



YUKON LEGISLATIVE COUNCIL

VOTES & PROCEEDINGS

AND

PAPERS

22<sup>ND</sup> WHOLLY ELECTIVE COUNCIL

1973 FOURTH SESSION

SPEAKER: MR. R.A. RIVETT

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1973 (Fourth Session)

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VOTES AND PROCEEDINGS  
OF THE  
COUNCIL OF THE YUKON TERRITORY

Thursday, September 27, 1973

BILL #39 INTRODUCED

The Fourth Session of the Council for the year 1973, being the Tenth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 1:30 p.m. on Thursday, September 27, 1973.

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 39, an Ordinance intituled Fourth Appropriation Ordinance 1973/74, be introduced.

*MOTION CARRIED*

The Members present were:

BILL #38 INTRODUCED

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

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No. 38, an Ordinance intituled Robert Campbell Bridge Agreement Ordinance, be introduced.

*MOTION CARRIED*

The Clerk reads the Proclamation.

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

*ADJOURNED*

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

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: The Tenth Session of the Twenty-Second Wholly Elective Council of the Yukon Territory will now come to order. Madam Clerk, will you please ascertain if the Commissioner now wishes to give his Opening Address to Council?

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

Madam Clerk: Mr. Speaker, the Commissioner is ready to give his Opening Address in the Supreme Court.

Mr. Speaker: Council now stands adjourned to hear the Commissioner's Opening Address.

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

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

Mr. Commissioner gives his Opening Address (set out in Sessional Paper No. 2).

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

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

Mr. Chamberlist: Mr. Speaker, I would move that the Opening Address of the Commissioner be taken into consideration on a day following.

Mr. Tanner: I'll 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 the Commissioner's Opening Address be taken into consideration on a day following. Are you agreed? I declare the motion carried.

*MOTION CARRIED*



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Friday, September 28, 1973  
10:00 a.m.

Mr. Speaker reads the daily prayer.

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: Council will now come to order. Are there any documents or correspondence to be tabled?

Mr. Chamberlist: Yes, Mr. Speaker. We have for tabling this morning Sessional Paper No. 1.

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

Mrs. Watson: Yes, Mr. Speaker. I have a Notice of Motion. I wish to give Notice of Motion, seconded by Councillor Tanner, that the Commissioner revoke the appointment of the Honourable Member for Whitehorse East, Norm Chamberlist, to the Executive Committee effective October 1st, 1973.

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

Mr. Stutter: Yes, Mr. Speaker. I'd like to give Notice Re: Appointment to the Executive Committee.

Mr. Speaker: Are there any further Notices of Motion? Are there any Notices of Motion for the Production of Papers? As there are no Motions for the Production of Papers, or motions, we come to the Question Period. Are there any questions?

QUESTIONS RE: JUDICIAL REDISTRIBUTION

Mr. Taylor: Yes, Mr. Speaker. I have a question I'd like to direct to Mr. Commissioner, this morning, and I'm wondering if he could advise Council as to what progress is being made in the matter of judicial redistribution?

Mr. Commissioner: Mr. Speaker, I would hope I could interpret the Honourable Member's question in this manner. Is the Administration prepared for the tabling of legislation here in this Council should amendments to the Yukon Act be made that would permit an enlargement of the Council? Could I interpret the Honourable Member's question in that manner, Mr. Speaker?

Mr. Taylor: Yes, Mr. Speaker.

Mr. Commissioner: The Administration will be prepared when that time comes. Considerable work has been done on the preparation of legislation to anticipate that particular circumstance.

QUESTION RE: WORKMEN'S COMPENSATION ORDINANCE

Mr. Tanner: Mr. Speaker, I have a question for the Commissioner this morning. Recently we, I suppose all Councillors received the rates under the Workmen's Compensation Ordinance. I have two specific questions. First of all while I noticed that there are various definitions as far as interpreting is concerned, I don't see any definitions, any minor definitions as far as mining is concerned and it appears to me as if mining has got to be broken down into a number of definitions because there are some categories of mining the dangers would be greater than other categories of mining. And also, why has the White Pass and Yukon Route, specifically, as a company been defined at a specific rate?

Mr. Commissioner: Mr. Speaker, I would be pleased to answer the Honourable Member's question but I would

of very obvious necessity have to ask for time on the matter, if I could.

QUESTION RE: QUALIFIED TRADESMEN

Mr. McKinnon: Mr. Speaker, a complaint has reached my ears once again, and it is one that is constant to the Yukon and one that I'm going to continue to ask the Commissioner about until it reaches some satisfactory conclusion. Qualified tradesmen in the Yukon on Yukon projects, once again, not receiving preferences on jobs and in fact going unemployed while tradesmen are being brought in from outside areas to practice in the Yukon and to work on specific jobs.

Mr. Commissioner: Mr. Speaker, what is the specific complaint at this moment?

Mr. McKinnon: Mr. Speaker, I know a qualified electrician who has been refused work on the Aishihik project, and I know a qualified carpenter who has been refused work in the Faro area on the new construction that's going there. That's the same old story where qualified tradesmen are available, living, making their home here, raising their families here and watching imported help being brought in from outside the Yukon to serve on these contracts, and I will continue hammering on it until something satisfactory is done about it.

Mr. Commissioner: Mr. Speaker, every complaint of this nature that is brought to my attention, I absolutely guarantee the Honourable Member, each one will be individually checked out; but generalizations, I'm sorry, I can do nothing about.

Mr. McKinnon: Mr. Speaker, Mr. Commissioner will have the individual names and circumstances as soon as I get permission to be able to give them to him.

Mr. Speaker: Are there any further questions?

QUESTION RE: HIGHWAY SIGNS

Mr. McKinnon: Mr. Speaker, another favourite topic is highway signs. We get promises and promises that something is going to be done with them. Every month we see the proliferation of signs along the highway. Pretty soon, approaching Whitehorse is going to be like approaching any other metropolitan center anywhere in North America. This Council has been guaranteed by the Commissioner and Council has passed Resolutions that something is to be done, and all that is being done is more signs being put up on the Alaska Highway.

Mr. Commissioner: Mr. Speaker, I'm sorry, I must take exception to the Honourable Member, but there are more signs being removed than what there are being put up. We are actively engaged in giving effect to the authority that Council gave us to establish sign areas in connection with communities and the application of the regulations has been tempered as far as we possibly can during the tourist season. As the tourist season has drawn to a close, approximately in the course of the last couple of weeks or so, there has been an active movement on the part of our inspection service and I can assure Councillors that that is already being indicated in the removal of certain signs, particularly the businesses that are no longer in operation, so I'm sorry, Mr. Speaker, but progress is being made in this particular matter and we continue to guarantee the progress of it.

QUESTION RE: SKAGWAY ROAD BUILDING CONTRACTS

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner if he has any knowledge of when the contracts will be let for the building of the Skagway Road? Or, not be let, will be accepted? I know that the contracts have been opened and there was one contract, which was, I think, quite lower than the others, and it was put into study once again before the awarding. Will this be awarded in the near future?



Mr. Commissioner: Mr. Speaker, I have no reason to believe that the necessary requirement of the British Columbia Department of Lands will not meet in the course of the next few days and that the awarding of the contract will take place at that time. The Federal Treasury Board has approved the awarding of the contract at the apparent moment.

QUESTION RE: SCHOOLS ORDINANCE

Mr. Taylor: Mr. Speaker, I have a question that I would generally direct to the Administration, having reference to the proposed changes in the Education Ordinance. I'm wondering, I have two questions. No. 1 is that: May we have the assurances of the Administration that Members of Council will have an opportunity, possibly a month, to study this document prior to a Session being called for its deliberation? No. 2 is: Is there indeed a timetable yet established for its presentation to Council?

Mrs. Watson: Mr. Speaker, two questions the Honourable Member posed. We've been working on the Legislation. We can't say exactly when it will be completed, ready for tabling in Territorial Council but I can assure the Honourable Members that when it is tabled and before it is dealt with in this Council that they will have enough time so that they can give it the attention before they have to make decisions in Territorial Council.

Mr. Taylor: Supplementary, Mr. Speaker. I would like to ask the Honourable Member if she would agree that a minimum time of one month prior to its being discussed would be adequate?

Mrs. Watson: Mr. Speaker, I'd hate to make a commitment on a specific time. I would say though that there will be adequate time for the Councillors to give it the attention they feel that it should have.

Mr. Speaker: Are there any further questions?

QUESTION RE: MEDICARE PROGRAMS

Mr. Tanner: Mr. Speaker, I have a question for the Minister of Health. Could he inform the House as to what progress has been made into my suggestion of the last Session of Council as to funding the Medicare Program out of General Revenues? Two: What extra benefits does he anticipate he can bring into the plan? Three: Has he got any indication yet of how much in excess of the budgetted total has been received in premiums?

Mr. Chamberlist: Well, Mr. Speaker, there is underway discussions now as to whether or not we can as a result of surplus in the year 1972-73, which although we had estimated would be in the region of \$200,000, we now have figures to the effect that it is a little over \$300,000. That is for the year '72-73. It would appear that as a result of more premiums now coming in and a greater participation in the amount of money that is being obtained from the Department of National Health and Welfare that it's projected that the surplus for the year '73-74 will be in the region of \$227,000. There are a number of ways that this surplus can be dealt with and there are, as I say, discussions going on. We can either reduce the premium rates, extend the benefits or a combination of reducing the premium rates and extending the benefits. Perhaps give the suggestion that has been given before that those over the age of 65 not be required to pay premiums and/or subsidize medical travel from the premium surplus. But these are all matters that have to be discussed in this area. Certainly the Program itself, the Plan itself is bringing in the required funds to meet the needs and over but we must keep in mind that in the next six months we have to re-negotiate with the medical profession on the fee scales as their contract was for a period of two years which would expire on the 31st of March of 1974 and also the Administration costs of the Plan which are administered

mostly via computers. This has to be re-negotiated as well. All in all, what I have said is that the whole Plan is being looked into and consideration is being given to the use of the surplus funds.

Mr. Tanner: Mr. Speaker, the first question I asked was "Has any consideration been given in Executive Committee to funding the Plan out of General Revenues"?

Mr. Chamberlist: Mr. Speaker, I can indicate that although this has been talked about, we have been awaiting the overall picture and further consideration will be given to the suggestion that has been made by the Honourable Member.

Mr. Speaker: Are there any further questions? We thank the Commissioner for his attendance and we will now take a brief recess.

RECESS



Page  
Friday, September 28, 1973  
10:45 AM

BILL #39 FIRST READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No.39, Fourth Appropriation Ordinance, 1973-74, be given first reading.

MOTION CARRIED

BILL #39 SECOND READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No.39, Fourth Appropriation Ordinance, 1973-74, be given second reading.

MOTION CARRIED

BILL #38 FIRST READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No.38, Robert Campbell Bridge Agreement Ordinance, be given first reading.

MOTION CARRIED

BILL #38 SECOND READING

Moved by Councillor Chamberlist, seconded by Councillor Watson, that Bill No.38, Robert Campbell Bridge Agreement Ordinance, be given second reading.

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I would like to move with the unanimous consent of the House that we waive Standing Orders and move Bill No.38 and 39 into the Committee of the Whole.

Mr. Chamberlist: I disagree on the manner on which that was done.

Mr. Taylor: Mr. Speaker, if I might clarify the point. When the Bills are given First and Second Reading, they are automatically in Committee.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: Mr. Speaker, I move that the Speaker now leave the Chair and Committee resolves itself, I mean, Council resolves itself in the Committee of the Whole for the purpose of discussing the Bills and Sessional Papers.

Mr. Taylor: I second it.

Mr. Speaker: Who was the seconder?

Mr. Taylor: I seconded it.

Mr. Speaker: It has been moved by Mr. Tanner and seconded by Mr. Taylor, that, the Speaker now leave his Chair for the purpose of convenience in the Committee of the Whole to discuss Public Bills and Sessional Papers. Are you prepared for the question? Agreed? I declare the motion carried. Will Mr. Taylor please take the Chair for the Committee of the Whole?

Mr. Chairman: At this time I will call the Committee to order. I have today, consideration of two Bills, Bill No.38 and Bill No.39. It was noticed that Sessional Paper No.1 is not officially tabled in Committee but with the concurrence of the Committee, I am quite sure that it forms an integral part of these two Bills and that we can assume that it has been or deem it to have been introduced into Committee. Would this be agreeable?

Mr. Tanner: I wonder, Mr. Chairman, if we could deal

with Bills No.30, Bill No.39 first because it is the appropriation one of agreement which follows if that Bill is ruled out.

Mr. Chairman: Is the Committee agreed? Agreed. This is Bill No.39

(The purpose of this Bill is to make provision for the appropriation of \$1,785,000 for the construction of the new Robert Campbell Bridge at Whitehorse).

Mr. Chairman: (Reads sections 1 through to 3).

Mr. Chairman: Proceed.

Mr. McKinnon: Mr. Chairman, I was wondering if I could have Mr. Commissioner...the only thing that really worries me about the Agreement, the Robert Campbell Bridge Agreement Ordinance and the Financial Appropriation Ordinance providing the money, is the open-edgedness of it with the City. Now, contracts being what they are these days, and, coming in generally, so far over the estimated budget, it seems to me that the City is in a pretty vulnerable position. If they are the only kind of Agreement which is open, the Federal Government has a specific amount, the Territorial Government has a specific amount, and it looks like the City of Whitehorse taxpayer, if the bridge goes far beyond the estimate, or even beyond to \$100,000 to \$200,000 from what is estimated it will cost to replace, is going to get stuck. There is no way of convincing Treasury Board that there should be some kind of cost-sharing arrangement if the financing went far beyond the expectations, so that the one with the smallest base of being able to provide money, would have the open end of the agreement.

Mr. Commissioner: Mr. Chairman, I don't disagree at all with the fact that there is only one open-ended party, and you know that there are three parties involved in the situation. But in our presentations to the Treasury Board in connection with it, I think that Honourable Members are aware that we have the Federal Department of Public Works who have offered to sign some of the specs for this Bridge, because very obviously, if it had been done by a private consultant, it would have had to be examined by the Department of Public Works and have their scrutiny before Treasury Board would have examined it. And, I am personally satisfied that every possible contingency that is known and is a part of today's costing has been wrapped into these estimates, the very best engineering advice that we can get, but until contracts are called, it is just no more possible to say that the open-ended of this thing will have a detrimental effect on the City or that their contribution will be the minimum that is required under these agreements, and I think actually, what has to be done here is we simply have got to have some kind of agreement around the table, at least I hope that we can get agreement around the table, that the only way to test these things is to put the thing up to tender. Now, that is just about it. Now, the question reads where the Honourable Member, were we unable to convince the Treasury Board. Treasury Board took the attitude that they were prepared to stick with their engineers' estimates on the situation, and that is what their engineers' estimates were. Those ancillary things to the bridge construction are for the most part where a lot of the indefinite comes in for the removal of the present structure, the removal of the Bailey Bridge and many of these are worthy, where at least the feeling at that time was that this is where the great indefinite questions were.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Commissioner, who owns the bridge that fell down?

Mr. Commissioner: Mr. Chairman, I am sure that this could go on to a legal argument for forever and a day, but the taxpayers of Canada who originally built the bridge and it was part of the development of the Riverdale area. Some where in that whole hazy group of dealings between the Territorial Government and the Federal Government at the time, the original attempt was that the



City of Whitehorse would become the beneficial owner of this bridge. Now, this went on for several years and the last thing we have on our files is an exchange of correspondence in which the City said that they didn't want to own the bridge, but that they would pay for maintaining it. I am afraid that the answer, direct answer, to the Honourable Member's question, I don't think that there is a direct answer to it.

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

Mr. Taylor: Mr. Chairman, to my recollection, the origin of the bridge in question, the existing Robert Campbell Bridge which was built under the Roads and Resources Program are with monies from that program. I could be wrong, however, it would appear that to me, that not having been transferred to the municipality, it would probably be the property of the Federal Government. I note in the next Bill that the new bridge would then be turned over to the City and the City would have full responsibility for it. My first question surrounds the approach that the Territorial Government made to Treasury Board in respect to compiling these figures and the cross-sharing arrangements. I would like to know, during the discussions with Treasury Board, between Treasury Board and the Government of the Yukon Territory, did discussion take place in respect with coming up with the cost-sharing formula rather than a fixed figure and if not, why or for what reason was a cost-sharing formula, such as a 25-75-25 type of arrangement, not considered here?

Mr. Commissioner: Mr. Chairman, the Territorial Government first took the attitude that we would first go to the City and that is what we did and you'll see in the Sessional Papers that we put, we went to the City and asked them what their wishes were and they came back and said that they wanted a bridge either, I should refer to the Sessional Papers, I suppose, but I believe the terminology was that they wished to have a bridge replaced or repaired at no cost of the City. Maybe my words might not be entirely accurate so our approach to the Federal Government was we would like to have this bridge replaced or a new bridge built at no cost to the City. Now, this was the message that we got from the City and this is what we tried to make stick. I think under the circumstances of the general trend of municipal-provincial-federal funding in relation to such similar circumstances elsewhere in Canada, I would like to suggest, Mr. Chairman, that he did very, very well.

Mr. Tanner: Mr. Chairman, as a supplementary to the question that the member from Watson Lake was pursuing, could the Commissioner give the House some illustrations of what the normal federal-provincial funding of this type is?

