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1st Session
23rd Legislature



YUKON LEGISLATIVE ASSEMBLY

DEBATES
AND
PROCEEDINGS

OFFICIAL REPORT
1974 THIRD SESSION

SPEAKER: MR. D.E. TAYLOR

CLERK'S OFFICE

I N D E X

1974 THIRD SESSION

DECEMBER 13TH

MOTIONS	#	MOVED	DEBATE	AMENDMENTS	RESULTS
ADVISORY COMMITTEE ON FINANCE, APPOINTMENTS	5	3	3		CARRIED
BILL C-13, WITNESSES TO STANDING COMMITTEE I.A.N.D.	7	4	4		CARRIED
CHANGE OF NAME	8	5	5-7		CARRIED
DEPUTY CHAIRMAN OF COMMITTEES, ELECTION OF	3	3	3		CARRIED
DEPUTY SPEAKER, ELECTION OF	2	3	3		CARRIED
EXECUTIVE COMMITTEE, APPOINTMENTS	4	3	3		CARRIED
LAND CLAIMS NEGOTIATIONS REPRESENTATIVES	6	3	4		CARRIED
SPEAKER, ELECTION OF	1	1	1		CARRIED
SESSIONAL PAPER No. 1, CONSIDERATION OF		1	1		CARRIED

SESSIONAL PAPERS	#	TABLED	DEBATE
EXECUTIVE COMMITTEE APPOINTMENTS	2	2	
OPENING ADDRESS, COMMISSIONER'S	1	1	

CORRESPONDENCE & DOCUMENTS	TABLED	DISCUSSED
EDUCATION, SUPERINTENDENT'S ANNUAL REPORT 1973-4	2	
ELECTRICAL PUBLIC UTILITIES BOARD ANNUAL REPORT 1973-4	2	
HOSPITAL INSURANCE SERVICES, ADMINISTRATOR'S ANNUAL REPORT, 1973	2	
PUBLIC ACCOUNTS	2	
REGULATIONS	2	
TERRITORIAL ACCOUNTS	2	
YUKON PUBLIC SERVICE STAFF RELATIONS BOARD ANNUAL REPORT 1973-4	2	

DEBATES
OF THE
YUKON LEGISLATIVE ASSEMBLY

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FRIDAY, DECEMBER 13, 1974

THE THIRD SESSION OF THE COUNCIL FOR THE YEAR 1974, BEING THE FIRST SESSION OF THE TWENTY-THIRD WHOLLY ELECTED COUNCIL OF THE YUKON TERRITORY, WAS CONVENED IN THE COUNCIL CHAMBERS AT 2:00 P.M. ON FRIDAY, DECEMBER 13, 1974.

THE MEMBERS PRESENT WERE:

- Mr. J. K. McKinnon, Whitehorse North Centre
- Miss Eleanor Millard, Ogilvie
- Mrs. Hilda Watson, Kluane
- Mrs. Florence Whyard, Whitehorse West
- Mr. Donald Taylor, Watson Lake
- Mr. Robert Fleming, Hootalinqua
- Mr. Alfred Berger, Klondike
- Mr. Stuart McCall, Pelly River
- Dr. John Hibberd, Whitehorse South Centre
- Mr. H. Daniel Lang, Whitehorse Porter Creek
- Mr. Willard Phelps, Whitehorse Riverdale
- Mr. Gordon McIntyre, Mayo

THE CLERK READS THE PROCLAMATION.

where is this

MADAM CLERK: WOULD YOU CARE TO PROCEED AT THIS TIME WITH THE ELECTION OF THE SPEAKER?

MR. BERGER: MADAM CLERK, I MOVE, SECONDED BY THE HONOURABLE MEMBER FROM OGILVIE, THAT DONALD TAYLOR OF THE ELECTORAL DISTRICT OF WATSON LAKE DO TAKE THE CHAIR IN THE HOUSE AS SPEAKER.

MADAM CLERK: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM KLONDIKE AND SECONDED BY THE HONOURABLE MEMBER FROM OGILVIE THAT DONALD TAYLOR OF THE ELECTORAL DISTRICT OF WATSON LAKE TAKE THE CHAIR OF THIS HOUSE AS SPEAKER. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I DECLARE THE HONOURABLE MEMBER FROM WATSON LAKE SPEAKER OF THIS HOUSE. I DECLARE A SHORT RECESS.

RECESS

MR. SPEAKER: THIS HOUSE SHALL COME TO ORDER. I WISH TO ADVISE YOU THAT I HAVE NOW RECEIVED A COPY OF THE COMMISSIONER'S OPENING ADDRESS

AND MAY I HAVE YOUR PLEASURE AT THIS TIME?

MR. MCKINNON: MR. SPEAKER, I WOULD MOVE, SECONDED BY THE HONOURABLE MEMBER FROM KLUANE, THAT THE OPENING ADDRESS OF THE COMMISSIONER BE TAKEN INTO CONSIDERATION ON THE DAY CALLED.

MR. SPEAKER: I HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE AND SECONDED BY THE HONOURABLE MEMBER FROM KLUANE THAT THE COMMISSIONER'S OPENING ADDRESS BE CONSIDERED ON THE DAY CALLED. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED?

MOTION CARRIED

MR. SPEAKER: I HAVE RECEIVED A COMMUNICATION FROM MR. COMMISSIONER AND HE ASKED THAT THE OPPORTUNITY BE GIVEN HIM TO ATTEND THE HOUSE FOR AN IMPORTANT ANNOUNCEMENT. COUNCIL AGREED? MADAM CLERK, WOULD YOU SO REQUEST THE COMMISSIONER'S PRESENCE.

MR. SPEAKER: MR. COMMISSIONER WE SEE YOU HAVE A MESSAGE TO DIRECT TO THE HOUSE.

MR. COMMISSIONER: MR. SPEAKER, I APPRECIATE THE OPPORTUNITY OF BEING ABLE TO DELIVER TO YOU AND YOUR COLLEAGUES AT THIS TIME A STATEMENT FROM MY MINISTER, THE HONOURABLE JUDD BUCHANAN, THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, AND IT READS AS FOLLOWS: "THE COMMISSIONER AND MEMBERS OF THE YUKON PUBLIC HAVE BROUGHT TO MY ATTENTION CONCERNS ABOUT THE EXTENT OF INVOLVEMENT THE YUKON PEOPLE HAVE HAD IN THE LAND CLAIMS DISCUSSIONS WITH THE COUNCIL FOR YUKON INDIANS. THERE IS ALWAYS THE DANGER OF MISUNDERSTANDING OR MISINFORMATION AS TO THE CURRENT STATUS OF THE CLAIMS WITH RESPECT TO WHAT HAS BEEN DONE, WHERE WE ARE AND WHERE WE ARE GOING. AFTER MUCH DISCUSSION WITH THE PARTIES INVOLVED, I AM PROPOSING A WAY BY WHICH THE EVENTUAL SETTLEMENT THE FEDERAL GOVERNMENT MAKES WITH THE NATIVE PEOPLE OF THE YUKON WILL REFLECT TO THE GREATEST EXTENT POSSIBLE THE VIEWS OF THE GENERAL PUBLIC IN THE YUKON.

Mr. R.B. HUTCHISON, AS CHIEF FEDERAL NEGOTIATOR, HAS BEEN GIVEN A BROAD MANDATE. HE WILL NOW BE ADDITIONALLY SUPPORTED BY AN ADVISORY GROUP MADE UP OF FEDERAL AND TERRITORIAL REPRESENTATIVES. THIS ADVISORY GROUP WILL GIVE GUIDANCE AND ASSISTANCE AT THE NEGOTIATING TABLE AS REQUIRED. I HAVE APPOINTED, AS THE TERRITORIAL REPRESENTATIVES, COMMISSIONER SMITH, MR. GEORGE SHAW AND, IF COUNCIL SO DESIRES, A COUNCIL MEMBER TO BE NAMED AT YOUR PLEASURE.

