALTH PACKAGE FOR YUKON.

ALSO OF CONCERN TO THIS GOVERNMENT, IS A REQUEST BY A LOCAL TAXPAYER FOR AN INQUIRY INTO THE ACTIONS OF THE CITY OF WHITEHORSE RESPECTING THE PURCHASE OF CERTAIN LANDS WITHIN METRO. IN THIS REGARD, I AM PLEASED TO ADVISE YOU THAT MR. A. W. HOBBS, Q.C., OF VICTORIA, B.C., HAS AGREED TO ACT AS THE BOARD OF INQUIRY PURSUANT TO THE TERRITORY'S MUNICIPAL ORDINANCE. MR. HOBBS COMES TO US HIGHLY RECOMMENDED AND I AM CERTAIN HE WILL BE ABLE TO MAKE THE NECESSARY RECOMMENDATIONS TO SATISFACTORILY RESOLVE THE MATTER. IT IS ANTICIPATED THAT HIS INQUIRY WILL BE UNDERTAKEN IN EARLY MARCH.

SINCE THE LAST SESSION OF COUNCIL, MEETINGS HAVE BEEN HELD WITH REPRESENTATIVES OF THE COMMUNITIES OF CARMACKS, CARCROSS AND TESLIN TO DISCUSS LOCAL IMPROVEMENT DISTRICT STATUS.

THREE MEETINGS WERE HELD AT TESLIN AND AT THE MOST RECENT ONE, IT WAS DECIDED THAT A PETITION WOULD BE CIRCULATED IN THAT COMMUNITY REQUESTING AN APPLICATION TO ESTABLISH A LOCAL IMPROVEMENT DISTRICT.

ONE MEETING WAS HELD AT CARMACKS AND IT IS APPARENT THAT THERE IS CONSIDERABLE OPPOSITION TO THIS COMMUNITY SEEKING L. I. D. STATUS AT THE PRESENT TIME. ONE MEETING WAS HELD IN THE COMMUNITY OF CARCROSS AND TO DATE, NO INDICATION HAS BEEN GIVEN AS TO WHETHER CARCROSS WILL BE APPLYING FOR L. I. D. STATUS.

THE DEPARTMENT OF LOCAL GOVERNMENT IS HOLDING MEETINGS WITH THE TRUSTEES AND RESIDENTS OF WATSON LAKE CONCERNING THE INSTALLATION OF THE FIRST PHASE OF A WATER SYSTEM AND AN EXTENSION OF THE EXISTING SEWAGE SYSTEM. THE PROGRAM PROPOSED IS A MAJOR ONE AND THE DEPARTMENT IS HOPEFUL THAT CONSTRUCTION CAN BEGIN EARLY THIS SUMMER.

A MAJOR UNDERTAKING THIS YEAR WILL BE THE PREPARATION OF DEVELOPMENT PLANS FOR THE YUKON COMMUNITIES OF CARMACKS, WATSON LAKE, TESLIN AND CARCROSS. THIS WILL BE PART OF AN ONGOING PROGRAM THAT HOPEFULLY WILL SEE EVERY UNORGANIZED YUKON COMMUNITY AND L. I. D. WITH DOCUMENTED PLANS BY THE BUDGET YEAR OF 1975/76.

I AM PLEASED TO REPORT THAT THE CONSTRUCTION OF PUBLIC HOUSING PROJECTS AND TELESAT STATIONS DURING 1972 BROUGHT THE VALUE OF BUILDING PERMITS ISSUED BY THE GOVERNMENT TO NEARLY TRIPLE WHAT THEY WERE IN 1971, WELL OVER TWO MILLION DOLLARS.

IN ADDITION, THE CITY OF WHITEHORSE BUILDING PERMIT SALES EXCEEDED EIGHT MILLION DOLLARS - DAWSON REPORTED OVER ONE MILLION DOLLARS AND FARO, OVER SIX HUNDRED THOUSAND DOLLARS.

WHILE THIS GROWTH IS DESIRABLE AND INDEED, ESSENTIAL TO YUKON, IT BRINGS WITH IT CERTAIN PROBLEMS - ONE BEING THAT OF POLLUTION. WHILE WE, IN YUKON, ARE NOT FACED WITH ANYTHING REMOTELY APPROACHING THE POLLUTION PROBLEMS OF SOME AREAS OF NORTH AMERICA, WE ARE EN-

DEAVOURING TO PREPARE FOR THIS THREAT TO OUR ENVIRONMENT AND PLAN TO EVALUATE OUR PRESENT SITUATION. TOWARD THIS END, THE FIRM OF STANLEY ASSOCIATES OF EDMONTON HAS BEEN COMMISSIONED TO CONDUCT A POLLUTION ABATEMENT STUDY FOR ALL YUKON COMMUNITIES. WHILE THEIR REPORT IS NOT DUE UNTIL APRIL, PRELIMINARY ESTIMATES INDICATE THAT ABOUT THREE MILLION DOLLARS WILL BE REQUIRED TO CONSTRUCT ADEQUATE POLLUTION ABATEMENT FACILITIES THROUGHOUT THE TERRITORY.

THE GOVERNMENT IS NEGOTIATING A NEW CONTRACT WITH THE PUBLIC SERVICE ALLIANCE OF CANADA TO BECOME EFFECTIVE APRIL FIRST OF THIS YEAR. THE AGREEMENT WILL COVER SALARIES, FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR THE MAJORITY OF TERRITORIAL EMPLOYEES. I HAVE LITTLE DOUBT THAT A SATISFACTORY AGREEMENT WILL BE REACHED AND IN REVIEWING WHAT IS ALMOST TWO YEARS OF COMPLETED OPERATION UNDER THE GOVERNMENT'S FIRST COLLECTIVE AGREEMENT, I SEE NO REASON WHY FUTURE AGREEMENTS WILL NOT BE AS MUTUALLY BENEFICIAL AS THE ONE WHICH IS NOW DRAWING TO COMPLETION.

DURING THE PAST TWO YEARS, IN ADDITION TO REACHING THE PRESENT AGREEMENT, THERE HAVE BEEN HEARINGS BEFORE AN EXAMINER FROM THE YUKON PUBLIC SERVICE STAFF RELATIONS BOARD REGARDING CONFIDENTIAL AND MANAGERIAL EXCLUSIONS AND THE APPOINTMENT OF JOSEPH SMITH, A PROFESSOR OF LAW AT UNIVERSITY OF BRITISH COLUMBIA, AS THE GOVERNMENT'S ADJUDICATOR FOR A ONE-YEAR PERIOD. SUBSEQUENTLY, TWO CASES HAVE GONE BEFORE THE ADJUDICATOR FOR A DECISION.

THE GOVERNMENT IS ACTIVELY ENGAGED IN THE PREPARATION OF A NEW WORKMEN'S COMPENSATION ORDINANCE WHICH WILL PROVIDE FOR A COMPENSATION FUND TO REPLACE THE PRESENT SYSTEM OF INSURANCE WITH PRIVATE COMPANIES. LEGISLATION OF THIS TYPE TENDS TO BE EXTREMELY COMPLEX, BOTH IN THE DRAFTING AND THE ARRANGING OF FUNDING AND WHILE IT WAS ORIGINALLY HOPED THAT THIS LEGISLATION WOULD BE READY FOR PRESENTATION AT THIS SESSION, IT IS NOW APPARENT THAT A SPECIAL SESSION WILL POSSIBLY HAVE TO BE CALLED TO DEAL WITH THIS BILL.

IN SIMILAR VEIN, THE NECESSARY LEGISLATION TO PROVIDE COMPENSATION TO VICTIMS OF CRIME WILL BE AVAILABLE AT A FUTURE COUNCIL SESSION.

I AM PLEASED TO REPORT THAT CO-OPERATION IS THE ORDER OF THE DAY WITH BRITISH COLUMBIA AND ALASKA. I HAVE MET WITH PREMIER BARRETT AND EXPRESSED MANY OF YUKON'S CONCERNS TO HIM AND I CAN ASSURE YOU THAT HIS GOVERNMENT APPEARS WILLING TO WORK WITH YUKON AND ALASKA IN DEVELOPING THE NORTHWEST. ARRANGEMENTS AGREEABLE TO ALL PARTIES FOR THE RIGHT-OF-WAY THROUGH BRITISH COLUMBIA FOR THE CARCROSS-SKAGWAY ROAD HAVE BEEN CONCLUDED. ALASKA IS IN THE PROCESS OF FINALIZING STATUTORY AND FUNDING REQUIREMENTS FOR THEIR SECTION. ENGINEERING ESTIMATES BEING PREPARED BY THE FEDERAL DEPARTMENT OF PUBLIC WORKS SHOULD BE READY SHORTLY AND HOPEFULLY, THE CANADIAN FEDERAL GOVERNMENT WILL THEN SEE ITS WAY CLEAR TO SUPPLY THE FUNDS TO PERMIT A START ON CONSTRUCTION THIS YEAR.

THE NEW GOVERNMENT OF BRITISH COLUMBIA IS LOOKING TO THEIR NORTHERN AREAS WITH INTEREST AND I FULLY EXPECT

THAT YUKON WILL SEE AN INCREASING AMOUNT OF DEVELOPMENT IN OUR NEIGHBOURING COMMUNITIES SOUTH OF THE 60TH PARALLEL - SUCH DEVELOPMENT CAN, OF COURSE, ONLY SERVE TO BENEFIT YUKON.

I AM ALSO PLEASED TO REPORT THAT DURING RECENT MONTHS, AN INCREASING NUMBER OF ADVISORY BODIES HAVE BEEN ESTABLISHED IN THE TERRITORY, MADE UP OF REPRESENTATIVES FROM THE GENERAL PUBLIC. THESE COMMITTEES ARE ADVISING ON MATTERS OF LABOUR STANDARDS, LIQUOR CONTROL, HISTORIC SITES, TOURISM AND MANY OTHERS. MOST RECENTLY, PROVISION WAS MADE TO SET UP HOUSING ASSOCIATIONS IN ROSS RIVER, WATSON LAKE AND HAINES JUNCTION. THESE ASSOCIATIONS WILL MANAGE HOUSING PROJECTS IN THEIR COMMUNITIES AND ADVISE THE GOVERNMENT ON POLICY MATTERS. OF PARTICULAR INTEREST THIS YEAR, IS THE KLONDIKE '73 CO-ORDINATING COMMITTEE, ESTABLISHED TO STIMULATE NON-GOVERNMENT PROJECTS AND COMMUNITY INVOLVEMENT IN CELEBRATIONS HELD DURING OUR 75TH ANNIVERSARY YEAR.

I WAS ALSO PLEASED TO RECEIVE AN INVITATION RECENTLY TO PARTICIPATE IN DISCUSSIONS WHICH COULD LEAD TO THE FORMATION OF A CO-OPERATIVE LOTTERY SCHEME INVOLVING CANADA'S FOUR WESTERN PROVINCES AND YUKON. A MEETING CONCERNING THE POSSIBLE FORMATION OF SUCH A LOTTERY IS TAKING PLACE TODAY IN WINNIPEG, MANITOBA, AND MR. H. J. TAYLOR, TERRITORIAL SECRETARY, IS REPRESENTING YUKON.

THE FOLLOWING LEGISLATION WILL BE PLACED BEFORE YOU AT THIS SESSION:

- A NEW SCIENTIFIC EXPLORATION ORDINANCE THAT WILL PROVIDE FOR THE COMPREHENSIVE REGULATION OF SCIENTIFIC EXPLORATION INCLUDING MOUNTAIN CLIMBING

AND RIVER TRAVEL, ESPECIALLY FOR NON-RESIDENTS;

- A NEW PUBLIC INQUIRIES ORDINANCE THAT WILL ENABLE THE GOVERNMENT TO SET UP FROM TIME TO TIME A BOARD OF INQUIRY FOR MATTERS OF PUBLIC CONCERN;
- A NEW CIVIL DEFENCE WORKERS COMPENSATION AGREEMENT ORDINANCE TO PERMIT THE TERRITORIAL GOVERNMENT TO ARRANGE THAT PERSONS UNDERTAKING CIVIL DEFENCE WORK WILL BE COVERED BY WORKMEN'S COMPENSATION, A CONTRIBUTION TOWARDS THE COST OF WHICH IS TO BE PAID BY THE GOVERNMENT OF CANADA.
- A NEW BUILDING STANDARDS ORDINANCE TO ALLOW FOR THE GENERAL APPLICATION OF SOME BUILDING STANDARDS THROUGHOUT THE TERRITORY;
- A NEW CORRECTIONS ORDINANCE THAT WILL SUBSTITUTE A TERRITORIAL ORDINANCE FOR THE REGULATIONS PRESENTLY MADE BY THE COMMISSIONER UNDER THE YUKON ACT.
- A NEW SUPPLY AND SERVICES AGREEMENT ORDINANCE THAT WILL ENABLE THE TERRITORIAL GOVERNMENT TO TAKE ADVANTAGE OF THE FEDERAL GOVERNMENT'S CENTRAL PURCHASING SYSTEM; AND
- A NEW FRAUDULENT PREFERENCES AND CONVEYANCES ORDINANCE THAT WILL ENABLE THE COURT IN A PROPER CASE TO PREVENT DEBTORS FROM DEFEATING THEIR LIABILITIES TO THEIR CREDITORS BY FRAUDULENTLY TRANSFERRING THEIR PROPERTY TO THEIR RELATIVES OR ASSOCIATES.

ALSO, AMENDMENTS WILL BE SOUGHT TO THE FOLLOWING ORDINANCES:

- THE POUNDS ORDINANCE TO PROVIDE THAT ANIMALS NOT BE TURNED LOOSE IN WINTER IN POOR CONDITION OR WITHOUT ADEQUATE FOOD AND WATER;

- THE INTERPRETATION ORDINANCE TO UPDATE THE DEFINITION OF "COURT", CLARIFY THAT CRIMINAL CODE PROCEDURES APPLY TO MUNICIPAL BY-LAW ENFORCEMENT, AND EXTEND THE DEFINITION OF "PEACE OFFICERS" TO OFFICERS OF THE TERRITORIAL GOVERNMENT AND OF MUNICIPALITIES;
- THE DENTAL PROFESSIONS ORDINANCE TO ENABLE DENTAL THERAPISTS TO BE RECOGNIZED IN A SIMILAR MANNER TO DENTAL HYGIENISTS;
- THE CO-OPERATIVE ASSOCIATIONS ORDINANCE TO PERMIT THE REGISTRATION IN THE TERRITORY OF EXTRA-TERRITORIAL CO-OPERATIVE ASSOCIATIONS IN A MANNER SIMILAR TO THE PROVISIONS MADE FOR THE REGISTRATION OF EXTRA-TERRITORIAL COMPANIES;
- THE GAME ORDINANCE TO PROHIBIT THE USE OF ALL-TERRAIN VEHICLES FOR HUNTING AND TO LIMIT THE ISSUANCE OF GAME OUTFITTERS LICENCES TO CANADIAN CITIZENS OR OTHER BRITISH SUBJECTS;
- THE VITAL STATISTICS ORDINANCE TO BRING THE PROVISIONS CONCERNING THE REGISTRATION OF STILL-BIRTHS IN THE TERRITORY INTO LINE WITH THOSE PRESENTLY BEING ENACTED IN OTHER PROVINCES, THE CHANGE BEING NECESSARY FOR ACCURATE STATISTICAL PURPOSES;
- THE MENTAL HEALTH ORDINANCE TO AUTHORIZE THE TEMPORARY DETENTION OF MENTAL PATIENTS PENDING THE REQUIRED COURT HEARING;

- THE LABOUR STANDARDS ORDINANCE TO TIE THE TERRITORIAL MINIMUM WAGE TO THE FEDERAL MINIMUM WAGE AND TO PROVIDE FOR EQUAL PAY FOR EQUAL WORK FOR BOTH MEN AND WOMEN;
- THE MOTOR VEHICLES ORDINANCE TO PROVIDE FOR SOME MINOR CHANGES RESPECTING DRIVERS' LICENCES AND REGISTRATION, AND ACCIDENT REPORT STICKERS, AND
- THE PHARMACEUTICAL CHEMISTS ORDINANCE TO PROVIDE FOR THE ISSUANCE OF TEMPORARY PERMITS TO QUALIFIED PHARMACEUTICAL CHEMISTS.

THE NECESSARY LEGISLATION REQUIRED TO GIVE EFFECT TO OUR MONETARY REQUIREMENTS FOR THE BALANCE OF THIS FISCAL YEAR AND THE NEXT, WILL BE INTRODUCED ALONG WITH THE 1973-74 ESTIMATES TOMORROW, THURSDAY, FEBRUARY 15.

IN ADDITION TO THE FOREGOING, SESSIONAL PAPERS COVERING A VARIETY OF SUBJECTS ON WHICH YOUR ADVICE IS SOUGHT, WILL ALSO BE TABLED. AMONG THESE WILL BE A PROPOSAL FOR THE EQUALIZATION OF HEATING FUEL COSTS THROUGHOUT THE TERRITORY, A POLICY RESPECTING EDUCATION IN YUKON, A PROPOSAL TO CONTROL ADVERTISING ON YUKON HIGHWAYS AND A PAPER RESPECTING THE FEES TO BE CHARGED FOR USE OF OUR CAMPGROUND FACILITIES. A NUMBER OF INFORMATION PAPERS DESIGNED TO INFORM YOU OF OUR EXPERIENCE WITH NEW PROGRAMS THAT HAVE BEEN ESTABLISHED IN THE PAST YEAR OR TWO, WILL ALSO BE TABLED.

HONOURABLE MEMBERS WILL RECALL THAT IT WAS MY MINISTER'S INTENTION TO VISIT WITH COUNCIL TO DISCUSS CONSTITUTIONAL AND OTHER ITEMS OF MUTUAL INTEREST. EVENTS BEYOND ANYONE'S CONTROL HAVE PREVENTED THIS FROM HAPPENING AND I AM SURE ALL MEMBERS JOIN WITH ME IN WISHING THE HONOURABLE JEAN CHRETIEN A SPEEDY RETURN TO GOOD HEALTH, SO HE MAY FULLY RESUME HIS DUTIES AS MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT.

I WOULD ALSO RECOGNIZE THE ABSENCE OF MR. SPEAKER, MR. RIVETT, FROM HIS USUAL PLACE TODAY AND I TRUST HE WILL RECOVER HIS GOOD HEALTH SO HE MAY RETURN TO PERFORM THE SPEAKER'S DUTIES - WHICH HE HANDLES WELL VERY SHORTLY.

I TRUST THAT THE MATERIAL PLACED BEFORE YOU WILL ENABLE YOU TO CARRY FORWARD YOUR DELIBERATIONS IN A MANNER THAT WILL MEET WITH YOUR APPROVAL. MY OFFICERS AND I STAND READY TO ASSIST YOU IN ANY WAY WE CAN TO HELP MAKE THIS A PRODUCTIVE SESSION FOR ALL YUKON.



J. SMITH,
COMMISSIONER.

FEBRUARY 14, 1973.

MR. SPEAKER,

MEMBERS OF COUNCIL

February 15, 1973

THIS IS THE 7TH SUCCESSIVE ANNUAL BUDGET THAT I HAVE THE PRIVILEGE TO PRESENT AS COMMISSIONER OF THIS TERRITORY.

THE PAST SEVEN YEARS HAVE BEEN OF OUTSTANDING GROWTH FOR YUKON. THE TERRITORY HAS LED THE NATION IN THE RATE OF INCREASE IN POPULATION AND THIS HAS PRESENTED GREAT CHALLENGES TO THE TERRITORIAL ECONOMY AND PARTICULARLY, TO THE TERRITORIAL GOVERNMENT.

IN MEETING THESE CHALLENGES, MY ADMINISTRATION HAS BALANCED THE PRIORITIES OF GOVERNMENT SERVICES TO PEOPLE WITHIN ITS BASIC POLICIES OF ADEQUATE FEDERAL-TERRITORIAL FINANCIAL ARRANGEMENTS, REASONABLE TAX RATES AND, AT THE SAME TIME, MAINTAINING A SATISFACTORY WORKING CAPITAL POSITION.

IT MIGHT BE USEFUL TO LOOK BACK AT THE TERRITORIAL EXPENDITURES OVER THE PAST SEVEN YEARS TO SEE HOW THEY HAVE GROWN WITH THE ECONOMIC GROWTH OF YUKON AND THE TAKEOVER OF ADDITIONAL RESPONSIBILITIES FROM THE FEDERAL GOVERNMENT -

1966 - 67 ACTUAL	\$ 12,103,111
1967 - 68 ACTUAL	13,923,457
1968 - 69 ACTUAL	18,220,455
1969 - 70 ACTUAL	24,617,609
1970 - 71 ACTUAL	26,770,933
1971 - 72 ACTUAL	27,312,893
1972 - 73 VOTED	45,377,606

THE CHALLENGE FOR THIS GOVERNMENT TO KEEP YUKON MOVING AHEAD ON ALL FRONTS CONTINUES UNABATED. SINCE MY LAST BUDGET ADDRESS, NEW ECONOMIC AND FINANCIAL FORCES HAVE BEEN SET IN MOTION WHICH HAVE BEEN FELT ACROSS CANADA. YUKON HAS NOT ESCAPED SOME OF THEIR EFFECTS. IT IS ALL THE MORE IMPORTANT, THEREFORE, THAT YUKON'S ECONOMIC AND FINANCIAL

POLICIES BE GEARED TO THE TIMES.

