The Yukon Legislative Assembly

1975 2nd Session | 3rd Session | 23rd Legislature

Index
To
Debates & Proceedings

May 8 - May 22

1975

Speaker: The Honourable Donald Taylor

Pulbished under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

PAGES	NUMBER	ATTACHMENTS
1	1	Sessional Paper No. 1
2-9	2	Sessional Paper No. 2,3
10-45	3	
46-78	4	Legislative Returns No. 1, 2, 3
79-106	5	Legislative Returns No. 4, 5, 6
107-132	6	Legislative Returns No. 7,8,9,10,11,12
133-135	7	Legislative Returns No. 13, 14, 15
		Sessional Paper No. 4
136-159	8	Legislative Return No. 16
160-187	9	Sessional Paper No. 5
		Legislative Returns No. 17, 18, 19
188-201	10	Legislative Returns No. 20,21,22,23,24

YUKON LEGISLATIVE ASSEMBLY

1975 SESSION NO. 3

TITLE	BILL NO.	FIRST READING	SECOND READING	DEBATE	AMEND-MENTS	THIRD READING	ASSENT
MUNICIPAL EMPLOYEES' BENEFITS ORDINANCE	15	51	51	91-100; 147-9		165	201
AN ORDINANCE TO AMEND THE CREDIT UNIONS ORD.	1	16	17	26		48	201
AN ORDINANCE TO AMEND THE COOPERATIVE ASSO-CIATIONS ORDINANCE	3	17	17	34-5		48	201
AN ORDINANCE TO AMEND THE FUEL OIL TAX ORDINANCE	12	50	50	63-77; 139-41		163	201
AN ORDINANCE TO AMEND THE GAME ORDINANCE	2	9	9	27-34		48	201
AN ORDINANCE TO AMEND THE HISTORIC SITES AND MONUMENTS ORDINANCE	7	18	18	37-8		50	201
AN ORDINANCE TO AMEND THE HOUSING DEVELOPMENT ORDINANCE	4	17	17	35-6		49	201
AN ORDINANCE TO AMEND THE JUDICATURE ORDINANCE	6	18	18	37		50	201
AN ORDINANCE TO AMEND THE LEGAL PROFESSIONS ORDINANCE	16	52	52	111-31; 178-84; 193			

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE (AMENDMENTS)	13	51	51	149-58	150-3; 189-93	201	201
AN ORDINANCE TO AMEND TAXATION ORDINANCE	14	51	51	87-91; 143-7		164	201
AN ORDINANCE TO AMEND THE TERRITORIAL EMPLOYEES' SUPERANNUATION ORDINANCE	5	17	18	36-7		49	201
AN ORDINANCE TO REPEAL THE STUDENTS' GRANTS ORDINANCE	10	19	20	54		108	201
SECOND APPROPRIATION ORDINANCE, 1975 / 76	19	52	52	104-6		109	201
SOCIETY OF INDUSTRIAL ACCOUNTANTS ORDINANCE	17	52	52	100-4; 110; 141-2		164	201
STUDENT'S FINANCIAL ASSISTANCE ORDINANCE	11	20	20	54-62; 91		106	201
TRAVEL FOR MEDICAL TREATMENT ORDINANCE (AMENDMENTS)	8	19	19	38-44	184-6	189	201
TRAVEL INDUSTRY DEVELOPMENT AGREEMENT ORDINANCE	9	19	19	53-4; 62-3		87	201
WHITEHORSE (TAKHINI AND VALLEYVIEW) LANDS ORDINANCE	18	109	109	110-1; 142	1	164	201

MOTIONS	No.	MOVED	DEBATE	RESULTS
Advisory Committee on Finance, appointment of Lang	13	161	161	Carried
Advisory Committee on Finance, appointment of Whyard	5	10	10	Carried
Coal Resources in Yukon	1	11	11-2	Carried
Consumers Protection Ordinance, to be amended	8	136	136-7	Carried
Executive Committee, appointment of Lang	12	160	160	Carried
Executive Committee, appointment of Whyard	4	10	10	Carried
Land Claims Representative, reportability	6	79	79-83	Carried as amended
Legislative Return No. 1, commit to Committee of the whole	7	133		Withdrawn
Livestock Feed Assistance Act, to be amended	10	161	161-2	Carried
Motor Vehicles Ordinance, to be amended	2	12	12-3; 20-6	Carried as amended