Mr. Commissioner: Mr. Chairman, this was researched and it varies on every circumstance, you name every river crossing in Canada and there is a different kind of a deal in connection with it, other words, if the Honourable Member question is if there is a pat formula for such things, the answer is negative. I am sure that Honourable Members are aware of the crossing problems of Burrard Inlet in Vancouver in which there is an ongoing question between the three levels of Government for as long as I can remember as to who is going to pay what share of what. I would like to suggest that the Trans-Canada Highway becomes involved, there is just no end to it.

Mr. Tanner: Mr. Chairman, in that case, did in the research that was taken, was there ever a case illustrated where the Federal Government funded the whole thing?

Mr. Commissioner: The crossing of the Yukon River at Whitehorse.

Mr. Taylor: Mr. Chairman, I share the fear that was expressed by one of the Honourable Members a few moments ago, that this is a pretty well open-ended type of

agreement. Nobody really knows where they are going in terms of dollars and cents beyond the figures that have been laid down here. It occurs to me that the City Municipality, and please correct me if I am mistaken here, but it occurs to me from the information that I have been able to get on the subject that the City at no time, entered into any active negotiations with the Treasury Board and with the Government of the Yukon Territory. This has all been done by the Government and the City has not been actively involved. Also it occurs to me that there has just been an election within the municipality of Whitehorse and there is a new Council. Is it possible, that if this agreement is signed by the City, and if tenders are called on this project to build a new bridge across the river at Whitehorse and if the tenders come in over engineering estimates, could we consider allowing the City of Whitehorse to then sit down with the Territorial Government and in the presence of Treasury Board to argue their fiscal position to give them an opportunity to exercise some persuasion on Treasury Board with the Government in the hopes of finding probably a more reasonable solution to this particular problem.

Mr. Commissioner: Mr. Chairman, the participation on Treasury Board is one of the Federal people who is responsible for the spending of the money and our representation to the Treasury Board have to be made through the Minister of Indian Affairs and Northern Development with such staff as he chooses to have along with him. If the Honourable Member is asking would there be an opportunity to return to Treasury Board on this, I would like to suggest the chances of returning to Treasury Board on this, and getting any better deal than what we have here at the present time, are pretty remote. I think I have to say that on all accounts. Quite frankly, I recognize the open-endedness. I share the concern of Honourable Members, I happen to be a tax-payer of Whitehorse, too, but certainly, on the basis of Federal and the Territorial contribution that is involved here, I would like to suggest that this is pretty fair.

Mr. Chamberlist: Mr. Chairman, I think that we should recognize the fact that at the time the trouble commences the Territorial Government also had an open-ended agreement. It said in effect, you go ahead and carry out the necessary repairs, and we'll pick up the bill. Now we didn't limit the amount that time and that was an open-ended agreement and whatever were the costs of carrying out the emergency repairs by way of getting the roads, the sewers by the dam and the construction of the Bailey Bridge put up, and the cost of the guard, that was open-ended. The Territorial Government had no fixed amount but we saw the necessity for it to take place and we said we would take the responsibility to take that. I think the Commissioner quite strongly said the Treasury Board said that this is the maximum that we are going for. And we have indicated that this is the maximum that we can go for because that was an estimate of the cost of the repairs. I am sure the people of the City of Whitehorse recognize the fact that some support to the project must be given and I am sure that either one way or the other that the people of Whitehorse realize that it is a pretty fair deal that is being offered, that only \$60,000, which is the minimum, and I agree with both what the Honourable Member from Whitehorse West and what the Honourable Member from Watson Lake has said, that it is open-ended, but there is no other way that we can say that the Territorial Government will accept the balance, because after all, the City of Whitehorse taxpayers are also Territorial Government taxpayers and the people in the rest of the community must also be concerned because they pay towards the cost of this. Quite frankly, I think that it is a pretty reasonable proposition that has been made and under the circumstances the Territorial Government can't go beyond it.

Mr. Taylor: I'll resume the Chair. Councillor Stutter,



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Friday, September 28, 1973  
10:50 a.m.

Mr. Stutter: Well, Mr. Chairman, I have to take a tact which may not be too popular but just the same there are some questions that I would like answered. It is always easy to be really benevolent when you are talking about other people's money and we are talking in this instance of \$600,000 two-thirds of a million dollars, which is a lot of money. I realize that many programs of a pretty local nature that are a benefit only to a small group of people are nevertheless funded out of general revenues and funded by everybody in the Territory and this is one instance. There are a lot of people in the Territory who have never even seen the bridge over to Riverdale and there are a lot of people who if they are fortunate enough not to get sick probably never will see it. But we really ... the question I want to ask is, is the \$600,000 that is possibly going to be put forward by the Territorial Government, I would like to know where that \$600,000 comes from and I mean when I say where, whether it is going to be coming out of additional taxation in the Territory, whether it is coming out of a surplus fund. I also would like to know how much money to date in detail has been spent. We have an estimate here of \$275,000 but by now we should be able to have a figure which is pretty accurate as to how much money has been spent. If I could have some kind of assurance from Administration, if possible, that there isn't going to be additional taxation to come up with the \$600,000.

Mr. Commissioner: Mr. Speaker, in regards to the Honourable Member's first question, the \$600,000 will be basically part of the 1974-75 capital monies provided under next year's fiscal agreement with the Federal Government. It will not have any direct bearing on local taxation here in the Territory, and it will not have any detrimental effect on next year's capital construction program.

Mr. McKinnon: It is an addition.

Mr. Commissioner: It is not an addition. It is part of the package for the next year. Now the second thing is, the second question that the Honourable Member raised here is asking for the details of the emergency repairs here. This could be provided but I would like to suggest, Mr. Chairman, that the estimate that we have here is within a few thousand dollars and I would limit this to be within \$7,000 of the actual monies that have been expended up to this point. It is not entirely competent for me to suggest how much more will be set on this aspect of it, but one potential further major expenditure will be in the transfer back to Chiliwack, British Columbia, on behalf of the Department of National Defence, certain portions of paving bridges and that we have to bring into the Territory to supplement our inventory that was used on this bridge in case of other bridge failure throughout the Territory. I would ask that this figure of \$275,000 be taken as a very accurate estimate of spending up to this point with a small amount of it in anticipation of further expenditures that will be paid. I hope that will satisfy the Honourable Member - an accurate account can be provided.

Mr. Chairman: Just one question, I would like to be permitted from the Chair. The only safeguard that I can see here is the fact that the City must sign the agreement, notwithstanding that it has cleared Council, but am I right in assuming that the City would then have to go to plebiscite within the City before these funds, or before this agreement should be signed in the interim?

Mr. Commissioner: Mr. Chairman, under the terms of the Municipal Ordinance, on the basis of last year's assessed values of taxable properties, the \$60,000 would not require plebiscite in the manner that the City Council has the competence to deal with a normal appropriation but if they were going for the two hundred and some odd thousand dollar figure here, this would require them going to plebiscite.

Mr. McKinnon: Mr. Chairman, if everything works out and the contracts came in within the ball park's figure and the maximum that the Federal Government has to put up with is \$925,000, they put their maximum of \$925,000, the Territorial Government puts up their maximum of \$600,000 and the City only has to contribute their minimum. Everything would be bought as the bridge contract came to \$1,585,000 and I think everybody could say good job negotiating with the Federal Government and a nice gip by the Territorial Government and everything is fine. But what happens if the agreement is signed and it goes for a 28 foot bridge, and the contract came in about \$200,000 over the estimated budget? So here we have signed an agreement with the City. Your maximums are set. The City then has to turn around and go to plebiscite after the revised costs of the estimates are in. Put it in its worse light, what happens if the taxpayers of the City of Whitehorse say, "Look it, that's just too much and it's too big an increase in our mill rate to go for \$200,000 and we are not going to go for it." What happens to the bridge project then?

Mr. Commissioner: Mr. Chairman, the Bailey Bridge, I think, will last another five or ten years.

Mr. McKinnon: The point is there will be no renegotiations with the Federal Government. There will be no renegotiations with the Territorial Government. There will be no City Territorial Agreement. That would be it.

Mr. Chamberlist: I think, Mr. Chairman, we should also make it clear that included in that 1.5 \$1,585,000, is the amount for the already spent cost of emergency repairs. That is the total project. I just want to make this clear to the Honourable Member saying if the price of the bridge came in at \$1,585,000, you see, that is part of it. So, the price would have to come in at a lot less.

Mr. Commissioner: The worst possible circumstance that the Honourable Member is raising here, we will trust, won't come to pass...

Mr. McKinnon: It always has.

Mr. Commissioner: ...I can still foresee that this is the thing this is what the Honourable Member can, Mr. Chairman and believe you me, the best efforts of our own engineering people with the Local Department of Public Works and the senior people in the Federal Department of Public Works have put their minds to this in every conceivable way to try to ensure the cost estimates given are realistic estimates.

Mr. McKinnon: Mr. Chairman, I was intrigued with the line the Honourable Member from Dawson was following and Mr. Commissioner said that the \$600,000 debt was coming out of next year's capital growing projects. Now this is not in addition, but part of, certainly, the \$600,000 which is a nice healthy chunk of money comes out of next year's capital budget project. Something is going to have to suffer, that was going to be done in the Territory in the next fiscal year on capital projects. What is going to suffer?

Mr. Commissioner: Mr. Chairman, I can say with the best information and with the best knowledge that is available to me and the three members of the Budget Programming Committee sitting here around this Table who I am sure will correct me if I am wrong, that I am not aware of any dilution of any anticipated capital project for next year that will be effected by the use of this \$600,000 towards the replacement of this bridge.

Mr. McKinnon: Mr. Chairman, how many countless number of times have we sat around this Table and had the Federal Government over in Ottawa, the Treasury Board, put the gun to our heads and say, "This is it", "Take it



or leave it, like it or lump it" you know what choice you have as long as you continue under this system of Government ... lump it or leave it sort of thing. This is just course of absolute futility. The Commissioner needs the Agreement from Territorial Council to go along the thought of some kind of democratic procedure that is followed in the Yukon. The Federal Government has already dictated exactly what's going to happen and what we can have and what we can't, so let's rubber-stamp it and go home, that's all we can do anyway.

Mr. Chamberlist: Mr. Chairman, the Honourable Member is quite correct, this is an area where we are controlled by the amount of money the Treasury Board has allowed for this particular project. I am sure all Members appreciate that point, we certainly do.

Mr. Chairman: Another question Mr. Commissioner from the Chair, I note in the Sessional Paper that the Citizen's Advisory Committee proposed that the City of Whitehorse enter into the proposed Agreement. Do I take it that the proposed Agreement is the Agreement we now find in another Bill and am I clear that this is not yet been signed by the party, this 28 foot Agreement.

Mr. Chamberlist: Not been signed by the Commissioner.

Mr. Commissioner: Mr. Chairman, this has been signed by the City but not by the Commissioner.

Mr. McKinnon. I have one final question, Mr. Chairman, to ask the Commissioner. If the tender could be called until the appropriation of the Territorial Government giving the Commissioner the right to have the tenders called, and the money allocated, then why was there such a rush to get the agreement from the City prior to the election of the new City Council when it's only three weeks away. This is the first point where the monies were allocated, to put the Agreement into effect. Certainly when this Council appropriated the funds, that would be the time to go back to a democratically elected City Council and ask for their agreement.

Mr. Commissioner: Mr. Chairman, if you follow the dates that are given in the Sessional Paper, you will find that immediately the information was made available to the Territorial Government from either source, either from the City or the Federal Government. We transmitted this in which ever direction it was to go. We acted as the broker in this whole thing and we forwarded this information to the City of Whitehorse and we gave them no instructions as to whether they would act on it or not. It was entirely the prerogative of the administration and his Advisor as to whether they saw fit to move on that or whether they saw fit to table it and leave it for the re-elected City Council.

Mr. Chairman: Would Mr. Commissioner consider that vital ratification by the new Council of this Agreement should be undertaken and a receipt from the new City Council before the Agreement undertaken is signed by the Commissioner?

Mr. Commissioner: We haven't signed it.

Mr. Chairman: That's what I am saying before you have signed the Agreement, you should get final ratification on that Agreement to the new elected Council.

Mr. Commissioner: Mr. Chairman, I don't know what you are referring to as final ratification but the first thing I have to do before I can do anything is to ... this money so that I can call tenders. I am deaf at this point.

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

Mr. Taylor: I don't find anything strange about it, you have on schedule "A" another Ordinance in agreement between the Commissioner of the Yukon Territory and the

municipality of the City of Whitehorse. I have been informed in the House this morning that the municipality of the City of Whitehorse has already signed this Agreement but the Commissioner has not signed the Agreement. I am also recognizing the fact that the municipality of the people of the City of Whitehorse have elected under the Council who are going to have to live with the terms of this Agreement that we will be discussing today. What I am asking is that before the Commissioner does tie this Agreement up by signing it, would he first go to the newly elected Council and give their concurrence with the Agreement as he did in the case of the citizens.

Mr. Taylor: That's a fair request Mr. Chairman, but I think that would show good faith on behalf of the Government of the Yukon Territory.

Mr. Commissioner: Basically speaking the recommendation that came to us here implies, it says here, "but that it is recommended to the incoming Council that every effort be made to obtain the approval of the taxpayers in time to have the super structure constructed with a roadway with the 40 feet," so there are further recommendations for further changes or amendments to this Agreement that the City Council would like to see done that it is within the parameters what we have before us here, the answer is yes.

Mr. Chamberlist: Mr. Chairman, the purpose really of the appropriation to date is for Council to allow us to spend the money if the City wants the larger bridge or the smaller bridge and really this is the basis of the appropriation and certainly I see the point of the Honourable Member has just made but it is entirely up to the City Council to say whether or not they wish to go to the taxpayers for approval of the larger bridge. They can do that. This is why the Commissioner has been very careful and very right in not signing the Agreement until the Territorial Council passed that appropriation. We all know what would have been said if the Commissioner had gone into the Agreement to provide the funds before he had received authority from this body here to spend the fund, so we used the proper procedure there, I would suggest Mr. Chairman that the fact of the situation is that if we are to build a bridge and these are the terms under which we have been able to raise money from the Federal Government and from our own Government. The Honourable Member from Whitehorse West quite properly said this is a position, we are told by the Treasury Board, this is the amount of money and this is what we are asking, I think that we should recognize this point and then leave it to the City Council themselves to decide whether what they want to do, but as long as we know that we have the appropriation, we are not going to spend the money until at such time the City of Whitehorse has made his mind up as to what it wants done. The same thing applies as far as appropriation then the City would naturally be coming to the Territorial Government to borrow the extra \$200,000 from us.

Mr. Tanner: Mr. Chairman, to what the Honourable Member just said then, do I understand that the Commissioner, if he gets approval from Council and we pass this Ordinance, that we pass these two Ordinances, that he will not be calling for tenders unless he gets further word from City, is that what the Honourable Member said?

Mr. Chamberlist: Well he won't be calling for tenders for the type of, you know, two different types of operations that are going to take place. Either the 40 foot roadway or the 28 foot roadway and the Commissioner hasn't got the direction now as to which one he could use. He had used the Financial Administration Ordinance to the utmost limit and he finally came forward and said "Look before we go any further, we better find out from Territorial Council whether we are going to get the money to go ahead with this project." Really this is what's being done, it's the exercise the Territorial Council has always asked for, that the money be appropriated prior to the spending of it and this is what's being done.

Mr. Taylor: Mr. Chairman, my concern is that virtually the Agreement that we will be asked to approve in the



form of an Ordinance, ties the City, makes the City responsible for instance, any additional cost, this is the open blank cheque aspect it ties the City. Eventually, we will transfer the bridge to maintenance and all expenses, maintenance repairs, alterations, future replacements and everything. I think at this point it has been unfortunate that the City has not been as deeply involved in the fiscal negotiations and so forth as they possibly could have been but I think at this point in time, I think the City should be taken in as a partner in respect of the tendering of these contracts, the viewing of the tenders when they come in, the project as a whole on a partnership basis. I don't think under the terms that you have set down here, you are stating subject to an appropriation for the project being provided by the Legislative Council, the Commissioner will go ahead and the Government will go ahead with all contracts to this bridge. I would like to see the City more involved in all these matters. I don't think that they should be excluded from any part of this Agreement and this is why I ask that the Commissioner before signing his side of the Agreement would, if he would go to the new City Council and have a discussion with them on this subject, get their views prior to entering into this Agreement.

Mr. Chamberlist: Mr. Chairman, there are two separate things here. I wonder if we could direct our attention to firstly dealing with the Appropriation. This is the appropriation, the Ordinance of Appropriation. Now I think we should deal with the Appropriation, and pass this Ordinance because the matter of the agreement is in a separate Ordinance, and then we can deal with the agreement but certainly the Commissioner will not sign the agreement until the Ordinance empowering him to enter the agreement is passed by this House. So could we not deal with the Appropriation, deal with this, if we don't pass the Appropriation, there would be no point in dealing with the Agreement Ordinance. If we pass the Appropriation, then surely we can deal with the Agreement Ordinance and discuss the agreement at that time. And perhaps other Members would agree that this is the manner in which it should be dealt with.

Mr. Taylor: I think at this time I will resume the Chair and will stand Committee in a short recess.

RECESS

Mr. Chairman: I think we were discussing the Third Appropriation Ordinance. Any further discussion on this Bill?