MR. SPEAKER, THE TERRITORIAL GOVERNMENT INTENDS TO INJECT 3 3/4 MILLION DOLLARS ADDITIONAL CASH INTO THE LOCAL ECONOMY THIS NEXT FINANCIAL YEAR. THIS WILL BE DONE WITH MINIMAL INCREASE IN TAX RATES.

THE 1973/74 EXPENDITURE ESTIMATES TOTAL \$49,105,817. THIS IS \$3,728,211 MORE THAN THE CURRENT YEAR AND AS IN PAST BUDGETS, INCLUDES ALL CAPITAL EXPENDITURES. MR. SPEAKER, THIS IS A BUDGET FOR THE PEOPLE BY AN ADMINISTRATION THAT CARES.

THE FOLLOWING OUTLINES THE STRUCTURE OF THE PROPOSED EXPENDITURE ON AN ACTIVITY BASIS:

	Operation & <u>Maintenance</u>	<u>Capital</u>	<u>Total</u>	<u>%</u>
Highways & Public Works	10,212,900	2,931,000	13,143,900	26.8
Education	7,691,306	2,484,000	10,175,306	20.7
Health, Welfare and Rehabilitation	6,934,707	641,000	7,575,707	15.4
Debt Redemption	4,135,000		4,135,000	8.4
Local Government	1,547,208	1,260,000	2,807,208	5.8
Yukon Housing Corporation	292,100	2,500,000	2,792,100	5.7
Administrative Services	1,370,839	1,097,000	2,467,839	5.0
Loans to Third Parties		1,490,000	1,490,000	3.0
Tourism, Conservation and Information	1,311,200	168,000	1,479,200	3.0
Legal Affairs	1,289,663		1,289,663	2.6
Territorial Treasurer	985,894	30,000	1,015,894	2.1
Secretary & Registrar General	679,000	25,000	704,000	1.4
Liquor Control		30,000	30,000	.1
	<u>36,449,817</u>	<u>12,656,000</u>	<u>49,105,817</u>	<u>100.0</u>

I WILL NOW OUTLINE THESE ESTIMATES AND HIGHLIGHT EACH ACTIVITY'S REQUIREMENTS.

ADMINISTRATIVE SERVICES

THE ADMINISTRATIVE SERVICES AREA, WHILE CONTINUING TO GROW, REFLECTS THE NORMAL PATTERN FOR THE GOVERNMENT

AS A WHOLE WITH NO SIGNIFICANT CHANGES PROPOSED IN THE 1973/74 FISCAL YEAR. THE ACCOMMODATION SERVICES BRANCH OF THE GOVERNMENT HAS NOW BEEN TRANSFERRED TO ADMINISTRATIVE SERVICES SO AS TO REFLECT THIS AREA SEPARATELY FROM EITHER LOCAL GOVERNMENT OR THE YUKON HOUSING CORPORATION.

TREASURY

THE TREASURY ACTIVITY NOW INCLUDES PROVISION FOR THE OPERATION OF THE CENTRAL PURCHASING AND CENTRAL STORES OPERATION. IN ADDITION, WE HAVE INCLUDED UNDER THE TREASURY ESTIMATES PROVISION FOR A HEATING FUEL EQUALIZATION PLAN WHICH WILL BE PRESENTED TO YOU IN DETAIL AT THIS SESSION OF COUNCIL. WE HAVE NOW FULLY CONVERTED OUR PAYROLL SYSTEM TO OUR OWN COMPUTER AND IN ADDITION HAVE CONVERTED THE MOTOR VEHICLE AND DRIVERS LICENCE REGISTRATION AND THE GENERAL LEDGER APPLICATIONS IN THE TREASURY DEPARTMENT TO THE COMPUTER. CONTINUED EFFORTS WILL BE TOWARDS PROVIDING MORE DEPARTMENTS WITH THE USE OF COMPUTER FACILITIES SO AS TO PROVIDE BETTER AND FASTER INFORMATION FOR THE USE OF OUR MANAGERS.

EDUCATION

THE EDUCATION BUDGET PRESENTED TO YOU AT THE LAST SESSION OF COUNCIL INCLUDED MAJOR PROVISIONS FOR THE CONSTRUCTION OF NEW PHYSICAL PLANT IN MANY AREAS OF THE YUKON. IN THE CURRENT BUDGET, FUNDS ARE BEING REQUESTED TO COMPLETE CERTAIN OF THOSE ADDITIONS STARTED LAST YEAR AND ALSO, TO PROVIDE FOR ADDITIONS TO THE WATSON LAKE AND TESLIN SCHOOLS. WITH THESE PROVISIONS, OUR SCHOOL PLANT SHOULD BE AT A LEVEL WHICH WILL ALLOW US TO OPERATE ONE OF THE BEST EDUCATION SYSTEMS IN CANADA FOR A NUMBER OF YEARS INTO THE FUTURE WITHOUT MAJOR CAPITAL COSTS. AS HAS BEEN WIDELY REPORTED BOTH ACROSS CANADA AND IN THE TERRITORY, SCHOOL POPULATION IS CONTINUING TO LEVEL OFF OR DECLINE. THIS PHENOMENA HAS CAUGHT US AS IT HAS CAUGHT ALL SCHOOL DISTRICTS, IN A POSITION OF HAVING OVERBUILT OUR PHYSICAL PLANT AND IN SOME CASES, HAS ALSO RESULTED IN AN OVERSTAFFING OF CERTAIN

SCHOOLS. THE MAIN ESTIMATES BEING PRESENTED TO YOU INCLUDE THE PROVISIONS TO OPERATE THE SCHOOLS FOR THE NEXT FISCAL YEAR, BUT HAVE TAKEN INTO ACCOUNT THE REVISED LEVELS OF STUDENT ENROLMENT AND THE DOLLAR CHANGES RESULTING FROM THE CHANGES PREVIOUSLY MENTIONED.

TERRITORIAL SECRETARY AND REGISTRAR GENERAL

AS INDICATED EARLIER UNDER TREASURY ACTIVITY, CONVERSION OF THE MOTOR VEHICLE AND DRIVERS LICENCE FILES FROM THE MANUAL FILING SYSTEM TO A COMPUTER OPERATION HAS NOW BEEN COMPLETED. INDICATIONS, IN OUR 1973/74 LICENCING, ARE THAT THIS WILL SUBSTANTIALLY REDUCE THE WORK LOAD IN OUR OFFICE AND PROVIDE A BETTER LEVEL OF SERVICE TO THE GENERAL PUBLIC. I CAN ALSO REPORT THAT THE WEIGH STATIONS AT WATSON LAKE AND HAINES JUNCTION ARE NOW IN SERVICE WHICH WILL HELP IMMEASURABLY IN THE CONTROL OF LICENCING AND WEIGHT RESTRICTIONS ON OUR HIGHWAYS. THE RECORDS MANAGEMENT PROGRAM STARTED LATE IN 1971, IS ALSO ACHIEVING MAJOR ECONOMIES AND EFFICIENTLY IN OUR OPERATING DEPARTMENT. THIS PROGRAM, DURING THE PAST YEAR, HAS COMPLETED THE TAKEOVER OF FILING AND CATALOGING OF A NUMBER OF OUR MAJOR DEPARTMENTS. THIS WILL CONTINUE INTO THE 1973/74 PERIOD AND IN CONJUNCTION WITH THE ARCHIVES, WILL ENSURE THAT NEEDLESS RECORDS ARE DESTROYED AND VALUABLE AND HISTORIC ONES ARE PRESERVED. THE INSPECTIONS SERVICES SECTION IS NOW FULLY STAFFED AND MANY MORE INSPECTIONS ARE BEING CARRIED OUT UNDER THE LABOUR STANDARDS, WORKMEN'S COMPENSATION, BUSINESS LICENCE, YUKON HEALTH CARE INSURANCE PLAN, AND LIQUOR ORDINANCES. CONTINUED EFFORTS WILL BE MADE TO PROVIDE A FULL RANGE OF INSPECTION SERVICES UNDER ALL ORDINANCES SO AS TO ENSURE FULL COMPLIANCE UNDER THE LAWS OF YUKON.

HEALTH SERVICES BRANCH

THE HEALTH SERVICES PROGRAM FOR THE YUKON TERRITORY HAS SEEN THE BASIC CONSTRUCTION OF HEALTH STATIONS, NURSING STATIONS AND HOSPITALS COMPLETED TO THE POINT WHERE THE MAJORITY OF OUR PHYSICAL FACILITIES ARE NOW ADEQUATE TO MEET THE NEEDS OF THE IMMEDIATE

FUTURE. WE THEREFORE FEEL THE BASIC HEALTH CARE PACKAGE IS ONE WHICH IS IN REASONABLE SHAPE WITH THE INTRODUCTION OF THE YUKON HEALTH CARE INSURANCE PLAN IN 1972/73. ALL CITIZENS IN OUR TERRITORY ARE WELL PROTECTED AND THEY DO NOT HAVE TO WORRY ABOUT THE SERIOUS FINANCIAL BURDENS THAT MIGHT HAVE BEEN IMPOSED BY SERIOUS ILLNESS. CONTINUED EFFORTS WILL BE MADE IN 1973/74 TO PROVIDE AN UPGRADING OF SERVICES WHERE THERE ARE DEFICIENCIES AND PLANNING IS STILL CONTINUING TO PROVIDE BETTER PHYSICAL FACILITIES IN THOSE FEW AREAS OF THE TERRITORY WHICH ARE DEFICIENT.

SOCIAL WELFARE

THE SOCIAL WELFARE PROGRAM HAS GONE THROUGH A DRAMATIC INCREASE IN EXPENDITURES IN THE PAST FEW YEARS, REPRESENTING BOTH ADDITIONS IN STAFF AND THE PROVISION OF PHYSICAL FACILITIES NECESSARY TO MEET THE CHANGING SOCIAL CONDITIONS AND THE INCREASING NEEDS RESULTING FROM POPULATION GROWTH AND THE RAPID PACE OF SOCIAL AND ECONOMIC DEVELOPMENT IN YUKON. WE NOW FEEL THAT WITH THE MAJOR FACILITIES PROVIDED AND STAFFING UP TO AN ACCEPTABLE LEVEL, THAT THE YEAR 1973/74 WILL SEE THE FINALIZATION OF THE CONSTRUCTION PHASE OF THE PHYSICAL PLANT. THIS COMBINED WITH THE ADEQUATE STAFF WHICH WE WILL HAVE BROUGHT UP TO FULL STRENGTH BY THE END OF 1973/74, OUR SOCIAL WELFARE PROGRAM SHOULD BE ADEQUATELY FINANCED FOR THE FORESEEABLE FUTURE.

INCLUDED IN THIS BUDGET IS PROVISION TO COMPLETE THE CHILDREN'S RECEIVING HOME IN THE DAWSON AREA AND ALSO PROVISION TO PROVIDE A TEN-UNIT ADDITION TO MACAULEY LODGE TO HANDLE MINIMUM NURSING CARE PATIENTS AT THE LODGE. THE COMPLETION OF THESE ESTABLISHMENTS FOR THE AGED AND FOR THE CHILDREN-IN-CARE HAS ADDED TO THE QUALITY AND EFFECTIVENESS OF THE TOTAL WELFARE PROGRAM.

IT IS ALSO EXPECTED THAT THE PUBLIC HOUSING AND RENTAL-PURCHASE HOUSING PROGRAM UNDERTAKEN IN 1972/73 WILL PROVIDE MANY OF OUR UNDERPRIVILEGED

CITIZENS WITH PROPER FACILITIES IN WHICH TO BEGIN TO DEVELOP A SOLID BASE FROM WHICH TO GROW BOTH SOCIALLY AND ECONOMICALLY. THE REACTIVATION OF THE ALCOHOLISM AND NARCOTICS SERVICES PROGRAM, IN LATE 1972/73, SHOULD PROVIDE A SOLID BASE FOR THE PROGRAM OF PREVENTATIVE TREATMENT WHICH WILL BE DESIGNED TO REDUCE THE INCIDENCE OF INDIVIDUAL AND COMMUNITY PROBLEMS ARISING AS A RESULT OF THE EXCESSIVE USE OF ALCOHOL AND DRUGS.

THE MAJOR OBJECTIVE OF OUR SOCIAL WELFARE PROGRAM IS HUMAN WELL-BEING AND THE CONCERN FOR THE DIGNITY OF THE INDIVIDUAL AND THE PRESERVATION OF FAMILY LIFE. TO ACHIEVE THIS OBJECTIVE, WE HAVE DIRECTED OUR EFFORTS IN A REALISTIC MANNER BY DEVELOPING AN ADEQUATE EFFECTIVE PROGRAM OF WELFARE SERVICES. THESE SERVICES ARE DESIGNED TO MEET THE CONFLICT OF SOCIAL PROBLEMS IN TODAY'S WORLD BY ALLEVIATING POVERTY AND HARDSHIP, BY PROVIDING ASSISTANCE AND CARE FOR OUR AGED, BY ASSISTING AND COUNSELLING FAMILIES IN DISTRESS AND BY SHARING THE WELFARE OF NEGLECTED AND UNDER-PRIVILEGED CHILDREN. THE 1973/74 SOCIAL WELFARE BUDGET SETS OUT THE FINANCIAL REQUIREMENTS NECESSARY FOR THE PROVISION OF A PROGRAM OF SOCIAL SERVICES THAT WILL CONTINUE TO STIMULATE THE DEVELOPMENT OF A HEALTHY SOCIAL CLIMATE.

CORRECTIONS

IN THE CORRECTION FIELD, CONTINUED EFFORTS HAVE BEEN MADE IN THE AREA OF PROBATION SERVICES WHICH WE FEEL IS AN EFFECTIVE AND ECONOMIC METHOD FOR REHABILITATION. TO ENABLE US TO MAINTAIN A LEVEL OF SERVICE IN THIS FIELD, WE ARE PLANNING TO EMPLOY ANOTHER PROBATION OFFICER IN THE 1973/74 FISCAL YEAR. THIS WILL BRING OUR TOTAL STAFF TO FIVE PROBATION OFFICERS WHICH WOULD ADEQUATELY MEET THE PROBATION CASE WORKLOAD ANTICIPATED. THE PLANNING FOR A JUVENILE TRAINING HOME IS NOW COMPLETED WITH CONSTRUCTION EXPECTED TO BEGIN EARLY IN THIS FISCAL YEAR. PROVISION HAS BEEN MADE IN THIS ESTIMATE FOR THE TOTAL COST OF THIS FACILITY WHICH IS EXPECTED TO BE COMPLETED BY THE END OF THIS CALENDAR YEAR.

IT IS WELL THAT PROBATION HAS DEVELOPED IN THE MANNER IT HAS, SINCE MANY OF THOSE PEOPLE NOW ENJOYING THE PRIVILEGE OF PROBATION SUPERVISION, MIGHT HAVE BEEN INCARCERATED AT THE WHITEHORSE CORRECTIONAL INSTITUTE FOR VARYING PERIODS OF TIME AND SO SWELL THE FIGURES IN THAT FACILITY.

IT IS INTERESTING TO NOTE AT THIS TIME, THAT IN SPITE OF THE EXTENDED USE OF PROBATION, THERE HAS BEEN NO DRAMATIC DECREASE IN THE NUMBER OF INMATES IN THE INSTITUTION AND THOSE BEING SENTENCED ARE SERVING, AS ANTICIPATED, LONGER SENTENCES THAN IN THE PAST.

IN LOOKING AT THE OVERALL OPERATION OF THE CORRECTIONS BRANCH, I AM SURE IT WILL BE OF INTEREST TO BE ABLE TO TELL YOU THAT YUKON PRESENTLY ENJOYS THE LOWEST RECIDIVISM RATE IN THE COUNTRY. EFFORTS WILL CONTINUE TO BE MADE SO AS TO ATTEMPT TO ENSURE THAT THIS HAPPY SITUATION CONTINUES INTO THE FUTURE.

LOCAL GOVERNMENT

THE LOCAL GOVERNMENT DEPARTMENT HAS INTRODUCED COMMUNITY PLANNING AND THE COMMUNITY PLAN IS NOW AVAILABLE FOR THE HAINES JUNCTION TOWNSITE. CONTINUED EFFORTS WILL BE MADE TO EXTEND THIS SERVICE TO OTHER COMMUNITIES IN THE YUKON TERRITORY SO THAT PROPER PLANNING AND DEVELOPMENT OF FACILITIES CAN BE UNDERTAKEN ON A LOGICAL BASIS.

THE PROTECTIVE SERVICES AREA OF THE DEPARTMENT HAS SUBSTANTIALLY COMPLETED THE PROVISION OF FIREFIGHTING EQUIPMENT AND TRAINING TO ALL COMMUNITIES IN YUKON. BASED ON OUR 1972 FIRE-LOSS STATISTICS, IT IS EVIDENT THAT THIS PROGRAM IS ALREADY PROVIDING PROTECTION NECESSARY TO OUR CITIZENS. TO ASSIST IN CONTINUING THE HIGH RATE OF PROTECTIVE SERVICES BEING PROVIDED, AN AMENDMENT TO THE FIRE PREVENTION ORDINANCE IS BEING TABLED WHICH PROVIDES FOR THE IMPOSING OF A 1% TAX ON ALL FIRE AND PROPERTY INSURANCE PREMIUMS. THIS AMENDMENT IS NECESSARY AS THE MAJORITY OF INSURANCE UNDERWRITERS ARE NOW PROVIDING A COMPREHENSIVE PROPERTY INSURANCE POLICY RATHER THAN A STRAIGHT FIRE INSURANCE POLICY.

THE PROVISION OF AMBULANCE SERVICES THROUGHOUT THE TERRITORY IS ALSO IN ITS FINAL PHASES WITH THE TAKE-OVER OF THE TAKHINI AMBULANCE SERVICES FROM D. P. W. ON FEBRUARY 28 OF THIS YEAR. THIS RECENT TAKEOVER AND THE PROVISION OF AMBULANCE AT DAWSON IN THE CURRENT FISCAL YEAR AND AT MAYO IN THE NEXT FISCAL YEAR, WILL SUBSTANTIALLY COMPLETE THE AMBULANCE SERVICE PROGRAM AND WILL PROVIDE PROPERLY EQUIPPED AMBULANCES IN ALL AREAS OF YUKON.

IN THE CAPITAL PROJECT AREA, THE LARGEST SINGLE ITEM INCLUDED IN THESE ESTIMATES IS THE PROVISION OF \$615,000 FOR THE DEVELOPMENT AND EXTENSION OF SEWER AND WATER DISTRIBUTION SYSTEMS. THE MAJOR EXPENDITURE UNDER THIS PROGRAM IS FOR A SEWER SYSTEM EXTENSION AND THE PHASE ONE PORTION OF A WATER SYSTEM FOR WATSON LAKE. AS PROVIDED IN THE MUNICIPAL ORDINANCE, A PLEBISCITE OF THOSE PERSONS FRONTING ON THE SYSTEM WILL BE HELD WITHIN THE NEXT FEW WEEKS.

ALSO INCLUDED IN THESE ESTIMATES, IS THE PROVISION OF FUNDS TO COMMENCE CONSTRUCTION OF THE SECOND STOREY ON THE ADMINISTRATION BUILDING IN WATSON LAKE. THIS SHOULD COMPLETE THE BUILDING AND PROVIDE US WITH SUFFICIENT ADMINISTRATIVE SPACE IN THE WATSON LAKE AREA FOR MANY YEARS TO COME.

THE THIRD MAJOR ITEM IS THE PROVISION OF \$192,000 FOR ROAD AND SIDEWALK CONSTRUCTION. DETAILS OF THIS PROGRAM WILL BE PROVIDED IN THE ESTIMATES.

TOURISM AND INFORMATION

THE TOURISM INDUSTRY IN YUKON HAS JUST UNDERGONE ITS LARGEST SINGLE YEAR IN THE HISTORY OF THE TERRITORY. THE PHENOMINAL GROWTH IN THIS AREA IS LIKELY TO CONTINUE INTO THE 1973/74 BUDGET YEAR. FOR THIS REASON, WE ARE CONTINUING OUR LEVELS OF EXPENDITURE IN THIS PROGRAM AND FEEL THAT THIS YEAR WILL BE THE BEST TOURISM YEAR EVER

AS PART OF THE KLONDIKE '73 CELEBRATIONS, SPECIAL FUNDS HAVE BEEN MADE AVAILABLE FOR THE STAGING OF TERRITORY-WIDE COMMEMORATIVE EVENTS.