Nurses' strike, support of	9	137	137-8	Carried
Sessional Paper No. 5, commit to Committee of the whole	14	161	161	Carried
Traffic signs at school bus stops	3	13	13	Carried
Yukon Water Board, appointments	11	162	162	Carried

MOTIONS IN COMMITTEE	MOVED	DEBATE	RESULTS
Alternate Television Service Systems	177	177	Carried
CBC regulations, to be amended	178	178	Carried
Minister of Communications to intervene with Telestat Canada	174	174-7	Carried
Private enterprise, Government support to	197	197-8	Carried
Third Party Work Contracts, policy reviewed	198	198-200	Carried

MOTIONS - PRODUCTION OF PAPERS	NO.	MOVED	DEBATE	RESULTS
Third Party Work Contracts	1	46		

SESSIONAL PAPERS	NO.	TABLED	PRINTED	DEBATE
Executive Committee Appointment	2 4	May 9 May 16	Number 2 Number 7	
Television Service	5	May 21	Number 9	165-178
Throne Speech	1	May 8	Number 1	
Yukon Water Board, Appointments	3	May 9	Number 2	

LEGISLATIVE RETURNS	NO.	TABLED	PRINTED
Boarding Students, holiday travel	13	May 15	Number 6
Boarding Students, policy for	11	May 15	Number 6
Building Regulations, adherence to	7	May 15	Number 6
Carcross waterfront erosion	23	May 22	Number 10
Consultant studies & reports contract method	2	May 13	Number 4
Cyprus Anvil gymnasium, rental costs	8	May 15	Number 6

Cyprus Anvil spillage, government action, re: damages	11	May 21	Number 9
Dawson School grounds	10	May 15	Number 6
Dawson water service costs	5	May 14	Number 5
Emergency phones, subsidy of	3	May 13	Number 4
Forestry tenders, tariff rates	6	May 14,	Number 5
Indian education, policy for	1	May 12	Number 4
Lands designated for use by Natives peoples	21	May 22	Number 10
Liquor control by local government	14	May 16	Number 7
Maintenance services run by Government	24	May 22	Number 10
Parks Canada study of Southern Yukon	16	May 20	Number 8
Porter Creek industrial lots	4	May 14	Number 5
Ross River electrical rates	18	May 21	Number 9
Ross River roads, maintenance of	20	May 22	Number 10
Swimming instructors, accommodation	9	May 15	Number 6
Swimming pool, capitol cost of	12	May 15	Number 6
Transfer of prisoners, regulations	19	May 21	Number 9
Third party contracts of government	22	May 22	Number 10
VanGorda school, recreational facilities	15	May 16	Number 7

WRITTEN QUESTIONS	No.	ASKED	REPLY
Boarding of students, policy	13	47-May 13	L.R. No. 11
Building regulations	10	15-May 12	L.R. No. 7
Carcross waterfront erosion	16	134-May 16	L.R. No. 23
Consultant studies & reports contract method	5	5-May 9	L.R. No. 2
Cyprus Anvil gymnasium, rental costs	4	5-May 9	L.R. No. 8
Cyprus Anvil spillage, government action re: damages	14	133-May 16	L.R. No. 17
Dawson water system, costs of	9	15-May 12	L.R. No. 5
Emergency phones: subsidy	1	5-May 9	L.R. No. 3
Foresty tenders, tariff rates	8	14-May 12	L.R. No. 6

Government maintenance services	21	163-May 21	L.R. No. 24
Lands aasigned to native people	11	15-May 12	L.R. No. 21
Parks Canada study, southern Yukon	12	47-May 13	L.R. No. 16
Porter Creek industrial lots	2	5-May 9	L.R. No. 4
Ross River electrical rates	7	7-May 9	L.R. No. 18
Ross River roads, maintenance	18	134-May 16	L.R. No. 20
Servinging of DIAND vehicles	20	134-May 16	L.R. No. 22
Third party contracts, information withheld	17	134-May 16	L.R. No. 22
Third party contracts, release from	19	134-May 16	L.R. No. 22
Third party work without tenders	15	134-May 16	L.R. No. 22
Transfer of prisoners, regulations	13a	133-May 16	L.R. No. 19
VanGorda school gymnasium	3	5-May 9	L.R. No. 8
VanGorda school recreational facilities	6	6-May 9	L.R. No. 15