THE FEDERAL REPRESENTATIVES WILL BE DRAWN FROM THE DEPARTMENTS OF INDIAN AND NORTHERN AFFAIRS, JUSTICE AND FINANCE.

DISCUSSIONS BETWEEN MR. HUTCHISON AND THE C.Y.I. HAVE TO THIS POINT CENTERED PRIMARILY ON THE QUESTION OF ELIGIBILITY - THAT IS DETERMINING WHO WILL BENEFIT FROM THE SETTLEMENT. THE NON-STATUS PEOPLE HAVE BEEN INCLUDED IN THE CLAIMS DISCUSSIONS AND I AM PLEASED TO BE ABLE TO ACCEPT THE COUNCIL FOR YUKON INDIANS' ELIGIBILITY GUIDELINES, SUBJECT TO RESERVING THE RIGHT OF THE GOVERNMENT TO REVIEW THE COMPLETED CENSUS.

WE ARE NOW ENTERING A NEW PHASE OF NEGOTIATIONS IN THE YUKON AND IT IS MY VIEW THAT WE ARE ON THE VERGE OF TAKING A MAJOR STRIDE IN SETTLING INDIAN CLAIMS BASED ON TRADITIONAL USE AND OCCUPANCY OF YUKON LANDS. THIS IS WHAT THE GOVERNMENT HAS UNDERTAKEN TO DO, NOT ONLY IN THE YUKON, BUT ALSO IN OTHER AREAS OF CANADA WHERE THE NATIVE INTEREST HAS NOT BEEN EXTINGUISHED BY TREATY OR SUPERSEDED BY LAW. I AM SURE THAT WHEN A SETTLEMENT IS NEGOTIATED, IT WILL BE TO THE EVENTUAL BENEFIT OF THE COMMUNITY AS A WHOLE.

IT IS OUR HOPE THAT AFTER CONTINUED DISCUSSIONS WITH THE COMMISSIONER, TERRITORIAL GOVERNMENT, AND THE ADVISORY GROUP WE WILL BE IN A POSITION TO PUT FORWARD A PROPOSAL TO THE C.Y.I. BY THE END OF FEBRUARY. I EXPECT THIS WILL SERVE AS A BASIS FOR MEANINGFUL NEGOTIATIONS BETWEEN MR. HUTCHISON AND THE C.Y.I." THANK-YOU, MR. SPEAKER.

MR. COMMISSIONER: MR. SPEAKER, WHILE I AM ON MY FEET, I HAVE ONE MORE TASK TO PERFORM. AS HONOURABLE MEMBERS ARE AWARE, WE HAVE FROM TIME-TO-TIME BEEN HONOURED WITH THE PRESENCE FROM OTTAWA, OF THE GOVERNOR GENERAL OF CANADA; MOST RECENTLY MR. MITCHENER AND HIS WIFE. JULES LEGER, CURRENTLY THE HOLDER OF THIS DISTING-

UISHED HIGH OFFICE, WHO HAS UNFORTUNATELY BEEN ILL AND PLANS THAT HE PERSONALLY ANNOUNCED SHORTLY AFTER TAKING OFFICE THAT HE HOPED TO VISIT ALL AREAS OF CANADA IN A FAIRLY SHORT TIME, HAVE UNFORTUNATELY NOT BEEN BROUGHT TO FRUITION DUE TO HIS ILLNESS. HOWEVER, AS A TOKEN FROM HIMSELF, I WOULD LIKE AT THIS TIME TO PRESENT TO MR. SPEAKER, ON BEHALF OF THE GOVERNOR GENERAL, AN AUTOGRAPHED PICTURE OF HIM TAKEN JUST AT THE TIME HE ASSUMED OFFICE AS GOVERNOR GENERAL. ALSO, I AM SURE THAT I WILL BE EXPRESSING THE HOPES OF NOT ONLY EVERYONE HERE, OR IN THIS HOUSE, BUT I AM SURE ON BEHALF OF ALL YUKONERS, THAT HIS HEALTH WILL HAVE IMPROVED TO THE EXTENT THAT HE WILL BE ABLE TO PARTAKE OF HIS AVOWED WISH TO VISIT ALL PARTS OF CANADA, THE YUKON INCLUDED. THIS, MR. SPEAKER, I TRUST THAT YOU WILL SEE FIT TO GIVE A PROMINENT PLACE IN YOUR COUNCIL CHAMBERS.

MR. SPEAKER: ON BEHALF OF THE HOUSE, I WOULD LIKE TO THANK MR. COMMISSIONER FOR HIS VERY KIND, THOUGHTFUL GIFT, AND MAY I SAY ON BEHALF OF THE HOUSE THAT WE ARE INDEED HONOURED.

MR. COMMISSIONER: MAY I BE EXCUSED?

MR. SPEAKER: MADAM CLERK, ARE THERE ANY DOCUMENTS TO BE TABLED?

MADAM CLERK: YES, MR. SPEAKER, I HAVE FOR TABLING TODAY THE TERRITORIAL ACCOUNTS PURSUANT TO THE YUKON ACT, SUB-SECTION 26(1); PUBLIC ACCOUNTS PURSUANT TO THE FINANCIAL ADMINISTRATION ORDINANCE, SECTION 35; THE SUPERINTENDENT OF EDUCATION ANNUAL REPORT PURSUANT TO THE SCHOOL ORDINANCE, SUB-SECTION 16(2); YUKON PUBLIC SERVICE STAFF RELATIONS BOARD ANNUAL REPORT PURSUANT TO PUBLIC SERVICE STAFF RELATIONS ORDINANCE SECTION 102; REGULATIONS PURSUANT TO THE INTERPRETATIONS ORDINANCE SECTION 31; ELECTRICAL PUBLIC UTILITIES BOARD ANNUAL REPORT PURSUANT TO THE ELECTRICAL PUBLIC UTILITIES ORDINANCE SUB-SECTION 18(2); DIRECTOR OF HOSPITAL INSURANCE SERVICES ANNUAL REPORT, PURSUANT TO THE HOSPITAL INSURANCE SERVICES ORDINANCE SECTION 8; AND ALSO MR. SPEAKER, I WOULD LIKE TO TABLE TODAY SESSIONAL PAPER No. 2.

MR. SPEAKER: THANK-YOU MADAM CLERK. I BELIEVE THAT NOW THERE IS TO BE PRESENTED A SERIES OF MOTIONS AFFECTING THE HOUSE AND THE MEMBERS HAVE GIVEN THE COURTESY TO THE CHAIR OF PROVIDING ME WITH COPIES OF THIS MOTION. IN THE INTERESTS

OF EFFICIENCY AND INASMUCH AS FOR MANY OF US, THIS IS OUR FIRST SESSION, I WOULD FIRST ASK FOR YOUR DISPOSITION IN RESPECT OF THE OFFICE OF DEPUTY SPEAKER.

MR. McINTYRE: MR. SPEAKER, I MOVE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST, THAT WILLARD PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE, BE APPOINTED DEPUTY SPEAKER OF THIS HOUSE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM MAYO, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE WEST, THAT WILLARD PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE, BE APPOINTED DEPUTY SPEAKER OF THIS HOUSE. ANY DISCUSSION? ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THAT THE MOTION IS CARRIED AND MR. PHELPS IS NOW THE DEPUTY SEPAKER OF THIS HOUSE.

MOTION CARRIED

MR. SPEAKER: WHAT IS YOUR DISPOSITION IN RESPECT OF THE DEPUTY CHAIRMAN OF COMMITTEES?

MRS. WATSON: MR. SPEAKER, I WOULD MOVE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE SOUTH CENTRE, THAT DANIEL LANG, THE HONOURABLE MEMBER FROM WHITEHORSE PORTER CREEK, BE APPOINTED DEPUTY CHAIRMAN OF COMMITTEES OF THIS HOUSE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM KLUANE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE SOUTH CENTRE, THAT DANIEL LANG, THE HONOURABLE MEMBER FROM WHITEHORSE PORTER CREEK BE APPOINTED DEPUTY CHAIRMAN OF COMMITTEES OF THIS HOUSE. ANY DISCUSSION? ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THE MOTION AS CARRIED AND DANIEL LANG, THE HONOURABLE MEMBER FROM WHITEHORSE PORTER CREEK IS NOW DEPUTY CHAIRMAN OF COMMITTEES OF THIS HOUSE.