Mr. Stutter: Mr. Chairman, just before the passage of this Bill, or just before we bring it to a vote, I don't have any intention of voting against it, but I do just want to call on my previous talk just a little bit, because many of the things that have happened in Dawson are also in my particular area, are also much in the same category of the bridge and that is that I think the taxpayers of this Territory have been pretty good to the people of Dawson in that particular area, and I am sure that in this particular instance I am not going to make any objection to the taxpayers in this area being pretty good to another smaller group, but I know that as a member of the Financial Advisory Committee that next spring when we are dealing with the main estimates, when we come to that portion when we have to start raising money, hopefully, as the Commissioner has said, this isn't going to effect taxation, but I would like to point out just for consideration, that \$600,000 of monies of the budget monies, is the same thing as an 8¢ tax for one year on all of the gasoline that is sold in the Territory. It is the same thing as twice the total amount of surcharge on liquor in the Territory. Now I am not suggesting that these things will in fact, from what the Commissioner has said, they obviously, or not obviously, probably will not be changed in any way, but I am just trying to point out that as Councillor McKinnon has pointed out, where we really have our hands tied as to what happens if Ottawa says, O.K. you're spending an extra \$600,000, you've got to raise an extra \$600,000. This is what could happen. As I say, I am going to support

the Bill because I think the taxpayers of this Territory have been good to everybody in our area, and it doesn't bother me in the least to support this. But the danger of taxation, as I always see it, is that if it were necessary to put on some additional taxation, we are always faced with the thought that even though that additional taxation is going to one particular reason, for a one-shot deal, such as the bridge here, I have yet to see taxation reduced or withdrawn. And we must bear that in mind.

Mr. Chairman: Is there any further discussion of this Bill? Is it your wish that I read the Preamble?

Some Honourable Members: Agreed.

Mr. Chairman: (Reads Preamble.)

Mr. Chamberlist: Mr. Chairman, I would move that Bill Number 39 be reported out of Committee without amendments.

Mr. Chairman: It has been moved by Councillor Chamberlist seconded by Councillor Tanner, that Bill Number 39 be reported out of Committee without amendments. Are you prepared for the question? Are you agreed? I declare the motion carried.

Mr. Chairman: We will proceed to Bill Number 38.

Mr. Chamberlist: I wonder if I could read the Explanatory Note, Mr. Chairman. Explanatory Note: The purpose of this Bill is to give the Commissioner the authority to enter into an agreement with the City of Whitehorse for the construction of the New Robert Campbell Bridge.

Mr. Chairman: (Reads Bill Number 38, (1),(2),(3), and Schedule "A"). Under Schedule "A" you have the agreement.

Mr. Tanner: Mr. Chairman, prior to discussion on this, it would be my recommendation to Council that we should ask, or invite a witness for this Ordinance, either in the person of the Mayor or the Aldermen of the City of Whitehorse. It seems to me that I, as a representative of the City of Whitehorse have a particular view, but the representation of the whole of the City of Whitehorse should have some input into this.

Mr. Chairman: Does the Committee agree?

Some Honourable Members: Agreed. No objection.

Mr. Tanner: Mr. Chairman, I would suggest the Mayor and one Alderman, if that is agreeable to them.

Mr. Chairman: Agreed?

Some Honourable Members: Agreed.

Mr. Chairman: Madam Clerk, I will declare a brief recess. Could you see if these people can be obtained?

RECESS

Mr. Chairman: I will call Committee to order. We have with us today in Committee, Mayor Wybrev and Alderman Lucier, to discuss with us the contents and conditions of Bill Number 38. Yes, Mr. Tanner.

Mr. Tanner: Mr. Chairman, I would also like to see if the Legal Advisor is available.

Mr. Chairman: Madam Clerk, could you see if the Legal Adviser is available?

Mr. Tanner: Mr. Chairman, just for the benefit of both of our witnesses and for the public as a whole, I would like to read, if I might, Section 16 of the Financial Administration Ordinance. Section 16 says "Where an accident happens to any public work or building when Council is not in Session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises where the Council is not in Session in respect of which an expenditure is not foreseen



or duly provided for by an Appropriation Ordinance, is urgently required by the public good, the Commissioner may authorize payment for the amount required for such an expenditure out of the Yukon Consolidate Revenue Fund. And the reason I point this out is that there has been a suggestion, at least I suspect there has been a suggestion that the Commissioner has gone ahead and done something which he is not authorized to do. In my opinion, the Commissioner has acted extremely correctly in this case, and he couldn't do anything other than what he has done. I bring this to the attention of the witnesses as a preamble to any comments that they might have in regards to what happened up to now and any comments that they might have in regards to the Ordinance.

Mr. McKinnon: Mr. Chairman, I just have one question for the Legal Adviser before going on to the schedules themselves, and that is in clause 4, it states that the contract section of the bridge shall be made in the name of the Commissioner, who shall be responsible for the total project, but then in Section 5 it goes on to break down really, that responsibility into the three classes, the Federal Government, the Territorial Government and then the City. Is it usual to have put that second half of clause 4 in "who shall be responsible for the total project"?

Mr. Legal Adviser: Yes, Mr. Chairman, I would think so, because some person must be the overall authority under which the various contract are left decided upon, although of course that person will be consulting with other parties in the contract, but some one person must be the person who puts his dobbie mark on the contract and takes charge.

Mr. McKinnon: Just one further question then, the responsibility that is referred to here, it just says "responsible for the total project" does it mean responsibility in the financial end of it as well as the administration end of it or the project part of it.

Mr. Legal Adviser: No, Mr. Chairman, in the project part of it.

Mr. Tanner: Mr. Chairman, having asked the witnesses to come here, I wonder if they, I believe they have both been in the Public Gallery for most of the previous debate and they might have some comments to make on the agreement that they see before them now.

Mayor Wybrew: Thank you Mr. Chairman. First of all, I do believe that we should go back a little bit on the history of this bridge, why it was built, and at whose instance. It was built by the Federal Government at the instance of the Department of the Federal Government. The title to the bridge was never turned over to the City. The City finally painted the bridge in '69, the first responsibility that the City ever accepted, to the tune of somewhere around \$7,000. And now the City is asked to contribute to a Federal piece of property for repair or replacement and the City does feel that this open-ended contract is a dangerous thing for them budget-wise. The unfortunate thing that has happened of course, is that the Territorial Administration made representation to the Treasury Department in Ottawa committing the City without consultation with the City. And it is unfortunate that this occurred because certainly an air of complete co-operation would have been far better I think, and I think this is the way things should go. The City is not against a token contribution in regards to the bridge, but are very fearful of this open-ended contract. I would ask if Alderman Lucier has anything to add to that Mr. Chairman, with your permission.

Mr. Chairman: Mr. Lucier.

Alderman Lucier: Mr. Chairman, my only concern really, right now, is the reason that the bridge collapsed. I am kind of concerned, it is not my only concern, but I was wondering why there has never been anything said about the reason the bridge collapsed and why the people who are responsible for the bridge collapsing are not being asked to participate in the cost of this bridge. I think it is pretty well known that it was the NCPC's dam which

changed the temperature of the water and changed the flow of the water and that was the reason for the pillars breaking and I was wondering why they haven't been included in these negotiations and why they are now being asked by the Government to pick up part of the tab. I think they should pick up the City's part of the tab. I think that if you were to build a new bridge and turn it over to the City and say this is your responsibility, I would say that this is very acceptable, but as it is, I just don't feel that the taxpayers of the City of Whitehorse should be replacing a Federal bridge, that was built by them and was caused to collapse by a Federal Department.

Mr. Stutter: Mr. Chairman, I would like to ask of the witnesses, both of them if they don't feel that as the recipients of all of the money that is raised from Riverdale, that they aren't under some obligation to provide access to the property over in Riverdale. Regardless of who owned the bridge up to this point; surely at this point it is your obligation to provide access for the subdivision of Riverdale.

Mayor Wybrew: In answer to that, Mr. Chairman, I think you already note that the intent is to turn the title of the bridge over to the City when it is constructed and the City would have complete responsibility then for maintenance, repair, etc. of that bridge. The City is not against a total payment, but is afraid of this open end.

Mr. Chamberlist: Mr. Chairman, I wonder if Mayor Wybrew would indicate what he means by a token payment, how much in dollars.

Mayor Wybrew: That is a fair question, Mr. Chairman. Council is very concerned that it will exceed the \$60,000.

Mr. Chamberlist: Mr. Chairman, is His Worship indicating then that \$60,000 is the figure that the Council is prepared to meet, or on the larger span, rather the larger width of it, of 40 feet, that he is prepared to meet the \$260,000 once he went to plebescite.

Mayor Wybrew: There are two questions there. The 40 foot is the design. It will be for a 40 foot structure and either a 28 or 40 foot decking as it were. A decision has not been made on that, but Council feels that \$60,000 is the cap for either one, a maximum in other words.

Mr. Tanner: Mr. Chairman, I don't think it is unreasonable to expect that this Council or the Territory as a whole to pick up some portion of the cost of the bridge, but the bridge is being replaced in the size that it presently is and that cost to the City is approximately \$60,000 and the Mayor has just said that he is prepared, or the City Council is prepared to pay. But if the City in their wisdom decides to expand the bridge, then that is the obligation of the City. I don't think there should be any argument about that. The City wants to go, in their wisdom, for a wider bridge, and I think that the City has to pick up the difference.

Mr. Chamberlist: And further to what the Honourable Member has just said, the bridge that has been proposed even now is a 28 foot bridge and also includes for expansion to a 40 foot bridge. Now certainly if the Territorial Government only wanted to consider a structure equivalent to what exists now, there wouldn't be the opportunity to expand the bridge at a later date. So I think that the City must give consideration to the fact that it is beneficial to do something at this time, with the rising cost of construction, in five year's time or in ten year's time, may be twice or three times as much. And this must be given consideration. I agree with what His Worship has said, Mr. Chairman, with reference to the fact that the City Council to date can agree to a figure on Schedule "A", but they can agree to a figure on Schedule "B", subject to it going to plebescite but, and I don't like to be asked hypothetical questions myself because one just gets a hypothetical answer, but I would try to find out, Mr. Chairman, from His Worship whether or not, subject to plebescite and the people wanting to provide for the 40 foot bridge, would the \$260,000 be their minimum or maximum, especially in view of the fact that once you get to that particular region, the amount of money can then be borrowed from the Territorial Government on the usual repayment, pay back over a period of 20 to 25 years, or whatever.



Mayor Wybrew: If Council, in its wisdom, decided that there would be a plebiscite for the, the substructure will be 40 feet which I understand will be capable of handling a 40 foot deck, you see Mr. Chairman. And if Council, in its wisdom, decided that the 40 foot decking should go on at the same time rather than the 28 which could be expanded very easily to three lanes if required two way traffic as it were. Go to plebiscite, then, of course they would expect and hope for a maximum or a ceiling on that portion, too.

Mr. Tanner: Mr. Chairman, I would like to follow up what Alderman Lucier said. He referred to the responsibility of the bridge coming out being N.C.P.C.'s because of the construction of the dam and I would ask the Commissioner if the N.C.P.C. have been involved in any negotiations at all or have they accepted the responsibility or have our engineers said in fact, that is the case?

Mr. Commissioner: Mr. Chairman, to the very best of my knowledge, no other parties other than the three which are mentioned here, the Federal Department of Public Works, the Territorial Government and the City have been involved in this. I've read the engineering report that was done by the Federal Department of Public Works at the time a presentation was made to the City in connection with this and frankly I'm not too sure after reading that report whether they really said who was to blame or what was to blame for this. I would like to suggest that while possibly what Alderman Lucier says, perhaps he has had this matter, these opinions given to him by qualified people, I would like to suggest that this opens up a whole field of argumentation which will be in the engineering field, the legal field; you're getting into a pretty deep problem. While the philosophy as indicated by Alderman Lucier that it would be a very fine idea to have somebody else make a contribution towards it, I am not aware of any grounds that we can make such a request on.

Mr. McKinnon: Mr. Chairman, besides the open-endedness of the money, in the agreement there is rather an open-ended clause there too because the Commissioner is going to be responsible for the total project of the construction of the bridge and upon completion of it, it's turned over to the City. The City, thereafter, shall be responsible for all expenses, maintenance repairs, alterations of future replacements to the bridge, provided always that the City shall maintain the bridge at all times as a public right-of-way. Now, in the foreseeable future, in the next five or ten years, the load at the Whitehorse Rapids Dam is going to be increased once again. This has been a tie-in with the project on the Marsh Lake system of lakes. So, there could conceivably come about that the flow of the river is going to be altered once again. Has this been taken into consideration? There could be, once again, damage to the substructure and the pier because of the alteration of the flow of the river and the ice pressure could change, build up and the same project happen once again. Now, who would be responsible? The Commissioner was responsible for the construction of the project, turned it over to the City. Are they now responsible for the replacement of the next bridge, even though, there could have been and there should have been, the design engineer could be wrong by the D.P.W. Engineers are known to make mistakes, as they have in the past. If D.P.W. makes a mistake in the engineering project and the Commissioner is responsible for the construction with the engineering fault and then turns it over to the City and the bridge collapses once again. The center pier collapses. Is the City then totally responsible for the replacement of the bridge?

Mr. Chamberlist: There is a ninety-day warranty.

Mr. Commissioner: Once again, the Honourable Member is raising a set of conditions which surely to goodness we don't anticipate ever arising. If they were to arise, definitely the City is responsible for very obviously the City is not going to have the wherewithal

immediately unless they grow by leaps and bounds in the very near future to deal with it and it will once again I think come back to a situation of how do you negotiate the replacement of it. But surely to goodness the problems raised by the Honourable Member have been taken into account by the engineering people in face of the fact that in the design of this bridge they have knowledge of the potentially changing conditions that Honourable Member refers to. I think it would be a fair statement to say that in the original design of the bridge these anticipated changes, that did come about and could conceivably have some effect on the foundation of the bridge, were not known. At least to my knowledge, they were not known.

Mr. Chairman: As a point of interest, was a tunnel ever considered by the City?

Mr. Chairman: Have you anything further on this Bill, or questions to address to the witnesses? I'm wondering if either Mayor Wybrew or Alderman Lucier have any comments before we deal with this matter?

Mayor Wybrew: It was mentioned that the three Council Members, that City Council of course, met with the Commissioner and Assistant Commissioner and Engineer. This was a meeting of exploration, asking and hearing questions of course. Alderman Wright led the discussion as it were and that's all that meeting was. It wasn't a question of negotiation on this particular thing, rather asking questions. I reiterate a previous statement, Mr. Chairman, that Council would like to see a cap on the amount. Council is very concerned about this and as I say again, it is unfortunate that the package was submitted to Treasury without consultation with the City. This is an unfortunate thing and perhaps this is where it got all mixed up.

Mrs. Watson: Mr. Chairman, I wonder if I could speak to that. Your main concern is the open-endedness you mentioned, and I think really open-endedness is the result of the open-ended type of resolution that the past City made regarding the bridge which stated that "the senior governments repair or replace the bridge at no cost to the City". Never, at any time, did the City indicate what percentage or what amount of money they were prepared to put forth on behalf of the taxpayers of Whitehorse who will be using the bridge, and if at that time the City had seen fit to give some indication of the amount of the cost that they would care to bear then, it would have put the Territorial Government in a different position when they went to negotiate. But the only position we could take was that you didn't want to pay any money. If you'd have said we are prepared to spend 5 percent of the cost, 10 percent, 1 percent, or we are prepared to spend \$150,000, then I think maybe you would have been able to get out of that open-endedness but I think this is where the error was made originally.

Mayor Wybrew: This is a very good point, Mr. Chairman, because prior to that letter being written by the City Council of the day, a commitment had already been made with Ottawa, the package submitted; and I think that you will find that that letter was an expression of perhaps annoyance would be the kind thing to say.

Mr. Tanner: Mr. Chairman, the way I read the Sessional Paper, that isn't the case. It seems to me the resolution came from City Hall prior to any commencement of negotiations with the Federal Government.

Mayor Wybrew: I'm sorry if I'm creating some confusion here but I'm pretty sure I'm correct. We met the Executive Commissioner, and this is what we were told prior to that letter being written by the Aldermen and Council.

Mr. Chamberlist: There was some discussion but the amount of money...

Mayor Wybrew: No, I'm sorry, Mr. Chairman, to interrupt with respect. The City had been committed to some form



of a plan prior to that letter being written.

Mr. Chamberlist: By the City.

Mayor Wybrew: No. The City was not involved at all.

Mrs. Watson: No, with respect, I think I know what His Worship is referring to. It was the meeting with the D.P.W. people and the Administration of the Territorial Government where they outlined the results of their study and they indicated at that time how much of the cost for repairing the bridge and they also indicated at that time they wouldn't advise repairing the bridge, and they also gave you a rough estimate of a cost to replace the bridge. What they did at that time, 1.2 million and 1.4 million, that was the rough estimate that was given at that meeting. As a result of that meeting, the resolution came through that you wanted to bear absolutely no cost and it was on this indication from the City that the Territorial Government was faced with going to Treasury Board and saying look they don't want to pay anything. If you'd have given some indication that you would have been prepared to cost-share 90 percent, 10 percent, something like this, then I think you'd have an argument now. But under the situation, I'm afraid that this is the result of that resolution.

Mayor Wybrew: Well, Mr. Chairman, there is confusion obviously. The meeting took place and we were told that a plan had been submitted to Ottawa prior to that letter being written by City Council.

Mr. Chamberlist: Who told you?

Mayor Wybrew: A meeting with the Assistant Commissioner, Mr. Miller. I think my dates are correct.