ORAL QUESTIONS	ASKED	REPLY
Banking facilities for Teslin	8-May 9	13-May 12
Beer bottle depot	47-May 13	47
Boxing champion, recognition of	15-May 12	16
Dawson school grounds	47-May 13	L.R. No. 15
Forestry buildings in Old Crow	47-May 13	84-May 14
Fuel Oil cost structure	138-May 20	138-9
Government housing	7-8-May 9	7-9
Heritage Canada visit	16-May 12	134-5-May 16
International Biological Programme	14; 86-May 12;14	134-May 16
Ladue Sawmill in Dawson	108-May 15	
Lawyers, non-resident in Yukon	16-May 12	16
Liquor outlets, local government control of	7-May 9	L.R. No. 14
Local hire, for Lewes dam	7-May 9	7
Northward rates for service to Old Crow	6-May 9	6
Porter Creek, servicing of lots	85-May 14	85
Recreation road to Tagish	8-May 9	13-May 12
Swimming instructors' accomodation	6; 86-May 9;14	L.R. No. 9
Swimming pool, capitol costs	14-May 12	L.R. No. 12
Tax notices	8-May 9	13-May 12

CORRESPONDENCE AND DOCUMENTS TABLED

Community Plan for Dawson

Government contracts for third party work: Parks Canada and RCMP

Health Care Insurance Plan Report, 1973,4

Petition on Land Claims

Regulations Report

Transport Public Utilities Board Report, 1974,5

The Yukon Legislative Assembly

Number 1 | 3rd Session | 23rd Legislature

Debates & Proceedings

Thursday, May 8, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Thursday, May 8, 1975

THE SECOND SESSION OF THE LEGISLATIVE ASSEMBLY FOR THE YEAR 1975, BEING THE THIRD SESSION OF THE TWENTY-THIRD LEGISLATURE OF THE YUKON TERRITORY WAS CONVENED IN THE ASSEMBLY CHAMBERS AT 3 P.M. ON THURSDAY, MAY 8, 1975.

MR. SPEAKER ENTERS THE ASSEMBLY CHAMBERS, ANNOUNCED BY THE SERGEANT-AT-ARMS

The Commissioner enters the Chambers announced by his Aide-de-Camp.

The Commissioners presents the Speech from the Throne.

Mr. Speaker: I will now call this third session of the twenty-third legislature of the Yukon Territory to order.

I would like at this time to advise the House that I have now received a copy of the Throne Speech Address. May I have your further pleasure?

The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: Mr. Speaker, I would move, seconded by the Honourable Member from Whitehorse Porter Creek that the Speech from the Throne be considered on a day following.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse Porter Creek that the Speech from the Throne be considered on a day following. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried. May I have your further pleasure?

Hon. Mr. MacIntyre: I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce the bill entitled An Ordinance to Amend the Game Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a bill entitled An Ordinance to Amend the Game Ordinance, are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: May I have your further pleasure?

Mr. Lang: Mr. Speaker, I move that we call it five o'clock.

Mr. Speaker: Is there a seconder?

Mr. McCall: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that we now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

Motion Carried.

Mr. Speaker: This House now stands adjourned till 10 a.m. tomorrow morning.

(ADJOURNED TO 10 A.M. FRIDAY, MAY 9)

Sessional Paper No. 1
[1975 Second Session]

Mr. Speaker
Members of Council

I have the honour to welcome you to this, the third session of the 23rd wholly-elected council of the Yukon Territory.

At this time of year, Yukoners are concentrating on activities that will take full advantage of the fine weather and long hours of sunshine. Nature is a great rival to government at this time of year. But there are matters of some urgency that require your attention, so it is necessary to divert your thoughts to the serious business of government. A number of legislative items concerning the municipalities will occupy much of this session.