MOTION CARRIED

MR. SPEAKER: MAY I HAVE YOUR DISPOSITION IN RESPECT OF THE EXECUTIVE COMMITTEE?

MR. BERGER: MR. SPEAKER, I MOVE AND SECONDED BY THE HONOURABLE MEMBER FROM HOOTALINQUA THAT THIS HOUSE RESPECTFULLY REQUEST THAT MR. COMMISSIONER APPOINT TO EXECUTIVE COMMITTEE

OF THE GOVERNMENT OF THE YUKON TERRITORY, MR. J. K. MCKINNON, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE AND MR. G. McINTYRE, THE HONOURABLE MEMBER FROM MAYO AND MRS. H. WATSON, THE HONOURABLE MEMBER FROM KLUANE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM KLONDIKE, SECONDED BY THE HONOURABLE MEMBER FROM HOOTALINQUA THAT THIS HOUSE REQUEST THAT MR. COMMISSIONER APPOINT TO THE EXECUTIVE COMMITTEE OF THE GOVERNMENT OF THE YUKON TERRITORY, MR. J.K. MCKINNON, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, MR. G. McINTYRE, THE HONOURABLE MEMBER FROM MAYO, AND MRS. H. WATSON, THE HONOURABLE MEMBER FROM KLUANE. ANY DISCUSSION? ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THE MOTION IS CARRIED.

MOTION CARRIED

MR. SPEAKER: WHAT IS YOUR PLEASURE IN RESPECT OF THE FINANCIAL ADVISORY COMMITTEE?

MISS MILLARD: MR. SPEAKER, I WOULD LIKE TO MOVE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE THAT THIS HOUSE RESPECTFULLY REQUEST THAT MR. COMMISSIONER APPOINT TO THE ADVISORY COMMITTEE ON FINANCE, MR. J.K. MCKINNON, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, MR. G. McINTYRE, THE HONOURABLE MEMBER FROM MAYO AND MRS. H. WATSON, THE HONOURABLE MEMBER FROM KLUANE.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM OGILVIE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE, THAT THIS HOUSE RESPECTFULLY REQUEST THAT MR. COMMISSIONER APPOINT TO THE ADVISORY COMMITTEE ON FINANCE, MR. J.K. MCKINNON, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, MR. G. McINTYRE, THE HONOURABLE MEMBER FROM MAYO, AND MRS. H. WATSON, THE HONOURABLE MEMBER FROM KLUANE. IS THERE ANY DISCUSSION? ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THE MOTION IS CARRIED.

MOTION CARRIED

MR. SPEAKER: WHAT IS YOUR DISPOSITION IN RESPECT OF THE LAND CLAIMS NEGOTIATIONS?

MR. McCALL: MR. SPEAKER, I MOVE THAT AND SECONDED BY THE HONOURABLE MEMBER FROM

HOOTALINQUA, THAT MR. PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE BE APPOINTED AS REPRESENTATIVE OF THIS HOUSE TO THE INDIAN LAND CLAIMS NEGOTIATIONS.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM PELLY, SECONDED BY THE HONOURABLE MEMBER FROM HOOTALINQUA THAT MR. PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE BE APPOINTED AS REPRESENTATIVE OF THIS HOUSE TO THE INDIAN LAND CLAIMS NEGOTIATIONS. ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? IS THERE ANY DISCUSSION?

MR. LANG: IF I MAY, MR. SPEAKER.

MR. SPEAKER: THE HONOURABLE MEMBER FROM WHITEHORSE PORTER CREEK.

MR. LANG: MR. SPEAKER, IN RESPECT TO THIS MOTION, I WOULD LIKE TO EXPOUND ON THIS ISSUE IF I MAY. I BELIEVE EVERYONE IN THIS ROOM, FELLOW COUNCILLORS, THE PUBLIC, ARE WELL AWARE OF THE IMPORTANCE ATTACHED TO THIS PARTICULAR ISSUE, AS BOTH A PRIVATE CITIZEN AS WELL AS A TERRITORIAL COUNCILLOR. IT IS INDEED UNFORTUNATE THE GOVERNMENT OF CANADA HAS NOT CHOSEN TO TREAT YUKON IN THE SAME WAY AS THE PROVINCES IN REGARD TO THE INDIAN LAND CLAIMS. BUT, IT IS A MAJOR BREAK-THROUGH TO HAVE AN ELECTED MEMBER REPRESENTING THE PEOPLE OF YUKON ON THIS VITAL ISSUE.

THE REQUEST FOR REPRESENTATION NOT ONLY AFFORDS US REPRESENTATION, BUT IT IS ANOTHER STEP TOWARDS RESPONSIBLE GOVERNMENT. I WOULD LIKE TO ADD THAT THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE HAS MY FULL SUPPORT, AND CONFIDENCE IN THE DIFFICULT TASK WHICH HE IS ABOUT TO UNDERTAKE. I KNOW THAT HE IS A YUKONER FOR YUKON, WHICH IS VITAL.

MR. SPEAKER: IS THERE ANY FURTHER DISCUSSION ON THIS MOTION? ARE YOU THEN PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THE MOTION IS CARRIED.

MOTION CARRIED

MR. SPEAKER: MAY I HAVE YOUR DISPOSITION IN RESPECT OF THE NORTHERN CANADA POWER COMMISSION REPRESENTATION?

MRS. WATSON: YES, MR. SPEAKER. I WOULD MOVE, SECONDED BY THE HONOURABLE MEMBER FROM MAYO, THAT MR. MCKINNON, THE HONOURABLE MEMBER FROM

WHITEHORSE NORTH CENTRE, AND MR. PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE, BE APPOINTED TO REPRESENT THIS HOUSE BEFORE THE STANDING COMMITTEE ON INDIAN AFFAIRS AND NORTHERN DEVELOPMENT RESPECTING CONSIDERATION OF BILL C-13, AN ACT TO AMEND THE NORTHERN CANADA POWER COMMISSION ACT.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM KLUANE, SECONDED BY THE HONOURABLE MEMBER FROM MAYO, THAT MR. MCKINNON, THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, AND MR. PHELPS, THE HONOURABLE MEMBER FROM WHITEHORSE RIVERDALE, BE APPOINTED TO REPRESENT THIS HOUSE BEFORE THE STANDING COMMITTEE ON INDIAN AFFAIRS AND NORTHERN DEVELOPMENT RESPECTING CONSIDERATION OF BILL C-13, AN ACT TO AMEND THE NORTHERN CANADA POWER COMMISSION ACT. ANY DISCUSSION? ARE YOU PREPARED FOR THE QUESTION? ARE YOU AGREED? I SHALL DECLARE THE MOTION IS CARRIED.

MOTION CARRIED

MR. SPEAKER: I WONDER IF AT THIS TIME, THE DEPUTY SPEAKER COULD TAKE THE CHAIR.

MR. SPEAKER: ARE THERE ANY FURTHER MOTIONS?