Mr. Tanner: Mr. Chairman, who, if I might ask the witness, was at the meeting on behalf of the City?

Mayor Wybrew: Alderman Boyd. I do believe it was Alderman Hunter, as well, with one of the other aldermen.

Alderman Lucier: It was Alderman Hunter, yourself and I was also there.

Mayor Wybrew: Oh, there we are. Alderman Lucier was also present. I'd forgotten that. I'm sorry.

Alderman Lucier: Mr. Chairman, there was no firm commitment made by Mr. Miller, only that they had been in negotiations with Ottawa on the...

Mr. Chamberlist: Wouldn't this be, Mr. Chairman, only of the cost of what the bridge might be, not of what the amount of money that the Treasury Board and the Territorial Government would come up with. It was just an estimate on the cost of the bridge.

Alderman Lucier: No, Mr. Chairman, we were discussing cost-sharing. The City's share of the cost.

Mr. Chairman: Do you have anything further on this question?

Mr. Tanner: I think it should be clarified. As I see it, the City represented by the Mayor, Alderman Lucier, and Alderman Boyd and Alderman Hunter, met with Mr. Miller, the Assistant Commissioner and during the course of the conversation you two gentlemen are saying that Mr. Miller indicated that there was already negotiations started with the Federal Government, is that correct? I would guess that it would be logical before the Territorial Government would even come and talk to you gentlemen that they would get some indication from the Federal Government that they are prepared to put the money in, and I would assume that Mr. Miller would mention that. But I don't think this is a commitment on Mr. Miller's part saying he wasn't going to do anything.

Alderman Lucier: Mr. Chairman, I have not said that it was a commitment and I agree with that. Mr. Miller had been in negotiations with them and that is what we were discussing, the cost-sharing.

Mr. Chamberlist: Except, Mr. Chairman, with respect, that His Worship inadvertently said that the City was committed to the set amount and I don't think that was done. I wonder...

Mayor Wybrew: Could I interrupt, with respect. I can't remember exactly what I said but certainly the City was involved in these discussions without consultation and this, I think, created some annoyance.

Mr. Chamberlist: I wonder, Mr. Chairman, if I could indicate at this time that once the tenders are called, the Commissioner is not bound to sign a contract with any contractor until such time as he says to the City as a result of this bid that's come in, the bid is "XY" dollars which portion is the Federal Government's portion and it would appear that the balance of the bid which the City has to make up is Z dollars. Now, I see no reason why, at that time, the Commissioner might come along and say here's the position and then you can talk about it then. I wonder if the Commissioner would like to comment on that particular suggestion?

Mr. Commissioner: I'm afraid that that would have to be...

Mr. Chamberlist: .....

Mayor Wybrew: Do I understand that, Mr. Chairman? I want to be very clear on this. Do I understand that when the tender call is made, bids are submitted, the contract will not be issued until consultation has between the City and the Commissioner's office takes place and agreement is reached? Is that my understanding?

Mr. Chairman: Commissioner?

Mr. Chamberlist: This has, I think, this has already been said in the...

Mr. Commissioner: In the last sentence.

Mr. Chamberlist: If overruns on this project become apparent, the City will be informed before contracts are signed. And that's in the Sessional Paper. This, of course, is the intention and it is at that stage, that discussions will take place with the City because it may be that if it went over, that you may want to get away from the structure that provides for a 40 foot bed and go to exactly what you've got now, to keep within the price structure. You might want to do that but the Commissioner, once he gets the tenders called; gets the prices in; finds out what the prices are; know how the position is with the federal portion and the territorial portion and then say to the City it appears from this bid your portion will be so and so. But the suggestion is that the minimum is \$60,000. Now, if the \$60,000 comes within the bid there is no question at all of asking for any more than that.

Mayor Wybrew: I'd like to thank the Councillor, Mr. Chairman, but it would be very nice if instead of being informed the two groups could sit down and reach agreement before contracts were let.

Mr. Chairman: This is noted. You state here that the City will be informed which doesn't really say anything. It doesn't give rise to any negotiation or such.

Mr. Stutter: Mr. Chairman, might I ask of the witnesses if it's their wish then that something be put right into the agreement to that effect, rather than in the form of a Legislative return. That there should be something in the agreement saying that before the final contract is let that it has to be with their approval?

Alderman Lucier: Mr. Chairman, I would certainly think that that would ease a lot of problems, ease a lot of minds and the City taxpayers would be pleased with that type



of arrangement rather than just to be told, to be informed. It just means that they are going to tell us what they are going to do. We would much prefer to be consulted again before the final contract is let.

Mr. Tanner: Mr. Chairman, I think it is a matter of semantics. Obviously they are not going to tell you, if you object to something too hard they are not going to go ahead with it. It seems logical to me.

Alderman Lucier: Could you guarantee that?

Mr. Tanner: I can't personally guarantee that at all and no single Member on this Council can.

Mrs. Watson: Mr. Chairman, I think this is sort of a futile thing. It stands to reason that when the bids come in and the people who were involved with the technicalities of the bridge, from the City and from the Territory, will be looking at the bids. I think it is absolutely silly for us to stand around here and say we've got to put it in the agreement. It's just a natural thing, they'll be looking at it. Period. And if there are overruns and the City has to pay more money, you know, its just like motherhood, you'd be consulted on it. If you're not agreeing to pay it, well what's the point of doing it?

Mr. Stutter: Mr. Chairman, might I ask the Legal Adviser if there was any particular reason why in the agreement the City wasn't involved? I mean if it's so simple and so easy and so taken for granted that the City would be involved, mind you I took it for granted anyway, would it not have been easy to put that in the Agreement?

Mr. Legal Adviser: It could have gone in, but nobody thought of it.

Mr. Chairman: Would it be difficult, Mr. Legal Adviser, to draft a short section which provide the safe-guards that have been discussed here and suggested by the City?

Mr. Legal Adviser: I would not be able to tell you exactly, but the simplest thing to do is an exchange of letters, a letter signed by the Commissioner, if this is what the House wants. I said it before the tender shall ask the City its views and say whatever the letter is. It is as good as an agreement.

Mr. McKinnon: Is the Commissioner prepared to send such a letter to the municipal authorities, Mr. Chairman?

Mr. Commissioner: Mr. Chairman, with respect, I don't think this is necessary. We had a meeting the other day in which the Mayor was available with his people. They were asked what was connected with this bridge. I think the final closing remarks of this, and I made them while I didn't see any disagreement around the Table, that Ken Baker who is our technical representative with regards with the consummation of this contract if and when it becomes a reality, is available on a continuing constant basis for negotiations with the City ...

Mayor Wybrow: I would agree with that. We have the greatest respect for Mr. Baker's technical knowledge. However, Mr. Baker does not do much contracting, it is my understanding. This contract is left by the Commission.

Mr. Commissioner: Mr. Chairman, this will be on Mr. Baker's advice that I sign or else I'm ...

Mr. Tanner: It seems to me, Mr. Chairman, that we are jumping the hurdles before we are getting to them. I took a look at the contract. Let's have a look at the bids as they come in. Surely, the Mayor and Alderman

Lucier are not suggesting that with the obvious concern in the House by the three Members of the City of Whitehorse, because we are not going to let the City get into an agreement that is going to cost ourselves, even as taxpayers, that certainly all that is actual proof.

Mr. Chamberlist: And an enormous amount of money.

Mr. Tanner: I don't think it is unreasonable to go ahead and contact the division and put the bids up for tender.

Mr. McKinnon: We can then be assured, Mr. Chairman, that the Commissioner and his officers, will be acting in the best of faith towards the City opposition.

Mr. Commissioner: I would like to reiterate the fact that that is what they are charged with doing, as one of their posts of office.

Mrs. Watson: Mr. Chairman, I would also like to add, that if we leave it for the technical people of the Territory... to keep the politicians out, I think we would have less trouble.

Mr. Chairman: Do you have any further questions to direct to the witnesses? I am wondering if at this time the witnesses can be excused? I would like to thank you gentlemen both for attending with this and assisting us this morning. I think if this is time, we will stand Committee and recess until 2:00 p.m.

Mr. Chairman: This is Bill No. 38, the Robert Campbell Bridge Agreement Ordinance, the Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory and acts as follows. What is your further pleasure?

Mr. Chamberlist: Mr. Chairman, I will move that Bill No. 38 be reported out of Committee without amendment.

Mr. Tanner: I'll second it.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Tanner that Bill No. 38 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed?

Some Honourable Members: Agreed.

Mr. Chairman: I declare the motion carried.

*MOTION CARRIED*

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

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

Mr. 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?

Some Honourable Members: Agreed.

Mr. Chairman: This will declare the motion carried.

*MOTION CARRIED*

Mr. Speaker: The House will now come to Order, may we have a report from the Chairman of Committee?

Mr. Taylor: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Public Bills. It has been moved by Councillor Chamberlist and seconded by Councillor Tanner that Bill No. 39 be reported out of Committee without amendments and this motion was carried. Mayor Wybrow and Alderman Lucier of the Municipality of Whitehorse attended Committee to discuss with Committee matters relevant to Bill No. 38. It was moved by Councillor Chamberlist and seconded by Councillor Tanner that Bill No. 38 be recorded out of Committee without amendment and this motion carried. It was then moved by Councillor Chamberlist, seconded by Councillor Tanner that Mr. Speaker do now resume the Chair and this motion carried.



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

Mr. Taylor: Mr. Speaker, I believe it is the intention of Committee to sit on Monday. I don't know of any other businesses in Committee at this time.

Mr. Speaker: May I have your further pleasure?

Mr. Tanner: I move that we call it 5 o'clock.

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

Mr. Speaker: It has been moved by the Honourable Member Whitehorse North, seconded by the Honourable Member of Dawson that we now call it 5 o'clock. Are you prepared for the question? Are you agreed? I declare the motion carried.

*MOTION CARRIED*

Mr. Speaker: This House now stands adjourned until 2 o'clock, Monday afternoon.

*ADJOURNED*



Monday, October 1, 1973  
2:05 p.m.

Mr. Speaker reads the daily prayer.

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: Council will now come to order. Are there any documents or correspondence to be tabled? Are there any reports of Committee? Are there any Bills to be introduced? Are there any Notices of Motion or Resolutions? Are there any Notices of Motions for the Production of Papers? At this point I would like to ask the indulgence of the House to proceed to Public Bills and Orders. Is there any objection?

BILL #38 THIRD READING

Mr. Chamberlist: Mr. Speaker, I beg leave to move, seconded by Councillor Watson, that third reading be given to Bill No. 38; a Bill intituled Robert Campbell Bridge Agreement Ordinance.

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. 38, an Ordinance intituled the Robert Campbell Bridge Agreement Ordinance. Are you prepared for the question? Agreed?

Honourable Members: Agreed.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

BILL #38 TITLE ADOPTED

Mr. Speaker: Are you prepared to adopt a title to Bill No. 38?

Mr. Chamberlist: Yes, Mr. Speaker, I move, seconded by Councillor Watson, that the title to Bill No. 38, a Bill intituled the Robert Campbell Bridge Agreement Ordinance be accepted as written.

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. 38, an Ordinance intituled the Robert Campbell Bridge Agreement Ordinance be adopted as written. Are you prepared for the question?

Honourable Members: Question.

Mr. Speaker: Agreed?

Honourable Members: Agreed.

Mr. Speaker: I declare the motion carried, and that Bill No. 38 has passed this House.

MOTION CARRIED

BILL #39 THIRD READING

Mr. Chamberlist: I move, seconded by Councillor Watson that third reading be given to Bill No. 39, an Ordinance intituled Fourth Appropriation Ordinance 1973/74.

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. 39, an Ordinance intituled the Fourth Appropriation Ordinance 1973/74. Are you prepared for the question?

Honourable Members: Question.

Mr. Speaker: Agreed?

Honourable Members: Agreed.

Mr. Speaker: I declare the motion carried.

MOTION CARRIED

BILL #39 TITLE ADOPTED

Mr. Speaker: Are you prepared to adopt a title to Bill No. 39?

Mr. Chamberlist: Yes, Mr. Speaker, I move, seconded by Councillor Watson, that the title to Bill No. 39, an Ordinance intituled the Fourth Appropriation Ordinance 1973/74 be adopted as written.

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. 39, an Ordinance intituled Fourth Appropriation Ordinance 1973/74 be adopted as written. Are you prepared for the question?

Honourable Members: Question.

Mr. Speaker: Agreed?

Honourable Members: Agreed.

Mr. Speaker: I declare the motion carried, and that Bill No. 39 has passed this House.

MOTION CARRIED

Mr. Speaker: As there are no Notices of Motion for the Production of Papers, we come to Motion No. 1.

MOTION NO. 1

Mr. Speaker: It was moved by Councillor Watson, seconded by Councillor Tanner, that the Commissioner revoke the appointment of the Honourable Member for Whitehorse East, Norman S. Chamberlist, to the Executive Committee effective October 1, 1973. Are you prepared to proceed with this motion at this time?

Mrs. Watson: Yes, I am, Mr. Speaker. Mr. Speaker, Honourable Members, I presented this motion to Territorial Council after a great deal of thought and consideration, and I might add with some misgivings. I realize the personal and political repercussions that would ensue. But I also was aware that I could not stand by and watch the Executive Committee and the Executive Committee concept effectiveness be jeopardized. The Executive Committee, originally, was structured as the first stage of the elected representatives of the people of the Territory assuming executive powers over the administration of the Government in the Territory. It was, and it still is, a challenge to every Member of the Committee; be they elected or appointed. It is a body which must make decisions regarding government policy and, by its very structure, a body of cooperation, negotiation and compromise of each individual Member. Personal aspirations cannot dictate every decision. The fact that it is a Committee, no matter how many Members, be they two or twenty, each individual Member of the Committee must be prepared to reach and accept a common consensus of opinion. No one individual can dictate the decision. Should such a situation arise, over a period of time the value of the Committee decreases and the authority as the Executive of the Government is weakened. When such a situation exists, corrective action is required. This is the reason for my motion today. I am firmly convinced that the Executive Committee concept can and must work, and that the elected people on the Committee must be strong and forceful. But they must always be mindful that the assumption of power also involves the assumption of the responsibility of that power.

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



Mr. Taylor: Mr. Speaker, I might begin by saying that the motion that has been presented and notice was given on Friday, came to me as somewhat of a shock. I think that all Members will recall, more particularly over this past year, that I have laid proposals and made suggestions before the House that not one but both of these positions be vacated by the sitting Members. At that time, the four Members who I've always thought were the power block in this Legislative body, stuck together and refused to consider the question. Now, suddenly, there has been a great change of heart and there has been evident friction between this power block. The question that we now face is a very, very interesting one. I find that the two Members proposing this particular motion came to this Council on a political ticket; that is with the backing and support of a partisan political party. The power block that was then created and the administration have ruled the roost in this Legislative Chamber ever since. There has been a great deal of personal conflict. I think possibly we've all been a little to blame for that. We've baited each other into all manner of debate which was extraneous really to the issue at hand and here we have this motion today. At first I really thought that this was a put-on and I think Mr. Speaker, that many of our constituents feel still today that it is a put-on, but I am convinced in my own mind now that it is not a put-on. When this motion hit the Table, viewing around the table and particularly in the case of the Honourable Member for Whitehorse East, I saw the look of shock that registered upon him. So this was a very, very quick move and I think I believe him when he personally tells me that he had no knowledge of this coming. I say again, Mr. Speaker, that I wholeheartedly agree with removal of not one but both these Members who now find themselves locked into a contest in respect of this motion. I was present in this Council when the Executive Committee concept was first discussed. I was present in Ottawa when we went down as a body to discuss this matter with the Prime Minister. And I really felt that this experiment was a reasonable idea. But indeed that is all it has been, an experiment. We've had an opportunity to watch this Advisory Committee, or Executive Committee, function for the past three years and I find that it has been a tragic mistake. I find also that you cannot serve two masters, Mr. Speaker. You either serve the people who elected you to this Table or you serve, in this case and at this point in our constitutional evolution, the Civil Service. And notwithstanding that this Council appoints Members to this Executive Committee, when you take your seat behind your desk in this Federal Building you become a Civil Servant. You cannot serve two masters. The Government of the Yukon Territory is not structured to accept a full administration by the people and for the people. We do not have a Cabinet form of government in the Territory. We are in, Mr. Speaker, as I have many times said at this Table, a constitutional wilderness. So, it is clear to me that this action has not directly come from the two Members proposing the motion. I would charge that these are not personal motivations by either of the Members. I don't think they are. I really don't. They have worked so closely together these past three years, I cannot see that suddenly, since we last sat at this Table a short time ago, there is a personality conflict and we've got to get rid of the guy. I don't believe in this at all. It is abundantly clear to me, Mr. Speaker, that this movement to remove Councillor Chamberlist, and there is no doubt in my mind that he's going to go from this position by the temper and feelings in this Chamber, did not come from here. This came as a result of outside influence and I charge here at this Table; I've been a Liberal in the Yukon a long time as a federal political following and it is unfortunate; but I would charge the Minister and the senior members of the Minister's department with bringing this about. I would charge, Mr. Speaker, that it is a direct interference with the rights and prerogatives of the people of the Yukon through this legislative body which we form and in which we conduct our affairs. I feel that the Parliament of Canada through its Standing Committee on Indian Affairs and Northern

Development must take a look into this matter. I feel that Parliament should make an investigation into this matter and determine the whys and the wherefors. We have had no explanation from the Honourable Member for Carmacks-Kiuanne as to specifically why she suddenly feels that the Honourable Member for Whitehorse East should be removed. I have my reasons and I've had my reasons for some time in proposing his removal at other points in time, but this is coming out of Ottawa and I think its about time that this Legislative body and the people of the Yukon Territory put an end to this total oppression by the Federal Government in our affairs. As I say, I hang this one squarely on the Minister's office. The Parliamentary Committee are coming to the Yukon shortly to discuss among other things constitutional change. If we now find ourselves with one empty seat in this Executive Committee by the removal of the Honourable Member for Whitehorse East, we then have a second motion before us to sit down and consider who is going to fill this seat. I pity the person who fills it, if anyone does from this Table at all because as I said earlier, you serve either the people or you serve the Commissioner and his Ottawa oriented staff. So, I don't know. The Federal Government may say well fellows, we gave you your chance. Now you've played like a bunch of donkeys, we don't think you're ready for constitutional reform and maybe we'll just shelve this matter of constitutional reform for ten or twelve years. There is this danger but when this is not, and in my opinion, this is not the working of the two Members proposing the motion, but direct interference with the conduct of this Legislature and the affairs of the Yukon, then I think we had better stand up and be counted and I think we should call a special investigation when this Session has prorogued by Parliament and ask them to look into the whys, the wherefors, all the communications from the deputy Minister to Mr. Commissioner, all the communications between the Minister and, if at all possible, from the political party involved or parties as the case may be. But no one can convince me that we are not being interfered with. And finally in concluding my remarks, Mr. Speaker, in this matter, I say that I will support the motion but I deplore the manner in which it is brought to this Table and I also deplore the fact that the Members proposing the motion, one refusing to speak on it at all, the other generalizes on it and makes no specific accusations as to why they are doing this, they are just doing it with an attitude of let's take a vote on it, get rid of them and go home. I say to you all that we have the responsibility to the people of the Yukon who elected to send us here to tell them why because they want to know. Thank you, Mr. Speaker.