At the March session, council approved of the community assistance program - a program designed to enable local government institutions to provide an acceptable level of services to the community. Delivery systems for these services depend on a corps of municipal employees. The Yukon association of municipalities and the Northwest Territories association of municipalities have requested the territorial governments to establish a comprehensive benefits plan for municipal employees and local improvement district employees. Legislation will be introduced this session to provide a disability, retirement and death benefits plan for Yukon municipal employees, comparable in scope to provincial schemes. Similar legislation will be introduced in the council of the Northwest Territories.

It is envisioned that the benefits plan will be a joint venture of both territories. Municipalities and their employees will contribute to a single plan. To my knowledge this is the first time both councils have acted in concert on legislative matters.

Other legislation concerning municipalities includes the proposed amendments to the taxation ordinance and the municipal ordinance. The majority of changes in these ordinances have been requested by the Yukon association of municipalites. The taxation ordinance amendments are proposed chiefly to clarify sections of the ordinance. An additional change permits the municipalities to increase the minimum tax on vacant property. There are a large number of amendments proposed to the municipal ordinance. Chief among them is provision to waive the requirements for municipalities to obtain taxpayer approval on captial expenditure by-laws where the municipality's contribution toward the total expenditure does not exceed an amount equal to 5 mills applied on the taxable municipal assessment. This change is requested in respect of projected expenditures by a municipality under the community assistance program. The fast-paced growth of the tourism industry in the territory has been often noted in the past few years. Yukon has the highest annual growth rate of tourism in all of Canada. The development and use of this resource requires careful planning, which must in turn, be founded on the characteristics of tourists who come to Yukon, what they are looking for in Yukon, and the social and economic impact tourism has on the territory. To these ends, council will be asked to approve the travel industry development ordinance, which will enable the territory to enter into cost-sharing agreements with the federal government for the conduct of research and preparation of long-range plans.

The value government places on the human resource, is most apparent in the education and health care programs availalbe to its citizens. Two items of legislation to be introduced at this session reflects this government's long-standing commitment to the social well-being of Yukoners.

Post-secondary education at universities and technical institutes for Yukon students has been encouraged by a system of grants and bursaries funded by the territorial government under regulatory authority. This entitlement is recognized by the government. Lesislation is being introduced this session to clarify financial assistance programs to Yukon students for continuing education and to put the programs on a permanent basis. To establish one statutory basis for students financial assistance, council will be asked to repeal this student grants ordinance.

Travel to other jurisdictions for specialized medical treatment is an important aspect of the territory's health care plan. In 1974, the present scheme for subsidizing such travel to Yukon residents was introduced by regulation. Over the course of the past year, these regulations have proved satisfactory. The government is proposing to define this entitlement in legislation. The travel for medical treatment ordinance will be presented for your consideration at this session.

Also at this session, council will be asked to consider an ordinance to establish a society of industrial accountants for Yukon, on lines similar to societies in provincial jurisdictions. The main purpose of the ordinance is to allow persons to obtain professional qualifications issued in Yukon.

Amendments will be introduced to the legal professions ordinance in two areas.

The first area covered deals with the protection of the public and introduces certain procedures relating to lawyers' files and accounts. Provision will be made for dealing with accounts and files when a lawyer dies or retires from practice.

The procedure will be under the supervision of the supreme court.

The other area to be dealt with concerns a discipline code for the legal profession. A discipline committee will be established to be composed of lawyers and full jurisdiction will be given to this committee over all members of the legal profession. The procedures to be followed will be largely the same as in other parts of Canada except that, because of the small number of lawyers in practice in this territory, it is necessary to include on the discipline committee lawyers from outside the territory. An appeal system will be provided to the courts from decisions of the discipline committee.

It is also necessary to seek supplementary funds to implement the disciplinary sections proposed in the amendments to the legal professions ordinance.

Funds for enforcing the discipline sections are contained in the second appropriation ordinance, 1975-76. The appropriation will also finance the construction of a new school in Mayo. I'm sure all members are aware of the circumstances of this appropriation.

At the March session, an information paper on proposed game management zones was tabled in council. To implement the proposal, amendments to the game ordinance will be sought at this session.