WITH THE FUNDING LEVELS PROVIDED IN THE LAST YEAR

ESTIMATES AND IN CURRENT YEAR ESTIMATES, WE NOW FEEL THAT OUR TOURIST AND INFORMATION OPERATIONS HAVE REACHED AN ADEQUATE LEVEL OF FUNDING AND STAFFING TO PROVIDE FOR PROGRAMS INVOLVING THE YUKON TOURIST INDUSTRY, THE GENERAL PROMOTION OF THE VISITOR INDUSTRY TO A LARGER AUDIENCE AND TO BRINGING THE INFORMATION SERVICES ASPECT OF THE BRANCH INTO A POSITION WHERE IT IS OPERATING AT A LEVEL COMPARABLE TO SIMILAR SERVICES IN OTHER AREAS.

GAME BRANCH

THE PROGRAM UNDERTAKEN FOR THE PAST NUMBER OF YEARS TO PROVIDE AN ADEQUATE LEVEL OF ENFORCEMENT OFFICERS AND THE BEGINNING OF A GAME MANAGEMENT PROGRAM ARE BEGINNING TO PAY OFF. THIS STAFF IS NOW ABLE TO PROVIDE A MORE EFFICIENT SERVICE TO THE PUBLIC AND IS ALSO ABLE TO CONTROL THE NUMBER OF GAME INFRACTIONS AND THE OTHER DUTIES RELATED TO THE CONSERVATION OF WILDLIFE IN AN ADEQUATE MANNER, TO COMPLEMENT THE STAFF PREVIOUSLY ON STRENGTH, WE ARE PROPOSING TO ADD AN ADDITIONAL GAME GUARDIAN AND ONE ADDITIONAL SUPPORT STAFF. THESE ADDITIONS SHOULD PROVIDE THE NECESSARY COMPLEMENT OF STAFF TO THE BRANCH IN ORDER TO ALLOW THEM TO EFFECTIVELY CARRY OUT FULL DUTIES UNDER THEIR JURISDICTION.

LIBRARY SERVICES BRANCH

WITH THE RECENT OPENING OF THE NEW ADDITION TO THE YUKON REGIONAL LIBRARY WHICH PROVIDES FACILITIES FOR THE YUKON ARCHIVES AND EXPANDED FACILITIES FOR THE YUKON REGIONAL LIBRARY HEADQUARTERS, THE PHYSICAL PLANT OF THE LIBRARY SERVICES BRANCH CAN NOW BE LOOKED UPON AS ACCEPTABLE FOR THE FORESEEABLE FUTURE. INCLUDED IN OUR PREVIOUS YEAR'S ESTIMATES WERE PROVISIONS FOR EXPANDING OUR BOOK COLLECTION, PRIMARILY IN THE SCHOOL AND PUBLIC LIBRARY AREAS, WHICH HAS ALSO BEEN A SUCCESS. AS A RESULT OF FUNDS PROVIDED IN PREVIOUS YEARS, THE FUNDING REQUIREMENTS OF THE LIBRARY SERVICES BRANCH ARE REDUCED FOR THE 1973/74 FISCAL YEAR.

LEGAL AFFAIRS

THE TAKEOVER OF THE LEGAL AFFAIRS DEPARTMENT AND THE SIGNING OF THE POLICE SERVICES AGREEMENT IN THE PAST TWO FISCAL YEARS, WHILE SUBSTANTIALLY INCREASING OUR BUDGET, HAS PROVIDED US WITH A FULL CONTROL OVER THE JUSTICE ADMINISTRATION IN YUKON. IN OUR 1973/74 MAIN ESTIMATES, WHILE EXPENDITURES ARE CONTINUING TO CLIMB IN THESE AREAS, I BELIEVE WE ARE GETTING VALUE FOR OUR DOLLAR PARTICULARLY WHEN WE VIEW THE EXTREME HIGH COST OF PROVIDING THIS SERVICE IN OTHER JURISDICTIONS. PLANNING IS CONTINUING IN THIS ACTIVITY TO PROVIDE A BETTER QUALITY OF SERVICE THAN HAS BEEN THE CUSTOM IN THE PAST. HOWEVER, WE ARE ATTEMPTING TO MAINTAIN OUR COST LEVELS AT A REASONABLE STANDARD.

HIGHWAYS AND PUBLIC WORKS

WITH THE SUCCESSFUL TAKEOVER OF THE ALASKA HIGHWAY MAINTENANCE AGREEMENT DURING THE PAST FISCAL YEAR, WE ARE NOW FULLY RESPONSIBLE FOR ALL OF THE ROAD MAINTENANCE WITHIN YUKON. THIS DEPARTMENT CARRIES OUT THE TASK OF MAINTAINING AND IMPROVING YUKON'S TRANSPORTATION NETWORK.

THIS PAST SUMMER HAS INDICATED OUR ABILITY TO TAKE OVER NEW PROGRAMS AND I CAN HONESTLY SAY THAT IT HAS BEEN THE FIRST SUMMER SINCE I HAVE BEEN IN THE YUKON TERRITORY WHERE I WAS NOT PLAGUED BY MANY, MANY ADVERSE COMMENTS ABOUT OUR ROAD SYSTEM AND THE QUALITY OF OUR HIGHWAYS.

FROM A FINANCIAL VIEWPOINT, OUR COSTS IN THIS AREA ARE INCREASING AT A RATE OF APPROXIMATELY 4 PERCENT PER ANNUM, WHICH IS A VERY MODEST INCREASE IN VIEW OF THE HIGH INFLATIONARY TREND PREVALENT IN TODAY'S ECONOMY.

THE BUILDING CONSTRUCTION PROGRAM ALSO HANDLED BY THIS DEPARTMENT DURING THE COMING YEAR IS RELATIVELY MINOR AND INCLUDES THE COMPLETION OF BUILDING CONSTRUCTION COMMENCED IN THE PAST YEAR AND CERTAIN ADDITIONS TO BUILDING.

THE ROAD RECONSTRUCTION PROGRAM OF THE DEPARTMENT DURING THE COMING YEAR TOTALS 2.2 MILLION DOLLARS AND COVERS THE CONTINUATION OF THE UPGRADING OF THE WHITEHORSE-KENO ROAD AND OF THE CAMPBELL HIGHWAY. WE ARE ALSO HOPEFUL THAT THE SECOND STAGE OF THE CONSTRUCTION OF THE CARCROSS-SKAGWAY ROAD WILL BE FUNDED BY THE FEDERAL GOVERNMENT DURING THE COMING YEAR AND THIS, COUPLED WITH THE DEMPSTER HIGHWAY WHEN COMPLETED, WILL PROVIDE THE LINK FROM THE PACIFIC COAST AT SKAGWAY TO THE ARCTIC COAST BY LATE FALL OF 1975.

YUKON HOUSING CORPORATION

THE COMMENCEMENT OF THIS PROGRAM IN 1972/73 IS ALREADY PAYING LARGE DIVIDENDS IN PROVIDING ADEQUATE SHELTER TO THOSE PREVIOUSLY UNABLE TO AFFORD THIS NECESSITY OF LIFE. THE WHITEHORSE, WATSON LAKE, MAYO AND DAWSON CITY HOUSING PROJECTS ARE COMPLETED AND THE HAINES JUNCTION AND ROSS RIVER UNITS WILL BE COMPLETED IN THE NEAR FUTURE. PLANNING IS NOW IN PROGRESS FOR THE 1973/74 PROGRAM OF 100 UNITS OF RENTAL-PURCHASE HOUSING THROUGHOUT THE TERRITORY. DETAILS OF THIS PROGRAM WILL BE OUTLINED IN A SESSIONAL PAPER TO BE PRESENTED TO YOU.

TERRITORIAL GOVERNMENT EMPLOYMENT

IN TERMS OF MANPOWER, THE PROPOSED BUDGET CALLS FOR AN INCREASE OF 37 MAN-YEARS IN THE TERRITORIAL GOVERNMENT ESTABLISHMENT DURING 1973/74. TOTAL MAN-YEARS FOR THE CURRENT FISCAL YEAR'S OPERATION ARE ESTIMATED AT 1,208, MADE UP OF 1,084 PERMANENT AND 124 CASUAL MAN-YEARS. FOR 1973/74, AN ESTABLISHMENT COMPOSED OF 1,113 PERMANENT AND 132 CASUAL MAN-YEARS HAS BEEN BUDGETED.

FINANCIAL SUMMARY

TO SUMMARIZE THE OVERALL FINANCIAL REQUIREMENTS OF THE MAIN ESTIMATES, IN THE OPERATION AND MAINTENANCE AREA, EXPENDITURES ARE EXPECTED TO BE \$32,314,817. RECOVERIES UNDER COST SHARED PROGRAMS

FOR THE FISCAL YEAR ARE EXPECTED TO BE \$14,190,173. AND LOCAL REVENUES ARE EXPECTED TO BE \$8,136,995, LEAVING AN OPERATING REQUIREMENT OF \$9,987,649.

TAX INCREASES INCLUDED IN OUR LOCAL REVENUES INCLUDE THE 2 MILL GENERAL PURPOSE TAX INCREASE BRINGING THE GENERAL PURPOSE MILL RATE TO 12 MILLS AS PREVIOUSLY AGREED TO BY THIS COUNCIL. ALSO INCLUDED IS THE PROVISION FOR A 1 CENT PER GALLON TAX ON HEATING FUEL TO FINANCE THE NEW HEATING EQUALIZATION PLAN AND A 2 CENTS PER GALLON INCREASE IN DIESEL FUEL TO OFFSET CERTAIN OF THE HIGH COSTS OF MAINTAINING OUR HIGHWAYS.

THE FINANCIAL AGREEMENT BEING PRESENTED TO YOU WITH THESE ESTIMATES CALLS FOR AN OPERATING GRANT OF \$6,864,000 AND A GRANT IN LIEU OF INCOME TAX OF \$4,637,000. THIS WILL RESULT IN AN OPERATING SURPLUS OF \$1,513,351 WHICH WILL BE USED TO OFFSET NEW PROGRAMS THAT MAY BE PROPOSED IN SUPPLEMENTARY ESTIMATES AND TO MEET UNFORESEEN ITEMS. IN VIEW OF COST ESCALATIONS OVER WHICH WE EXERT LITTLE OR NO CONTROL AND PARTICULARLY, THE UNRESOLVED NEGOTIATIONS WITH THE PUBLIC SERVICE STAFF ASSOCIATION, THIS AMOUNT OF MONEY, ALTHOUGH IT LOOMS LARGE, IS IN FACT, ONLY 3% OF OUR PROJECTED EXPENDITURES AND IS LOOKED UPON AS THE ABSOLUTE MINIMUM CUSHION REQUIRED FOR ESTIMATE PURPOSES.

IN THE CAPITAL AREA, PROPOSED EXPENDITURES OF \$11,166,000 WILL BE FINANCED BY FUNDS TO BE OBTAINED FROM THE FEDERAL GOVERNMENT WITH RECOVERIES ON COST SHARING PROGRAMS TOTALLING \$4,819,000 AND LOANS TOTALLING \$5,600,000. THE BALANCE OF FUNDS WHICH YOU ARE ASKED TO VOTE AT THIS TIME WILL INCLUDE REVOTES OF ITEMS WHICH WERE NOT PROCEEDED WITH DURING THE PAST FISCAL YEAR.

IN CONCLUSION, I WOULD LIKE TO SUMMARIZE WHAT I BELIEVE TO BE THE MAIN CHARACTERISTICS OF THIS BUDGET WHICH I HAVE PRESENTED FOR CAREFUL SCRUTINY AND FULL DISCUSSION BY THE HONOURABLE MEMBERS OF THIS COUNCIL.

THIS BUDGET AND THE RESULTING EXPENDITURES WHICH WILL ACCRUE FROM IT, SHOULD PLACE US IN A POSITION WHEREBY WE WOULD HAVE COMPLETED THE MAJORITY OF THE PHYSICAL FACILITIES NEEDED TO PROVIDE SOUND EDUCATION, SOCIAL AND TRANSPORTATION PROGRAMS WITHIN THE TERRITORY. EXPENDITURES FOR THESE PROGRAMS HAVE BEEN GIVEN THE HIGHEST PRIORITY IN THE PAST YEAR WITHOUT SACRIFICING THE HIGHLY ESSENTIAL PROGRAMS IN OTHER AREAS. I BELIEVE WE CAN ALSO SAY THAT OUR SERVICE DEPARTMENTS HAVE NOW BEEN BALANCED WITH THE OPERATING DEPARTMENTAL REQUIREMENT. THIS BUDGET IS A REALISTIC BUDGET, AS A RESULT OF MANY HOURS OF STUDY AND DISCUSSION AT THE ADMINISTRATIVE LEVEL.

WITH THE COMPLETION OF OUR PLANNING AND THIS BUDGET FOR THE 1973/74 FISCAL YEAR, WE ARE NOW MOVING FORWARD IN OUR PLANNING PHASE FOR THE 1974/75 FISCAL YEAR AND WE ARE ALREADY PREPARING OUR PRELIMINARY FORECASTS. THESE CHARACTERISTICS OF OUR PLANNING EXPRESS THE FIRM COMMITMENT AND DETERMINATION OF MY ADMINISTRATION FOR SOUND LOGICAL GROWTH WHILE KEEPING OUR FINANCIAL AFFAIRS IN A HEALTHY CONDITION.

MR. SPEAKER, THE STRENGTH OF THE YUKON ECONOMY HAS NEVER BEEN MORE EVIDENT THAN AT PRESENT, PARTICULARLY WHEN COMPARED WITH THE OTHER REGIONS OF CANADA. IN SPITE OF NATIONAL AND INTERNATIONAL FISCAL, MONETARY, AND GENERAL ECONOMIC TROUBLES, YUKON IS FORGING AHEAD TOWARD NEW GROWTH RECORDS.

FINALLY, THE FOLLOWING MONEY BILLS, IN ADDITION TO THE BUDGET AND FINANCIAL AGREEMENT ORDINANCE WILL BE PLACED BEFORE YOU TO GIVE EFFECT TO OUR BUDGET:

- THIRD APPROPRIATION ORDINANCE 1972-73
- FIRST APPROPRIATION ORDINANCE 1973-74
- LOAN AGREEMENT ORDINANCE (1973) NO. 1
- FARO GENERAL PURPOSES LOAN ORDINANCE
- CITY OF DAWSON GENERAL PURPOSES LOAN ORDINANCE
- WHITEHORSE GENERAL PURPOSES LOAN ORDINANCE
- FUEL OIL TAX ORDINANCE
- FIRE PREVENTION ORDINANCE

- LOAN AGREEMENT ORDINANCE (1973) NO. 2 (EMPLOYMENT LOANS PROGRAM), AND
- TERRITORIAL-MUNICIPAL EMPLOYMENT LOANS ORDINANCE.

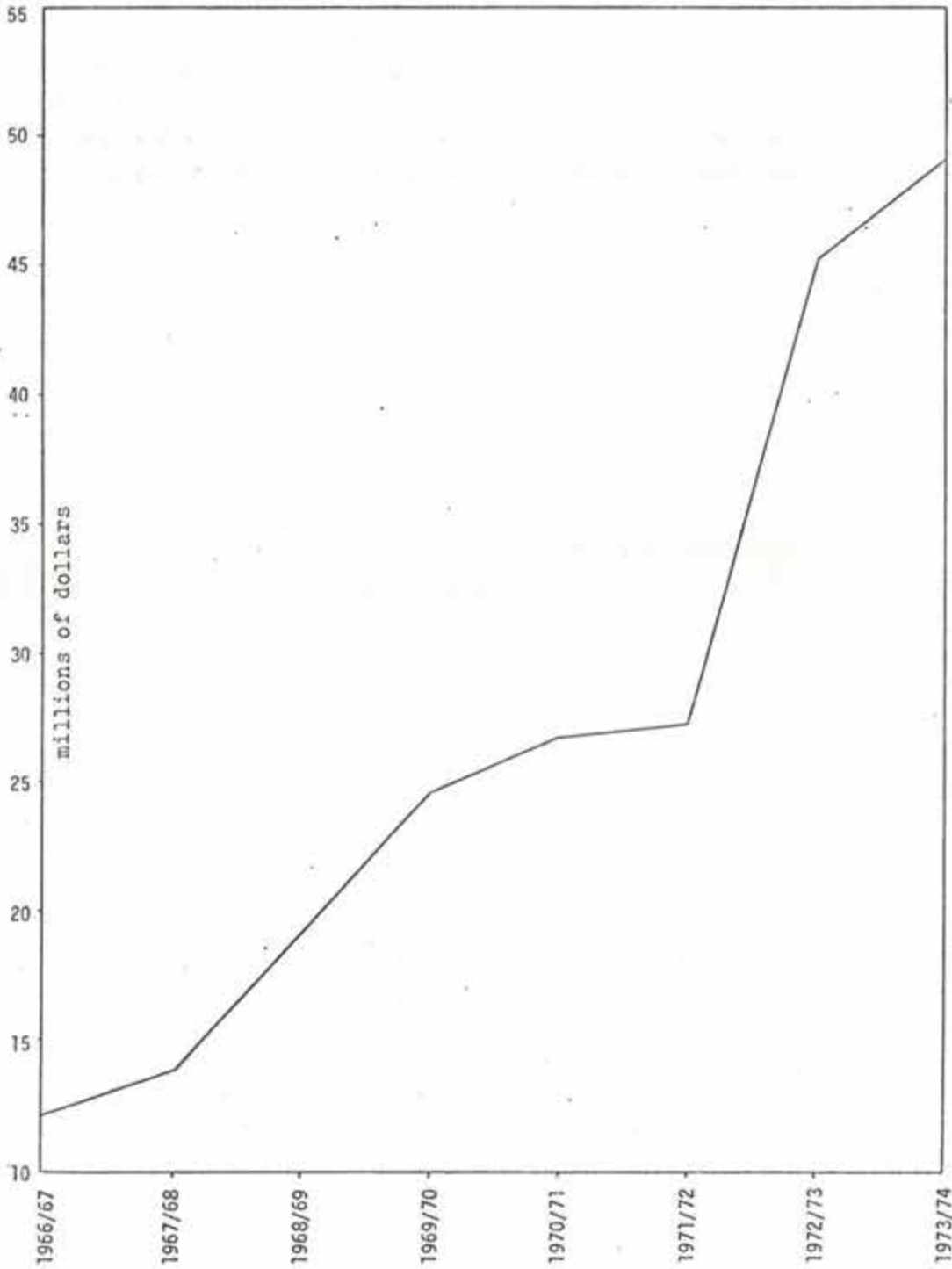
MR. SPEAKER, AS IN THE PAST, I AND THE MEMBERS OF THE EXECUTIVE COMMITTEE ARE PREPARED TO ANSWER ANY QUESTIONS COUNCILLORS MAY WISH TO ASK OF US DURING THE DISCUSSION OF THE BUDGET AND THE TERRITORIAL TREASURER, MR. MILLER, WILL BE AVAILABLE TO ASSIST IN YOUR DELIBERATIONS.



J. SMITH,
COMMISSIONER.

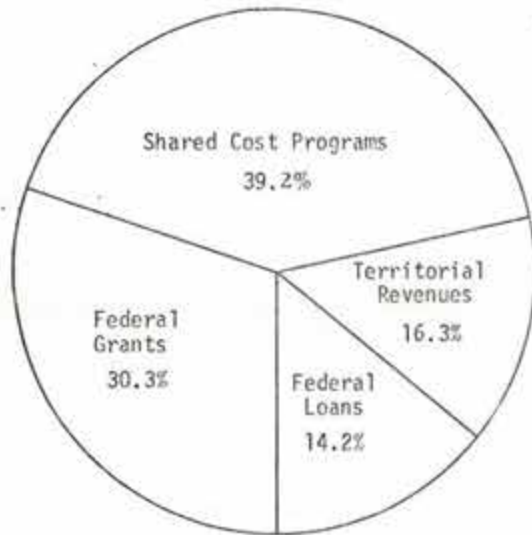
FEBRUARY 15, 1973

YUKON TERRITORIAL EXPENDITURES
1966 - 1974

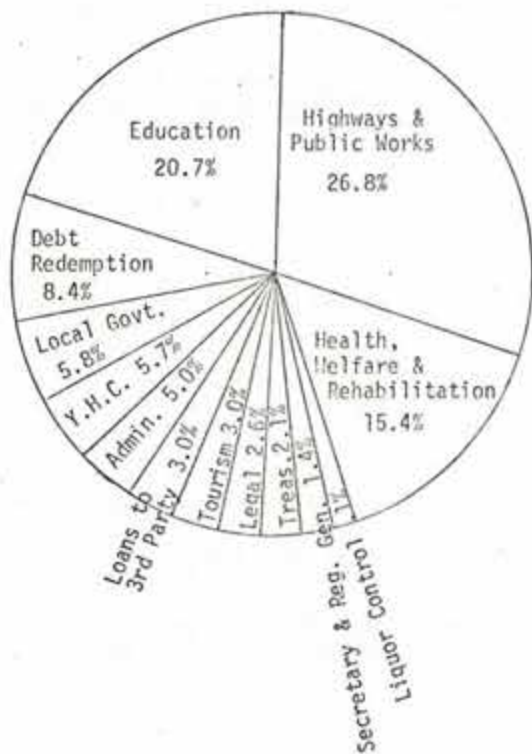


YUKON TERRITORY BUDGET

1973-74



WHERE THE MONEY WILL
COME FROM



WHERE THE MONEY WILL
BE SPENT

SESSIONAL PAPER NO. - 11 - 1973 (FIRST SESSION)

Mr. Speaker
Members of Council

Equalization of Heating Fuel Costs

In the past number of years it has become increasingly apparent that there is a great variation in living conditions and costs throughout the Territory. It has always been my desire to try and equalize these various costs and as you recall an electric power rate equalization was put into effect during 1970. To further this concept of obtaining greater equality of living costs for all of the Yukon citizens, outlined in this paper is a plan for the equalization of heating oil costs for residential consumers throughout the Territory.