Mr. McKinnon: Mr. Speaker, I have found myself over the years in pretty strange positions in the House, but I think of all of all of them, this one has to be the strangest one ever. I think one of these days when I am a very few years older, I think I'll be able to retire and ask for a Canada Council Grant and the one specific area I would like deal with is Politics in the Yukon in 1973, and write a not too scholarly thesis on it, Mr. Speaker. I think it is the first time in Canadian democratic history which I've done some study in, where a member of the opposition is being upstaged and trying to get rid of the Government by the Government itself. As I say, I find myself in very strange position, because of this situation. I think, Mr. Speaker, that I have been modest in the House and I have been straight-forward in motions that I have presented to the House dealing with the changes in the Executive Committee. I think that the Honourable Member from Whitehorse East will agree that when I stood up and gave Notice of Motion, and gave reasons why I did it in a straight-forward manner, saying that in my mind, in instances where he had failed in retaining the confidence of the people of the Yukon in acting in an executive capacity. I may say that the same held true in those motions for the Honourable Member from Carmacks-Kluane and still does. I might say, Mr. Speaker, and that those records and those statements are well-recorded in the House. I think it is the duty and as an incumbent upon the mover and seconder of the motion should presently, before Council, make those straight-forward announcements and pronouncements and suggestions and reasons why this Motion comes before this Council at this time. It would be a complete reversal of policy for me to now go and say that I do, all of a sudden, have confidence in the make-up of the Executive Committee as it's presently constituted, so I will without speaking further on the subject, just say that I will be voting in favour of the motion. However, I find like the Honourable Member from Watson Lake, that it is a rather strange method and a rather strange way of going about things in the Yukon. Of course, I guess we just put it down to the fact, Mr. Speaker, that there are still strange things done in the midnight sun.

Mr. Speaker: Thank you.

Mr. Stutter: Mr. Speaker, I hadn't intended to speak on this motion, but now after some of the remarks of the last Member, I feel that I must get up and say a few things. To begin with, I have been involved in discussions with the mover and the seconder of the Motion prior to the Motion being presented. I would like to state at this time, that there have certainly been no deals made and it is just pure accident or pure coincidence that Councillor Tanner's name appears on there as the seconder of the motion instead of mine. It could easily have been mine for the simple reason that I had every intention of supporting the motion. I didn't ask for specific reasons of the other Member of the Executive Committee for the simple reason that I believe that for her to be specific, absolutely specific, she would have to violate the oath that she took when she became a Member of the Executive Committee. I, personally, right from the word go, from the beginning of this particular Council back in November, 1970, tried my darndest to get a motion split, a motion that the Honourable Member from Whitehorse East has amended to include his name and the name of the Member from Carmacks-Kluane in place of the names of Councillors Taylor and McKinnon. I tried to get that motion split so that I would be able to vote on each one separately. However, through his knowledge of parliamentary procedure, he ruled or had the Speaker rule, that my request was out of order and we were to then vote on the motion as it stood. Then, consequently, I had to vote against that motion and against him at that time. I have done on occasion since. I have seen fit to support much of the legislation that has come out of Executive Committee and I suppose in a way that is some sort of support for the Members of Executive Committee. I have my own personal reasons to support this particular motion and I think I have been relevantly consistent in doing so. But, as I say, I don't think at this time, we can ask the Member from Carmacks-Kluane to be absolutely specific in mentioning her particular

reasons for proposing this motion.

Mr. Chamberlist: Mr. Speaker, firstly, let me say this. I think, in infamy, this sneak attack perpetrated by this method is one that these people will have to live with and by with their conscience. If indeed they have any conscience at all. I know this, Mr. Speaker, that if in the years to come whether Councillor Watson and Councillor Tanner will be remembered for anything, they will be remembered for the treachery that has been perpetrated in this House. I cannot but help remark at this time relating really a rebuttal at both Councillor Stutter and Councillor Watson. Councillor Stutter says Councillor Watson cannot give reasons because she would be violating her oath of office. Yes, in what she has said in those few words, she has indicated quite clearly by saying that she has said this with some misgiving and that the Executive Committee is here to assume the administration and this, Mr. Speaker, and Members of this Council, everybody knows quite well and I have indicated it quite clearly that the Executive Committee is nothing more than an advisory body to the Commissioner. I have told the Commissioner this. I have told him this under many circumstances. And I repeat this again, and because of the Member of Carmacks-Kluane political immaturity, she doesn't recognize the structure of the Government of the Yukon Territory. And that is, the Executive Committee is nothing more than an advisory Committee. It shows completely in the statement that she has made that there is lack of content in what she has said. She also has gone to say that there should be common consensus of opinion. Now, obviously she has indicated that there has not been a timed, common consensus of opinion. I might at this time let other Members be assured of what has taken place in the structure of Executive Committee. At any time that I saw the people of the Yukon being beaten to pulp by the Administration, I had stood firm. It is because I am not a "yes" man, and as people know in this Council or in any other body that I have ever worked, that this has come about. One would have thought, Mr. Speaker, that last Friday, when the motion, Notice of Motion, was given that there would have been some considerable concern shown by the Executive Committee. Indeed, it was serious enough for an emergency Executive Committee meeting to be called. But isn't it significant that not one of my colleagues came down the hall to say "What happened, Norm?", or, "What's this all about?". Not one. Neither on Friday, neither today. I phoned the Commissioner and we had an informal discussion about it. Now there has been many suggestions that have been made to me over the weekend, that the Commissioner has engineered this situation. I want to say quite clearly I have been assured by the Commissioner that this is not so. I accept his assurance to me. But, I do not say that this is applicable to other Members of the Executive Committee with whom I have been in constant conflict as a result of the very words that have been spoken by the Honourable Member from Watson Lake, I beg your pardon, from Councillor Watson in this regard. The suggestion that people must strong and forceful... Is it suggested that I am weak and mild? Is this a suggestion that can be made by anybody? Mr. Speaker, July 31st, the last Session of Council, from the 13th to the 15th in August, I was at a meeting in Vancouver. I then was back here until the 8th of September and I was then at several provincial conferences and meetings at Quebec City and Ottawa, and back at my desk last Monday, the 24th. Every day, at some time during last week, I have had normal discussions with the Honourable Member from Carmacks-Kluane and discussed files from time to time, and not one incling, not one suggestion of anything at all took place. I know this: the Honourable Member from Carmacks-Kluane in moving this motion, and I tend to believe, now especially in view of the very short remarks, I tend to believe the suggestion that has been made by the Honourable Member from Watson Lake. I know that I have been a thorn in the side of the appointed people to this Executive Committee. I have been a thorn in the side of the senior civil servants in the department in Ottawa. I know this. I know that tremendously, that they would like to see me completely out of public life. So that their situation of maintaining the empire structure can continue to be maintained. What can I say of the



Honourable Member of Whitehorse North? I had hoped that his political adolescence had already departed, but obviously not. Here I see a proposal which coming along in the next motion, to have him appointed to a responsible position of Executive Committee Member. He has flip-flopped so often that how can anybody in this legislative body think of him in terms of a person with responsibility or who is prepared to accept the responsibility that has to come of the position on the Executive Committee. I am satisfied, very, very clearly, that the Honourable Members from Whitehorse West and Watson Lake were taken just as completely by surprise as I was. There is only one thing that doesn't surprise me, because they have indicated that they would support the motion. Although we have had many differences of opinion in the political sphere, I cannot visualize them supporting treachery. Because it was nothing but and I know that the public of the Yukon and they have shown that they too, do not support treachery. I am confident by the many telephone calls, by the many people who have come to visit me. Yes, by many people in the Honourable Member from Carmacks-Kluane own constituency, but one woman in particular, sobbed over the phone. "How could that wicked woman do anything like that?" This is the type of comfort that I have. The public are aware that all the times that I worked for the people of the Yukon in whatever capacity I worked for them. I have supported the Honourable Member from Carmacks-Kluane completely. There has never ever been any suggestion from me of the lack of working hard. I reiterate, she worked hard, she worked long hours. Whether anything productive will come from the work she has done, remains to be seen in the distant future. But however, the work was done. The Honourable Member from Whitehorse West, Whitehorse North, what can one say of him? He isn't a fool. He's an ass. The distinction is important. I can't understand the lack of the required philosophies of discipline, and honour that must be inherent in people who are elected to public office. I think that discipline is the great need of our future. It should be the first object of education and a prerequisite for any person who accepts partial responsibility for the direction of educating our children. One cannot give what one does not have. Obviously, a lack of discipline weakens her position and her substance as to whether she indeed she should continue herself in the office of Executive Member. Let me remark about honour. That too, Mr. Speaker, is a tribunal within oneself. There is no advocates. There is no witnesses, and no technicalities. The loss of honour puts people at a discord within oneself and sustains the wound that will rank more longer and sting more deeply than any wound of the body. These people have to live with that. I know that for a long time when I echoed the remarks that the Honourable Member from Watson Lake made, that it is generally known, that I am a Federal-National-Liberal. I say that clearly and unequivocally. But, I have made my position clear that while the structure of a seven-man Council exists, I will not have party-politics in this House. It is obvious that it is just not simply that it is just these two people and the other diehards that want to blow up this place, that's just not it. It's just those other people behind them. I know that it is an attempt to force a political partisanship into this House. With respect, I suggest that the Honourable Member from Whitehorse West and the Honourable Member from Watson Lake when speaking, perhaps have made their hasty decisions to support this motion prior to hearing me out. It appears to me that there is a requirement to attempt to understand certain things that take place which appeased different people. I have already warned the Commissioner of what I would say if I was asked a certain question and I am going to say this. I read in a newspaper the other day, firstly I read a headline that said, "Watson and Taylor Turn on Chamberlist". It should have read, "Watson and ... I beg your pardon, that's Watson and Tanner... It should have read, "Watson and Tanner Turn Chamberlist Off", because this is what has happened. I think that it was in this same paper or one before where the appointee to the administrative position, the administrative Commissioner's position, it was indicated that he was appointed by internal competition. This is not so. I made my position clear, that I would not support that type of situation. I told the Commissioner this. He said it is his prerogative and so be it. It is his prerogative. This shows clearly, Mr. Speaker, that

this Executive Committee of the elected Members has been used as an Advisory Committee basis only. Let's not fool ourselves. A month or so ago, perhaps a few months ago, I publicly stated that I felt that I was walking a tight-rope. Obviously, that tight-rope has snapped. Not only has the tight-rope snapped but I snapped because I will not tolerate the type of things that go on. I am going to speak quite clearly and loudly without disclosing the confidence of any discussion on any specific matter. I might say that we had an opportunity to have a local person appointed in the position once Ron Hodgkinson had left here and no finer a man could be found but Gordon McIntyre. He, unfortunately, wanted only an active position. Now we have, and I say that there is nothing disparaging about Frank Finland as a person, but he is an appointee from the Ottawa group that have come here to straighten me out. This is my feeling. Well he's got a long job to do to attempt to straighten me out, and to put back the links that I have succeeded in breaking, Mr. Speaker, the hold that I have broken in many areas of the Federal Government, Colonial Office. I can say this quite clearly. Under no circumstances would I want to serve with this person again, not under any circumstances. I don't want to go through life looking over my shoulder. There is no way that this can happen. See, most biologists can tell that the sting of a female scorpion is the one that kills quickly. I recognize this and there is no way that I want to go through life brushing the scorpions off my back. I have said, Mr. Speaker, with reference to the appointment of Mr. Finland, we could have had a local person appointed. That would have been another step. When it came to the Executive, the Assistant Administrative officer, we had Ken Baker take the place of Mr. Fleming who was sick. There is no finer fellow that anybody can have than Ken Baker. Working with him was just a delight. He understood. He knows the Yukon. He saw the difficulties the people were worrying about the Yukon. To me, that was a good team, Mr. McIntyre and Mr. Baker. Then all of a sudden, comes on the picture a man who wants to clean up the place real quick to help Mr. Finland, and that is where the trouble starts. As far as I am concerned, people of long service in the public service were not given consideration in that particular job. That is the Commissioner's prerogative. Obviously, again, it is his prerogative because it is under that prerogative that he administers the government of the Yukon Territory. I face it. I'm not in any way against the fact that this happens because this is his prerogative to do it under the act that is now constituted. I can say that in whatever endeavour that I have done, I've worked for the Yukon. Whatever happens to me here, I can assure everybody that I have made myself available to the public of the Yukon at any time. I will continue to serve the Yukon. Notwithstanding the people who are playing little games here and are upset that I don't put myself up as a Liberal party member in this House, and I am not going to do it. I made my position clear. What then do we do in an instance where there is already reason to believe that the Executive Committee has failed? Because it has failed. The Honourable Member from Whitehorse West has often said that when a government falls, the Executive Committee falls, the government goes out. It is because of that and because I believe that the sentiments of at least two Members in asking of dissolution of Council, have been true sentiment. I am going to amend this motion in almost the identical words that both Councillor McKinnon and Councillor Taylor have from time to time put forward. I hope one of them recognizing that I am recognizing the method the things that they want and seeing that there is a reason and simply so that we can get a chance to debate the amendment, could I get a seconder. I don't wish to debate the amendment or make any reference to the amendment until there is a seconder. I, therefore, move that Motion No.1 be amended by deleting all the words after the word "that" in the motion and substituting the following words, "It is the opinion of this 22nd wholly elected Yukon Legislative Council that the Government in Council be requested to dissolve this presently constituted Legislative Council and that a new election be called pursuant to section 9 of the Yukon Act. I hope that I can get a seconder for that motion.

Mr. Speaker: Is there a Seconder?



Mr. Speaker: Council will now come to order. Is there a seconder to the amendment?

Mr. Taylor: Mr. Speaker if it is the intention of the mover of the amendment to alter all the words not after "that" but all the words after "October 1st, 1973" with the word "and" it is in the opinion of this 22nd wholly elected Yukon Legislative Council, that the Governor in Council be requested to dissolve this presently constituted Legislative Council and that a new election be called pursuant of section 9 of the Yukon Act. I would then be in a position to second the motion but the first portion of the original motion now being amended would have to remain.

Mr. Chamberlist: I don't wish to go into debate Mr. Speaker on this, but I couldn't quite get the explanation but if after the word "that" the motion that is constituted goes in, its automatic that the Council is then being asked to be dissolved. Was there anything further on that perhaps I could get...

Mr. Taylor: Yes Mr. Speaker, the very basics of it by accepting the motion as proposed by Councillor Chamberlist at this time the amendment, one would revoke the initial part of the motion. I wish the amendment suggested by the Honourable Member from Whitehorse East to allow to remain, that his appointment be revoked and in addition, it is the opinion of Council that the Council be dissolved.

Mr. Chamberlist: I see what the Honourable Member is getting at. I can assure the Honourable Member that I already have my resignation here ready to give him, effective today..

Mr. Speaker: Is there a seconder to the amendment?

Mr. McKinnon: Mr. Speaker, if the Honourable Member from Whitehorse East will agree that, that resignation go again dated as of today I will be happy to second his amendment.

Mr. Chamberlist: Oh absolutely, that's right.

Mr. McKinnon: Mr. Speaker, I would be happy to second his amendment moved by Councillor Chamberlist and speaking to seconding the amendment, it's no different than amendments that have been placed by the Honourable Member for Watson Lake and myself. I think it's a little late that this Council outlived its effectiveness and usefulness sometime ago.