MR. TAYLOR: YES, MR. SPEAKER, I HAVE. AT THIS TIME I WISH TO MOVE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, THAT: WHEREAS THIS HOUSE HAS HITHERTO BEEN KNOWN AND RECOGNIZED AS THE YUKON LEGISLATIVE COUNCIL AND WHEREAS THE MEMBERS OF THIS TWENTY-THIRD WHOLLY ELECTED COUNCIL ARE, FOR THE PURPOSES STATED IN THIS RESOLUTION, DESIROUS OF CHANGING THE NAME AND STYLE OF THIS HOUSE; AND WHEREAS THE MEMBERS ARE DESIROUS OF ADVANCING THE DEVELOPMENT WITHIN THE YUKON TERRITORY OF A FULLY RESPONSIBLE LEGISLATURE; NOW THEREFORE THIS HOUSE RESOLVES THAT SO FAR AS MAY BE CONSISTENT WITH THE TERMS AND INTENT OF THE BRITISH NORTH AMERICA ACT AND THE YUKON ACT AND THE PRIVILEGES OF THIS HOUSE; IT IS HEREBY RESOLVED THAT HENCEFORTH THIS HOUSE BE KNOWN AND STYLED AS THE YUKON LEGISLATIVE ASSEMBLY AND THAT THE MEMBERS OF THIS HOUSE CHOSEN FOR EXECUTIVE OFFICE BE KNOWN AND STYLED AS MINISTERS WITH ALL THE DUTIES, POWERS AND PRIVILEGES THERETO APPERTAINING.

MAY I PROCEED? OH, I'M SORRY.

MR. SPEAKER: IT HAS BEEN MOVED BY THE HONOURABLE MEMBER FROM WATSON LAKE, SECONDED BY THE HONOURABLE MEMBER FROM WHITEHORSE NORTH CENTRE, THAT WHEREAS THIS HOUSE HAS HITHERTO BEEN KNOWN AND RECOGNIZED AS THE YUKON LEGISLATIVE COUNCIL AND WHEREAS THE MEMBERS OF THIS TWENTY-THIRD WHOLLY ELECTED COUNCIL ARE, FOR THE PURPOSES STATED IN THIS RESOLUTION, DESIROUS OF CHANGING THE NAME AND STYLE OF THIS HOUSE; AND WHEREAS THE MEMBERS ARE DESIROUS OF ADVANCING THE DEVELOPMENT WITHIN THE YUKON TERRITORY OF A FULLY RESPONSIBLE LEGISLATURE; NOW THEREFORE THIS HOUSE RESOLVES THAT SO FAR AS MAY BE CONSISTENT WITH THE TERMS AND INTENT OF THE BRITISH NORTH AMERICA ACT AND THE YUKON ACT AND THE PRIVILEGES OF THIS HOUSE; IT IS HEREBY RESOLVED THAT HENCEFORTH THIS HOUSE BE KNOWN AND STYLED AS THE YUKON LEGISLATIVE ASSEMBLY AND THAT THE MEMBERS OF THIS HOUSE CHOSEN FOR EXECUTIVE OFFICE BE KNOWN AND STYLED AS MINISTERS WITH ALL THE DUTIES, POWERS AND PRIVILEGES THERETO APPERTAINING.

IS THERE ANY DISCUSSION?

MR. TAYLOR: YES, MR. SPEAKER, I HOPE YOU WILL BEAR WITH ME, IN THAT TWO MOST IMPORTANT MATTERS REQUIRE THE ATTENTION OF ALL MEMBERS TODAY. I HAD BUT A SHORT TIME TO PREPARE MY NOTES ON THIS PARTICULAR DEBATE. AS ALL MEMBERS WILL NOTE, MR. SPEAKER, THIS MOTION POSES A VERY IMPORTANT CHANGE TO WHAT HAS BEEN THE NORMAL, INASMUCH AS THIS LEGISLATURE AND THIS STRUCTURE IS CONCERNED. I THINK WE ARE ALL AWARE AND THAT FOR MANY, MANY YEARS NOW, THE PEOPLE HAVE MADE QUITE CLEAR THEIR DESIRE FOR MORE RESPONSIBLE GOVERNMENT WITHIN THE TERRITORY AT THE TERRITORIAL LEVEL. INDEED, THE FORMER COUNCILLORS HAVE SOUGHT WAYS AND MADE REPRESENTATION BEFORE THE COMMITTEES AND MINISTERS IN ORDER TO ATTEMPT TO ADVANCE THE CAUSE OF CONSTITUTIONAL REFORM HERE IN THE TERRITORY.

MORE RECENTLY, THE YUKON ACT WAS AMENDED TO INCREASE THE SIZE OF THE COUNCIL FROM SEVEN TO TWELVE MEMBERS AND OF COURSE, WE MUST ALSO TAKE INTO ACCOUNT THE FACT OF THE MINISTER'S DECISION TO CREATE THE EXECUTIVE COMMITTEE CONCEPT WHICH I THINK EVERYONE IS CLEAR ON HOW IT WORKS. YOU MIGHT SAY THAT IN ACCEPTANCE OF THIS RESOLUTION, WE WOULD, AS THE MINISTER DID WITH HIS EXECUTIVE COMMITTEE, WE WOULD BE EMBARKING ON AN EXPERIMENT, I SUPPOSE. HOWEVER, WE DO HAVE THE GUIDELINES AND EXPERIENCE OF OTHER LEGISLATURES AND PRECEDENTS TO FOLLOW. I THINK THAT THIS WOULD SHOW TO THE CITIZENS OF THE DOMINION AND OTTAWA,

THE PARLIAMENT OF CANADA AND, OF COURSE, THE MINISTER, THE GOVERNMENT OF OUR COUNTRY, THE SINCERE DESIRE FOR MORE RESPONSIBILITY FOR THE YUKON UNDER THE YUKON ACT.

NOW, IN CONTEMPLATING THIS PARTICULAR MOTION, DURING THE SUMMER, IT WAS HOPED THAT I COULD GET BACK AND I WAS FORTUNATE ENOUGH TO GET RE-ELECTED. ONE THING TROUBLED ME AND THAT IS THAT ON DIFFERENT OCCASIONS AND DIFFERENT TIMES I HAVE BEEN IN OTTAWA WITH MY COLLEAGUES, MAKING REPRESENTATIONS ABOUT RESPONSIBLE GOVERNMENT AND ONCE IN A WHILE SOMEONE ON THE STANDING COMMITTEE OR IN GOVERNMENT WOULD SAY: "WELL, I DON'T KNOW WHY WE SHOULD GIVE THOSE PEOPLE RESPONSIBLE GOVERNMENT, THEY ARE NOT EXERCISING YET THE RESPONSIBILITIES THEY ALREADY HAVE AND THE POWERS THAT THEY HAVE." AND I COULD NEVER UNDERSTAND WHAT THOSE POWERS WERE UNTIL THIS SUMMER AND THOSE ARE THE POWERS INHERENT IN THIS HOUSE AS A LEGISLATURE UNDER ITS OWN PRIVILEGES.

IT HAS TAKEN, AS I SAY, SOME TIME TO DETERMINE THIS BUT IT NOW APPEARS CLEAR THAT THIS IS WHAT MUST BE DONE. IN TALKING OF PRIVILEGES I WOULD LIKE TO REMIND HONOURABLE MEMBERS THAT PARLIAMENT IS CAPABLE OF REDEFINING ITSELF FOR PARTICULAR PURPOSES AND PROVIDING FOR ITS OWN COMPOSITION. PARLIAMENTARY PRIVILEGE IS PART OF THE LAW AND CUSTOM OF THE HOUSE CONSISTING OF SPECIAL RULES EVOLVED TO PROTECT THE HOUSE AND THE MEMBERS TO EFFECTIVELY CARRY OUT THE CONSTITUTIONAL FUNCTION. MOST OF THESE RULES ARE NON-STATUTORY AND HAVE INDEED, EVOLVED OVER CENTURIES OF PARLIAMENTARY TRADITION. THERE IS NO GENERAL STATUTE OR ORDER-IN-COUNCIL THAT CAN OVER-RIDE THE PRIVILEGES, IMMUNITIES AND POWERS OF THIS OR ANY OTHER HOUSE.