In order to produce this plan we retained Mr. G.J.A. Kidd, Professional Engineer of the firm of Underwood, McLellan & Associates Limited in Vancouver. You may recall that Mr. Kidd also worked on the electric power rate equalization plan when he was employed with the B.C. Hydro and Power authority. Outlined below is the study done by Mr. Kidd and checked by my officers.

Criteria Considerations

The first consideration to take into account is to define the citizens who are to be eligible to receive benefit under any heating oil equalization plan. It is intended that this plan apply to all citizens resident in the Yukon who are not already subsidized in their living costs in some manner. This would eliminate many employees of government, crown corporations, mining companies, and other private companies. The plan would include owner and rentor occupied dwellings where the residents pay their own heating costs, and their living costs are not subsidized in other ways.

There should be a reasonable upper limit established in the amount of heating oil that will be equalized because these fuels are used for other purposes as well. From surveys carried out in Whitehorse it is understood the average sized three bedroom home uses between 1,300 and 1,350 gallons of heating oil a year.

Base costs must be established on which equalization will apply. The lowest heating fuel prices are in Whitehorse, which is the main supply centre for the Territory. Therefore, the price in all other higher cost areas must be equated to some base cost or costs established in relation to the Whitehorse prices. The prices in Whitehorse vary, depending upon the type of fuel used and quantity delivered (size of tanks). It would be desirable to avoid complications as far as equalization is concerned and provide a simple formula for establishing the base costs for each year. This formula should be such as to eliminate excess profit taking at the expense of the Territorial Government.

Some residents operate a small business with living quarters included in the same building. These people should benefit as far as the heating costs for their living quarters are concerned and thus it will be necessary for any equalization plan to provide for prorating of costs between these two functions.

The equalization plan should be self sufficient financially, and therefore it will be necessary for it to include a means of obtaining funds to support it.

The plan should contain controls which will limit the abuse of equalization within acceptable limits. These controls should be as simple as possible in order to keep administrative costs to a minimum.

Review of Previously Proposed Plans

Various possible methods of heating oil cost equalization have been considered by my officers. These are reviewed below and are briefly commented on as follows:

- (1) Equalization operated through the oil suppliers and local distributors;

Would create unacceptable administrative problems for all concerned. It would also be most difficult to control to ensure the benefits are limited to eligible citizens, and to keep other possible abuses to a minimum.

- (2) Equalization by subsidization of freight rates;

To outlying areas from Whitehorse, would only be equitable if it could be limited to the heating oils supplied to eligible citizens.

- (3) Equalization through use of property tax rebate system;

Would not be equitable across the board for eligible citizens in owner occupied residences and would eliminate citizens, who rent their residences, from receiving the benefits. Since the equalization benefits are intended to apply to all eligible citizens of the Territory it would be quite unfair to discriminate against the citizen who rents him home. In addition the heating oil equalization plan should be identifiable as such, and should not be mixed in with a property tax rebate system. If the Territorial Government wishes to encourage home ownership, by a property tax rebate system, it should be done directly, and be identified as such.

Financial Assessment

The price of heating oil in Whitehorse varies according to type and quantity supplied, i.e. size of tanks. The current prices are as follows:

<u>Furnace \$/gallon</u>	<u>Stove \$/gallon</u>	<u>Tank Size - Gals.</u>
33.0	35.9	Under 100
31.0	32.9	100 to 500
30.0	31.9	500 up

There is no way of knowing with the existing information what the distribution is between furnace and stove oils, or between size of tanks. For purposes of estimating the financial cost of implementing an equalization plan, it is assumed the average base price of heating oil in Whitehorse is 32¢ per gallon.

The number of residences that might be eligible for equalization

was estimated from the Territorial property tax assessment rolls.

It was assumed each resident would consume 1,350 gallons per year.

The costs of equalization by community, using the above assumptions are given on Table 1. The total estimated cost on this basis amounts to \$86,494. and is considered to be an outside figure inasmuch as there are likely to be fewer dwellings, and many of these will use less than 1,350 gallons per annum.

From records contained in Dominion Bureau of Statistics reports there were 10,138,000 gallons of diesel oil - other uses and other fuels sold in the Yukon Territory in the period of one year between, August 1, 1970 and July 31, 1971. The tax required to pay for the equalization cost of \$86,494 would be approximately 1¢ per gallon.

This tax would produce an income of about \$101,380 which could be used to pay for the cost of equalization and provide some surplus funds towards meeting the cost of administrating an equalization plan and collection of the taxes.

TABLE 1

ESTIMATED COST

HEATING OIL EQUALIZATION - YUKON TERRITORY

Location	No. of Dwellings	Est. Cost of Oil ¢/Gal.	Diff. from base of 32¢ gal.-¢/Gal.	Cost to Equalize to base - \$
Beaver Creek	17	43.0	11.0	2,524
Carcross	27	34.0	2.0	730
Carmacks	30	36.0	4.0	1,620
Clinton Creek	5	44.5	12.5	840
Dawson City	298	44.5	12.5	50,500
Faro	5	37.0	5.0	340
Haines Junction	66	34.0	2.0	1,780
Keno	32	42.0	10.0	4,320
Mayo	100	42.0	10.0	13,500
Ross River	22	38.0	6.0	1,780
Teslin	22	36.0	4.0	1,190
Watson Lake	106	37.0	5.0	7,150
Pelly Cross.	3	37.0	5.0	220
TOTAL ESTIMATED COST				\$86,494

Notes

- (1) Average base price of heating oil in Whitehorse taken as 32¢ per gallon.
- (2) Consumption of heating oil by all dwellings taken as 1,350 gallons per annum.
- (3) Number of dwellings in each community eligible for equalization estimated from Territorial property tax assessment rolls.

Recommended Equalization Plan

From a review of the existing information and taking account of the criteria considerations set out previously, it is the opinion of the writer that the most practical and workable method of achieving residential heating oil equalization is through a plan which is clearly identifiable for this purpose and which is an independent administrative entity.

It is recommended that a plan be adopted as follows, wherein the eligible citizens are required to make an application for the equalization payment which would be processed and payed directly by cheque noting the purpose for the payment.

1. The application form should be designed to meet the following basic requirements:

- (a) Provide information that will allow eligibility to be judged.
- (b) Provide proof of heating oil purchased and paid for which will require submission of paid-up bills.
- (c) Provide estimated size of residence to allow judgement of whether the amount of fuel consumed is reasonable.
- (d) Provide for minimum administrative work.

The form is designed so that the administrative work in connection with equalization can be completed on it with a minimum of effort. Since the number of applications will not be large at present (in the order of 700) the clerical processing time should not be great.

2. In order to implement the plan it will be necessary to ensure that all those who may benefit from the plan are aware of it so that they can apply accordingly. This might be done by newspaper advertising, notices in appropriate locations, or circularizing by mail to all residents in the Territory. A specific date for putting the plan into effect should be established.

3. The upper limit in quantity, to which the heating oil equalization would apply, be set at 1,350 gallons per annum/per residence.

4. The equalization payment for residential heating oils for any year to be determined in accordance with the following simple formula;

$$(D-S) \times Q = EP - \text{Where;}$$

S = the average cost per gallon of heating oil delivered to one or more of the major suppliers in the Whitehorse area, during that year i.e. cost to the supplier, before profit

D = the average cost per gallon of heating oil delivered to the local distributor in any higher cost area outside Whitehorse during that year, i.e. cost to the local distributor before profit.

Q = the gallons of heating oil used by any applicant to a maximum of 1,350 gallons.

EP = the equalization payment to the applicant.

5. Where a small business and a residence are combined and heated by one source, the amount of oil eligible for equalization be allocated in proportion to relative floor areas.

6. The equalization plan be financed by a tax on all heating

oils sold in the Territory excluding sales to the Federal Government. This would provide for increased income to counteract increased costs of equalization as the population of the Territory grows. It is suggested this tax be 1¢ per gallon of heating oil which provides for meeting the costs of equalization as well as some of the costs of administration.

Residential Heating Oil Cost Equalization
Plan Information Guide

The Government of the Yukon Territory has noted the great variation in living conditions throughout the Territory and is taking measures with the objective of obtaining greater equality of living costs for all its citizens.

One measure approved by the Government is to equalize residential heating oil costs for citizens who do not have their cost of living subsidized in some manner.

To be eligible for heating oil equalization payments the following conditions must be met.

- (1) Application must be made on the form attached.
- (2) Applicant occupying a residence, whether owned or rented, must not receive other cost of living subsidies.
- (3) Applicant must pay for the heating oil used in his place of residence and must present proof of payment.


J. Smith,
Commissioner.

APPLICATION FOR PAYMENT
TO
EQUALIZE RESIDENTIAL HEATING COSTS IN YUKON TERRITORY

PLEASE PRINT

1. Family or last name _____ Usual first name & initial _____
2. Present address _____
3. Are your living costs subsidized in any way, and if so, please describe _____
4. Occupation _____ Employed Self Employed
5. If neither employed or self employed, please state source of income _____
6. Do you live at the above address? yes/no . 7. Do you own Or rent
your dwelling.
8. If you rent your dwelling, please provide name and address of owner. _____
9. Do you purchase and pay for your heating oil? yes/no .
10. If employed, please state name and address of employer. _____
11. If self employed, does your place of business form part of your residence? yes/no .
12. If answer to (11) is Yes, is there a common heating supply? yes/no .
13. If answer to (11) is Yes, please give approximate areas of living quarters
_____ sq. ft. and business quarters _____ sq. ft.
14. Total of payed heating oil bills attached, covering the period19.....
to 19.....
15. Unit price of heating oil during above period _____ cents per gallon.
16. Size of oil tank _____ gallons.

Please complete reverse side of application as indicated.

CERTIFICATION (To be completed by applicant)

I hereby certify that the information given in this application is true, correct, and complete to the best of my knowledge and belief.

Signed: _____ Date _____ 19 ____

Completed applications to be presented to:-

The Territorial Treasurer,
Government of the Yukon Territory,
P.O. Box 2703, Whitehorse, Y.T.

not later than of any year

FOR OFFICIAL USE ONLY: (Not to be completed by applicant)	
Quantity of heating oil qualified for equalization	gallons.
Price differential from Whitehorse base	cents per gallon.
Amount of rebate for equalization	dollars.
Submitted _____	
Approved _____	
Equalization payment mailed _____	19 ____
	<small>Date</small>

February 16, 1973

Mr. Speaker,
Members of Council

1973 (FIRST SESSION) - SESSIONAL PAPER NO. 12

Recruitment Activities

As requested during discussion of Vote 01 on Friday, February 16th, the following are the recruitment statistics for the calendar year 1972:

Total Number of Appointments Made -- 1,689 -- 100%

Total Number of Outside Hires -- 30 -- 1.8%

Total Number of Local Hires -- 1,659 -- 98.2%

The above statistics include teachers.



J. Smith,
Commissioner.

February 20th, 1973

SESSIONAL PAPER NO. 13 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

Yukon Grants Policy

As requested during during discussions on Tuesday, February 20th, 1973, attached please find Sessional Paper No. 11 of the 1972 (First Session), which outlines the Grants Policy.

A handwritten signature in cursive script, appearing to read "J. Smith", is written over the typed name and title.

J. Smith,
Commissioner.

SESSIONAL PAPER NO. 11 - 1972 (FIRST SESSION)

Mr. Speaker,
Member of Council

Yukon Grants Policy

The question of providing financial assistance in the form of Grants in respect of Community Development funds, matching grants for Tourist Projects, Museum Grants, Recreation Grants, Special Contributory Grants to Community Organizations or Special Events, has been reviewed many times by the Administration and by Council. The item which has had the most amount of coverage is, of course, the Community Development Grant funds which has been the subject of many proposals and motions by this Council. The latest motion was made by Councillor Taylor and is referred to on page 686 of Votes and Proceedings, Session No. 1 - 1971.

In order to clearly set out for Council Members the existing policies, following are the various types of Grants now available and the existing policy for administering these Grants:-

- 1) Community Development Grants - The function of the Community Development Grant is to assist in the provision of lasting amenities in outlying areas such as a Community Club Building, which was beyond the means of the residents of a particular area to provide satisfactorily from its own resources. Grant payments were examined with the function in mind and benefits which were not of a lasting nature were not regarded as suitable for Community Development Grant purposes. The annual amount to each electoral district was \$8,000 which was not necessarily expended during the year in which it related but could, if desired, be accumulated from year to year. Payment of grant monies was made upon a written request from a prospective beneficiary to the Council Member of the electoral district concerned and endorsed as approved by that Member. Upon approval of the Commissioner funds were made available to the Community Organization on behalf of the Councillor.
- 2) Matching Grants for Tourist Projects are available to Community Organizations incorporated under the Societies Ordinance or under National or Provincial Charter for expenditures on approved capital and promotional projects in the interest of tourist development. The annual amount of the Grant is not allowed to exceed 50% of the total cost of the approved project or projects.
- 3) Museum Grants are now available for certain museums as contributions toward operation and maintenance expenditure. These Grants are very small in terms of dollars provided and are not related to any special formula.
- 4) Skookum Jim Friendship Centre - Grant is provided through an Agreement with Canada. The Agreement provides for a 50% cost sharing with a maximum receivable from Canada of \$15,000 per annum.
- 5) Fitness and Amateur Sport Grants are made to many Organizations throughout the Territory under both the Fitness and Amateur Sport agreement with Canada and under a policy that has been developed by the Recreation Branch. These Grants are in the form of assistance to

Fitness and Amateur Sport Organizations for purposes of providing training facilities or travel assistance. The Fitness and Amateur Sport Agreement with Canada provides the basic policy for Grants which are recoverable from National Health and Welfare. This Agreement expired as at March 31, 1971 and Grants since that time have been made without any formal regulations being applied.

- 6) Special Contributory Grants are made to such Organizations as the Boy Scouts, the Girl Guides, B.C. Yukon Chamber of Mines and Museum Societies without any overall policy. Grants were specifically provided for in estimates and were voted upon by Council as part of the normal appropriation.

Policy in Respect of Grants effective April 1, 1972

The following policy is intended to clarify the Yukon Territorial Government's position in respect of all Grants given to any outside organization. It will not, however, include grants made by the Government of the Yukon Territory pursuant to Agreements with the Government of Canada.

General

- 1) All requests for grants must be submitted to Department Heads, Members of the Executive Committee or Councillors on the form approved by the Government of the Yukon Territory. In all cases it is the responsibility of the organization to provide the required details including the name of all Government Departments or Agencies providing funds. This means all levels of Government including Local Government, Territorial Government or Federal Government Departments.
- 2) The Territorial Treasurer will maintain a detailed register of all grants as proposed by various department heads, executive committee members or Councillors. This register will include the name of the organization, the date of the request and a brief outline of the purpose for the grant as well as the dollar amount of the grant and the date that the grant has been paid. Schedules of all grants requested and paid will be issued to Executive Committee and to Councillors each month for information and further action.
- 3) Following approval by Executive Committee, each department head will include within his own departments estimates grants pertaining to that departments' responsibility.
- 4) Where specific requests are received that do not appear to fall within the terms of this policy the request should be forwarded to the Executive Committee member who shall take it to Executive Committee for final decision.


Grants for Capital Projects

- 1) Applicants must be registered under the Societies Ordinance and produce an annual audited financial statement for the year prior to the year the approved funds are to be expended.
- 2) All grants must be used for capital purposes only and for the purpose outlined in the Yukon Territorial Government budget.
- 3) A detailed outline of the project, specifications and an estimate of cost of the proposed project must be submitted before a project is undertaken by the organization requesting the grant.

- 4) The plans for all projects must be approved by the Territorial Engineer and all inspection services prior to approval for grants being made and prior to construction.
- 5) Applicants must deliver submissions to the Commissioner through the elected member for the constituency or to the appropriate department head prior to the 1st of September of the year prior to the year the approved funds are to be expended.
- 6) Upon receipt of the Commissioners' recommendation, a Sub-Committee on Finance submission shall be prepared by the Treasurer who shall deliver submission to Sub-Committee of Finance for discussion and recommendation to the Commissioner for introduction into the Budget.
- 7) All funds not expended or allocated will lapse in the same way as all other appropriations and there will be no provision for carryover of accumulated funds from year to year.
- 8) The organization or society requesting the grant must be prepared to apprise the Territorial Government as to the construction progress as construction is being undertaken. The Territorial Engineer or various inspectors may be requested to provide progress reports on any capital project undertaken by any organization under this policy.

Grants for Operation & Maintenance

- 1) Applicants must be registered under the Societies Ordinance. An annual audited financial statement for the year prior to the year of the approved funds are to be expended must be filed for those organizations previously incorporated. New organizations must agree to filing financial statements within one year of receipt of approved grants. Failure to comply with this provision would automatically make an organization ineligible for future grants until this provision has been complied with.
- 2) All grants must be used for operation and maintenance purposes only and for the purpose outlined in the request for grant submission.
- 3) The amount of the grant may vary as circumstances warrant and in each case a substantial contribution by the organization will be required. In the normal course of events the amount of the grant shall be based on the financial capabilities of the organization and in any case the organizations contribution shall be not less than 60% of the total expenditure.
- 4) Applicants must deliver submissions to the appropriate Department Head or member of the administration prior to the commitment of the funds for which the grant is being requested.
- 5) The Department Head will include in his operating budget an appropriate amount for grant requirements. All requests for grants in excess of \$5,000 for any one organization or purpose must be approved by the Executive Committee prior to commitment by the Government.
- 6) All grants in excess of \$5,000 for any one organization or purpose must have Executive Committee approval prior to payment of funds by the Government.


J. Smith,
Commissioner.

Tuesday, February 20, 1973

SESSIONAL PAPER NO. 14 - (1973 FIRST SESSION)

Mr. Speaker
Members of Council

Collective Bargaining

On February 16, 1973, during the 1973 (First Session), Councillor Tanner asked the following questions:

- " a) Can the Commissioner advise Council of the status of negotiations being carried on between the Yukon Public Service Alliance and the Government ? "

Answer:

The representatives of the Employer and the Public Service Alliance of Canada met on January 22nd, 1973 for a period of five consecutive days for the purpose of re-negotiating a new Collective Agreement. At the end of the first session of negotiations, the parties mutually agreed to request the services of a Conciliation Officer under the Yukon Public Service Staff Relations Ordinance. The Conciliation Officer acts as a mediator and, with his assistance, it is hopeful that both parties will be able to reach an agreement. The Conciliation Officer, at this point in time, has not been appointed to the best of our knowledge, however, the Board is attempting to find a suitable Conciliation Officer for early March of this year.

- " b) If negotiations are broken down, in what area or areas has this happened ? "

Answer:

Negotiations have not broken down nor has either party declared to the Chairman of the Yukon Public Service Staff Relations Board that a deadlock exists.

At this point in time there are approximately forty issues outstanding, some of which refer to wording or modified wording to the existing Collective Agreement.

- " c) What would be the gross cost to the Government if the Yukon Public Service Alliance's demands are met as originally presented ? "

Answer:

If the Employer agreed to the Alliance's original demands as presented the estimated cost to the Territorial Government, effective April 1, 1973, would be approximately 2.8 Million Dollars.


J. Smith,
Commissioner.

February 22nd, 1973

SESSIONAL PAPER NO. 15 - 1973 (FIRST SESSION)

Mr. Speaker

Members of Council

Bill No. 15 - 1971 (First Session)
Amendments to Labour Standards Ordinance

At the 1971 (First Session), a Bill was passed that would have had the effect of restricting hiring in designated trades or occupations to persons who had met a required residency standard. The Administration did not assent to the Bill prior to Council proroguing.

At the last Session of Council, Councillor Chamberlist undertook to have the same amendments tabled for Council's consideration once again at this Session.

Because it is considered undesirable to approach the problem of ensuring employment opportunities to northern residents by means of restrictive legislation, I wish to bring the following to your attention.

The new Yukon Contract Regulations which have been promulgated, provide that Yukon residents must receive preferential consideration for employment by employers who enter into contracts with the Territorial Government. A copy of the relevant Part of these Regulations is attached for your information. Likewise, the Federal Contract Regulations now contain similar conditions, and the upcoming contracts for the Dempster Highway which were called prior to the Federal Contract Regulations being amended, will include the same protection as provided in the new Territorial Contract Regulations.