Mr. Speaker: May I read the amendment for the Record. It has been moved by Councillor Chamberlist and seconded by Councillor McKinnon that Motion No. 1 be amended by deleting all the words after the word "that" in the motion and substituting all the following words, " it is the opinion of this 22nd Wholly Elected Yukon Legislative Council that the Governor in Council be requested to dissolve this personally constituted Legislative Council and that a new election be called pursuant of section 9 of the "Yukon Act."

Mr. Chamberlist: Mr. Speaker, before you put the question I would like to rise the discussion of privilege and read my resignation letter which will be handed to the Commissioner automatically, I've signed it now. I've said this Mr. Speaker: Dear Commissioner Smith, The Executive Committee as now constituted with the present incumbents has been brought into disrepute as a result of the action of Councillor Watson in seeking that you, another member of the Executive Committee, revoke my appointment. The concern for my own position on the Committee is far less important than the need not to hinder our progress towards a fully elected Executive Committee and subsequent status of fully responsible government for the Yukon. Because of Councillor Watson's conduct, and my belief that she has betrayed her trust in the Executive Committee concept as it exists in our very precarious governmental

structure, I cannot in all consciousness associate myself with her on the Executive Committee any longer. Should I be called upon by the Territorial Council to serve on the Executive Committee with any other Territorial Councillor I would be pleased to accept re-appointment. In the meantime this memorandum is therefore to inform you of my resignation from the Executive Committee to be effective forthwith and I request that you revoke my appointment accordingly.

Mr. Speaker: Are you prepared for the question?

Mrs. Watson: Mr. Speaker, would you mind reading the amendment that we will be voting on?

Mr. Speaker: I've read it and the amendment is there in front of you.

Mrs. Watson: Mr. Speaker, I understand that the Honourable Member from Watson Lake made an additional amendment.

Mr. Speaker: The amendment stands as it is.

Mr. Taylor: Mr. Speaker, speaking of the amendment, my intention was to include the resignation and the Honourable Member from Whitehorse East has seen fit in his place to make this resignation, I would then certainly support the amendment having brought this matter to this House over the past two years.

Mr. Speaker: Are you prepared for the question?

Mr. Chamberlist: I wish to speak to the Members because of the importance to the amended portion itself. There maybe some doubt in the minds of people that with the dissolution of Council, the efforts of the amendments to the Yukon Act which is proposed will be in any way affected. I am aware Mr. Speaker, that there will be amendments to the Yukon Act brought forth. Section 9 of the Yukon Act as it is now subsection 2 reads every Council shall continue for 4 years from the date of the return of the writs from the general election and no longer but the Governor in Council may at any time after consultation with the Council, where he deem such consultation to be practicable or otherwise after consultation with each of the Members of Council with whom consultation would then be effected dissolved the Council and course a new Council to be elected. The changes to the Yukon Act which will come about will not in any way affect the future of the Yukon's progress towards a responsible Government. Everybody knows, Mr. Speaker, I'm a firm of this particular function and the situation will not be in any way jeopardized and I know that this point was raised by the Honourable Member from Dawson and he will, I am sure will agree that it doesn't interfere with the process that takes place in Parliament. I think it's an opportunity, Mr. Speaker, for the Honourable Member from Dawson to redeem himself at this time and show courage in recognizing that this Council that it is exactly a committee function cannot efficiently function without us now going to the people, so that indeed the actions of Councillor Watson and Councillor Taylor if they wish to seek Tanner if they wish to seek re-election again will be answered by the public. I think they have the responsibility now to have the public say whether or not they agreed with the action that they have taken, at the same time I think I whether I don't know I left my own options open all the way round I don't know whether I will be seeking re-election again after this is dissolved, I don't know but I'm prepared for the time to come for the people to answer to public generally for the actions that have been taken. I hope that they will see it themselves to support, I hope that the Honourable Member from Carmacks Klwane and the Honourable Member from Whitehorse North at this time will support the motion so that we have with the Honourable Member from Dawson unanimous consent so that this is done without anymore resort to another election.



Mr. Tanner: Mr. Speaker, I think if anything has been expressed this afternoon, I'm speaking of the amendments, Mr. Speaker, is the fact that the Councillor from Whitehorse East feels that the Yukon is dependent solely and entirely on what he does. For three years he has consistently opposed this motion which he now put forward and for three years three Councillors and four Councillors have consistently supported the non-dissolution of Council and now because he has been removed from his position...

Mr. Chamberlist: I haven't.

Mr. Tanner: Or has resigned from his position under pressure, he is going to dissolve Council. This has got to be the most assinine amendment I have ever seen in my life and I'm surprised that the Honourable two Members across the Table couldn't possibly see the trap he so carefully planned and you two fell into it. Mr. Speaker, I ask all Members to oppose this motion and continue with the second motion we have before us.

Mrs. Watson: Mr. Speaker, I also briefly like to speak to that motion. I think it's quite obvious after the conduct of the Honourable Member of Whitehorse East in the House today why I brought forth this motion. Motion No. 1. If the Honourable Member is not the King of Kingdom then he wants to change the Kingdom and this is the prime reason that if his decisions, his ideas, his policies are not accepted then they are not worth while considering. I think it's quite obvious to the rest of the Members here today that I didn't bring forth my motion without certainly giving it a lot of consideration and without feeling there was a serious situation arising. Just because the Honourable Member feels that for his own personal ambitions he would like to see the Executive Committee and all strides we have made through the responsible Government thrown down the drain just so he can remain at the top of the Kingdom.

Mr. Stutter: Mr. Speaker, I have no intention of supporting the amendment for the same reason I didn't support it when it was in the form of a motion put forward by the Councillors Taylor and McKinnon. I can't support it for the simple reason that the Yukon Act is very specific in calling for another order in request of the amendment or calling for another seven man Council. Furthermore it seems to me that now that Councillor Chamberlist has officially resigned from the position that we no longer even need to debate the motion before us because we are in fact asking the Commissioner to do something that's no longer true. We are asking him to remove somebody from the Executive Committee and he has already resigned from it so I would suggest we get on to Motion No. 2.

Mr. Taylor: Mr. Speaker, one question, I would like to direct the question to the Honourable Member from Dawson Mr. Speaker, and I would like to ask him if he is sure in his mind that now that the Honourable Member from Whitehorse East has indeed given in his place his intention to resign, is it guaranteed by the Commissioner that the Commissioner will accept his resignation.

Mr. Stutter: In answering that question Mr. Speaker I don't think I can guarantee what the Commissioner is going to do or say.

Mr. Chamberlist: In closing off the debate...

Mr. McKinnon: Mr. Speaker I wonder if I may speak on the amendment -- I rose to speak and you read the amendment and put me in my place. I wonder if I could put my remarks on the amendment. One of the things the Honourable Member from Whitehorse North has consistently accused me over the years of being inconsistent well I can tell him here's one instance where I have been consistent and never swayed from my beliefs since the first year of Executive Committee. One that the members of the Executive Committee should be changed and secondly that

there should be a dissolution of Council and a new election called because the Executive Committee did not have the confidence of the people of the Yukon Territory so when he accuses me of falling into a trap of the Honourable Member from Whitehorse East. I can tell you of two things that I have been pushing over for the last couple of years have been satisfied in this House this afternoon. One is the Honourable Member who for all intents and purposes led the political input on the Executive Committee has resigned that position, secondly from what has happened in this House today and months previously and in sessions prior everybody knows it but the seven members here, the public knows it the man on the street knows it, your constituent knows it that this House is no longer a viable effective body it has outlived its usefulness we are wasting our time and the people of the taxpayers time and money by sitting here embroiled in these petty picayune stupid debates the better. The faster that we get to the electorates like the City Council of Whitehorse saw fit to do and get a brand new Council in here, which is willing to work for the people of the Yukon Territory the whole of the Yukon is going to be better off. Let's support the motion and call an election, let the people who have the ultimate say under any guise of democratic legislation as to who is going to guide them through the next four years. There can be no better display of the absolute asininity of keeping this Council together and keeping it attempting to function when the displays have gone since the acception of this Council culminating in the night of the long knives chapter 2 at this Table this afternoon. For goodness sakes let's get to the people, let's let them decide which one of us should again be given the honour to represent them and which of us should go by the wayside and get a Council back here who is willing to work for the benefit of all the people in the Yukon.

Mr. Chamberlist: Mr. Speaker, in closing the debate on the amendment, I simply would like to state, statements made by both Councillor from Carmacks-Kluane and the Councillor for Whitehorse North attacking my reasons for now supporting the dissolution of Council are both inapt, it's the only way I can do it, don't matter at all but for the simple reason that the circumstances have completely changed. Before there was not because it was me or anybody else before there was some attempt of unity and an attempt to strongly deal as we should do with administrative areas in such a manner that the people who are appointed from this Executive Committee hold rein on the administrative side of Government and I've done that and I've done that successfully for hence the reason for being here. The Honourable Member from Carmacks-Kluane knows full well and my voice has been heard from outside the Jury Room until the Judge has sent in to tell us to quietened down there has been many fights, many squabbles everything hasn't been rubber-stamped and I don't intend to do that with any document. All I can say is the Council itself now has completely fallen asunder, the Executive Committee there is nothing to it at all now. This is why I have brought the amendment forward because first and foremost I have a responsibility to the people of the Yukon. I make it clear, the people of the Yukon know, I'm straight forward, I'm abrupt at times, I've been referred to as being arrogant and all sorts of things but one thing I am clear about the people know that what I do say and when I do say it I say it with all sincerity. It's time to end it now.

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

Madam Clerk: The Honourable Member for Carmacks-Kluane.

Mrs. Watson: I disagree.

Madam Clerk: The Honourable Member for Whitehorse West.

Mr. McKinnon: Agreed.

Madam Clerk: The Honourable Member for Watson Lake.

Mr. Taylor: Agreed.

Madam Clerk: The Honourable Member for Dawson.



Mr. Stutter: Disagreed

Madam Clerk: The Honourable Member from Whitehorse East.

Mr. Chamberlist: Agreed.

Madam Clerk: The Honourable Member from Whitehorse North.

Mr. Tanner: Disagreed

Madam Clerk: Mr Speaker, there are three yeas and three naes.

Mr. Speaker: I declare the amendment defeated. We'll now continue with Motion No. 1. Are you prepared for the question?

Mr. Chamberlist: But first a point of order. The motion now has no validity we do not now proceed with the motion asking that a member be removed from the Executive Committee, because the Honourable Member from Whitehorse East is no longer a Member of the Executive Committee he has already resigned these again are the brilliances of these people ... these are the people who want to run this Territory now...

Mr. Speaker: That is all I wanted to hear you say.

Mr. Chamberlist: There is no motion now.

Mr. Tanner: Mr. Speaker, on the point of order, I think the Honourable Member in that case should give his resignation in writing to the Speaker for presentation to Mr. Smith or alternatively that Commissioner Smith should accept it.

Mr. Chamberlist: Isn't that ludicrous with respect, I am appointed by the Commissioner so of course I have to make my resignation to the Commissioner. I wonder if Madam Clerk asked the Commissioner to come here so that I can hand it to him on a silver platter.

Mr. Speaker: I don't think that is necessary. Are you prepared for the question? I declare the motion carried.

*MOTION CARRIED.*

*MOTION NO. 2*

Mr. Speaker: Motion No. 2. Moved by Councillor Stutter seconded by Councillor Tanner that the Commissioner appoint Councillor Tanner to the Executive Committee, appointment to become effective October 1st, 1973.

Mr. Stutter: Mr. Speaker, when I proposed this motion or put this motion forward it was after having been aware of Motion No. 1 that it would be presented to Council. After having made up my mind or reconfirmed my mind as to the way I would vote on No. 1 it then becomes necessary to appoint or to have somebody appointed to the Executive Committee. There were two Executive people sitting around this Table to whom I would willing give my support and I would give it to either one of them and I know in this particular instance neither one probably can support the other but nevertheless I've put in the motion to have Councillor appointed to the Executive Committee feeling that he is capable of handling the position from now until the end of Council. That's the reason I put in the motion and I let it stand.

Mr. Tanner: Mr. Speaker, when this motion was written we had no name in that position when Councillor Stutter arrived and it is my intention to leave it blank and let Council fill in the name they wanted to put in there. Personally it is starting to sound like an mutual admiration society, I wanted to see Councillor

Stutter in there. Councillor Stutter is unable to take that position so my name is in and it is entirely up to any member of the Council to substitute or to amend that motion read any other name they so choose.

I would say one further thing Mr. Speaker in the previous debate on the previous motion I didn't speak. I didn't speak because I felt that the House should be convinced by the fact that the other Member on the Executive Committee felt that Councillor Chamberlist had gone too far or was becoming too heavy handed and reason for which she wasn't able to make public she felt that there had to be a change and if it had been any other Member of this Council had said that I wouldn't believe them, I wouldn't have reason to but when the other Member who sat with Councillor Chamberlist for the last three years says so then you have to give some credence to her argument. Mr. Speaker, don't be fooled by the various words that have been going on here this afternoon as to not what was going to happen. Councillor Stutter, Councillor Watson and myself were very much aware that we would be accused of being treacherous and don't know if our political future is going to be jeopardized by it. But we are so convinced that the Executive Committee concept has got to continue above all else that we were prepared to make that sacrifice. It's assinine of the Member from Watson Lake to suggest the Minister sent down some missal that we have to do this. The last time I saw the Minister was in October of last year, the last time I spoke to him was the same time or any Member that I know of around this House except this Member who is sitting right beside me. I was elected to do the job I was supposed to do for my constituents in my concept of doing it having got here and having seen the Executive Committee work I am convinced, irrespective of any personal ambitions or irrespective of any personal political ambitions or any political consequence, that it must last. I am prepared to sacrifice my political future and be called treacherous to see it work. Now, finally, if any Member around this Table wants to move an amendment to put another name in here and that Member can get three other Members to support him, then go ahead.



Mr. Taylor: Mr. Speaker, I can see where this is possibly going to degenerate into another one of those crazy debates that were encountered when first the selection of people to this Committee was undertaken three years ago and it would be tragic if it did. I think I made the point in dealing with the last motion, Motion No. 1, that I felt an investigation into this whole matter should be undertaken to determine whether, not whether or not, but its clearly evident to me the general direction from which is coming this interference in Territorial affairs, but we should determine whether, of course, it is from the political level or whether it is from the administrative, senior Civil Service level. I think, in my own mind, that as I stated you can't serve two masters. You either serve the people of the Yukon and act in their behalf in the conduct of responsible government or you stay in this legislature and you fight for the people and leave the administration of the Territory to the only man who, by the Yukon Act, has any right to administer it at all, and that's the Commissioner. Until this constitutional change is forthcoming in the Yukon, this isn't going to change. I think that both those positions should be left open between now and the next election. I think that after what has been stated here today, what has occurred over the last three years, that the Honourable Member for Carmacks-Kluane should, in all honour, resign her seat and both these position be vacated until such a time as we can come up with some good, effective, constitutional changes that will give the Government of the Territory over to the people; a government for the people and by the people.

Mr. McKinnon: Mr. Speaker, what could more show how divided this Council and how incapable of it is of making a decision on Motion No. 2 at this time because of the very division that has shown itself at this Table this afternoon. Mr. Speaker, with all honestly I can hardly hope more that the amendment to Motion No. 1 wouldn't be passed, so that we wouldn't have to come to Motion No. 2 because I have to tell you that I can think of nothing more frightening for the people of Yukon than the Honourable Member for Whitehorse North in the position of Executive Committee Member and the Honourable Member for Whitehorse North and Carmacks-Kluane coming to this Table with their only support on the floor from another political neophyte with, no slurs intended, the Honourable Member for Dawson. Now what have you got for opposition. You've got the dean of opposition Members in the House, the Honourable Member for Whitehorse East, the oldest, by term, who has been in the House, the Honourable Member for Watson Lake, and myself who I don't think has to take a back seat to anyone in debate in opposition ranks. Mr. Speaker, the most face-saving way out for the Honourable Members could have been to go back to the people. This is going to degenerate into another year of absolute chaos on the floor of the Yukon Legislative Assembly. Mr. Speaker, if the N.D.P. is looking for a leader of the Waffle group in the Yukon Territory I can introduce him to the head Waffle, right across from me. From the very first day that he's been in Council, he's been incapable of making a decision and sticking with it and the people of Whitehorse North and the people of the Yukon are going to be saddled with this Member in a decision making, responsible area for another year before we go to election? Mr. Speaker, just before coming into Council I was reading the Vancouver Sun and Richard Needham's article from the Globe and Mail, who is probably the most caustic and the best of all cynical political reporters anyway in Canada, and having some inkling perhaps of what was going to come this afternoon the following quotation rather caught my eye. "A politician is a man who pushes you into the water, then expects your eternal gratitude for throwing you a life belt which immediately sinks". Mr. Speaker, we are, in no way, helping the people of the Yukon in throwing them a life belt in the person of the Honourable Member for Whitehorse North because this isn't a sinking ship any longer, Mr. Speaker, it has sunk. Thank you.

Mr. Taylor: Hear, hear.

Mrs. Watson: I am just appalled at this display of ego that has come out today in the Honourable Member for Whitehorse East, the Honourable Member for Whitehorse West, and the Honourable Member for Watson Lake who again doesn't want to make a decision and is quite prepared to blame it on Ottawa. But the two saviours, Councillor McKinnon and Councillor Chamberlist, feel that the Yukon Territory will be on its way to hell, should I say, if they are not at the helm.