NOW, SOME FIFTEEN YEARS AGO, COUNCIL, AND I DON'T BELIEVE A RESOLUTION WAS EVER PROPOSED IN THIS MATTER, THE COUNCIL DECIDED TO STYLE ITSELF AS THE YUKON LEGISLATIVE COUNCIL FOR ITS OWN INTERNAL PURPOSES AND I THINK YOU WILL NOTICE THAT IN MANY RESOLUTIONS IN THE PAST, IF YOU LOOK AT THE VOTES AND PROCEEDINGS YOU WILL FIND THAT THE YUKON LEGISLATIVE COUNCIL COMES UP QUITE OFTEN IN REPRESENTATIONS BEFORE STANDING COMMITTEES. THE NAME YUKON LEGISLATIVE COUNCIL HAS BEEN WIDELY USED AND IN CORRESPONDENCE WITH GOVERNMENT MORE PARTICULARLY AS I SAY, YOU WILL FIND YOUR STATIONERY WHICH MEMBERS NOW ALL HAVE SOME OF - YOU WILL FIND YUKON LEGISLATIVE COUNCIL ON THE COUNCIL STATIONERY. NOW, CONCURRENT WITH THE PRIVILEGES OF THE HOUSE, AS I'VE STATED BY

RESOLUTION, I'VE MADE IT QUITE CLEAR THAT WE RESOLVE THAT "SO FAR AS MAY BE CONSISTENT WITH THE TERMS OF THE B.N.A. ACT AND THE YUKON ACT AND THE PRIVILEGES OF THE HOUSE THAT WE KNOW AND STYLE THIS HOUSE AS THE YUKON LEGISLATIVE ASSEMBLY, MAKING IT AS CLEAR AS POSSIBLE THAT IT IS NOT OUR INTENTION TO VIOLATE ANY PROVISIONS OR INTENT OF THE YUKON ACT. AND SO, IN DOING SO, WE WOULD HAVE THE EFFECT OF CREATING IN FACT, WITHIN THE TERRITORY AND WITHIN THIS HOUSE, AS A LEGISLATURE, STYLED AS CLOSELY AS WE CAN WITHIN THE LIMITATIONS OF THE YUKON ACT TO ANY OTHER PARLIAMENT ACROSS CANADA, THE SEVERAL PARLIAMENTS OF THE DOMINION,

IT WOULD HAVE THE EFFECT OF CREATING A QUASI CABINET SITUATION WHEREBY OUR THREE MEMBERS OF THE EXECUTIVE COMMITTEE WOULD NOW BE FINALLY KNOWN AS MINISTERS. IT WOULD HAVE THE EFFECT OF PROVIDING NO LONGER THAT WE WOULD BE KNOWN AS THE COUNCIL MEMBERS, WE WOULD BE KNOWN AS THE MEMBERS OF THE LEGISLATIVE ASSEMBLY AND SO FORTH. AS FAR AS WE CAN GO, THIS WOULD HAVE THE EFFECT OF MAKING US A LITTLE MORE MATURE, LEGISLATIVELY AND I THINK IT WOULD REPRESENT A GREAT STEP FORWARD IN LEGISLATIVE INDEPENDENCE TO THE PEOPLE OF THE YUKON TERRITORY. NOW, IT IS MY HOPE THAT IF MEMBERS WOULD SUPPORT THE RESOLUTION I PROPOSED, MR. SPEAKER, THAT WE COULD FIND SOME UNANIMITY. I THINK THAT IS IMPORTANT. ALSO I THINK IT WOULD PUT A NOTICE INDEPENDENTLY OF MEMBERS, THAT WE MUST IN ACCEPTING THIS MOTION DO EVERYTHING WITHIN OUR COLLECTIVE POWERS TO MAKE THIS PROGRAM WORK, TO SHOW MATURITY AND RESPONSIBILITY. I AM QUITE CONFIDENT THIS IS GOING TO BE FORTHCOMING.

IN CLOSING I WOULD LIKE TO SAY THAT THE PEOPLE OF THE YUKON, THE ADMINISTRATION, THE MOTHER PARLIAMENT WOULD VIEW WITH GREAT INTEREST SUCH AN ACCEPTANCE OF THIS MOTION IN THIS MAGNITUDE. AND I THINK IT WOULD INDICATE TOO TO THEM AND WE ARE INDEED MATURE AND WE ARE INDEED RESPONSIBLE AND WE KNOW WHERE WE ARE GOING. THERE CAN BE NO DOUBT LEFT AS TO THE DIRECTION WE ARE HEADING IN TERMS OF CONSTITUTIONAL REFORM. AND WHILE WE LOOK SOMEDAY FOR THOSE NECESSARY DIVISIONS OF POWERS SO IMPORTANT IN THE DEVELOPMENT OF GOVERNMENT, THE THREE ARMS, THE EXECUTIVE ARM, THE JUDICIAL ARM, THE LEGISLATIVE ARM AND WHILE WE LOOK FOR THAT DIVISION I THINK AND AS A RESULT OF THE, WELL FOR INSTANCE THE REMARKS MADE BY MR. COMMISSIONER IN HIS OPENING ADDRESS TO MEMBERS TODAY, IT APPEARS TO ME THAT WE ARE GOING TO MAKE A NEW BOND OF FRIENDSHIP, A NEW BOND OF UNDERSTANDING, A NEW BOND OF RES-

POSSIBILITY BETWEEN THE ADMINISTRATION AND THIS LEGISLATURE.

I THINK THIS ACCEPTANCE TO THIS MOTION WOULD DO MUCH TO PRESERVE THE DIGNITY AND RESPECT OF THIS HOUSE WHICH IT SO JUSTLY DESERVES. IT IS IN FACT, AFTER MANY YEARS OF HARD WORK IN COMPANY WITH SOME OF MY COLLEAGUES WHO SIT IN THIS HOUSE, TO THOSE. I WOULD DEDICATE THIS RESOLUTION AND ON BEHALF OF THE PEOPLE OF THE YUKON TERRITORY. I THANK YOU, MR. SPEAKER.

MR. SPEAKER: THANK YOU. IS THERE ANY FURTHER DISCUSSION?

MR. MCKINNON: MR. SPEAKER. I WOULD JUST LIKE TO SAY HOW PLEASED I WAS WHEN MR. SPEAKER SHOWED ME THE MOTION THAT HE WAS PROPOSING AT THIS TIME AND ASKED ME TO SECOND IT FOR HIM AND HOW HAPPY I WAS TO PUT MY NAME AS SECONDER OF THIS MOTION. AFTER ABOUT FIFTEEN YEARS OF SERVICE FOR THE PUBLIC OF THE TERRITORY, I THINK THAT MORE SIGNIFICANT THINGS HAVE HAPPENED IN THE LAST SEVERAL DAYS THAT WE HAVE BEEN TOGETHER THAN IN THOSE FIFTEEN YEARS PRIOR TO JUST THESE PAST FEW DAYS. I THINK THE STATEMENT OF THE COMMISSIONER TODAY THAT A MEMBER OF LEGISLATIVE COUNCIL WOULD BE ONE OF THOSE ON THE TERRITORIAL NEGOTIATING SIDE ON THE LAND CLAIMS ISSUE WAS A BREAK-THROUGH. IT GIVES THE PEOPLE OF THE TERRITORY, THE COMMISSIONER, GEORGE SHAW AND NOW WILLARD PHELPS, A YUKON TEAM APPROACHING THE PROBLEM OF THE SETTLEMENT OF THE LAND CLAIMS.

I THINK EVEN MORE SIGNIFICANT WAS IN THE COMMISSIONER'S OPENING ADDRESS WHEN HE STATED THAT WITHIN THE LIFE OF THIS COUNCIL THE ELECTED MEMBERS OF THIS COUNCIL WOULD BE IN THE MAJORITY ON THE EXECUTIVE COMMITTEE. MR. SPEAKER, TO ME THAT IS DEFACTO RESPONSIBLE GOVERNMENT - ONCE THE ELECTED MEMBERS ARE IN THE MAJORITY IN THE DECISION MAKING PROCESS OF THE GOVERNMENT OF THE YUKON TERRITORY. SO I THINK THE LAST FIFTEEN YEARS I WOULD NOT SAY HAVE BEEN IN VAIN - THAT THE COUNCILLORS AND ALL THE OTHER PEOPLE IN THE YUKON WHO WERE GOING ABOUT TO TRY AND BRING UP SOME FRAME OF RESPONSIBLE GOVERNMENT; THAT ALL THEIR WORK HAS REALLY COME HOME IN JUST THE LAST SEVERAL DAYS. I THINK THAT WE WILL IN FACT SEE IN THE LIFETIME OF THIS COUNCIL THE LAST COLONIAL COUNCIL OF THE GOVERNMENT OF THE YUKON TERRITORY. MR. SPEAKER, YOUR MOTION FITS IN WITH THE WHOLE CHANGING PATTERN OF GOVERNMENT FROM THE FEDERAL GOVERNMENT POINT OF VIEW AND

FROM THE LOCAL ADMINISTRATIVE POINT OF VIEW BECAUSE THE YUKON LEGISLATIVE COUNCIL DOES DENOTE STILL A COLONIAL TYPE VESTIGE TO THE ELECTED MEMBERS OF THE PEOPLE OF THE YUKON.