Since Territorial and Federal contracts make up most of the employment opportunities that it was Council's intention to cover in the proposed amendments, it is suggested that the amendments would no longer be required. They are extremely restrictive, and employers would be continually seeking relief from them if they became law.

Your consideration and advice on this matter would be appreciated.



J. Smith,
Commissioner.

PART VII

LOCAL EMPLOYMENT PROGRAM

43. In this part,
 - (a) "Local Resident" for the purpose of employment will be any person living in the Territory prior to March 31st of any given contract year;
 - (b) "Northern Resident" any person living in either the Yukon Territory or the Northwest Territories prior to March 31st of any contract year;
 - (c) "Canadian Resident" for the purpose of employment on a Territorial Government contract will be any person living in Canada prior to March 31st of any year and who by law is permitted to work in Canada or is a Canadian citizen;
 - (d) "Local Employment Agent" for the purpose of implementation of this program is the Yukon Territorial Government Employment Liaison Officer.

44. Priority for hiring on Yukon Territorial Government construction and maintenance contracts is:
 - (a) Local Residents
 - (b) Northern Residents
 - (c) Canadian Residents

45. Prior to posting invitations to tender on construction and maintenance contracts, the contracting authority through the responsible department head will supply the Local Employment Agent and the Canada Manpower Centre with a list estimating the number of workers required in each job classification.

46. Once a contract has been awarded the Local Employment Agent will arrange a meeting between the contractor, Canada Manpower Centre, any unions involved and himself.

47. The Local Employment Agent will establish and maintain a monitoring system to ensure that Yukon Residents are employed wherever possible on Territorial Government contracts.

48. The Canada Manpower Centre will act as a referral agency for the Territorial Government and will institute all facets of their training programs wherever possible.

49. Local Residents will register at the nearest Canada Manpower Centre in order to receive preferential treatment in respect of Yukon Territorial Government construction and maintenance contracts.

50. The Local Employment Agent will remain in close contact with unions to ensure that any problems which might arise are resolved before they are allowed to multiply.

February 28, 1973

SESSIONAL PAPER NO. 16 - 1973 (FIRST SESSION)

Mr. Speaker,
Members of Council

LEGAL AID

Philosophy:

The system of justice operated in Canada is an adversary system both in criminal and civil matters. The Judge is a referee and the parties are involved in a contest, each seeking victory. Once a party engages a lawyer to represent him, the other party is at a disadvantage unless he also has a lawyer to represent him. The inequalities of the system have been known for very many years and justified the criticism that justice favoured the wealthy. Modern society rejects a system which grants its benefits mainly to the rich to the disadvantage of the poor.

Most Western countries have developed schemes for providing counsel at least in serious criminal cases, to defendants who could not afford to pay counsel themselves. In some places the furnishing of this assistance was an act of charity on the part of the Bar, in some a proportion of the costs were paid by the State, and in a few the whole cost of the defence was borne by the State.

Only in very recent times has the concept been accepted that aid should be given to needy litigants in civil cases, either as plaintiffs or defendants. The philosophy however, gained ground rapidly and at the present time it would appear that in Western society, the Yukon is one of the few places which fails to provide some form of equal justice to those who require it in civil as well as criminal matters.

Notwithstanding default in the civil field, counsel has been provided to criminal defendants in the Yukon on a generous scale at least since 1964. The following is the table of expenditures in the Yukon in criminal legal aid payments over this period.

<u>Year</u>	<u>Fees</u>	<u>Disbursements</u>	<u>Total</u>
1964-65	\$4,620.50	\$1,458.67	\$6,079.17
1965-66	9,153.58	3,822.81	12,976.39
1966-67	8,189.25	4,877.39	12,066.64
1967-68	6,787.74	889.50	7,677.24
1968-69	9,535.34	1,830.60	11,365.94
1969-70	8,479.25	1,930.92	10,410.17
1970-71	15,160.00	3,181.67	18,341.67
1971-72	17,916.98	269.65	18,186.63

Payments are made by authority of a policy decision of the Department of Justice (the responsible authority at the time), and as can be seen from a copy of this policy directive, the scale of fees payable to lawyers has never been increased. In light of present day costs, they appear to be out of date.

For comparison the scale of fees in Ontario in 1971 was:

Criminal

Indictable offence - Supreme Court Trial	\$250 per day
Preliminary Enquiry	\$175 per day
Preparation for Preliminary	35 per hour
Provincial Court Trial	\$200 all services
Plea of Guilty	\$100 all services
Summary Conviction	\$150 per day or \$100 per day depending on offence

Civil

Supreme Court Actions (including preliminary interviews, etc.)	\$ 35 per hour
Counsel Fee at Trial	\$250 per day
Uncontested Divorce Proceedings	\$500 all services to judgment absolute
Advising Defendant in Uncontested Divorce Action	\$ 35 per hour

I understand they have since been increased.

After the second world war a comprehensive system of criminal and civil legal aid was brought into being in Britain. The system gave satisfaction in the service provided, but widespread criticisms were made concerning the cost of the service, the complexity of its administration, and its inaccessibility to many who needed it.

Attempts to provide service for needy litigants were made in various parts of Canada, mainly by Law Societies. Most attempts were patchy and left the main problems unsolved since they depended to too great an extent on free or almost free service provided by lawyers. The first serious Government involvement took place in Ontario under the Legal Aid Act of 1966, where a fully comprehensive system came into being modelled on that of Great Britain. Under this system, the defendant or litigant who met the requirements was given a certificate, acceptance of which by a lawyer ensured that the costs of the case would be met by the Government through a system of local legal aid committees who administered the scheme. The cost of the scheme is now very heavy.

In the United States various ways of granting legal aid have been tried and their success varies from place to place. One common method is the public defender system. Under this, public officials are appointed with staffs of lawyers under their command. These lawyers attend regularly in court and defend clients in need. There was little doubt that the system was efficient since the lawyers became specialists both at defending and plea bargaining. Concerned persons however, objected that there was no genuine client/lawyer relationship since the defendant took "Hobson's choice". It was also objected that public defenders sat in the prosecutors' pockets in a buddy system for plea bargaining purposes and were over inclined to advise their clients to plead guilty to lesser offences to escape greater penalties. It was felt by some that the public defenders were loathe to incur the wrath of the authorities by vigorously defending their clients when required. In cost per case the system is not expensive.

The neighbourhood law clinic in various forms has also been tried out. In its Canadian form this has usually consisted of the placing of offices in poorer city districts where law students and younger lawyers under the casual direction of more senior lawyers in active practice would bring law to the people. The argument in favour of this approach is that the average member of the public is unfamiliar with lawyers and the law, and needs a sort of casework approach to be made aware of his rights, and brought to realize that the law is for all and should be used as a weapon of social advancement.

In the United States, large grants have been made to organizations operating neighbourhood law offices. There, concerned young lawyers work for little pay and by a team approach have redressed many wrongs suffered by the poor by oppression from rapacious landlords and city officials, and have remedied social injustices imposed by unfair operation of state and federal law. Their very success has attracted some criticism since it is said that the state is using Government revenues often for the doubtful purpose of imperilling its own institutions. There are still however, communication barriers between the lawyers and their clients. In cost per case, the system is a little more expensive than the public defender system.

By 1970, it had become clear in Canada that there was sufficient public demand to justify a Federal Provincial approach to the supply of legal advice to the public. The Federal Government put forward proposals whereby each Province, providing an acceptable legal service to the needy, could enter a Federal Provincial shared cost scheme. Five Provinces have taken advantage of this so far. A copy of the standard agreement form is appended to this paper. No particular form of legal aid scheme is insisted upon above others, although the Provincial scheme must be an approved one and assistance must be available to those who need it and meet the conditions. The limits of Federal assistance are set at 50% of the total cost up to 50¢ per head of the population.

During discussions concerning the applicability of this scheme to the two Territories, it was obvious that the provincial financial provisions would not be suitable for the Territories. When the plan was applied to the Northwest Territories, the Federal Government undertook to pay 50% of the cost of legal aid under the scheme (including administration costs) to an upper limit of \$37,500.00. An offer was made to the Yukon which was not accepted at that time since it had become clear that in the Northwest Territories, the total cost of the scheme was likely to exceed the estimate of \$75,000.00. The Territory indicated that while the general policy of legal aid in both civil and criminal matters was acceptable, further discussions concerning the method of funding any excess over \$75,000.00 was desirable. In response to the Territory's wish the Minister of Justice has indicated that he is prepared to recommend to the Government of Canada that an amendment be made to the offer, eliminating the upper limit. The effect therefore of the present offer to the Territory is that the Minister of Justice is prepared to recommend that funding of the scheme be on a straight 50% basis, i.e. that half of the cost of an acceptable scheme be paid by the Territory and half by the Government of Canada. The purpose of this paper is to request the advice of Council as to whether;

- (a) it is in favour of a 50/50 shared cost comprehensive legal aid system to be funded equally by the Territory and the Federal Government; and
- (b) which scheme of those available should be chosen by the Territory.

In relation to the particular scheme, it is emphasized that any choice by the Territory is still subject to acceptance by the Government of Canada since the negotiations have not been completed. It is thought however, that provided,

- (a) cost is reasonable,
- (b) aid is available to all persons in the Territory and all residents of the Territory meeting the financial conditions, and
- (c) a reasonably acceptable method of administration and cost control is chosen;

the Government of Canada might be willing to accept the particular scheme of legal aid chosen by the Territory.

Studies were undertaken by the Government to obtain information concerning the various forms of delivering legal aid to the public, what the cost would be, and how any scheme should be administered.

Legal Aid Studies:

1. The departmental study on the subject recommended that a legal aid committee be established to consist of a legal adviser as chairman, a senior member of the Yukon Bar, a non legally connected member of the public, and a member of the department of Social Welfare. The committee would have a staff solicitor called the Director of Legal Aid, as secretary of the committee and administrator of the scheme. The director would be the effective administrator with the duties of,

- (a) publicising the scheme,
- (b) administering the day to day operations, and
- (c) handling as many cases, especially routine matters such as adjournments, undefended civil actions, (divorce etc.) as he can.

If refused legal aid by the director, an appeal would lie to the committee. Any person would qualify for aid if paying legal fees would impair his ability to furnish himself or his family with the essentials needed to keep them adequately fed, clothes and sheltered, or if he is without funds and requires immediate legal assistance to preserve his legal rights.

The director (subject to the committee) or the courts, could order the provision of legal aid and in criminal cases the matter would be referred to a lawyer willing to act, on a roster system, except that in charges carrying heavy penalties (murder, rape, etc.) the accused's choice would be limited to senior lawyers both resident and non-resident. In civil actions except in routine matters, the client would get a certificate which he could bring to the lawyer of his choice. A fee schedule was recommended which would use a block fee system to discourage unnecessary minor court applications and adjournments. It was also recommended that a legal advice system be instituted to enable clients to go for legal advice fairly freely to a lawyer of their choice, as early advice often enables an individual to resolve his difficulties or obtain a settlement without the necessity of court action.

The suggested scheme, it was hoped, would minimize administrative costs by enabling the administrator to perform minor legal services which would be costly when handled by outside lawyers, and being a lawyer, would be in a position to make a recommendation concerning the issuing of certificates in civil matters. He would also be available to advise clients as to their rights before they got to court and so speed the administration of justice.

The scheme had the disadvantage of eliminating to some extent free choice of lawyers, also much would depend on the director's public image since it would be important that he act independently and not be thought of as favouring the Government.

2. Another study made available to the Government, assumed that the office of Ombudsman would shortly be instituted by legislation, and that it would be extremely convenient for the legal aid scheme to be administered by the appointee. This study made the point that legal aid is a necessity and must be treated as one of the guaranteed fundamental rights of every citizen who is unable to afford the costs of hiring legal counsel. The study recommended strongly against a legal aid programme similar to the Ontario and British system on the grounds of cost, it also recommended strongly against the B.C. system as it mistakenly assumed that the Social Welfare department was used in B.C. as a clearing house for clients under the lawyer referral plan. The study recommended against the Nova Scotia system on the grounds that an individual was deprived of his choice of lawyer. I should say that in Nova Scotia a system of offices was established, funded by Federal Provincial funds, where staff lawyers provide free legal aid in both criminal and civil matters. It is administered by the Nova Scotia Law Society and not by the Government, and a choice of lawyer is only available when the lawyers on staff are too busy.

This study recommended against the Northwest Territories programme and an earlier report by Mr. Leslie (now Judge) Cashman, on the grounds that defense lawyers under these schemes are chosen on a rotation basis. The study recommended against the New Brunswick system. Here the Law Society has its own plan where it provides free legal service without fee and the Law Society pays for out of pocket expenses.

The study recommended against the scheme presently in operation in the Yukon in criminal matters on the grounds that counsel is assigned by the court to speak with the accused and subsequently recommends whether in his opinion, the accused should have his fees paid (on the grounds that he has no money) or not. The study recommended that application be made to the Ombudsman who would act as a legal aid committee of one and the Ombudsman would then obtain the best qualified lawyer for the applicant, taking into consideration the type of charge which had been made against him. Similarly in civil matters, the Ombudsman would advise the applicant which lawyer to see. This study assumed that the case load of the courts would be reduced by the provision of lawyers both civilly and criminally. No firm grounds were given for the belief. This study was on firm ground in combining the administration of an Ombudsman's office with legal aid; as with all studies in this field, the delivery of the service and its administration becomes a matter of choice.

3. The scheme favoured by the Department of Justice follows that now in operation in the Northwest Territories. The scheme was brought in after two reports had been presented, one on justice administration by Mr. Justice W.J. Morrow, and one on Legal Aid by Mr. W. Moir, Q.C. A third study on Legal Aid was also carried out by Mr. (now Judge) Cashman. The heavy cost of air transport and regular circuits by aircraft, somewhat inflated the cost of administering the scheme in the Northwest Territories, but the Department of Justice proved generous in assisting with the funding of the excess. It would be hoped that the Department would adopt a similar attitude if their scheme was chosen here.

The scheme would be administered by a committee composed of a Territorial civil servant, a senior lawyer, and a member of the public. The committee would have wide terms of reference but in general its highlights were:

- (a) provision of duty counsel on circuit,
- (b) choice of lawyer would be from a roster,
- (c) aid would be provided after application and processing by the committee, or in appropriate cases, on court recommendation,
- (d) aid would be available to every person in the Territory who could not afford to retain his own lawyer without depriving himself or his dependents of reasonable necessities, or without sacrificing modest capital assets.

It was common to all schemes considered that:

- (a) aid would be available to needy persons in a wide range,
- (b) rules would be made for recovery of fees in civil matters where the client was successful in obtaining damages,
- (c) fees paid to lawyers would be controlled by rules or regulations,
- (d) the scheme would be administered by the Government either through a committee or an appointee, and not by the Law Society,
- (e) in civil matters, certain types of action would not justify legal aid, e.g. defamation, estates, incorporation of companies, breach of promise, per quod amisit servitium, recovery of penalties, etc.

The studies differed on:

- (a) free choice of counsel,
- (b) whether any public defender services should be provided,
- (c) whether a committee alone or an appointee subject to a committee should be the prime administrator,
- (d) whether a lawyer referral system for minor legal advice should be provided,
- (e) whether a duty counsel should be available in Whitehorse or on circuit,
- (f) how fees in civil cases should be fixed (first and third studies favoured 75% of the normal scale, the second study appears to assume a prearranged scale of fees by the Ombudsman).

Cost:

Any estimate as to the cost of a legal aid scheme tends to be a "ball park" figure since the size of the Territory to some extent precludes the application of the experience of other jurisdictions, except alone, that in the Yukon, the scheme will be expensive. All studies recommend a higher scale of legal aid fees in criminal cases than those currently paid. Given a current base figure of \$20,000.00 per annum, fees and disbursements in criminal cases could be expected to increase by at least 50%. Experience has shown that the cost of civil legal aid tends to match criminal expenditures and thus fees and disbursements in a full year could amount to \$60,000.00, once the public have had time to make general use of the opportunities available. This will probably not occur until the financial year 1974/75. To this must be added administrative costs. With the committee system it is estimated that the cost of clerical assistance, office rental, and expenses of the committee, will be less than \$15,000.00, making a total of \$75,000.00. How much different a scheme would cost wherein the administrator provided some services but cost more, is a matter for speculation.

Funding:

If the proposed scheme meets with the approval of the Department of Justice, half of the cost will be paid by the Federal Government and half would be required to be funded by the Territory. It is assumed that the whole of the cost would in the first instance be met from an appropriation of the Territorial Council, and the Territory would recover its expenditures periodically from the Department of Justice.

One new source of funds may become available to assist in defraying the Territory's increased expenditures. In some provinces, use has been made of the dormant non-interest-bearing trust accounts which lawyers are required to maintain in chartered banks, in accordance with the appropriate legislation. Presently in the Territory, all lawyers are required to maintain such trust accounts into which all clients money must be deposited. No interest is paid on these trust accounts since the bookkeeping involved would be extremely complicated and it is generally assumed that if interest was paid it would be the property of the individual clients. Law Societies in the Provinces have complied with legislation which requires that interest be garnered on these trust accounts and paid to the provincial Governments. The money is used for various purposes connected with the administration of justice, e.g. law libraries, scholarship funds etc. The Yukon Law Society has agreed to cooperate with any scheme established by the Government, whereby interest on such trust accounts was taken by the Government to defray its increased expenses in the administration of a general legal aid scheme. It is too early yet to make a firm estimate of how much revenue would accrue from this source, but it might be considerable.

Related Increased Expenditures:

Experience in other jurisdictions has shown that an increase in the number of lawyers involved in the court process, and increased Government controls and enforcement, has resulted both in more cases coming before the courts over the years, and in increased time being required to process individual cases. Both of these factors have already caused heavy burdens on the courts in the Yukon. It can be expected also that where legal aid becomes more widely used, this trend would be accelerated.

Plans are already afoot for increasing the court facilities available in the Territory. If legal aid is adopted, it can only be expected that these facilities will be more urgently required. Provision of increased judicial services will require an increase in the ancillary services related to the courts.

It is not expected that any increased expenditures will be required in relation to the Court of Appeal or the Supreme Court, for a few years, but if an extra professional Magistrate is appointed, the extra annual cost may run to \$60,000.00. This cost not being strictly part of the legal aid scheme, would not be fifty percent recoverable from the Department of Justice.

At least one Magistrate, one Clerk, one shorthand reporter, and a second court will be required. The above mentioned estimated extra cost would be made up as follows:

Magistrate	\$25,000
Shorthand Reporter	12,000
Clerk	9,000
Clerical Assistant	7,000
Rental etc.	2,000
	<hr/>
	55,000
10% contingency	5,000
	<hr/>
	\$60,000
	<hr/> <hr/>

Copies of the departmental studies are not available for publication, but members of Council may peruse them on request.


J. Smith
Commissioner

LEGAL AID Y.T.

Purpose: To provide counsel to any indigent person charged with a criminal offence in the Yukon Territory.

Method of operation: Defence counsel is supplied by the Department of Justice to any indigent person charged with murder. If the accused is convicted and wishes to appeal to the Court of Appeal or the Supreme Court of Canada, counsel is also supplied. Fees paid to counsel so appointed are based on the usual tariff for agents of the Attorney General of Canada. In other criminal cases, it is left to the Courts to decide whether the indigent accused should be defended by counsel. If such counsel is appointed, he is paid a per diem rate for time spent in Court, plus disbursements. Payment is made by the Department of Justice on behalf of the Territorial Government.

Eligibility: All indigent persons, no matter what their racial origin may be, charged with criminal offences in the Yukon Territory.

RATES ALLOWED:

Murder cases: \$10.00 per hour for preparation,
\$75.00 per day for preliminary hearing,
\$150.00 for first day of trial,
\$125.00 for each subsequent day of trial.

All necessary disbursements, including 15 cents per mile for use of own car.

Other criminal cases: (a) Where the trial of preliminary inquiry takes place at Whitehorse, i.e. where counsel resides, \$75.00 for each full day in Court; and an appropriate fraction thereof for lesser periods;

(b) Where the trial or preliminary inquiry takes place away from Whitehorse, \$75.00 for each full day in Court and \$75.00 for each additional full day that counsel is required, in the conduct of the proceedings, to be away from his office; an appropriate fraction thereof for lesser periods;

(c) \$15.00 is allowed for minor Court attendances of one hour or less.

In addition to the above, reasonable disbursements are allowed. However, no fee is allowed for preparation.

Appeals to Court of Appeal:

Where counsel, appointed by the Court to represent an indigent appellant, later declines to act on the basis that the appeal has no merit, such counsel will receive remuneration on a flat fee basis. If the appeal is from both conviction and sentence, counsel will be paid a fee of \$50.00. If the appeal is from conviction or sentence only, counsel will be paid a fee of \$25.00.

MEMORANDUM OF AGREEMENT MADE THIS

DAY OF

, 1973.