Mr. McKinnon: I request a personal privilege. I didn't say such words. If the Honourable Member will check the Votes and Proceedings she will find out she has to stick when she's quoting me to what I said, and I never said any such thing.

Mrs. Watson: Mr. Speaker, I am not quoting what the Honourable said. That would be impossible. I am quoting the implications of his speech. But I think that most of the people of the Territory realize that there are other capable people in the Territory besides the Honourable Member for Whitehorse East and the Honourable Member for Whitehorse West who sit this afternoon and jeer and try to ridicule people who do not have the experience in Council that they have and do you know, experience of doing the wrong thing is just as good as not any experience. I can remember that before I was involved in Territorial Council sitting back and listening to these two buffoons mouthing off about responsible government, and when a decision comes for them to make, they blame Ottawa and the Honourable Member for Watson Lake better take heed of this also. When he does not know what to say, he blames Ottawa. We have certain responsibilities in this House and we have certain decisions to make in this House, and the waffling that is ducked by trying to shelve it onto something else is almost ridiculous. The fact that you will not concede the opportunity to someone else to carry on some type of leadership in this House, its quite obvious that you're not as concerned about the people of the Yukon Territory as you are constantly mouthing about and I have great suspicions of people who have to stand up time and time and reiterate the fact that they are concerned for the people of the Territory. They have no business to be here if they're not and I don't think they should stand up and reiterate it time after time. Thank you.

Mr. Chamberlist: Mr. Speaker...

Mrs. Watson: Mr. Speaker, a point of privilege, the Honourable Member has already spoken once.

Mr. Chamberlist: Not on this motion, with respect. There again, Mr. Speaker, the immaturity again is showing up and if the Honourable Member would just keep quiet...

Mrs. Watson: Mr. Speaker, the immaturity is quite effective.

Mr. Chamberlist: Defective, did you say? Mr. Speaker, I know it would be quite proper, really, in view of the remark that was just passed by the Honourable Member for Carmacks-Kluane, and really, its like old times when the Honourable Member for Whitehorse West and the Honourable Member for Watson Lake and myself have been forced into a position of opposition. Its really like old times. A very, very valid point was made a few minutes ago. She criticized the fact that we're not ready to give the opportunity to



some other person on the Executive Committee. Now I wonder if she's ready to give the opportunity to some other person to fill her place because now that she has said it, I'm quite prepared, because she has said it, to move that two other Members be placed on the Executive Committee; one from inside the Whitehorse area as is desired, and one from outside the Whitehorse area. Now, of course, this is a position that she has just suggested; I just used her words. An opportunity should be given to others. Now, I don't know. These Members probably wouldn't want to accept but I think it's an opportunity for them to accept, by this way, be able to do exactly what the Honourable Member for Carmacks-Kluane would want to have done. It shows that I am cooperative with her, Mr. Speaker. I would like to cooperate with the suggestion that she has made and because I have indicated only that I am independent and because I don't believe in partisanship in here until such time as this Council is expanded, and I've said this, I just feel that we should either do one of two things; move for the Commissioner to revoke Councillor Watson's appointment and then of course there will be no Executive Committee Member at all. Then we'd be working without political influence into the Executive Committee and this is dangerous because with me out and her in, that's no political influence because...

Mr. Speaker: Order.

Mr. Chamberlist: With respect, I'm allowed. This is permissible. This is in debate. Obviously, she lacks that political input because although I had been accused in the past of being a bureaucrat, once I'd been in there the records will show later on, it will turn out, it will evolve, as to whether or not my work in Executive Committee has been one of for the public and whether or not the Assistant Superintendent of Schools has been sitting in the chair of the Honourable Member for Carmacks-Kluane. I think that the time has come along, with respect, Mr. Speaker, to speak out on a few things now that the attacks upon me have been of that particular nature. It's to let Council know that the Honourable Member for Carmacks-Kluane has indeed become an administrative officer. While I dealt with matters of policy and left it to the departmental heads to look after their branches administratively and only go to them with matters of policy and direction and help and assistance, this hasn't been the case with her. I feel an opportunity should be given for the future growth of the Yukon for the other Members of Council to go on it. Now, I had lots of problems with both Councillor McKinnon and Councillor Taylor, we know that is public, but at no time have I underestimated their capabilities in debate in this House and I think they've proven themselves in that area and I think to a great extent they've proven themselves inasmuch as they are quite prepared to accept these responsibilities. I would suggest, and I repeat, because of the suggestion that has been made by Councillor Watson and she has made the suggestion very, very clearly, and I am going to support her suggestion that new people be on the Executive Committee. Mr. Speaker, if I could have a five minute recess, I wish to write out a Motion to Amend.

Mr. Speaker: Are we agreed?

Honourable Members: Agreed.

Mr. Speaker: We will now have a five minute recess.

RECESS

Mr. Speaker: Council will now come to order.

Mr. Chamberlist: I have prepared an amendment to the motion, but I understand now, from one of the Honourable Members, that he wants his name withdrawn so before I read the motion, I would suggest that the last two lines be removed -- from the word "That" and the last two lines be removed. The reason that I am proposing to make this amendment is because there has to be some very effective control over Councillor Watson; no more ...., but the only thing is that I'm going to buy Councillor McKinnon an armoured jacket, with the armour in the back so that he doesn't get it back there. The motion is amend is as follows: "That Motion No. 2 be amended by deleting all the words after 'That' and substituting the following words: 'the Commissioner revoke the appointment of Councillor Watson to the Executive Committee effective October 1st, 1973, and appoint in her stead Councillor McKinnon'."

Mr. Speaker: Is there a seconder.

Mr. Taylor: I will second the motion.

Mr. Speaker: It has been moved by Councillor Chamberlist, seconded by Councillor Taylor, "That Motion No. 2 be amended by deleting all the words after 'That' and substituting the following words: 'the Commissioner revoke the appointment of Councillor Watson to the Executive Committee effective October 1st, 1973, and appoint in her stead Councillor McKinnon'."

Mr. Chamberlist: Speaking to the motion, Mr. Speaker, I have brought this forward because I must accept with sincerity the words that have already been spoken and recorded by the Honourable Member for Carmacks-Kluane, that there should be opportunity given to others to sit on the Executive Committee, and she has spoken much of her capability and her leadership, and I think I would be the first one to congratulate her on her leadership if she took the leadership herself in supporting this particular motion, the result of her suggestions that have been made. Now, I doubt whether she would be prepared to do this because we have already heard from her that she is not consistent in her thinking, and really, I would hope that she has the opportunity, the opportunity that I gave the Honourable Member from Dawson before to redeem himself, which he didn't think -- or perhaps he thought he was beyond redemption so there was no point, and now we have the opportunity given to Councillor Watson to redeem herself. Whether she has this capability to do so remains to be seen. That is the motion, and I hope that the Honourable Member from Whitehorse North, who heard his colleague suggest that there should be other people given the opportunity, and Councillor Stutter as well -- they, too, should support this if for no other reason than it is a way. Thank you, Mr. Speaker.

Mr. Stutter: Mr. Speaker, I wonder if I might just ask a question at this point. Since the motion has been amended by deleting Councillor Tanner's name, I wonder if we could hear from the Councillor from Whitehorse West whether now he is considering then taking a position on the Executive Committee.

Mr. McKinnon: Mr. Speaker, speaking to the amendment proposed by Councillor Chamberlist and Councillor Taylor, I would have to thank both of them for the confidence they have shown by moving and seconding the amendment. I would not think of taking an Executive Committee position without a clear majority of the House supporting me without my vote being added. The Executive Committee concept, of course, is unworkable without the confidence of the majority of the House. It is my opinion, and it has been my opinion expressed at this Table this afternoon, that that majority opinion does not exist in this fractured House. If it doesn't exist, then what is the purpose in us sitting here any longer. Certainly the dissolution motion was the one that we should have supported, and gone to the people and hopefully been able to elect a Yukon Legislative Council,



a group that would have a majority of the people on the Council and could work effectively for Yukon. I have never said that I would not take an Executive Committee position if by a majority vote of confidence, the Members of the Yukon Legislative Council supported me for that position. I'm not that excited about pursuing positions of power and being in a position of power if it means that my vote would have to put me and support me in that position. Certainly there are too many other interesting things to do and to associate with in the Yukon rather than a very thankless and a very time-consuming task. Of course, there are other personal reasons, and anyone who has witnessed Council in action knows that my wife isn't particularly enamoured with politics and politicians. I think probably all the people here, their wives and husbands probably feel the same way because of the things that have happened to people here in the last few years. What I'm trying to say, as effectively or as uneffectively as possible, that I am happy in my role in the Yukon Legislative Council as an Opposition Member; I'm very happy in the employment that I have; and I have no reason to be grasping for a position of power other than with the support of the majority of the House without my vote. If it had to be so tenuous that my vote was needed to maintain me in power, then there's absolutely no way that I would even want to consider the position of an Executive Committee Member. So, if the vote is called on a motion such as this, I will abstain from voting and let the chips fall where they may.

Mr. Speaker: Is there any further debate?

Mr. Tanner: I have just one small point, Mr. Speaker. I think the last Member spoke with some sincerity, which has not been showing from many of the Members of the House this afternoon. If what he says is true, and if he can find four other people to vote for him other than himself, that is fair enough, but apparently he doesn't feel he can. Therefore, I think it behooves the Honourable Member for Whitehorse West to either support the original motion or try to persuade one of the other two Members who had so much experience -- incidentally, they couldn't even get their motion together, the three of them -- to try to persuade one of the other two Members to support the position because if you want to stay on Council and be completely negative for the next year as you have been, quite frankly, for the past three years, I don't see any point, since the Council is going to be here for the next year anyway. I don't see any point in firstly saying, "I don't want it unless everyone is going to be with me", or alternatively, "I won't support anybody else for it". I think you've got to do one of the two things.

Mr. McKinnon: Mr. Speaker, if that could be put into the form of a question so that I could answer it, I don't think that there has been anyone clearer in their resolve here this afternoon. I said that this Council had lost its effectiveness in making policy and getting majority decision for policies to be put before and through the Yukon Legislative Council. I offered the alternative; I supported the alternative that was offered, that we should go back to the people and try to get a group that could work together. What would be the use of this, if I had to vote for myself or if I had to go around and beg and sucker favour with other Members in a caucus or any other meeting to gain support for me on the Executive Committee. What would be the use of it? All I would be doing would be repeating the fiasco of three years ago. Certainly, after three years of debate and three years of working, or not working, together, Honourable Members know whether they could support me and work with me as an Executive Committee Member. Exactly the thing that I said prior even holds more true than ever: this Council is so fractured and so incapable of getting a working majority together, but the Executive Committee concept shouldn't be dead; we're going to have to find other people to come before Council in an attempt to work together. It's as simple as that.

Mrs. Watson: Mr. Speaker, I can't believe that Council cannot work together. If enough people are dedicated to it, I'm sure that the situation can be resolved. In speaking to the amendment to Motion No. 2, I think it is an unfair amendment. The Honourable Member for Whitehorse

East feels that I would be reluctant to have a vote of confidence taken on my place on the Executive Committee, and I must assure you all that I would welcome this type of a vote taken. As I said in previous Councils, I would not want to be on the Executive Committee if I didn't feel that I had the support of the majority of the House. However, cunning as he may be, he always doesn't put a straight motion forward; he qualifies it by putting something else on the end of the motion. I would like to suggest, after the Councillor from Whitehorse West has spoken, that we aren't going to resolve anything by debating this back and forth in a public forum, and possibly the Honourable Members should meet -- should adjourn, and meet in caucus to see how this situation can be resolved. We have three alternatives, and I think possibly we should be considering all of the alternatives. I think the Councillor for Whitehorse West just mentioned them. I would suggest that we adjourn and go into caucus to see if we could arrive at some conclusion for the Executive Committee, for the representation from the Territorial Council on the Executive Committee.

Mr. Chamberlist: I have a question I would put, Mr. Speaker, to the Honourable Member from Carmacks-Kluane. Is she suggesting that one of the alternatives would be the dissolution of Council?

Mrs. Watson: I said three alternatives, and I think the Honourable Member can add.

Mr. Chamberlist: I want an answer. Is one of the alternatives the dissolution of Council, Mr. Speaker? Would the Honourable Member answer yes or no.

Mrs. Watson: Mr. Speaker, the Honourable Member should be bright enough to figure things out for himself.

Mr. Chamberlist: With respect, Mr. Speaker, the time has come along for the Honourable Member for Carmacks-Kluane to be able, seeing that she is in charge of the Education Department at this minute, she should surely know that a question only requires a direct answer, and I would ask for the direct answer so that I can figure out what the other alternatives are. Is this one of the alternatives? If you can give that answer, then I'll have something to work on. Well, in that case, Mr. Speaker, obviously we can't deal with that because there's no way we can go into caucus. They've had these caucuses already. Now I'll speak perhaps in closing this motion. I must repeat that I am simply going on the basis of what she has said herself, that other Members should be given the opportunity to serve on the Executive Committee. I have fought hard against Councillor McKinnon and I think that I want to agree with Councillor Watson, that her position be revoked and an appointment be made in her place. Then at least we have the same Council but there will be some fresh blood instituted into the Executive Committee, and then he can have some of the blood squeezed out of his body like I've had it squeezed out of mine over the past three years and he'll know what it's all about; it's no bed or roses by any means. I would ask that the amendment to the motion be called and let's get on with it.

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

Madam Clerk: The Honourable Member for Carmacks-Kluane?

Mrs. Watson: Disagreed.

Madam Clerk: The Honourable Member for Whitehorse West?

Mr. McKinnon: Abstain.

Madam Clerk: The Honourable Member for Watson Lake?

Mr. Taylor: Agreed.

Madam Clerk: The Honourable Member for Dawson?

Mr. Stutter: Disagreed.



Madam Clerk: The Honourable Member for Whitehorse East?

Mr. Chamberlist: Agreed.

Madam Clerk: The Honourable Member for Whitehorse North?

Mr. Tanner: Disagreed.

Madam Clerk: Mr. Speaker, the vote is two yea, three nay.

Mr. Speaker: I declare the amendment defeated.

Mr. Chamberlist: May we speak on the main motion now, Mr. Speaker?

Mr. Speaker: Motion No. 2.

Mr. Chamberlist: Mr. Speaker, there is inherent danger in this motion and I would ask that this motion be allowed to drop. There is far greater danger in Councillor Tanner being appointed to the position than immediately meets the eye. I think that one of the prerequisites of any person in a responsible position must be that he be a responsible person. When I'm talking about responsibility, I'm not speaking about responsibility in one's personal life, but certainly responsibility in the government structure that exists now. Councillor Tanner, who will, appointed to this position -- I think that the Yukon Territorial Council, if it hasn't been created as a laughing stock up to this time, will indeed be brought down to the lowest repute that could ever be mentioned in a Legislative Body. I, like other Councillors of this House, have been in Legislative Councils for a long time, and I know, because of the work that I have done in studying the various responsibilities of those people who are in semi-cabinet type positions, or cabinet positions, the stability that is required and the presence of firm decision making that is required. Mr. Speaker, if Councillor Watson and Councillor Stutter, of Dawson, can really and truly say that there is stability in the thinking, legislatively and by way of management, of the Honourable Member for Whitehorse North, I think they indeed have been misleading themselves and saying that they agree to this would be misleading their own constituents. People of the Yukon look to an Executive Committee Member for leadership, for support, for understanding, and the treachery that was shown should not be tolerated and will not be accepted by the people of the Yukon. I cannot visualize for one moment, in all sincerity, that you could walk down the street of any of the communities in the Yukon and find any one person who would say other than Councillor Tanner is not the appropriate person for this job. Now, I look forward to a restful period of time. I look forward now, because of my resignation from the Executive Committee, to being able to do the things and perhaps continue the writing of some of the memoirs of my life in this Executive Committee, as I started very early because I knew some time the need would be there, and certainly Councillor Watson and Councillor Tanner will figure in my memoirs very, very clearly. I hope that what I have said is sufficiently clear, Mr. Speaker, that if Councillor Tanner is appointed to this position, the structure of the guillotine that the Honourable Member from Carmacks-Kluane has already set up, will be very, very active because they will think in terms of helping somebody that helps us, not in helping the situation as it arises from time to time. I know, because of the count apparently, that what my suggestions have been will not be followed, but I would just ask them to remember what I say because it's going to fall on their heads, their own guillotine. It's unfortunate that Councillor Stutter has got himself into a wheeling, dealing situation where when he first came on this Council, one of the few calm voices, one of the few logical speakers, was Councillor Stutter, and when I think in all this he has not said one word as to why he is opposed to me, what a hatred this man has for me without showing it. I don't mind being castigated; I'm one of those people who get castigated over the years. I've been referred to as controversial and I always will be. But, here in effect is a person who is being nominated to a position by two supposedly grownup people, and what can be said of their adulthood when they try to put a political adolescent in a man's job.

Mr. Stutter: Mr. Speaker, in closing the debate, I would like to make a couple of points. First of all, in respect to the remarks that Councillor Chamberlist made as to why I am against him, I would like for him to show me anywhere in the Votes & Proceedings where I have ever actually been for him. As far as what has just now happened in the amendment, or the attempted amendment, it comes as a bit of a shock for me to see that he would support Councillor McKinnon, with the help of Councillor Taylor, to the Executive Committee position, but only, as the Member for Carmacks-Kluane has said, with strings attached. If Councillor Chamberlist was in actual fact ready to support Councillor McKinnon in this Executive position, they why, in the first instance, didn't he do just as Councillor Tanner has requested: substitute a name in the original motion.