IT IS OUR PRIVILEGE AND IT IS OUR RIGHT TO STYLE OURSELVES AS THE YUKON LEGISLATIVE ASSEMBLY AND THIS IS THE TIME TO DO IT. I'VE ALWAYS HAD TROUBLE WITH THAT BEAUTIFUL MOUTHFUL, MR. SPEAKER, THE EXECUTIVE COMMITTEE MEMBER IN CHARGE OF HEALTH, WELFARE AND REHABILITATION. YOU MENTION IT ANYWHERE ELSE IN THE YUKON AND THEY GO "WHAT IN THE HELL IS THAT?" YOU JUST DIDN'T KNOW AND CERTAINLY IT IS WITHIN THE PRIVILEGE OF THIS HOUSE TO RESTYLE THE EXECUTIVE COMMITTEE MEMBERS AS MINISTERS SO THAT THEY WILL HAVE EQUAL STATUS WITH THEIR PROVINCIAL COUNTERPARTS AND COLLEAGUES ACROSS THE COUNTRY.

MR. SPEAKER, I JUST WANT TO CLOSE BY SAYING HOW HONOURED I AM, THE RESPONSIBILITY THAT MEMBERS OF THIS HOUSE HAVE SEEN FIT TO PLACE IN ME AND HOW HAPPY, AND HOW ENJOYABLE AND HOW CONSTRUCTIVE HAS BEEN THE MEETINGS OF THE PAST THREE DAYS. I'M POSITIVE THAT WITHIN THE LIFE OF THIS HOUSE WE WILL FIND GREAT DEBATES AND A HOUSE DIVIDED ON ISSUES. I HAVE THE DISTINCT FEELING AND IMPRESSION AFTER BEING SO CLOSE WITH ALL OF YOU FOR THE LAST FEW DAYS THAT WHEN THIS HAPPENS, THE DEBATE IS GOING TO BE ON ISSUES AND NOT ON PERSONALITIES. THAT IS WHAT THE PEOPLE ARE ASKING FOR AND I THINK THAT EVERY MEMBER OF THIS HOUSE, I KNOW, WILL HAVE THE RESPONSIBILITY TO FULFIL THAT MANDATE THAT PEOPLE HAVE GIVEN THEM AT THIS TIME. THANK YOU, MR. SPEAKER.

MR. SPEAKER: IS THERE ANY FURTHER DISCUSSION?

SOME MEMBERS: QUESTION.

MR. SPEAKER: QUESTION HAS BEEN CALLED. ARE YOU AGREED? I DECLARE THAT THE MOTION IS CARRIED. THIS HOUSE IS NOW KNOWN AND STYLED AS THE YUKON LEGISLATIVE ASSEMBLY.

MOTION CARRIED.

MR. SPEAKER: I THINK AT THIS TIME I WILL DECLARE A SHORT RECESS.

RECESS.

MR. SPEAKER: THIS HOUSE WILL NOW COME TO ORDER. WHAT IS YOUR FURTHER PLEASURE? THIS CONCLUDES THE BUSINESS BEFORE THE HOUSE.

MADAM CLERK: IT IS THE COMMISSIONER'S WILL AND PLEASURE THAT THIS COUNCIL BE NOW PROROGUED. THIS COUNCIL IS ACCORDINGLY PROROGUED.

PROROGUED.

December 11, 1974

Mr. Speaker,
Members of Council

I had the honour on Thursday of administering the oaths of office to you, the members of the 23rd Wholly Elected Council of the Yukon Territory. The 23rd Wholly Elected Council will hold a special place in Yukon's history. Its 12 members reflect recent constitutional reform and represent 12 newly created electoral districts.

I would like to take this opportunity to congratulate each of you on your recent electoral success. Let me assure you of every co-operation from my officers and myself in the performance of your duties throughout your term of office.

I congratulate you, Mr. Speaker, on being chosen by your colleagues to this position of responsibility in the legislature.

The expansion in Council membership will be complemented by an increase in the size of the Executive Committee to include three members nominated by you. It is my intention, however, to maintain the present Committee size of five by dropping one appointed member from the Committee during the life of this Council. A Sessional Paper on the appointments to the Executive Committee has been prepared to assist in your deliberations and the nomination of 3 members to the Committee is the major business before Council at this session. Recognizing this, other government business has been deferred to a future session.

However, to comply with statutory requirements, it is necessary to table with Council a number of reports from government departments and agencies. These reports are required by ordinance to be presented to Council as soon as possible after I have received them.

In closing, I wish to extend to you the personal good wishes of my Minister, the Honourable Judd Buchanan, and of W.A. Egan, former Governor of Alaska. I again extend my own congratulations. My officers and I stand ready to assist you in any way we can.



James Smith,
Commissioner.

SESSIONAL PAPER NO. 2 (1974 Third Session)

Mr. Speaker
Members of Council

EXECUTIVE COMMITTEE FOR THE YUKON TERRITORY

While moving that Bill C-9 which increased the size of this Council from seven to twelve be given second reading, the Minister of Indian Affairs and Northern Development informed the House of Commons on March 18, 1974 that the larger council would be complemented by an increase in the number of elected members on the Yukon Territory's Executive Committee from two to three. This represents an important achievement in local responsibility.

Papers outlining the terms of reference for members of the Executive Committee were brought to Council at the 1970 third session which was the final session of the 21st Council, and at the fourth session of 1970 which was the first session of the 22nd wholly-elected Council. (These papers are attached for Council's reference). After discussion, consensus was reached on the contents of Sessional Papers No. 33 (1970 Third Session) and No. 2 (1970 Fourth Session) and on certain other issues. It was also agreed that:

1. Salaries
Members of Council appointed to the Executive Committee would be full-time committee members. As such, they were to be paid a salary which included their sessional indemnity and expenses by appropriation from the Yukon Consolidated Revenue Fund.
2. Advisory Committee on Finance
Members of Council appointed to the Executive Committee would also be members of the Advisory Committee on Finance.
3. Tenure of Executive Committee
Tenure of office for members of council appointed to the Executive Committee would extend beyond the date of dissolution of Council, or expiry of its legal life, until a member is defeated at an election or replaced by Council.

Advisory Committee on Finance

In 1970, Council agreed that the two members appointed to Executive Committee would be two of the three members of the Advisory Committee on Finance. Dual membership was re-affirmed at the 1974 First Session when a change in membership of the Advisory Committee on Finance was effected to coincide with membership of the Executive Committee. Since Council will nominate three Members to the Executive Committee at this session, accepted practice would place the same three members on the Advisory Committee on Finance. Despite the apparent overlap in membership of the two committees, the committees are legally distinct and consequently you are requested to make appointments to both committees by separate resolutions.