BETWEEN:

THE GOVERNMENT OF CANADA,
represented by the Minister of
Justice and Attorney General of
Canada, hereinafter called the
"Minister",

OF THE FIRST PART

- and -

THE GOVERNMENT OF THE YUKON
TERRITORY, represented by the
Commissioner of the Yukon
Territory, hereinafter called
the "Commissioner",

OF THE SECOND PART

WHEREAS, the Parties hereto have resolved to establish
a comprehensive legal aid program for the people of the Yukon
Territory and to provide for the administration of the program
on a shared cost basis;

NOW THEREFORE, this Agreement witnesseth that the
Minister and the Commissioner, in consideration of the covenants
hereinafter mentioned, agree as follows:

LEGAL AID COMMITTEE

1. (1) The Commissioner shall establish a committee, to be
known as the Legal Aid Committee (hereinafter called
the "Committee"), to administer the legal aid
program in the Yukon Territory as prescribed in
this Agreement.

- (2) The Committee shall consist of a chairman who shall be the Legal Adviser to the Territorial Government or such other person, who is an employee of the Territorial Government, as the Commissioner may, from time to time, designate, and two other members, one from among the resident members of the Bar of the Territory nominated by the President of the Yukon Territory Bar Association, and the other member, selected by the Commissioner, who is a resident of the Territory but who is not a member of the legal profession and who is not employed by the Territorial Government or by the Government of Canada.
- (3) The Commissioner shall arrange as soon as possible to fill vacancies on the Committee as they occur.
- (4) The members of the Committee who are not employees of the Territorial Government may be paid remuneration, for time spent in the performance of their duties as members of the Committee, at such rate not exceeding fifty dollars a day as the Commissioner prescribes; and every member of the Committee shall be paid such reasonable travelling and living expenses incurred by them in the performance of their duties as members of the Committee as are prescribed by the Commissioner.

- (2) The Committee shall consist of a chairman who shall be the Legal Adviser to the Territorial Government or such other person, who is an employee of the Territorial Government, as the Commissioner may, from time to time, designate, and two other members, one from among the resident members of the Bar of the Territory nominated by the President of the Yukon Territory Bar Association, and the other member, selected by the Commissioner, who is a resident of the Territory but who is not a member of the legal profession and who is not employed by the Territorial Government or by the Government of Canada.
- (3) The Commissioner shall arrange as soon as possible to fill vacancies on the Committee as they occur.
- (4) The members of the Committee who are not employees of the Territorial Government may be paid remuneration, for time spent in the performance of their duties as members of the Committee, at such rate not exceeding fifty dollars a day as the Commissioner prescribes; and every member of the Committee shall be paid such reasonable travelling and living expenses incurred by them in the performance of their duties as members of the Committee as are prescribed by the Commissioner.

- (5) The Committee shall prepare two panels of lawyers consisting of persons who are members of the Bar of the Yukon Territory and who are prepared to act as legal aid counsel; the first panel shall comprise those persons who are resident in the Territory and the second panel shall comprise those persons who are not resident in the Territory.
- (6) The Committee shall assign to persons who apply for legal aid and who qualify therefor legal aid counsel from the first panel in the order in which their names appear thereon, having regard to the nature of the legal services required and the experience and qualifications of the counsel, and with the result that all persons on that panel share the legal aid work among them more or less equally.
- (7) Where there is no person on the first panel who, in the opinion of the Committee, should be assigned as legal aid counsel in a particular matter, the Committee may assign legal aid counsel from the second panel in the order in which their names appear thereon, having regard to the nature of the legal services required and the experience and qualifications of the counsel, and with the result that all persons on that panel share the legal aid work among them more or less equally.

- (8) Notwithstanding anything in this Agreement, a person who has been charged with an offence mentioned in section 427 of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as a result of which he is subject to be sentenced to death or to imprisonment for life and who qualifies for legal aid, shall be permitted to select his own legal aid counsel from among all the persons who are members of the Bar of the Yukon Territory.
- (9) The Committee shall tax accounts of legal aid counsel and certify them for payment to the Commissioner.
- (10) The Committee may authorize an employee of the Territorial Government, in accordance with such guidelines as the Committee prescribes, to tax and certify accounts of legal aid counsel.
- (11) The Committee may authorize one or more of its members to exercise and perform, in accordance with such guidelines as the Committee prescribes, any of the powers, duties and functions of the Committee under this Agreement.
- (12) Any act or thing required or authorized to be done by the Committee may be done by two members of the Committee.

- (13) Subject to the provisions of this Agreement, the Committee, with the approval of the Commissioner, may make rules
- (a) as to the manner in which legal aid shall be made available to the people of the Territory;
 - (b) the calling and conduct of meetings of the Committee; and
 - (c) with reference to any other matter that the Committee considers necessary to carry out and give effect to this Agreement.

LEGAL AID GENERALLY

2. (1) Subject to the provisions of this Agreement, legal aid in both criminal and civil matters shall be made available to every person in the Territory and to every person ordinarily resident in the Territory who, in the opinion of the Committee cannot afford to retain his own lawyer without depriving himself or his dependents of reasonable necessities or without sacrificing modest capital assets. In determining whether a person can afford to retain his own lawyer, the Committee shall have regard to the financial status of that person, the financial status of the members of his family and any other matter that the Committee considers relevant.

(2) Legal aid provided under this Agreement to any person shall be subject to the following conditions, namely,

(a) where that person recovers any sum in respect of the matter for which legal aid was provided under a judgment, order, settlement or otherwise, an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person shall be paid by that person to the Commissioner but, if the sum so recovered by that person is less than the amount of the said fees and disbursements, the full sum so recovered shall be paid by that person to the Commissioner;

(b) where that person recovers property, other than money, an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person shall be due and payable by that person to the Commissioner but, if, in the opinion of the Committee, the value of the property so recovered is less than the amount of the said fees and disbursements, an amount equal to the value of the property shall be due and payable by that person to the Commissioner;

- (c) where that person is awarded costs in respect of the matter for which legal aid was provided and an amount equal to the amount of the fees and disbursements paid to the legal aid counsel who acted for that person has not been otherwise recovered by the Commissioner, the costs, or so much thereof as required so that the Commissioner will have recovered the amount of the said fees and disbursements, as the case may be, shall be paid to the Commissioner; and
- (d) where that person, in the opinion of the Committee, is able to contribute towards the cost of employing legal aid counsel, he shall be required to pay such amount in respect thereof to the Commissioner as the Committee considers appropriate.

LEGAL AID IN CRIMINAL CASES

3. (1) The Committee shall arrange for legal aid counsel to accompany both the Supreme Court and the Magistrate's Court (hereinafter referred to as the "Court") on all circuits where, in the opinion of the Committee, legal aid counsel will be required. Where the Committee does not make such arrangements, the Court may, if the Court considers it necessary, do so on its own initiative.

- (2) Where, in the opinion of the Committee, it is necessary and practical to do so, the Committee shall arrange for legal aid counsel to precede the Court circuit so that counsel can have time to prepare the cases where legal aid is required. Where such arrangements are not made, the legal aid counsel who accompanies the Court may request an adjournment to the next circuit and, if granted, will brief the next legal aid counsel assigned to that case.
- (3) Legal aid shall be provided, subject to this Agreement, in the following matters:
- (a) where the offence is under a Statute of the Parliament of Canada and is to be proceeded with by indictment;
 - (b) where the offence is under
 - (i) a Statute of the Parliament of Canada,
 - (ii) a Regulation made pursuant to a Statute of the Parliament of Canada,
 - (iii) an Ordinance of the Territory, or
 - (iv) a Regulation made pursuant to an Ordinance of the Territory,and is to be proceeded with by summary conviction in the Court, if the accused is subject to a sentence of imprisonment or to a penalty that, in the opinion of the Committee or the Court, will interfere substantially with his livelihood;

- (c) proceedings under the Juvenile Delinquents Act;
- (d) proceedings pursuant to the Extradition Act and the Fugitive Offenders Act;
- (e) where the offence is one not provided for in subparagraph (a), (b), (c) or (d) of this paragraph and, in the opinion of the Committee or the Court, the accused is not capable of making an informed decision as to his proper course of action, or it appears to the Committee or to the Court that the accused may be subject to a sentence of imprisonment or to a penalty that will interfere substantially with his livelihood; and
- (f) an appeal in any of the matters referred to in sub-paragraph (a), (b), (c), (d) or (e) of this paragraph
 - (i) where the appeal has been taken by the prosecution;
 - (ii) where counsel advises that an appeal by the accused has merit and the Committee agrees; and
 - (iii) where the Appeal Court or a judge thereof requests that legal aid be provided to the accused.

FEES FOR LEGAL AID IN CRIMINAL CASES

4. The fees, disbursements and travel and living expenses to be allowed to legal aid counsel shall be as follows:

- (1) Time spent in Court.....\$30.00 per hour
- (2) Time spent away from office not in Court...\$15.00
per hour
- (3) Reasonable preparation.....\$20.00 per hour
- (4) The total of the fees to be paid to legal aid counsel for any one day under paragraphs (1), (2) and (3) of this section shall not exceed \$300.00.
- (5) Reasonable disbursements shall be allowed but where a disbursement may exceed \$100.00 the prior approval of the Committee shall be obtained.
- (6) Reasonable travelling and living expenses, not exceeding those provided by the Territorial Government Travel Regulations, shall be allowed.

LEGAL AID IN CIVIL CASES

5. (1) The Committee shall, subject to this Agreement, provide for legal aid counsel to an individual in all civil matters with the exception of the following:

- (a) defamation,
- (b) estates,
- (c) incorporation of companies or societies or the formation or dissolution of partnerships,
- (d) real property transfers,
- (e) breach of promise of marriage,

- (f) loss of service of a female in consequence of rape or seduction,
 - (g) alienation of affections or criminal conversation,
 - (h) relator or representative actions,
 - (i) arbitrations or conciliations,
 - (j) proceedings for the recovery of a penalty where the proceedings may be taken by any person and the penalty, in whole or in part, may be payable to the person instituting the proceedings, or
 - (k) proceedings relating to any election.
- (2) Where legal aid is provided in a civil matter, the matter shall not be proceeded with unless the legal aid counsel has supplied the Committee with his written opinion that it is reasonable in all the circumstances for him to commence, defend or continue with the proceeding or matter and the Committee has authorized him to do so.

FEES FOR LEGAL AID IN CIVIL CASES

6. (1) The fees to be allowed to legal aid counsel in any civil matter shall be an amount equal to 75% of the fees that would be taxed or that are taxed by the Court in connection with that matter on a solicitor-client basis. If any question arises as to the fee

that should be allowed in any case or class of case, the Commissioner, after consultation with a judge of the Supreme Court, shall determine the question. Reasonable disbursements shall be allowed in full, and reasonable travelling and living expenses, not exceeding those provided by the Territorial Government Travel Regulations, shall be allowed.

- (2) Where a legal aid counsel, while on a circuit of the Court, provides legal services in both criminal and civil matters, the fee to be paid to him shall not exceed an amount calculated on the basis of \$30.00 per hour with a maximum of \$300.00 for any one day.

PUBLICITY

7. The Commissioner shall ensure that the legal aid program for the Territory receives, from time to time, such publicity as is practical and necessary to inform the people in the Territory of its provisions.

FINANCIAL

8. (1) The Commissioner shall ensure that the Committee administers the legal aid program as prescribed in this Agreement within the limits of a reasonable annual budget therefor which shall be prepared by the Department of Legal Affairs in consultation with the Legal Aid Committee and approved by the Territorial Council.

- (2) The Commissioner shall advise the Minister no later than the 30th day of June in each year of the amounts paid to each member of the Committee and to each legal aid counsel and the amounts, if any, paid or payable to the Commissioner pursuant to paragraph (2) of section 2 of this Agreement during the period of twelve months ending the 31st day of March immediately preceding the 30th day of June, and the Minister, upon being satisfied that the legal aid program has been carried out in accordance with this Agreement, will pay to the Commissioner one-half of the amount determined by subtracting the total of the amounts, if any, paid or payable to the Commissioner pursuant to paragraph (2) of section 2 of this Agreement from the total of the amounts paid to the members of the Committee and to legal aid counsel during that period.
- (3) The Commissioner, at the request of the Minister, will make available to him or to his officials all records, accounts and other documents and information relating to the legal aid program that the Minister or his officials require for the purposes of this Agreement.

ANNUAL REPORT

9. The Commissioner shall make a report to the Minister no later than the 30th day of June in each year on all aspects

of the administration of the legal aid program under this Agreement during the period of twelve months ending the 31st day of March immediately preceding the 30th day of June.

REVIEW AND TERMINATION

10. (1) The terms of this Agreement shall be reviewed by the parties and, if necessary, shall be renegotiated at least once every two years.
- (2) This Agreement may be terminated by either party giving to the other party at least sixty days notice in writing of termination.

IN WITNESS WHEREOF the Honourable Otto E. Lang, Minister of Justice and Attorney General of Canada, has hereunto set his hand on behalf of the Government of Canada, and Mr. James Smith, Commissioner of the Yukon Territory, has hereunto set his hand on behalf of the Government of the Yukon Territory.

Otto E. Lang,
Minister of Justice and
Attorney General of Canada.

James Smith,
Commissioner of the Yukon
Territory.

February 28th, 1973.

SESSIONAL PAPER NO. 17 - 1973 (FIRST SESSION)

EDUCATION POLICY PAPER

Mr. Speaker

Members of Council

The Report of the Committee on Education for the Yukon Territory 1972, was tabled in 1972 at the Second Session of the Yukon Territorial Council. The Territorial Councillors and interested members of the public have been given the opportunity to study the report and will ultimately be given the opportunity to make further suggestions for change. As noted in the Sessional Paper which was tabled with the Report, the Government indicated it would table a "policy paper" during the Spring Session of 1973 which would present in lay language the general changes that the Government would be prepared to incorporate in a revised School Ordinance and in the educational system itself in the Yukon Territory.

The Government has made a detailed and lengthy study of the Report and is now prepared to outline the general changes it proposes. The Government is prepared to implement many of the recommendations outlined in the Report. Initially, the Government proposes to revise the present School Ordinance along the lines suggested in the Report. The ordinance will be brought into line with similar legislation in the provinces and will be written so as to give the document an organized format with each section dealing with subjects of a similar nature. A set of regulations as required for and consistent with the intent of the legislation will be prepared at the same time. Most of the recommendations contained in the Report which do not entail major financial considerations will be incorporated in the ordinance. The Government proposes to include, amongst others, the following recommendations in the ordinance. The re-organization of the Department will be outlined in the ordinance and the duties and responsibilities of the senior officials will be delineated in general terms. Similarly, the general duties and responsibilities of the teaching staff, including principals, will be also outlined. The section on school advisory committees in the present School Ordinance will be deleted and a new section incorporated which will permit the establishment of Local School Committees with enhanced duties and responsibilities. It is further proposed that the section dealing with the school year be altered to permit more flexibility in the establishment of the annual school calendar. The preceding are merely examples of some of the recommendations which the Government proposes to include in the legislation.

...../2

The most crucial recommendation (III.1. p. 44) in the Report states, "That, before any additional educational services are authorized, the source of the money for them be determined". The Government agrees with the recommendation and it proposes to view all other recommendations or suggestions for increased educational services which involve substantial expenditures on the basis of priorities. The limit of our financial resources makes it impossible to satisfy all sections of the public. The Government insists that our educational dollars must be spent to the best advantage and every request for additional services must be based on priorities as to the relative value of each educational service within the system. If extra services are to be provided, there are two ways to obtain the funds. One is to reduce the existing services or to raise more money to pay for new services. Since there has been no suggestion that present services be curtailed, it would appear that more money would have to be raised to pay for new programmes.

The Government is charged under the Yukon Act with the education of all children in Yukon, regardless of racial origin. It does not classify pupils as Indian (status or non-status), or non-Indian. It treats students as individuals and has offered and will continue to offer equal educational opportunity based on the needs of the individual student, rather than on the expressed wishes of a single minority group. Therefore, the Government is prepared to initiate curriculum modifications which will make the content more meaningful to the Indian child. It is prepared to expand the existing locally-developed course on the history and culture of the Yukon Indians, which is taught at F. H. Collins Secondary School, to other secondary schools and to introduce a modified version in the elementary schools. Furthermore, the Government will expand the teaching of native languages and crafts if and when suitable instructors are available. The Government is prepared to co-operate with the various associations of native people, but it will retain complete responsibility for the operation of the curriculum in its schools and will not, nor cannot, hand over this responsibility to another agency.

At this time, the Government is not prepared to consider a Professional Ordinance on behalf of the teachers. It is prepared, however, to have the teachers of the Yukon Territory make application under the Yukon Public Service Staff Relations Ordinance for certification as a bargaining unit. The Government presently pays the administration costs of a Staff Relations Board which deals with contractual grievances, conciliation, etc. If the teachers were granted their request, another Board would have to be established and additional costs assumed by the Government. In the provinces both the teachers' associations and the school trustees' associations contribute to the costs of this type of Board. Since we do not have School Boards in Yukon, the Territorial Government would have to assume these costs. Since we have legislation in force which provides any group of government employees the right to constitute a bargaining unit, the Government proposes to include in the School Ordinance a section wherein the procedural legislation for the teachers to utilize the Yukon Public Service Staff Relations Ordinance will be outlined.

Copies of the "policy paper" are now tabled for your information. Additional copies are available for the public. The Territorial Councillors and the general public will now have an opportunity to study the "policy paper" and make further suggestions for change. The Executive Committee Member responsible for Education will take into consideration the views and comments expressed before the School Ordinance is presented to the Territorial Council at a special session which will be called later in 1973.



J. Smith,
Commissioner.

29 December, 1972.

LEGISLATIVE RETURN NO. 1 -(1973 FIRST SESSION)

Mr. Speaker,

Members of Council

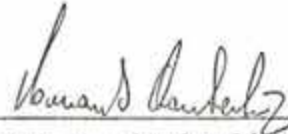
Yukon Health Care Insurance Plan

On Wednesday, December 6, 1972 Councillor Stutter asked for a written reply to the following questions:

1. What number of Yukon residents are presently registered in the Yukon Health Care Insurance Plan?
2. What is the make up of that registration - family, couple and single policies?
3. What are the approximately monthly expenses against the Plan?

The answers to these questions are as follows:

1. 19,730 residents.
2. a) Single status - 4,583
b) Person with 1 dependent - 1,505
c) Person with 2 or more dependents - 3,378
3. The average monthly expenses of the Plan for the months of August, September, October and November were \$74,200.



Norman S. Chamberlist,
Member, Executive Committee

January 25, 1973

LEGISLATIVE RETURN NO. 2 - 1973 (FIRST SESSION)

Mr. Speaker,

Members of Council

Hockey Tickets

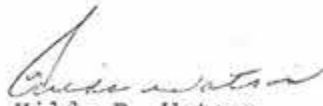
On December 6th, Councillor McKinnon asked Question No. 7 as follows:

"How many tickets were made available to the Yukon for the Canada-Russian Hockey Game in Vancouver? Were all of these tickets apportioned by lottery? If not, who received the other tickets?"

An offer of a "limited number of tickets for provincial offices," was received from the Chairman of the Council of Directors of Sport and Recreation. A total of fourteen tickets were received for the Vancouver Game by Yukon.

Of this total, ten were made available for public lottery. A total of 68 names were entered, each one for a pair of tickets.

Four tickets were retained by the Office of the Executive Committee Member of Education and were made available to the Commissioner, the Director of Recreation, the Superintendent of Education and the Members of the Executive Committee. Only the Executive Committee Member for Education and the Executive Committee Member for Health, Welfare and Rehabilitation, were interested in attending the game.


Hilda P. Watson,
Member,
Executive Committee.

January 31st, 1973.

LEGISLATIVE RETURN NO. 3 - 1973 (FIRST SESSION)

Subsistence to Y.V.T.T.C. Students

Mr. Speaker

Members of Council

On Thursday, December 7th, 1972, Councillor Tanner asked the following question:

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

Under Commissioner's Order 1973/34, pursuant to the provisions of the Financial Administration Ordinance, the schedule of training allowances and assistance for students attending full time approved vocational courses not sponsored by Canada Manpower has been established, effective January 15th, 1973, to June 30th, 1973. The schedule is as follows:

No dependents and living at home.....	\$35.00/week
No dependents.....	\$42.00/week
One dependent.....	\$63.00/week
Two dependents.....	\$73.00/week
Three dependents.....	\$82.00/week
Four dependents.....	\$88.00/week
Living-away-from-home allowance.....	\$30.00/week

1. No dependents and living at home applies to students who reside in a household maintained by his or her parent or spouse.
2. Living-away-from-home-allowance is in addition to the regular allowance and applies to students maintaining a separate household with dependents in a community other than the community where the course is being held.
3. Where in any week a student who is being trained in an approved vocational course did not receive training for at least five days, and was not excused therefrom by the person in charge of the training,

the amount of the training allowance payable to him for that week shall be prorated on the basis of the number of days of training provided in that course in that week.

Effective July 1st, 1973, the training allowances and assistance for students attending full time approved vocational courses not sponsored by Canada Manpower is as follows:


No dependents and living at home.....\$30.00/week

No dependents.....\$50.00/week

One dependent) Shall be equal to the amounts paid
Two dependents) by Canada Manpower as of July 1st,
Three dependents) 1973, and increased to an amount
Four dependents) equal to Canada Manpower rates each
subsequent year the Canada Manpower
rates are increased.