Mr. Chamberlist: Because I wanted her off.

Mr. Speaker: Order.

Mr. Stutter: This is exactly my point, Mr. Speaker. Under such circumstances, if he could get at Councillor Watson, he would be willing to support Councillor McKinnon, but not otherwise; he won't support Councillor McKinnon. Therefore, we are faced with now voting on the original motion which is fine. I still support, and still feel that Councillor Tanner is one of the two Members that can fill that position.

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



Madam Clerk: The Honourable Member for Carmacks-Kluane.

Mrs. Watson: Agreed.

Madam Clerk: The Honourable Member for Whitehorse West.

Mr. McKinnon: Disagree.

Madam Clerk: The Honourable Member for Watson Lake.

Mr. Taylor: Disagree.

Madam Clerk: The Honourable Member for Dawson.

Mr. Stutter: Agreed.

Madam Clerk: The Honourable Member for Whitehorse East.

Mr. Chamberlist: Disagree.

Madam Clerk: The Honourable Member for Whitehorse North.

Mr. Tanner: Agreed.

Madam Clerk: Mr. Speaker, the vote is three yae, three nae.

Mr. Speaker: I declare the motion carried.

*MOTION CARRIED*

Mr. Speaker: We now come to the question period. Madam Clerk, will you see if the Assistant Commissioner is available?

Madam Clerk: Yes.

Mr. Speaker: We will now have a short recess.

*RECESS*

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

Mr. Assistant Commissioner: Mr. Speaker, there was a question on which the Commissioner took notice concerning Workmen's Compensation. The question was in two parts. The first was the designation of mining for rate purposes and the answer to that part of the question is that the actual rate list will show the description as metal mining and asbestos mining. I might add, Mr. Speaker, that it is not the intention of the administration to set up separate rates or classifications for the different types of mining. The second part of the question was in connection with the designation of the White Pass and Yukon Route, as a separate category. The actual heading should read the Operation of Railroads and because the White Pass and Yukon Route is the only railroad in the Territory, the name of the company was placed here instead of the actual operation of railroad.

Mr. Speaker: Are there no further questions? Do any of the Members wish to give a reply to the Commissioner's opening address?

Mr. Chamberlist: Yes, Mr. Speaker, I would like to do that. Mr. Speaker, there are two pieces of legislation that were passed out of the House, today, and I hope that as a result of these pieces of legislation the City of Whitehorse will appreciate the work of the Government getting sufficient money together to proceed with the construction of the bridge has been to help the overall benefit of the people in the Whitehorse area and certainly those other people that come to the Yukon and use the bridge for visiting purposes. The other area that I would like to speak on today because it is so important is, in today's actions and reactions in the House there is a very important lesson that has been learned. Certainly one that has been learned for myself. On my options for future service to the public life, of the Yukon and in some ways, I am pleased and I can say, on behalf of my wife, that she too is pleased that what has occurred has happened, and pleased because firstly, the public has got a right to know certain things. I would like to say publicly that

and take this opportunity to thank the branch heads of the Department of Health and Rehabilitation for the help and support that they have given me in a very, very difficult job at times. I think the people like Harry Murphy as Director of Social Welfare, and people like Vic Ogison as Director of Corrections, and Tommy Duncan, the Administrator of the Yukon Health Care Insurance Plan and the Yukon Hospital Plan, in that department alone, we have three of the most excellent administrative officers that exist in the government department. But it would be improper for me to leave out the other heads of departments with whom I have because of the nature of the work have had to come into contact. I think one of the key people that has given his advice whenever it has been required is that of our Legal Adviser, Director of Legal Affairs, Mr. O'Donoghue. The times that I have said that I have walked the tight-rope, let me tell you for him it has been spring steel. It has been very, very difficult positions that he has found himself in from time to time. All department heads have worked very, very efficiently and given help wherever it has been asked. Some people that we have, especially I already mentioned today, Ken Baker, one of the finest gentlemen that any government could have. I say that the public service that I have supported continuously I am pleased I can say that I was mostly helpful for them to have corrective bargaining and that there is no public service in Canada, in any jurisdiction to which public service of the Yukon can take second place to. From Clerk I's in any area in Government, all the way up, the conscientiousness of these people, and I have watched them very closely, has given me very great pleasure. I can tell you that as a result of my association with the public service I have learned much more about the people who take careers in the Government. Sometimes I hear derogatory remarks made about people in the public service. This applies in many areas whether they are public servants of a municipality or Federal Government or Territorial or Provincial Government. They are not always warranted. There are exceptions. I know that Councillor Tanner who is succeeding my position will find that whatever my feelings are about him now that those public servants who have supported me will give him every assistance in the work that he has to continue where I have left off. I hope that in the years that I have been in this job, I have been able to give to the people of the Yukon the, I find it difficult to find the word for it, but certainly the strength that I know I carry within me to see that they being the key people of the whole Territory, all of them, the support that I feel these people need. The people of the Yukon, in many ways, have suffered as a result of our type of Government. It is something that we have to live with. It is something that in the years to come will change. I feel that I have done my share wherever I have gone in Canada, at every conference I have been, to every Cabinet Minister that I have spoken, to every Minister of other provinces that I have spoken to, to enhance the Yukon so that the time that it will take its proper place in Confederation. The strain of the job upon me has been much heavier than on others because it was necessary for me to assist Councillor Watson because she was new to politics and as one can see my tutorship has certainly been of some benefit to her. She has improved considerably since the first day she was elected to office and first sat in this Council. As I said earlier, Mr. Speaker, I hold no rancor against her, except for the manner in which the details of today unwound themselves. There have been many areas of work that has been done since my election to Council in 1970. I made many promises to the electorate even before I was appointed to the Executive Committee. If those who keep records will look up the points I said that I would work towards, I have seen to this. I promised consumer protection legislation. That has come into effect. I promised to work for representation at Federal-Provincial conferences. I am pleased to see, now, at these conferences the Yukon has its own name-plate. The first conference I went to didn't have it. The second didn't have it. They didn't even have our flag in the conference room. They now have our flag in the main conference hall in Ottawa. A few weeks ago, in the Quebec Legislature, I found there was no flag of the Yukon there. They now have a flag flying along side the flags of the other provinces. We have seen increases to student grants. We have public utilities legislation. I promised that I would work towards the Carcross Road being a fait accomplis as we know it is coming to that. I promised to work towards public housing construction. This has been done. I promised to help that summer jobs be avail-



able to students, Territorial and Federal jobs. I hope that I have taken some part in that. I have spoken about the expansion of the tourist industry and this is left forward. Of course the problems that I have faced having to guide through a program that was so much objected to the Medicare program, it is now generally accepted and that I dread anyone wanting to withdraw the program now. I think that we have much more to be done. I think that the land disposal situation is not as it should be. I think there are many areas where the elected body has still got a lot of say-so in the progress for the Yukon. I can assure Mr. Speaker and Honourable Members that when Council next sits, and I hope that the Executive Members will not forget that they have a duty to Councillors, to bring forward proper legislation, good legislation. I hope that when the time comes to the budget, the time that will know that they will have examining the legislation, and examining their budget, somebody who knows the score, and that they will not attempt any blinkers. Mr. Speaker, I want to, in closing, to thank again, the public service of the Yukon, especially, because they are the true administration of this Territory. I would like everybody to remember that the fight is not within the Territorial Council really, that the fight is with the Department of Indian Affairs and Northern Development. Primarily, the Territorial Affairs branch and those senior civil servants who wish to maintain a Government within the Government, and maintenance of their job structure. Mr. Speaker, I do not know to the extent that they are the enemies of the Yukon. But I will say that they are certainly are not the best friends of the Yukon. There are individuals in that department who feel just as keenly as you and I that there should be as quickly as possible responsible Government for the Yukon. I am pleased to say with the advent of the support of opposition parties in the Federal House and in fact, the full support of the governing party through their policy-making convention, we are not very far away from what we are seeking. Mr. Speaker, it is my hope that I will be able to enjoy a much leisurely time during the next few months and after I have the twenty-four hours or so, that Councillor Tanner has indicated that I can have to clear my office out, I will then be able to enjoy a restful respite while I decide what my options are in relation to public life in the Yukon and what and how I can further serve the people of the Yukon. Thank you, Mr. Speaker.

Mr. Speaker: For the record, Mr. Commissioner, the Council of the Yukon Territory has at its present sitting thereof passed a number of Bills to which in the name and in behalf of said Council, I respectfully request your assent.

Madam Clerk: Robert Campbell Bridge Agreement Ordinance, Fourth Appropriation Ordinance, 1973-74.

Mr. Chamberlist: The assent hasn't been given to the Bills.

Mr. Speaker: Will the Assistant Commissioner please...

Mr. Assistant Commissioner: Mr. Speaker, I assent to the Bills passed by the Council.

Mr. Speaker: Madam Clerk.

Madam Clerk: It is Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.

PROROGUED



27 September, 1973

Mr. Speaker  
Members of Council

Robert Campbell Bridge, Whitehorse.

The threatened collapse of the Robert Campbell Bridge between Whitehorse and Riverdale in March 1973 necessitated my administration undertaking various steps to assist the City of Whitehorse in this emergency. The initial assistance taken under the provisions of the Financial Administration Ordinance included the following:

- (a) The use of all YTG equipment, supplies and manpower required by the City to undertake preventative work to protect the existing span.
- (b) Provision of temporary bridging and supplies necessary in order to get an alternate route across the Yukon River. This included both the supply of equipment on hand and financial assistance required by the City to undertake this work.
- (c) The maintenance of the road between the Riverdale Hostels and the South Access Road, including the full cost of flagmen etc. necessary to operate this temporary access route.
- (d) The use of our own engineering staff to assist the City in construction of the temporary bridge and ensuring the safety of the existing span.

These offers were originally made verbally and were formally transmitted to the City on March 30, 1973, at which time each member of this Council was apprised of the situation. Since that time, the Bailey Bridge has been constructed and was opened to traffic on May 11, 1973. The total cost of providing emergency repairs to secure the old bridge and to provide road maintenance over the Dam, flagmen service and other costs associated with the emergency work including the placement of the temporary bridge amounts to approximately \$275,000.



Coincident with the above noted action, the Deputy Minister of Public Works of Canada was requested to provide bridge engineering advice regarding the existing span, and if necessary, alternatives to replacing this bridge. The Bridge Engineering section of D.P.W. completed their study and presented their report to us on April 27, 1973. On May 2, 1973 a meeting was held at City Hall between members of D.P.W. staff (local and Ottawa officials) City administrative staff and YTG administrative staff to review the D.P.W. report and plan for a new bridge. D.P.W.'s report does not recommend the repair of the existing facility for long term use. Their estimate of repair cost to the existing span is \$600,000. and they have assured us that ongoing maintenance costs of this span would be considerable as the piers would now have to be kept ice free throughout the entire winter months. The D.P.W. recommendation was to replace the existing span with a box girder steel span single pier bridge with a roadway width of 40 ft at an approximate cost of \$1.2M. to \$1.4M. These costs of course did not include the removal of the existing span, the changeover of any utilities on the existing span, nor the removal of the Bailey Bridge.

On June 6, 1973 the City forwarded their Resolution C.223 which requested that the senior governments repair or replace the bridge at no cost to the City.

Negotiations then commenced between YTG officials and Ottawa officials regarding funding of a new bridge. These negotiations looked at all possibilities and late in July Treasury Board approval was sought for the funding of the total bridge project on the terms contained in the Agreements before you. These Agreements have been premised on the basis of the City's cost being a minimum of \$60,000 under the 28 ft roadway proposal and \$260,000. under the 40 ft roadway proposal. The basic difference in cost of course relates to the expansion capabilities between the two alternatives.

The total estimated cost of the 28 ft roadway alternative is made up of:

1.	Estimated cost of new bridge with 40 ft sub-structure and 28 ft roadway	\$1,190,000.
2.	Estimated cost of removal of existing Robert Campbell Bridge ..	90,000
3.	Estimated cost of transfer of sewer and water utility services .. ..	10,000
4.	Estimated cost of removal of Bailey Bridge .. .. .	20,000
5.	Estimated cost of emergency repairs, including Bailey Bridge etc. .. ..	275,000

The additional contribution from the City of \$200,000. covers the expanded roadway width from 28 ft to 40 ft.



The funding of this project as approved by Treasury Board is as follows:

- |    |                                  |       |         |
|----|----------------------------------|-------|---------|
| 1. | Maximum Federal contribution     | .. .. | 925,000 |
| 2. | Maximum Territorial contribution | .. .. | 600,000 |
| 3. | Minimum City contribution        |       |         |
|    | - based on 28 ft roadway         | .. .. | 60,000  |
|    | - based on 40 ft roadway         | .. .. | 260,000 |

On August 27, 1973 a formal offer was made to the City based on the two alternatives previously detailed. This offer was considered by the Administrator and the Citizens Advisory Committee with the following Order resulting:

"That the City of Whitehorse enter into the proposed Agreement with the Commissioner of the Yukon Territory to construct a new bridge over the Yukon River to Riverdale, having a roadway width of 28 feet, and the Administrator and the City Clerk be and they are hereby authorized to execute the same on behalf of the City; but that it is recommended to the incoming Council that every effort be made to obtain the approval of the taxpayers in time to have the superstructure constructed with a roadway width of 40 feet."

Accompanying this Order was a signed Agreement by the City for a 28 ft. roadway.

At the present time my administration cannot proceed further with this project. The provisions of the Financial Administration Ordinance do not allow me to call tenders on this project without appropriation authority. I am therefore seeking this authority to cover the total estimated cost of the 40 ft roadway alternative, and also authority to enter into an agreement with the City of Whitehorse to provide a bridge suitable to them.

The timing for action on this project is currently open, however, we are advised by D.P.W. that the most economic and timely method for replacement of this structure is a 3-part tender call with the sub-structure tender being called this fall for winter installation. Also the current steel shortage and delay in deliveries may become critical to the entire project timing. For these reasons it is not considered advisable to wait until all costs are known before proceeding with the agreement requirements. If over-runs on this project become apparent the City will be informed before contracts are signed.



J. Smith  
Commissioner



27 September, 1973

MR SPEAKER,

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

AT THE OUTSET, I WOULD LIKE TO EXPRESS MY REGRET AND THE REGRET OF THE OFFICERS OF MY ADMINISTRATION FOR HAVING TO SUMMON THE COUNCIL FOR THE THIRD TIME SINCE THE SPRING SESSION. THIS IS PERHAPS THE BUSIEST TIME OF THE YEAR FOR MOST OF YOU, AND IT IS NOT WITHOUT CONSIDERABLE INCONVENIENCE FOR YOU TO ATTEND TO PUBLIC BUSINESS AT THIS TIME OF YEAR. WITH THIS IN MIND, I APPRECIATE VERY MUCH THE CO-OPERATION OF THE MEMBERS OF COUNCIL FOR THEIR WILLINGNESS TO ATTEND THIS SPECIAL SESSION.

IN KEEPING WITH THE SPECIAL NATURE OF THIS SESSION, I HAVE RESTRICTED THE ADMINISTRATION'S BUSINESS TO THAT ITEM WHICH COULD NOT BE REASONABLY POSTPONED.

AS YOU ARE AWARE, THE NEAR COLLAPSE OF THE ROBERT CAMPBELL BRIDGE IN MARCH OF THIS YEAR NECESSITATED VARIOUS ACTIONS BY MY ADMINISTRATION. THESE ACTIONS WERE TAKEN UNDER THE AUTHORITY OF THE FINANCIAL ADMINISTRATION ORDINANCE. MANY HOURS OF CONSULTATION AND NEGOTIATIONS HAVE BEEN SPENT WITH THE CITY, DEPARTMENT OF PUBLIC WORKS AND FEDERAL AGENCIES IN ATTEMPTING TO DEAL WITH THE VARIOUS PROBLEMS ASSOCIATED WITH EMERGENCY REPAIRS, ALTERNATE ROUTES, NEW BRIDGE DESIGN AND FINALLY THE FINANCIAL QUESTIONS.

MY ADMINISTRATION HAS NOW GONE AS FAR AS IT CAN GO IN DEALING



WITH THIS PROJECT UNDER THE PROVISIONS OF THE FINANCIAL ADMINISTRATION ORDINANCE. A SESSIONAL PAPER WILL BE TABLED OUTLINING THE FULL DETAILS OF THIS PROJECT FOR MEMBERS' INFORMATION. THIS PAPER CONTAINS THE ENGINEERING RECOMMENDATIONS, THE FINANCIAL COST OF THE PROJECT AND THE COST-SHARING ARRANGEMENTS. THE FINANCIAL APPROPRIATIONS AND THE NECESSARY AGREEMENTS WILL ALSO BE PLACED BEFORE YOU IN THE FORM OF BILLS.

NO FURTHER ADMINISTRATION ITEMS WILL BE SUBMITTED TO YOU AT THIS SESSION IN ORDER TO ENABLE YOU TO KEEP IT AS SHORT AS POSSIBLE. IN THE EVENT THAT THERE ARE ADDITIONAL ITEMS WHICH YOU MIGHT WISH TO HAVE BROUGHT FORWARD, OR IF YOU MIGHT WISH TO HOLD LONGER SITTINGS, I AND MY OFFICERS WILL BE AVAILABLE TO ASSIST YOU IN ANY WAY WE POSSIBLY CAN.



J. SMITH,  
COMMISSIONER.