Several changes to the fuel oil tax ordinance will be brought forward this session. The thrust of the amendments is to simplify collection procedures by transferring the tax liability from the user to the purchaser of fuel oil. The proposed changes also extend the exemption privileges in two categories: farm equipment and food preparation.

By motion of council last session, the membership of the historic sites and monuments board was increased from 7 to 12 members designated by council. An amendment to the ordinance will be introduced this session to change the legislative authority for this board to conform to council's wishes.

At the request of the credit union, an amendment is sought to the credit unions ordinance increasing the maximum interest rate chargeable on loans from 1 per cent per month to 1 ½ per cent per month.

In addition, a number of "Housekeeping" amendments will be sought in the following ordinances:

--An Ordinance to Amend the Co-Operative Associations Ordinance:

The purpose of the amendment is to limit the statutory power to revoke an association's registration.

--An Ordinance to Amend the Judicature Ordinance:

The amendment proposed is to make clear the legal authority of the Commissioner to appoint small debt officials.

--An Ordinance to Amend the Housing Development Ordinance:

There are 2 purposes of this Ordinance. One is to enable the Commissioner to appoint local housing authorities whose task would be to manage and supervise public housing projects. The second purpose of the amendments is to increase the upper limit of capital costs payable by a municipality in respect of a housing project agreement from 10½ per cent to 12½ per cent.

--An Ordinance to Amend the Territorial Employees Superannuation Ordinance:

All territorial employees are contributors to the Canada Superannuation Fund and to the Public Service Death Benefit Plan. Occasionally, the definition of "contributor" changes in the relevant federal statutes. To guarantee continued coverage of territorial employees in these plans, an amendment is proposed to the definition of 'contributor' in our local ordinance.

Members are aware that in December, the Department of Indian Affairs and Northern Development had forwarded for council's consideration, proposed amendments to the territorial land use regulations. It was council's wish that consideration of the proposed amendments be deferred until this legislative session. I have recently been informed by the department that further changes are being contemplated as a result of consultation with other interested agencies. Therefore, I request that consideration of the regulations not be undertaken until all proposed amendments are available to council.

Mr. Speaker, all members are aware of the current vacancy on the Executive Committee. I know that the nomination of a member of council to the Committee will be a priority item of this session. I would like to take a moment now to express my appreciation of Mrs. Watson's valuable contributions to the Executive Committee over these past 5 years.

Indeed, Mrs. Watson has been a member of the committee since its inception in 1970. Her performance as a member of the committee has established a precedent of dedication and precise thinking a successor will have difficulty in matching.

Mr. Speaker, I trust the material placed before you at this session will be sufficient for you to pursue your deliberations towards fruitful conclusion.

My officers and I stand ready to assist council in any way we can.

J. Smith
Commissioner.

May 8, 1975

The Yukon Legislative Assembly

Number 2 | 3rd Session | 23rd Legislature

Debates & Proceedings

Friday, May 9, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

THE YUKON LEGISLATIVE ASSEMBLY

Friday, May 9, 1975

(Mr. Speaker reads Daily Prayer)

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

DAILY ROUTINE

Mr. Speaker: We will proceed with the Order Paper. Are there any documents or correspondence for tabling?

Hon. Mr. McIntyre: Mr. Speaker, I have for tabling today the Transport Public Utilities Board report pursuant to Section 19 of the Transport Public Utilities Ordinance.

I also have for tabling, Sessional Paper Number 2, Nominee to Executive Committee.

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today the Regulations Report pursuant to Section 31 of the Interpretations Ordinance; the Health Care Insurance Plan Annual Report, and I also have for tabling, Mr. Speaker, Sessional Paper Number 3, Appointment to the Yukon Water Board.

Mr. Speaker: Is there any further tabling of documents or correspondence? Are there any reports of Committees? Introduction of Bills?

The Honourable Member from Mayo?

Bill No. 1 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a Bill entitled, "Credit Unions Ordinance Amendments". Maybe I had better read the title off here, "An Ordinance to Amend the Credit Union Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Mayo, and seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a bill entitled "An Ordinance to Amend the Credit Unions Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Bill No. 3 Introduced

Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a Bill entitled, "An Ordinance to Amend the Cooperative Associations Ordinance"

Mr. Speaker: It has been moved by the Honourable Member from Mayo, and seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a bill entitled "An Ordinance to Amend the Cooperative Associations Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 4 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a Bill entitled an Ordinance to Amend the Housing Development Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled An Ordinance to Amend the Housing Development Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Motion Carried.