Living-away-from-home allowance.....\$30.00/week

Items 1, 2 and 3 above also apply to this new schedule.


Hilda P. Watson,
Member,
Executive Committee.

February 6, 1973

LEGISLATIVE RETURN NO. 4 - 1973 (FIRST SESSION)

Mr. Speaker
Members of Council

Alaska Highway Maintenance

Following a Cabinet decision in October, 1971, the maintenance responsibility for the Alaska Highway and the Haines Road in the Yukon Territory was transferred on April 1st, 1972, from the Federal Department of Public Works to the Government of the Yukon Territory. Also accepted was the responsibility of maintaining the Teslin and Burwash Airports on behalf of M.O.T.

With the completion of ten months of operation of the road system since turn-over a brief examination of the present status will be of interest to you.

The turn-over of personnel presented only minor problems. This was greatly due to the large amount of preparatory work carried out by the Personnel Department. From the beginning we received the full co-operation of former D.P.W. crews and supervisors. The integration of employees presented also no problems. A number of transfers have taken place and we now have former D.P.W. supervisors and employees working in formerly Y.T.G. areas and vice versa. When the two Area Road Superintendents -- on a short assignment from D.P.W. -- resigned to leave for "outside", Mr. Colin Yeulet (formerly Y.T.G. Foreman in Whitehorse) was appointed Area Road Superintendent - Western Area and Mr. Ray Magnuson (formerly D.P.W. Foreman in Haines Junction) was appointed Area Superintendent - Eastern Area. With the appointment of these two employees the full regional concept of responsibility was implemented in the Highway Maintenance Section and has now been operational for approximately eight months. The regions are as follows:

1. Western Area (Mr. Colin Yeulet)

Whitehorse;
Carcross;
Haines Junction;
Haines Road, Mile 75;
Destruction Bay;
Beaver Creek;

Western Area (Cont'd.)

Carmacks;

Drury Creek;

All summer crews in this area.

2. Eastern Area (Mr. Ray Magnuson)

Teslin;

Swift River;

Watson Lake;

Tuchitua;

Ross River;

Twin Creeks (summer only);

Quiet Lake (summer only);

All summer crews in this area.

3. Northern Area (Mr. Charlie Profeit)

Dawson City;

Boundary Road;

Dempster Road - Klondike;

Dempster Road - Ogilvie;

Stewart Crossing;

Mayo;

All summer crews in this area.

Promotional opportunities within the Highway Maintenance Section are now more readily available than before and our new internal competition system is working well. The increase in Head Office personnel was minimal with the greatest increase in workload in the personnel section. The lowest number of employees in the Department of Highways and Public Works was encountered in December, 1972, with 296 employees and the highest number was reached in August, 1972, with 550 employees. Some difficulties were encountered during the summer months when qualified equipment operators were difficult to find to staff our summer crews. As a consequence we experienced a high turn-over of casual employees. We also find it difficult to find qualified Automotive and Heavy Duty Mechanics for permanent positions and at one time -- in September -- we had 15 mechanical vacancies. While all Highway Maintenance and Mechanical positions turned over to us were retained, a number of positions in various support sections (H.Q., Stores etc.) were abolished when employees were transferred to other vacant positions or when they resigned. There are still approximately 10 positions which will be faded out over the next two years through transfer or normal attrition.

The equipment and machinery turned over to us has presented problems because of the age of the units and the great variety of manufacture of all types of equipment. Procurement of parts from points outside the Territory was often time consuming, delayed repairs and increased down-time. Two crushers turned over to us will be surplused as parts cannot be procured any more. It is obvious that a major equipment replacement programme is necessary to bring our holdings up to date.

Buildings in Highway Maintenance Camps on the Alaska Highway are generally of old vintage and require above average repairs to keep them operational. It is our estimate that it will take us at least two years to bring the majority of buildings to a good state of repair. As an example -- the electrical system in the Watson Lake Camp is so poor that all buildings with the exception of the new garage have to be rewired very soon. Fortunately, all Building Maintenance expenditures for buildings on the Alaska Highway System are 100% recoverable from the Alaska Highway maintenance budget. The turn-over of all buildings in the Whitehorse Industrial Area compound has benefited a number of Territorial Departments such as Liquor Control, Central Purchasing and Stores, Game and others who now have warehousing and storage space available to them.

The actual Highway Maintenance programme has presented no more than average problems. The majority of complaints dealt with the Mile 695 to 705 section where surfacing material consists of shale which gets very slippery when saturated with water. Corrective action was taken by crushing and hauling granular surfacing material. Additional work may be required in the coming season. A number of minor washouts occurred in early spring with a major repair job at Upper Liard where the Liard River overflowed its banks inundating the highway and surrounding area. A six foot lift had to be placed on the road and the flow of traffic was interrupted for short periods. A total of 2,382 tons of Calcium Chloride were applied to the road surface for dust control. The average application was at 10 tons per mile. Approximately 10 miles of "Special Cut Back Primer" was applied to the road surface to test this material. This material does not harden, is therefore workable by graders, and it does not stick to tires. Further testing will be done in different sections of the highway this coming summer so that we can evaluate this material as against Calcium Chloride treatment. Minor

Highway Relocations were carried out from Mile 758 to 759 to correct a number of bad curves and from Mile 675 to 676, Mile 779 to 780, Mile 782 to 783 and Mile 847 to 849 to correct lines of sight, bad curves and bad hills. This work included dirt moving of approximately 300,000 cubic yards. Normal crushing and surfacing operations were carried out with 141,000 cubic yards crushed (mainly on the Haines Road) and with 83 miles of crushed material applied to the Haines Road at 1,000 cubic yards per mile. On the Alaska Highway only spot surfacing was carried out by our own forces but 149 miles were surfaced under contract. 1,750 lineal feet of guide rail was installed. 53 miles of ditching was done by dragline. 340 miles of ditching and back-sloping was carried out by bulldozers and graders. 1,900 lineal feet of culverts were installed. In summary, the maintenance of the Alaska Highway and the Haines Road was carried out satisfactorily with a minimum of complaints from the travelling public.

Financially we are well within funds allotted to us by D.P.W.

The combining of the former Y.T.G. road system with the former D.P.W. road system has definitely benefited the taxpayer. Savings incurred in overhead costs and in support sections were applied to the actual maintenance of the highway and allowed us to very substantially increase the dust control programme.



K. J. Baker
Member
Executive Committee

9 February, 1973

LEGISLATIVE RETURN NO. 5 (1973 FIRST SESSION)

INFORMATION PAPER

YUKON HEALTH CARE INSURANCE PLAN

Mr. Speaker,
Members of Council

The "Commencement Day" for the Yukon Health Care Insurance Plan was April 1, 1972, some ten months ago. This paper is presented to inform Council of the operation of the Plan over that period.

The overall administration of the Plan is carried out in Whitehorse in conjunction with that of Yukon Hospital Insurance Services, but certain functions - computer services and claims assessment - are obtained from C U & C Health Services in Vancouver.

The operation of the Plan is predicated upon the use of the social insurance number as the individual's identification number with the Plan. The Unemployment Insurance Commission has proved most co-operative in issuing numbers to those not already in possession of them and has arranged for this to be on a continuing basis. As a part of the birth registration procedure, children born in the Territory are issued with their social insurance number.

A register of members or master file is maintained by the computer and is an essential factor in the processing of accounts. Although the importance of the accuracy attached to information constituting the master file has always been stressed, it was not until October, 1972 that it began to function in an operationally effective manner. It is of course continually subject to alteration as residents enter and leave the Territory but this is of minor consequence and does not affect its effectiveness to any great extent.

Plastic identification cards are issued to residents for use when obtaining insured services. When a resident's particulars are entered in the master file the computer advises that a card should now be imprinted and issued to that person. The imprinting of these cards was initially carried out in Toronto by the supplier of the blank cards but in December 1972 this function was taken over by the Health Services Branch. Computer listings for the imprinting of new cards is supplied by C U & C at intervals of two weeks. The social insurance card is similar in size and information to the health care card but cannot be used in its stead for imprinting a claim card without this being apparent to the claims assessor.

Doctors practising in the Territory submit claims directly to the computer centre for assessment. Out-of-Territory claims are submitted to the Whitehorse office either by the doctor or by the patient, if payment has already been made, and thence forwarded to Vancouver for assessment. Payment advices are forwarded to Whitehorse and bi-monthly payments are made at

mid-month and month-end.

In the early months of the Plan the process time for claims was on the average of ten to twelve weeks but as the master file built up this time decreased and is now six to eight weeks with one exception. Some doctors in other areas will require an out-of-Province patient to pay for their services but fail to detail the services rendered on the receipt. This information must then be obtained by the Plan before the claim can be assessed but fortunately the number of such claims is very small.

The following are details of transactions:

CLAIMS PROCESSED

<u>Month</u>	<u>In-Territory</u>	<u>Out-of-Territory</u>	<u>Total</u>
April	1,821		1,821
May	4,412	55	4,467
June	3,889	202	4,091
July	3,452		3,452
August	4,847		4,847
Sept	5,616	293	5,909
Oct	4,526	566	5,092
Nov	6,708	413	7,121
Dec	5,568	437	6,005
Jan	6,652	368	7,020
	47,491	2,334	49,825

INSURED SERVICES PAYMENTS

<u>Month</u>	<u>In-Territory</u>	<u>Out-of-Territory</u>	<u>Total</u>
April			
May	\$ 4,764.00	\$	\$ 4,764.00
June	54,251.58	2,741.56	56,993.14
July	45,125.30	7,609.79	52,735.09
Aug	42,440.66		42,440.66
Sept	66,091.88	6,642.08	72,733.96
Oct	62,303.92	16,761.59	79,065.51
Nov	52,774.94	13,318.86	66,093.80
Dec	91,960.88	15,514.32	107,475.20
Jan	63,658.06	11,857.87	75,515.93
	\$483,371.22	\$74,446.07	\$557,817.29

RECOVERIES

D.N.H. & W.	\$405,000.00
Premiums	540,121.00
	<u>\$945,121.00</u>

The development of the Plan has been orderly and no major problems have been encountered. The co-operation of the Yukon Medical Association and the medical profession as a whole has contributed to this. The claims processed and insured service payments figures indicate that the Plan was approaching what

would appear to be a normal operating level in September 1972. However, three additional doctors commenced practice in the early part of January 1973. The effect of this will not become apparent until next month when their first claims may be expected to be processed.



Norman S. Chamberlist,
Member, Executive Committee

LEGISLATIVE RETURN NO. 6 - 1973 (FIRST SESSION)

Mr. Speaker
Members of Council

On Tuesday, February 20th, 1973, Councillor Tanner asked the following questions:

"During the time of amalgamation, discussions of pre-amalgamation to do with the City of Whitehorse, there was a suggestion made, I believe by the Commissioner, that at the time of the take-over of the Alaska Highway, the Territorial Government might find itself with surplus equipment which might be made available to the City of Whitehorse. I wonder if the Commissioner could tell us now what the situation is, where is this surplus equipment and whether or not the City has approached the Territorial Government to get some of this equipment?"


The answers to these questions are as follows:

1. The following road equipment is on the surplus line at present:

- 23 - ½ Ton Pick-Ups
- 3 - ½ Ton Panel Trucks
- 3 - 4 Door Automobiles
- 3 - 2 Door Automobiles
- 3 - Station Wagons
- 2 - 3 Ton Stake Trucks
- 2 - 5 Ton Dump Trucks
- 1 - D4 Bulldozer
- 1 - D6 Bulldozer
- 3 - D7 Bulldozers
- 3 - #12 Graders

Some of these units have been cleared through the Board of Survey and have been approved by the Commissioner for surplussing. However, the majority of these units are being boarded at present and should be surplussed in approximately two weeks.

2. All surplus equipment is located in the Department of Highways and Public Works Compound on the Industrial Road in Whitehorse.
3. The City has not approached the Territorial Government in connection with surplus equipment.


K. J. Baker,
Member,
Executive Committee.

February 23, 1973

LEGISLATIVE RETURN NO. 7 - 1973 (FIRST SESSION)

Mr. Speaker,
Members of Council

On Tuesday, February 20, 1973, Councillor McKinnon asked the following question:

"I wonder if Mr. Commissioner could have tabled before this House a document concerning the administration of the Small Business Loans Program in the Yukon and in that document, whether it would give an analysis of the number of loans that have been made, the number of people that have applied, and that type of information in the paper."

The answers to this question are:

1. Ninety-four applications have been received since July 29, 1970.
2. Fifty-one of these applications have been rejected.
3. Forty-three loans have been granted for a total amount of \$840,200.00.
4. Repayments to date on loans equal \$106,939.11.
5. Total principal outstanding equals \$733,260.89.
6. Total funds remaining for this fiscal year are \$329,800.00.



K. J. Baker
Member, Executive Committee

22 February, 1973

LEGISLATIVE RETURN NO. 8 - 1973 (FIRST SESSION)

Mr. Speaker,
Members of Council

Question No. 2

On Monday, February 19, 1973, Councillor Taylor asked the following question:

"In view of the relationship between the Municipal Aid Ordinance and the Dominion Bureau of Statistics Census figures as they affect Municipal Grants, would the Administration advise Council:

1. If the Administration have considered requesting the Dominion Bureau of Statistics to oversee a municipally-operated census on the Town of Faro to correct the serious deficiency in grant allocations?
2. If so, when will such census be undertaken?"

The answer to this question is as follows:

1. Yes.
2. A new census will not be undertaken because it has been found that there are advantages in using the figure fixed in 1971. We know that populations fluctuate and although the Faro population may presently be slightly greater than the census figure, it is possible that at a later date the population may be less. If this happens, and if we were tied to a system of adjusting census figures between DBS surveys, then the amount of grant monies would be reduced and the municipality would suffer.

The 1971 census figure for Faro was 863 as compared with 987 derived from Medicare records as of December 6, 1972.


K. J. Baker
Member, Executive Committee

February 23, 1973

LEGISLATIVE RETURN NO. 9 - 1973 (FIRST SESSION)


Mr. Speaker,
Members of Council

On Thursday, February 22, 1973, Councillor McKinnon asked the following question:

- "1. What revenue would accrue to the Yukon Consolidated Revenue Fund -
- (a) if an extra 10 cent tax was put on each bottle of liquor sold in the Yukon Territory;
 - (b) if an extra 10 cent tax was put on each bottle of wine sold in the Yukon Territory;
 - (c) if a 1 cent tax were charged on fuel oil used for heating or as a part of a mineral extraction process;
 - (d) if a 10 cent tax were levied on
 - (i) each package of cigarettes (25's)
 - (ii) each box of cigars (5 and up)
 - (iii) each pouch and/or tin of tobacco?"

The answer to this question is

1. The revenue which would accrue to the Yukon Consolidated Revenue Fund is as follows:
- (a) assuming 10 cents on quarts and 5 cents on pints of liquor \$34,000.00
 - (b) assuming 10 cents on quarts and 5 cents on pints of wine 17,000.00
 - (c) approximately, on fuel oil tax, 120,000.00
 - (d) (i) cigarettes 200,000.00
 - (ii) cigars 11,600.00
 - (iii) due to various sizes of containers, based on 2 cents per 1/2 ounce or portion thereof, tobacco 11,648.00


K. J. Baker
Member, Executive Committee

February 26, 1973

LEGISLATIVE RETURN NO. 10 - 1973 (FIRST SESSION)

Mr. Speaker,

Members of Council

On Thursday, February 22nd, 1973, the following questions were asked in Council:

1. How is the game population count coming? What methods are used?
2. Will there be a limit placed on the number of hunting licences issued?
3. How do game patrols work in the Kluane Park reserve?
4. Is there any poaching on traplines?
5. What effect has the removal of wolf bounty had?
6. What is the biologist doing?

The answers to these questions are as follows:

1. During the past three weeks the biologist has worked together with Canadian Wildlife Service staff on a general game range survey for mapping purposes in the central Yukon. The base station was Mayo and the survey covered the southern part of the Eagle Plain, the Ogilvie-Wernecke-Hess Mountains. The objective was to locate critical winter ranges.

The Game Branch will do an intensive survey during March in the southern Yukon, covering the area enclosed by the Alaska-Haines-Carcross Highways and the B.C.-Yukon boundary.

All surveys are done from the air with occasional ground checks in critical areas. In mountainous terrain, as is found in the Yukon, game is not uniformly or randomly distributed, but is concentrated in valleys and on exposed, sunny, south-facing slopes during winter. Surveys at this time take this into account and are limited to above terrain types. Winter surveys are usually concerned with locating and mapping concentration areas of moose and caribou and estimating their numbers. Sheep and goat can not be counted in winter, but their critical winter ranges can be located and mapped. Their numbers has to be estimated during summer surveys, when they show up very well on alpine ranges.

There are numerous ways of censusing animals, each depending upon the local situation. Books have been written on this topic, therefore it is not possible to go into more detail here.

2. Except along highways and in the south-central Yukon, the area described in paragraphs of first part of answer to number one, our game populations are in good shape, particularly moose and caribou are abundant in many places.

There will be no limit placed on the number of licences issued. If restrictions are necessary, it will be done by shortening the season or even closing it at times in certain areas on certain species. If it ever comes down to limiting the licences, it is felt that our local resident hunters must have preference to non-resident hunters. This brings up the point, that because of steady increases in both resident and non-resident hunters, it may in the long run not be possible to leave certain depleted areas open to both.

3. In addition to our man in Haines Junction both National Park Wardens, J. Christiansen and L. Trembley, are also honorary Game Wardens for the Yukon Territory. They do a good job in patrolling not only the Park but also those areas of Kluane Game Reserve, not presently included in Kluane National Park. We are not aware of any poaching in the area during this winter.
4. The formation of a Yukon Trappers' Association, which sells its fur directly through the North Bay auction and therefore pays much higher prices to the trappers than was the case in the past, has resulted in a great increase in trapping activity. There have been a number of complaints that trappers cross into other people's registered lines and also of people getting involved with trapping, who do not have a line to start with. It can be said that considerable time of Game Branch personnel has been spent this winter on trapline problems. We are not aware of poaching of big game by trappers this winter.
5. The greatly increased trapping activity brings more people into contact with wolves more often and we predict that the take of wolves by trappers this winter will be higher than previously. A wolf hide brings between \$100 and \$130 at present, and we do not think that any trapper would pass up a wolf, simply because he does not get a bounty. This applies equally well to all other Yukoners since the wolf is still considered a predatory animal, which can be shot anytime and in any number. To further increase the taking of wolves by bounty or whatever means would be poor game management. We consider the wolf a very important element in our fauna, necessary to keep our game population in good health. The excellent condition of our game populations, the complete absence of die-offs due to diseases, parasites or malnutrition, the lack of any overgrazing or other types of range damage are to be attributed entirely to the wolf. We are one of the few countries, which can still afford wolves, this makes it an additional tourist attraction. We are proud to still have wolves, and we like to keep it that way.
6. The biologist is doing what he has been hired for; designing, conducting and interpreting all game surveys done by our branch. Considerable time is spent in co-operative projects with the Canadian Wildlife Service and the National Parks Branch. He has done the first detailed and comprehensive game inventory in Kluane National Park. He represents the Game Branch in a number of local committees and national associations and presents papers on game management and conditions in the Yukon. Considerable time is spent in the field to become familiar with the Territory. Laboratory work has so far been neglected, because we have no facilities. We are presently, however, setting up a temporary lab near the Industrial Road. Furthermore, the biologist spends quite a bit of time writing reports, answering scientific enquiries and writing scientific papers. Two publications on Lichens and Natural history of Kluane Park have been published, two more on Birds and Dall Sheep are being printed and will be released this summer.


G. A. McIntyre,
Member,
Executive Committee.

LEGISLATIVE RETURN NO. 11 - 1973 (FIRST SESSION)

Mr. Speaker

Members of CouncilADMINISTRATION, DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs was established on April 1st, 1971 to assume on behalf of the Government of the Territory, the administration of those justice functions which were transferred to the Territory by the Federal Government. These functions included the administration of all Yukon courts and related services in the administration of justice, including the Sheriff and the appointment of all officials, but did not include criminal prosecutions under the Criminal Code or other federal statutes, or the appointment of Judges.

All the staff formerly employed by the Department of Justice accepted offers of employment made by the Territory. The incumbent Magistrate and all Justices of the Peace were reappointed to the positions they held under the Federal Government. The Legal Adviser was appointed as Director of Legal Affairs to head the department, and an additional post was created of Judicial Administrator to assist in the administration. Some additional clerical posts were needed and the present strength of the department is 22 made up as follows:

Director of Legal Affairs	1
Steno	1
Judicial Administrator	1
Steno	1
Student at Law	1
Steno	1
Accountant	1
Magistrate	1
Clerk of the Magistrate's Court	1
Deputy Clerk of the Magistrate's Court	1
Court Reporters	2
Accounting Clerk	1
Registry Clerk	1
Clerk of the Supreme Court	1
Court Reporter	1
Registry Clerk	1
Law Librarian	1
Sheriff	1
Deputy Sheriffs	2
Small Debts Official	1
	<hr/>
	22
	<hr/>

In the reorganization which occurred immediately on takeover, the function of Clerk of the Court and Sheriff was split into separate branches. An organization chart of the Department is attached to this paper.