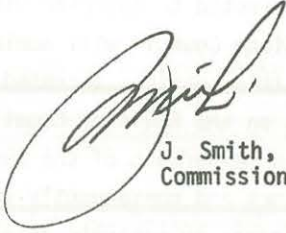
Tenure of Executive Committee

At the first session of the 22nd wholly-elected council, it was agreed that the tenure of office for members of the Executive Committee chosen by Council should continue beyond dissolution of Council, or expiry of legal life of Council. Members would continue to function as members of the Executive Committee until replaced by a new council or defeated at an election. This provides for the continuity of government by elected representatives in concert with administrative officials through the operation of the Executive Committee. The continuity is important in itself, but it also provides for a smooth transition from one executive to the next. This extended tenure of office is compatible with the practices in provincial jurisdictions. At the last session of the 22nd Council, this decision was negated by Motion 48 which recommended that all appointments of Council members to committees be rescinded after October 5, 1974, the date on which the legal life of Council expired. As a consequence of Motion 48, members of the Executive Committee nominated by the last Council resigned from the Committee on October 5, 1974 and government reverted to the administrative officials. You are requested to take definitive action to ensure that the tenure of office of elected members in the Executive Committee will continue beyond the life of a council until a new council has been elected.

Council is requested by separate motions -

- (i) to nominate three ~~members~~ members for membership on the Executive Committee;
 - (ii) to recommend the appointment of the three members nominated for the Executive Committee to serve as members of the Advisory Committee on Finance;
- and

- (iii) to approve of elected members of the Executive Committee serving beyond the life of a council until replaced by a new council or defeated in an election.



J. Smith,
Commissioner.

October 28th, 1970.

SESSIONAL PAPER NO. 2 - 1970 (FOURTH SESSION)

Mr. Speaker
Members of Council

EXECUTIVE COMMITTEE FOR THE YUKON TERRITORY

-- At its last Session, the Council considered Sessional Paper No. 33 - 1970
-- (Third Session). A copy is attached as Appendix "A". Following the Council's
discussion, a number of changes were recommended. A copy of the Council's
motion is attached as Appendix "B". The points in the motion have been con-
sidered in the preparation of this paper.

This paper is divided into two main parts:

- I How the Executive Committee should function as part of the structure of the Territorial Government; and
- II How the members of the Executive Committee should avoid conflicts of interest.

These parts are further subdivided into two categories:

- (a) Matters on which there is already legislation or explicit federal direction pursuant to the Yukon Act; and
- (b) Matters on which the Administration would appreciate the advice of the Council.

I Mechanics of Committee Operation

(a) Existing Legislation and Direction

The Yukon Act provides for the Government of the Territory. In the Act the Minister or the Governor in Council is given the authority to direct the Commissioner, from time to time, in the way the Territory is to be governed. It is in accordance with this authority that the Commissioner has been asked to establish an Executive Committee consisting of the Commissioner as Chairman, the two Assistant Commissioners, and two Members of the Council designated by the Council and appointed by the Commissioner to serve during pleasure.

The Yukon Act and the Minister's instructions to the Commissioner for the establishment and operation of an Executive Committee responsible to the Commissioner require that the new Executive Committee conduct itself according to the following requirements:

1. The Assistant Commissioners will become Members of the Executive Committee by virtue of their appointment to these positions. The Assistant Commissioner (Executive), who is the Administrator of the Territory, will become Chairman of the Executive Committee when he is acting in his capacity as Administrator.
2. The Executive Committee is to be consulted by the Commissioner in the exercise of his responsibilities and the advice of the Committee will be given full consideration in determining the course of action to be followed in any given situation.
3. The Commissioner will revoke the appointment of one or both of the Council Members on the Executive Committee when requested to do so by formal motion of the Council.
4. The Commissioner will appoint the two Members of the Council chosen to be Members of the Executive Committee to positions with line responsibility for one or more departments of the Territorial Government. The choice of departments is to be at the discretion of the

of the Commissioner. Initially it is proposed that the two departments should be Education, and Health, Welfare and Rehabilitation.

5. Council Members appointed to the Executive Committee will be required to take an Oath of Allegiance, Oath of Office and Oath of Secrecy.
6. Council Members will serve as full-time Members of the Committee and will be paid from the Consolidated Revenue Fund of the Yukon out of annual appropriations passed by the Council. Their salaries plus their sessional indemnities are not to exceed the maximum of the salary scale applicable to either of the Assistant Commissioners.
7. The matter of signing authorities for correspondence, contracts and other documents on behalf of the Territorial Government will follow established procedures as determined by the Commissioner.

(b) Matters for Council Advice

There are a number of matters involved in the operation of the new Executive Committee on which the advice of the Council would be appreciated. These are:

1. Whether the tenure of office of Council Members on the Executive Committee should extend beyond the date on which a Council is dissolved or its life legally expires, or whether their appointments should terminate automatically upon dissolution. To ensure continuity of the conduct of Government, provincial executives remain in office after dissolution of the legislature and do not vacate office until their successors are ready to take over. If it should be decided that elected Members are to remain on the Committee following dissolution or expiry of the Council's legal life, each new Council, at its first Session following an election, must confirm the incumbents on the Executive Committee or designate replacements. The failure of a Council Member to win re-election would make it necessary for the Council to designate a replacement.
2. Whether the Speaker and Deputy Speaker are to be eligible for membership on the Executive Committee. The practice in other legislatures in Canada is to keep the role of Speaker and Deputy Speaker separate from that of the Executive on the grounds that membership in the Executive makes it difficult, if not impossible, to preside objectively and impartially during debate in the House.
3. What level of remuneration should be paid over and above sessional indemnities to the two Council Members on the Executive Committee.
4. Whether the Council will wish to review its Rules of Procedure in the light of the existence of the new Executive Committee. Section 6 and perhaps other sections in the Rules may have to be changed to permit the Council Members on the Executive Committee to vote on appropriations which include their salaries.

II Conflict of Interest

(a) Existing Legislation and Direction

As a part of the arrangements for the new Executive Committee, it is desirable that terms of reference concerning outside financial interests be clearly established at the outset. The Sessional Paper considered by the Council in July stated:

"Councillors appointed to the Executive Committee will be expected to divest themselves of their current employment and business interests in order to obviate any possible charges of a conflict of interest."

This is in keeping with the high standards of integrity expected by the public and these standards are generally adhered to as a matter of principle. The Elections Ordinance prescribes certain rules which cannot be infringed without incurring penalties. The appropriate sections of this Ordinance are attached as Appendix "C". There are also certain standards set out in the Criminal Code which apply to the conduct of holders of public office in Canada, and a summary of the relevant sections is attached as Appendix "D".

(b) Matters for Council Advice

It is a generally accepted principle that holders of public office must so order their affairs that no serious conflict arises, or appears to arise, between their private interests and their public responsibilities. Conflict of interest occurs when a public official's decision, judgment or advice is governed or influenced by the possibility of personal gain or reward by virtue of his business connections or financial involvement outside the public service, or where there are circumstances which have the appearance of so doing.

Conflicts of interest are infinitely various, and it is reasonable to limit the breadth of the term to immediate pecuniary interests of a person or his family, friends or associates. While it is desirable to maintain maximum economic freedom for individuals holding public office, experience has shown that such freedom must be curtailed if certain abuses, actual or imagined, are to be avoided. It is a principle of democratic government that a public official should not use his office for private gain and the public has the right to know that its interests will be protected.

Levels or degrees of conflict of interest may be classified in the following way:

1. Matters which pose no problem for public policy because the possibility of private gain involved is so small or so insignificant that it is not likely to influence the formulation of public policy, e.g., deciding on liquor prices or lot prices where the person involved is not engaged in the business of dispensing liquor or in the buying and selling of real estate as part of his normal business activities.
2. Where the possibility of private gain is slightly more important but is not sufficiently large to interfere with the ability of the public officer to advise or render decisions in the public interest, e.g., negotiations with a national or international corporation in which the public officer is a minor shareholder. In such cases, the course of action to be followed is a matter to be decided by the public officer in accordance with his conscience, keeping in mind that the public will be the final judge of whether or not the public officer has made the right choice.
3. Circumstances in which there is no doubt that a public officer's private advantage could conflict with his public responsibility, e.g., a contract with a company in which he is a major shareholder or a director. In view of the possibility of conflicts of this nature, it is probably essential that the public officer divest himself of his private interests in companies which could contract or subcontract with the Government.