Motion Carried

Bill No. 5 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled An Ordinance to Amend the Territorial Employees Superannuation Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a bill entitled An Ordinance to Amend the Territorial Employees Superannuation Ordinance. Are you agreed?

Some Members: Agreed.

Bill No. 6 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled An Ordinance to Amend the Judicature Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, for leave to introduce a Bill entitled An Ordinance to Amend the Judicature Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 7 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you Agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 8 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Travel for Medical Treatment Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Travel for Medical Treatment Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 9 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Travel Industry Development Agreement Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Travel Industry Development Agreement Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?
Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 10 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill, An Ordinance to repeal the Students Grant Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that — for leave to introduce a Bill entitled an Ordinance to Repeal the Students Grant Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 11 Introduced

Hon. Mr. McIntyre: Mr. Speaker, I beg to move, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Students Financial Assistance Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre for leave to introduce a Bill entitled Students Financial Assistance Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Bill No. 12 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill No. 12, An Ordinance to Amend the Fuel Tax Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce an Ordinance to Amend the Fuel Oil Tax Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 13 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move seconded by the Honourable Member from Mayo, for leave to introduce Bill No. 13, An Ordinance to Amend the Municipal Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled An Ordinance to Amend the Municipal Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 14 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo for leave to introduce Bill No. 14, An Ordinance to Amend the Taxation Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled An Ordinance to Amend the Taxation Ordinance. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 15 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill No. 15, An Ordinance entitled Municipal Employees Benefits Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled Municipal Employees Benefits Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 16 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill No. 16, an Ordinance to Amend the Legal Professions Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled An Ordinance to Amend the Legal Professions Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 17 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo for leave to introduce Bill No. 17 entitled Society of Industrial Accountants Ordinance.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled Society of Industrial Accounts Ordinance. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Carried.

Motion Carried

Bill No. 18 Introduced

Mr. McKinnon: Mr. Speaker, I beg to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill No. 18, entitled Second Appropriation Ordinance 1975-76.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled Second Appropriation Ordinance 1975-76. Are you agreed?

Some Members: Agreed.

Mr. Speaker: And so carried.

Motion Carried

Mr. Speaker: Is there any further introduction of Bills?

Is there any Notice of Motion or Resolution? The Honourable Member from Whitehorse--

Mrs. Whyard: Mr. Speaker, I beg leave to give Notice of Motion, seconded by the Honourable Member from Whitehorse Porter Creek, regarding a geological survey of coal resources in the Yukon Territories.

Mr. Speaker, I have another Notice of Motion.

Mr. Speaker: Proceed.

Mrs. Whyard: Seconded by the Honourable Member from Whitehorse Porter Creek, regarding an amendment to the Motor Vehicles Ordinance. Mr. Speaker, I have another Notice of Motion seconded by the Member from Whitehorse Porter Creek regarding traffic signs at school bus stops.

Mr. Speaker: Are there any further Notices of Motion or Resolution? Are there any Notices of Motion for the Production of Papers?

There being no Notices of Motion for the Production of Papers, we will proceed to the Question Period.

QUESTION PERIOD

Mr. Speaker: Madam Clerk, would you ascertain if Mr. Commissioner would be available at this time? At this time I will declare a brief recess.

Recess

Mr. Speaker: At this time We will call the House to order, and would you now proceed with the Question Period. Are there any questions?

The Honourable Member from Whitehorse West?

Question Re Emergency Phones

Mrs. Whyard: Mr. Speaker, I have a written question for the administration. Will the Commissioner ascertain what changes in policy of the Ministry of Transport have resulted in recent withdrawal of the subsidy for emergency phones on Yukon Territorial Highways?

Mr. Speaker: Are there any further questions? The Honourable Member from Whitehorse Porter Creek?

Question Re Industrial Lots - Porter Creek

Mr. Lang: Yes Mr. Speaker, I have a written question for the Minister of Local Government. (a) In what stages is the extension of industrial lots to the Porter Creek Industrial area at; (b) When will these industrial lots be made available for public sale; and (c) How many lots will be made available?