At the time of the transfer, the Territorial Court and Court of Appeal retained the names by which they were known in the Yukon Act. It was agreed however that suitable Territorial names would be chosen to come into effect when the required dual legislation was passed respectively by the Territorial Council and Parliament. It is convenient to refer to the courts in this paper by the names by which they are now officially known viz. the Supreme Court of the Yukon Territory and the Court of Appeal of the Yukon Territory.

On the organization of the department, the services formerly perveyed by the Legal Adviser were incorporated into the department. These services included legal advice to the Territorial Council, to the Commissioner and Government departments, and to the various boards established under Territorial legislation; the drafting of legislation, and court appearances on behalf of the Territory from time to time.

Accommodation

The Department of Legal Affairs occupies 8,068 square feet on the second floor of the Federal Building which includes a very large Supreme Court occupying 2,040 square feet, a Magistrate's Court and various ancillary offices which are divided up among the four branches concerned, the Supreme Court, the Magistrate's Court, the Sheriff's Office, and general administration. Some other accommodation is shared in common, such as barristers' dressing room, waiting rooms, and law library. The Supreme Court is made available for large formal gatherings such as the opening of the Territorial Council, arbitrations and hearings, as are from time to time the Magistrate's Court and the law library, to a lesser degree. The jury room when not so in use is used for meetings of the Executive Committee, the Juvenile Court, as a second Magistrate's Court or J.P. court, and as an extra meeting room when the Council Chambers on the third floor of the Federal Building are in use. The arrangement of holding courts in the jury room is unsatisfactory and it is hoped to obtain the space for a second small court room at sometime in the future.

In addition to the space occupied in Whitehorse, arrangements were completed for space to be allocated in Dawson City in the new Territorial building. Contracts were entered into in several outlying communities including Watson Lake, Teslin, Mayo and Faro, whereby on payment of an annual rental fee the department acquired the right to hold court sittings in local community centres when required. Arrangements were also made for the use of space in Haines Junction and Ross River. In most cases this was a continuance of arrangements which had been made by the Federal Department of Justice.

The Legal Adviser occupies two offices on the third floor of the Federal Building.

Justice of the Peace Courts - A total of thirty Justices of the Peace and two Juvenile Court Judges hold appointments in the Territory of whom nine Justices and one Juvenile Court Judge are located in Whitehorse, and twenty-one Justices and one Juvenile Court Judge are located at strategic locations throughout the Territory. In order not to impede the administration of justice and so that persons who are charged with offences may be promptly released on bail, all persons charged with offences who are taken into custody, must be promptly brought before a Justice of the Peace or a Magistrate so that the person may be released on bail or lawfully held in custody. Whether or not any reorganization occurs in the Magistrate's Court therefore, Justices of the Peace will still be required in communities outside Whitehorse. As the law presently stands, every Justice of the Peace in the Territory, holds the power of two Justices of the Peace under the Criminal Code, and except in some respects, has the legal powers of a Magistrate. These powers include the power to grant bail, deal with applications under the Mental Health Ordinance, try summary conviction cases, deal with applications made pursuant to the Child Welfare Ordinance and hold trials in respect of Territorial offences. These full powers are seldom exercised as none of our present JP's is legally qualified. Their everyday work therefore consists of admitting to bail, hearing cases in respect of minor matters when the accused pleads guilty, and taking jurisdiction at the inception of other matters where appropriate. It is the practice that when an accused is represented by a lawyer or pleads not guilty, in all but the most minor offences, for the JP to take a plea and waive jurisdiction to the Magistrate's Court. Such matters are dealt with by the Magistrate on his next circuit.

For some years an annual conference for Justices of the Peace has been held in Whitehorse at which an intensive course including lectures on law and procedure are given by experts, and study seminars are undertaken by J.P.'s. Copies of judgments in suitable cases are circulated to the Justices, and suitable books including the Criminal Code are given to them for their use.

On assumption by the Territory of the administration of JP courts, it was found that the former method of accounting and method of returns, transmission of fines and penalties, and general control, was not suitable for continued use.

A new method of accounting and making returns was immediately put into effect, and after some early difficulties, is now working very smoothly. All the administration of the different JP courts is centralized in the Magistrate's Court office.

At first the accounting work was performed by the Treasury, but in 1972 it was realized that it would be better for the department to handle its own accounting procedures in full. Accordingly a new appointment of accountant was made and is working out very well. Full responsibility will be taken over on the 1st of April 1973. Presently, our accounting procedures are being monitored to make sure that they are fully operational before final takeover. A major change in accounting procedure came into force in 1971. An eight-part multi-copy Information form was brought into use which reduced considerably the amount of repetitive typing and form filling previously being done. This also enabled correct statistical reports to be compiled for the Dominion Bureau of Statistics. Under the system, every case must be accounted for through central control, this ensures that when a penalty is imposed by a JP or Court, a reconciliation must eventually be effected showing payment of a fine or resulting imprisonment, stay of execution, or bail. We owe a debt in the institution of this procedure to Mr. T.A. Adams of the Department of the Attorney General in Alberta who was seconded to the Government to set up this system.

Magistrate's Court

The Magistrate's Court has both civil and criminal jurisdiction. In civil matters the jurisdiction is necessarily limited because of the limitations imposed by the British North America Act, so that in general the Magistrate may only try civil cases involving less than \$1,000 (one thousand dollars), and may not try cases involving ownership of land. The number of lawyers in practice in Whitehorse has increased in the last few years from six, to fifteen, and as will be mentioned elsewhere this increase is one of the factors increasing the load to be carried by the courts. Criminal cases when defended by lawyers tend to take an increased amount of time as compared to others. The number of cases therefore, which are shown in the statistical report as being handled by the Magistrate, does not truly reflect the increase in the volume of work which has arisen in the Magistrate's Court, since the cases take an increased length of time to try, and involve more court appearances. This is largely because of two factors:

1. the increased number of lawyer involvement cases; and
2. the increased use now being made by the courts of pre-sentence reports including reports of probation officers, welfare workers and medical practitioners, including psychiatrists.

While the increased workload is deprecated, there is no question but that this is in line with a desirable national trend for the courts to treat individuals enmeshed in the law in a more humane and considerate way. One can say that the quality of mercy is not strained in the Magistrate's Court.

The Magistrate on average spends three weeks in Whitehorse and one on circuit every month. Unfortunately the Magistrate's Court is unable to keep abreast of its work at present and backlogs develop from time to time, necessitating frequent postponements, and trials are often fixed as far as three months ahead.

Two shorthand reporters staff the Magistrate's Court reporting service. Owing to the increased use of transcripts, they have been unable to cope with the civil side of this court, and the Supreme Court reporter has had to take over Discovery hearings and preparation of transcripts. The Magistrate's Court office handles the administration of the Justice of the Peace courts in addition to its own administration, so that all returns and accounting are centralized. The Magistrate holds an appointment from British Columbia for the purpose of enabling him to try cases in a few Northern communities of British Columbia such as Lower Post, Cassiar, Atlin and Telegraph Creek. No difficulty is experienced in providing this service, the cost of which is charged back to the Government of British Columbia.

Three Deputy Magistrates hold appointments in the Magistrate's Court, two from Alberta and one from the Northwest Territories. Frequently when required, the Deputy Magistrates are unavailable, and where the Deputies are in private law practice, the cost is very high.

Small Debt Court - Three officers of the department hold appointments as small debt officials, but in practice all but a very few small debt cases arise in Whitehorse. By administrative direction, these officials who are not legally qualified, transfer contested cases to the Magistrate's Court for trial and the Magistrate tries them in his capacity as ex-officio small debt official. Very few small debt trials involve lawyers. As a result of this, these cases take up a lot more time than might be expected as the parties, not being familiar with court procedure, require more assistance and explanation in conducting their affairs. If these cases are not handled in this way, the parties are liable to become dissatisfied with the Magistrate's decision. It is expected that legislation will be introduced shortly to increase the jurisdiction of the small debt court to cover minor automobile crash claims up to about \$750, (seven hundred and fifty dollars), since it is now becoming apparent that the outlay required to engage a lawyer in these claims, is depriving many citizens of the justice they are entitled to expect from the courts. This change has the active support of the Bar. As mentioned before, the vast bulk of small debt cases are undefended, and are handled without much expense to the public. The administration of the small debts court is handled by the Magistrate's Court office.

Staff - The number of staff actively engaged in the administration of the Magistrate's Court, JP courts and small debts court, is five made up as follows:

- Small Debt Official
 - Clerk of the Magistrate's Court
 - Deputy Clerk of the Magistrate's Court
 - Accounting Clerk, Magistrate's Court
 - Registry Clerk, Magistrate's Court
 - 2 Court Reporters
- In addition a Court Orderly is supplied by the R.C.M.P.

It is expected that if the appointment of a second Magistrate is approved, some extra staff will be required as follows:

- Shorthand Reporter
- Clerk
- Clerical Assistant

Supreme Court

The Supreme Court Judge holding office as Territorial Court Judge, was re-appointed by the Federal Government as Judge of the Supreme Court. It occurs from time to time that the Judge is unable to try cases in the Supreme Court, mainly because of involvement in an earlier trial, and occasionally when he disqualifies himself because of personal knowledge or other reasons. Two Judges from other jurisdictions hold active appointments as Deputy Judges. These are Mr. Justice Morrow, Northwest Territories; Mr. Justice Sirois, Q.C. of the Queen's Bench, Saskatchewan.

In addition, all the Judges of the Yukon Court of Appeal are ex-officio Judges of the Supreme Court, but their services have so far not been required in this capacity. This court has become more bilingual in 1972 as Mr. Justice Maddison has attended two intensive courses in French for this purpose. The Supreme Court has full original jurisdiction in all matters and is a court of record. In addition the Supreme Court is the Court of Appeal to which cases tried in the Magistrate's Court go. The work in the Supreme Court has increased over the last two years, partly because of increased commercial activity and also because of the increased number of lawyers now practising in Whitehorse.

Prior to the takeover in 1971, there had been for some time a vacant position of court reporter. The work was performed on contract by an outside firm. Arrangements were made in 1972 to terminate this contract and a resident court reporter appointed on contract terms to supply this service. This arrangement has proved very satisfactory to all concerned, but the increased workload has imposed great strain on the reporter who cannot keep abreast of his commitments, even by working prohibitively long hours. Some rationalizing of the whole court reporting service may have to be done with more increased reliance on mechanical means of sound reproduction if reporting in all the courts is to be satisfactory. Studies on these lines have already been undertaken.

Court of Appeal

The Judges of the B.C. Court of Appeal hold appointments to the Yukon Court of Appeal. This arrangement is very satisfactory. The Registrar of the B.C. Court of Appeal holds an appointment as Yukon Registrar, and the Clerk of the Supreme Court in Whitehorse holds an appointment as Deputy Registrar. Under the arrangements, the cost of operating this court is extremely small and no changes are in contemplation.

Police

From the 1st of April 1972, the terms of the R.C.M. Police contract were changed. The effect was to more closely conform with current contracts between Provinces and the R.C.M.P. The amendment ensured that in the administration of justice in enforcing Territorial legislation, the R.C.M.P. would act under the instructions of the Commissioner, but in enforcing Federal legislation would continue to act under the direction of the Attorney General of Canada.

No change was made in the standard policy whereby official communications concerning any new policies or variations of existing policy, require official correspondence between the Commissioner personally and the C.O. of the R.C.M.P.

Pursuant to the Police contract, the R.C.M.P. maintains ten year round and two summer detachments in the Territory and presently have a strength of 69 officers, NCO's and constables. 1973 is the 75th Anniversary of the R.C.M.P. and many events to commemorate this are scheduled to be held in the Yukon.

The estimated cost of the police contract in 1972/73 is \$621,424.00 This will raise to \$864,090.21 in 1974/75 and is expected to rise markedly in the following years. Relations between the R.C.M.P., and the Government and Public, have seldom been better than at present, and it would be opportune in this report to say that much of the credit for this is due to Inspector, now Superintendent, Marcoux, who was the Commanding Officer during most of the period covered by this report.

Legal Aid

A very full scheme of criminal legal aid is operated by the department. The authority for this is a policy paper of the Department of Justice, issued in 1963. Proposals concerning a new legal aid scheme will be before the Council during the course of the session, so it is unnecessary to deal too fully with the matter in this report.

February 16, 1973

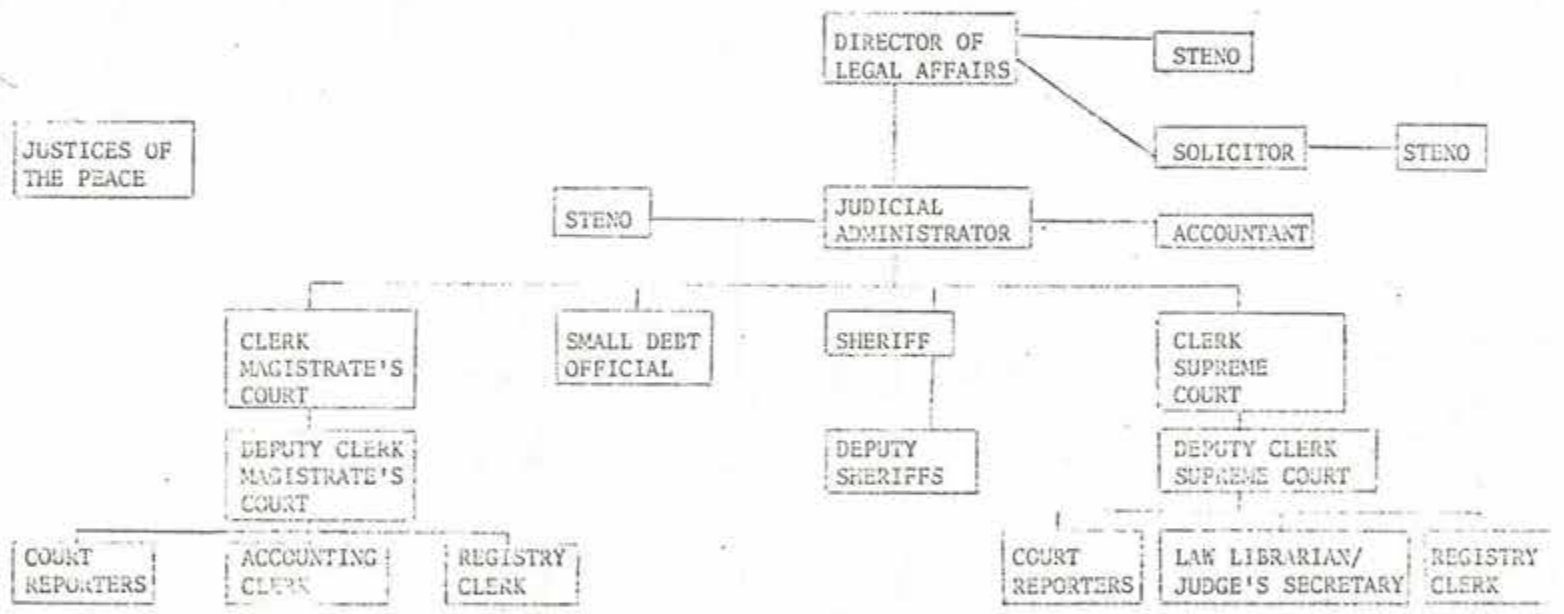
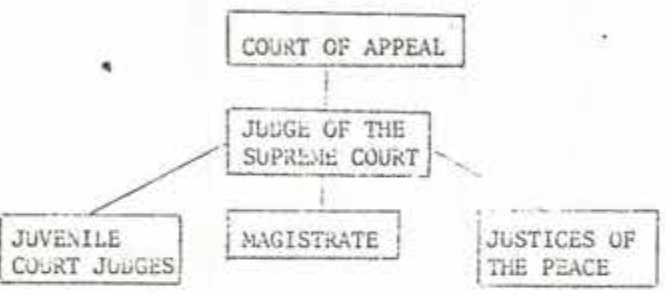
General Legal Services

Drafting of Legislation - The Legal Adviser took over responsibility for the drafting of legislation in 1967/68. Council will be familiar with the large number of bills which have been prepared and placed before it during this time. These average about thirty-seven bills per annum which is a little more than half the average number in British Columbia. Many other bills have been drafted but for one reason or another have not come before the House. The volume of our legislation has become extremely heavy and the Council is enacting an average of about thirty bills a year. In 1972 the Territory produced a new consolidation and the Legal Adviser and his staff aided and assisted in this production in addition to their normal drafting duties.

Legal Advice - The rapid increase in size of the Public Service and the development of its many new programmes as well as the appointment of a number of Boards, has required legal advice in an ever increasing stream. A rough count would disclose about one hundred files a month involving legal advice and about five times that number of visits, phone calls and consultations etc. This requirement is not expected to diminish.

The establishment of enforcement agencies in the Government has also required an increasing number of court appearances and prosecutions for Territorial offences. The Department of Social Welfare in particular requires a broad spectrum of advice and court appearances in its work, as its workers become ever more involved in child care problems. In general it has been noted that where any legal service is provided departmentally, the client department uses the service more and more as an aid in carrying out its programmes.


G.A. McIntyre
A/Assistant Commissioner Administrative



S T A T I S T I C S

<u>Supreme Court Activity</u>	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Divorce Actions	54	81
Criminal Matters	21	24
Civil Matters	308	364
Adoptions	28	42
Citizenship Hearings	23	48
Filing Fees	\$6,866.85	\$7,393.00

Sheriff's Activity

	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Documents for Service	667	751
Writs of Execution Files	252	182

Small Debts' Activity

	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Files Opened	945	585
Settled out of Court	868	520
Fees	\$6,984.00	\$4,065.00

Magistrate's Court and Justice of Peace Activity
(Criminal Matters)

	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Juvenile Delinquent	101	111
Impaired Driving	790	330
Theft	148	83
B. & E.	75	67
Narcotics Control	75	64
Criminal Code (other offences)	919	439
Municipal ByLaws	84	116
Territorial Ordinances	1517	1166

Civil Matters

	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Small Debts Disputes	77 cases	65 cases
Wardships	166 Hearings/Orders	142 Hearings/ Orders
Maintenance	130 " "	237 "

S T A T I S T I C S (continued)

Fine Monies Collected and Distributed

	April 1st, 1971 to March 31st, 1972	April 1st, 1972 to January 31st, 1973
Receiver General (Canada)	\$104,544.47	\$ 98,733.73
Territorial Treasurer	44,120.14	41,101.66

A review of the Court Docket indicates that an accused appears in Court an average of 2 1/2 times before the case is concluded.

February 28, 1973.

1973 (First Session) Legislative Return No. 12

Mr. Speaker

Members of Council

Yukon Fire Insurance Premiums

On February 22, Motion No. 9 moved by Councillor Taylor, seconded by Councillor McKinnon was passed by Council as follows:

"That the Administration endeavor to obtain from the Joint Insurance Underwriters complete details and reasons for the 25% surcharge levied on Yukon Fire Insurance Premiums."

In discussions with the Canadian Underwriters Association, it has been determined that the 25% surcharge has now been discontinued for the Yukon. However, in March of 1971, the insurance industry increased the rates of insurance charged in the Yukon for fire insurance purposes by approximately 25%. These rates were based on the 1965-1969 loss experience in the Yukon Territory. Included in the loss statistics in those years was a number of large schools and the major fire at Faro. Statistics available since that time have indicated that our loss experience has decreased appreciatively. As all Councillors are aware, fire insurance premiums have not decreased in accordance with our loss experience. The General Manager of the Canadian Underwriters Association has indicated in a telephone conversation with the Territorial Treasurer that he would undertake to provide whatever information is available in their files, rate structures and the loss experience for the Yukon Territory. This information is not immediately available and it is unlikely that it will be available before Council prorogues. The Administration will, however, undertake to continue to press the Insurance Underwriters for some justification for the apparent excessive rates being charged in the Yukon Territory and will report to Council, at the earliest possible moment, the outcome of our investigations.



K. J. Baker,
Member,
Executive Committee.

5 March, 1973

LEGISLATIVE RETURN NO. 13 - (1973 FIRST SESSION)

Mr. Speaker,

Members of Council

On February 22nd, 1973, Motion for the Production of Papers No.2, moved by Councillor McKinnon and seconded by Councillor Stutter, was passed by Council and reads as follows:

"That the monies paid to individual doctors under the Yukon Health Care Insurance Plan during the fiscal year 1972-73 be made available on a confidential basis to the Members of the Yukon Legislative Council."

This motion cannot be complied with.

1. No documents are being asked for.
2. Monies already paid to individual doctors for services rendered under the Yukon Health Care Insurance Plan cannot be supplied to Territorial Councillors as well.



Norman S. Chamberlist,
Member, Executive Committee