Technically, a conflict of interest may arise if a public officer takes an active part in any undertaking even if the organization is philanthropic in character and the officer has no financial interest. It is to be noted, however, that the common law does not prohibit an elected representative from having an interest in a contract where the contract is intended to carry out some function or purpose of a private organization. Accordingly, if there are to be prohibitions against activities of this kind, they must be found in a Federal Statute or a Territorial Ordinance, e.g., the Elections Ordinance.

The usual practice in the Federal Government is that Cabinet Ministers resign any directorship which they may hold, whether in public or private companies, and whether the directorship carries remuneration or is honorary. A conflict arises in cases of this kind between responsibility to the public and responsibility to the shareholders. The only exception to this rule is that directorships in private companies established for the maintenance of private family estates which are only incidentally concerned in business transactions, may be retained. There is one qualification to this exception, however, and that occurs where the public officer feels that conflict is likely to arise between his private interests and his public duty, and in this situation it is always advisable to divest himself of his directorship. Directorships or offices held in connection with philanthropic undertakings should also be resigned if there is any risk of conflict arising between the interests of the undertaking and the Government.

With regard to the holding of company or corporate shares, public officers cannot be expected on assuming office, to dispose of all their investments any more than they can be reasonably expected to divest themselves of all personal property. Nevertheless, if such public officers hold a sufficient number of shares to constitute a controlling interest in any company, there are complications not unlike those in connection with the holding of directorships. As in the case of directorships, therefore, if there is any danger of conflict of interest, the proper course is for the officer concerned to divest himself of his shares. There may also be exceptional cases where, even though no controlling interest is involved, the actual holding of particular shares could bring him into conflict with his responsibilities as a public officer because of the related nature of the work of his department. Where this occurs the public officer should divest himself of his holdings. Normally it is a safe practice for any senior officer in government to avoid speculative investments in securities about which they have, or may be thought to have, early or confidential information likely to affect the value of these securities.

For anyone holding public office by election, the most powerful sanction against taking personal advantage of his position is the fact that the officer must eventually face the electorate and give an accounting of himself. In the case of the Executive Committee in the Yukon, however, there remains the fact that the Council Members will be responsible to the Commissioner who must remain in a position, because of his accountability to the Minister, to ensure the integrity of his Administration. Where there are breaches in this integrity, it is the responsibility of the Commissioner to take action appropriate to the circumstances of the situation and, if he considers it necessary, to dismiss a Member from the Executive Committee or seek the advice of the Council on the action he should take.

-- The Council should indicate its views at this Session on the points raised in I(b) and II(b). It will also be necessary to indicate whether one of the existing codes of conduct set out in Appendices "E", "F", "G", "H", "I" or "J" should be adopted as the rules to apply to Council Members on the Executive Committee, or whether
-- there should be a separate code along the lines of Appendix "K", which is a combination of a number of the essential points in the existing code.


J. Smith,
Commissioner.

June 20th, 1970.

SESSIONAL PAPER NO. 33 - 1970 (THIRD SESSION)

Mr. Speaker
Members of Council

EXECUTIVE COMMITTEE FOR THE YUKON TERRITORY

In his speech to the Council on November 12, 1969, the Minister of Indian Affairs and Northern Development announced his intention to constitute formally an Executive Committee to be composed of the Commissioner, the two Assistant Commissioners and a member of the Council. Subsequent consultation with the Council resulted in a decision to increase the number of Councillors on the Committee to two.

The purpose of this paper is to outline the arrangements and procedures for the appointment of two members of the Council to the Executive Committee.

The Executive Committee is a new and important development in the constitutional development of the Yukon and there is a need to have a clear understanding about the procedures for its operation. The following sets out in more detail the method of appointment, tenure and removal of elected members to the Executive Committee:

- a) The Executive Committee of the Yukon Territory will consist of the Commissioner as chairman, the two Assistant Commissioners, and two members of Council.
- b) The Assistant Commissioner (Executive) will be vice-chairman of the Committee and act for the chairman in his absence.
- c) The Council members who are to serve on the Committee will be appointed by the Commissioner on the advice of the Council.
- d) The elected members of the Committee will serve full time during pleasure under the direction of the Commissioner and be reimbursed from the Yukon Consolidated Revenue Fund, approved by Council through annual appropriations.
- e) Should Council, by formal motion, request a change in the appointment of one or both elected members of the Committee, the Commissioner will comply.
- f) The elected members of the Committee will serve beyond the life of a Council to permit the Committee to function until a new Council had been elected.
- g) Each new Council will decide by formal motion at its first Session after an election whether the serving Councillors should continue on the Committee or be replaced.
- h) The failure of a Councillor to be re-elected will automatically result in the termination of his appointment as of the date of the publishing of the official results of the election as required by law.

- i) Each Councillor on the Committee will be given administrative responsibility for overseeing the activities of a major department of the Territorial Administration. These departments in the first instance will be Education and Health, Welfare and Rehabilitation.

There are a number of other factors involved in the organization and operation of the Executive Committee which the Council should be aware of:

- a) The salary of the elected members on the Executive Committee should, including their sessional indemnities, be high enough to enable the Councillors to devote their full time to their new duties, and is not to exceed the remuneration paid to the other appointed members of the Executive Committee.
- b) Councillors appointed to the Executive Committee will be expected to divest themselves of their current employment and business interests in order to obviate any possible charges of a conflict of interest.
- c) The two Council members on the Committee are to be also members of the Advisory Committee on Finance and the Budget Programming Committee. The third member for the Advisory Committee on Finance is to be chosen from the Council in the usual manner. Council members on the Executive Committee will also sit on the Legislative Programming Committee and other internal committees.
- d) In other legislatures it is the normal practice to keep the role of the Speaker separate from the Executive. In this regard, Council should consider whether or not the Speaker should be eligible to sit on the Executive Committee.

As far as routines of the operation of the Executive Committee is concerned, a flexible approach will be taken in the development of the actual methods by which the Executive Committee will conduct its business. In this context it will be left to the Committee to develop sound routines and procedures based on the experience and views of its members. Elected members will also be expected to take the Oath of Secrecy associated with public office.

In order to permit the appointment of two Councillors to the Executive Committee, it will be necessary to make appropriate amendments to existing legislation. These will be introduced at the first Session of the new Council this fall.

Council is requested by motion to approve:

- a) the establishment of the Executive Committee for the Yukon Territory to consist of the Commissioner, two Assistant Commissioners and two members of Council, the latter to be appointed by the Commissioner on the advice of Council and to serve during pleasure; and
- b) the principles of the operation of the Executive Committee as outlined in this paper.

J. Smith,
Commissioner.

COUNCIL MOTION

THIRD SESSION 1970

Motion by Councillor George Shaw

Be it moved that the Council approve the general outline of the proposal concerning terms for appointing two Members of Council to assist the Commissioner in the executive government of the Territory outlined in Sessional Paper No. 33, but request that prior to the issue of formal instructions by the Minister to the Commissioner, the following changes be made:

1. That the name of the group be the Executive Council of the Yukon Territory.
2. That no formal Vice-Chairman be appointed and this office left to the decision of the Executive in due course.
3. That the terms of paragraph (d) of the paper be amended to read as follows:
"The elected members will serve full time and be reimbursed from the Yukon Consolidated Revenue Fund an amount approved by Council through annual appropriations; that they be appointed and dismissed by the Commissioner on motion by the Council from time to time; that while serving, both elected and appointed members together with the Commissioner should be the effective executive organ of the Government of the Territory."
4. That the extent of the Council's duty to avoid conflict of interest follow approved cabinet practice in Canada and that further guidance on questions of detail be made available as soon as possible.
5. That the title of the elected members be "Minister" in relation to their executive duties.
6. That an addendum be added to the instructions to make it clear that insofar as it is practicable to do so the conduct, practice and operation of the Executive Council should follow as closely as possible approved cabinet practice on the Canadian and British models.

Seconded by Councillor John Dumas