Mr. Speaker: The Honourable Member from Pelly River?

Question Re Vangorda School

Mr. McCall: Yes, Mr. Speaker, I have a question--a written question to ask the Minister of Education. Does the Department have any plans to build a gym for the Vangorda School in Faro, and if not, why not?

Hon. Mr. McIntyre: Is that a written question?

Mr. McCall: Yes, it is.

Mr. Speaker: The Honourable Member from Ogilvie.

Question Re Territorial Employees Public Debate

Ms. Millard: Mr. Speaker, I have a question for Mr. Commissioner. Recently there was an article in the newspapers stating that Y.T.G. employees are told to avoid public debate. The question is, how does this affect the Territorial employees in Old Crow and Whitehorse who may wish to speak at the Berger Inquiry here or in Yellowknife?

Mr. Speaker: Mr. Commissioner? Is this a written question or an oral question?

Ms. Millard: An oral question, Mr. Speaker.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: No effect at all.

Ms. Millard: A supplementary, Mr. Speaker? No effect whatsoever, is that how I understand it?

Mr. Speaker: The Honourable Member from Pelly River?

Question Re Rent For Gymnasium

Mr. McCall: Yes, Mr. Speaker, I have another written question for the Minister of Education. How much rent does the Department of Education pay to Cyprus Anvil for the use of their gymnasium?

Mr. Speaker: The Honourable Member from Whitehorse West?

Question Re Studies And Reports

Mrs. Whyard: Mr. Speaker, I have a written question for the Administration.

In view of the proliferation of studies and reports commissioned by the Y.T.G. in recent months, would the administration provide the following information?

(1) Are the surveys and studies put out to tender?

(2) If not, how are they allocated?

(3) Are local professionals considered for these assignments?

(4) Are professional engineers from outside the Territory required to meet the standards of such organizations as the Yukon Association of Professdional Engineers prior to embarking on a professional study in the Yukon?

(5) Are such research companies required to be registered and licenced in the Yukon Territory?

(6) Is every effort made by the Y.T.G. Department involved to utilize the professional expertise of their own staff members prior to spending more tax dollars on imported experts?

Mr. Speaker: The Honourable Member from Pelly River.

Question Re Outside Recreation Area Bangora School

Mr. McCall: Yes, Mr. Speaker. I have a written question for the Minister of Education. Why is the outside school recreation area not been completed at Bangora School? There is no track or anything for the outside sports.

Mr. Speaker: The Honourable Member from Olgivie.

Question Re Air Rates To Old Crow

Ms. Millard: Mr. Speaker, an oral question for Mr. Commissioner. At present Northward Airlines charges $15 more to travel to Old Crow than to Inuvik although I understand the mileage is less. Also there is 10 cents a pound more for freight to Old Crow than to Inuvik. Could this be looked into?

Mr. Commissioner: Well, Mr. Speaker, certainly I would be happy to look into it. But these rates are approved by federal regulatory bodies, Mr. Speaker, and the very best that I could hope in the way of an answer would be to possibly come up with some justification from the federal regulatory body as to why they have agreed to the rates. I wouldn't want to convey the impression that we, as the Territorial Government have any jurisdiction over this particular facet of this airlines activity.

Mr. Speaker: Yes, I would just perhaps to assist the Honourable Member, advise that it is not competent for a Member to give a direction in the question period.

Ms. Millard: The question, Mr. Speaker, if I might reiterate was simply could this be looked into. Certainly that could be done, couldn't it?

Mr. Speaker: The Honourable Member from Olgivie.

Question Re Transfer Of Prisoners

Ms. Millard: An additional question for Mr. Commissioner. In the last session we passed an Ordinance of the Transfer of Prisoners. At that time I was left with the view that regulations would be instituted to assure that an appeal could be heard through the administration for any prisoner who wishes not to be transferred. Are these regulations now in effect? Can we have a copy?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I don't know whether they're in effect or not but all councillors are on the distribution list as far as all regulations are concerned. Perhaps, that would answer the second part of your question, but I wonder if the first part could be referred to the Legal Advisor, who I think would be in a position to say whether or not these regulations referred to are in effect at this time.

Mr. Speaker: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Speaker, I am not sure whether they were actually signed or not. They were prepared, they were ready for signature and distribution. They may be at some stage in the mill on their way to the Territorial Council.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question Re Swimming Instructors

Mr. Fleming: Mr. Speaker, in the absence of our Minister of Health and Welfare, I will probably have to put this question to the Commissioner.

It has been the practice of the government in the last few years in a swimming program to send out a young instructor, usually a girl in this case in Teslin it has been a girl for many years, to come out approximately the 24th of May, and they are told or moved into one of the teacherages. Now, those teacherages are rented of course by the teacher, and she has her own dishes and so forth in there and they are more or less just told that this person is going there and they have no choice, what to do about it. She moves in and uses everything in the place and they're finding it very unacceptable and I would like to ask this question and I'd to have a written question.

Is that practice going to continue in the future?

Mr. Commissioner: Mr. Speaker, if I may, it would be right that this be, you know, referred to the Member for Education because that program comes under the Recreation Branch of the Department of Education.

Mr. Speaker: The Honourable Member from Mayo.

Hon. Mr. McIntyre: I'll have to take this as a written question and I'll have an answer prepared for

you.

Mr. Speaker: Perhaps in this case it may be beneficial to take notice rather than submit a written question. If that would be a solution to the problem.

Mr. McIntyre: He asked for a written.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek.

Question Re Local Hire

Mr. Lang: Yes, I have an oral question for the Commissioner.

Will the contractor of the N.C.P.C. Lewes River Dam follow the practice of local hire wherever possible?

Mr. Commissioner: Mr. Speaker, the Northern Canada Power Commission is required to operate under the Federal Contract Regulations. I'm not familiar enough with them to be able to quote you the section concerning local hire but there is a local hire section in those federal contract regulations which is a part of the contract.

Mr. Speaker: The Honourable Member from Pelly River.

Question Re Electricity Rates At Ross River

Mr. McCall: Yes, Mr. Speaker, I'd like to ask the Commissioner a written question. Are the people in the community of Ross River going to pay a higher rate than other communities for the use of electricity, and is it because Yukon Electric Company has a franchise covering that community?

Mr. Speaker: Are there any further questions?

The Honourable Member from Hootalinqua.

Question Re L.I.D.

Mr. Fleming: Yes, Mr. Speaker, I would like to ask a question of the Commissioner. Would it be possible for the L.I.D.'s, the communities in other words that are L.I.D.'s--are forming their own government have some say in the powers of opening and closing of the liquor outlets possibly in that field or in the field of whether you can drink on people's porches or on the steps or wherever you wish. Is there a possibility that they may be able to have some say in this regard themselves? Especially in these two fields?

Mr. Commissioner: Mr. Speaker, I wonder if I could have the opportunity of giving a written reply to that, because we are involved with the Liquor Ordinance here, and likewise the licencing authority of the Liquor Board, so if I could have that opportunity, we will get you an answer for that.

Mr. Speaker: Are there any further questions?

The Honourable Member from Whitehorse West?

Question Re Government Housing

Mrs. Whyard: Mr. Speaker, I think this is an oral question for the Commissioner, Mr. Speaker.

As the employees of the Yukon Territorial Government have recently been notified that they are to vacate government housing as of September of this year, in view of the fact that the two year time limit of tenancy for such housing was not made known to all of these employees at the time of their employment, nor has there been any indication that the two year limit would be enforced until last week, will the Commissioner assure Council that present conditions of land and housing available and time required for construction in the north be taken into consideration in their cases?

Mr. Commissioner: Well, Mr. Speaker, I want to be very careful in my answer to this, that what I say doesn't detract from or would tend to be used as a means of nullifying or destroying this policy of the government, because this is a firm policy and I want to make this clearly understood, Mr. Speaker. This firm policy has come about as a consequence of many conversations that have taken place here and many commitments that I have personally made to this Council.

What I have to say is to be in no way construed by anybody or anyone, either the people here in Council or the affected employees, as to be used as a means of subverting this particular policy.

I would say this, Mr. Speaker, that where it could be clearly shown that an action or an inaction of one Department of this government made it impossible for an individual to comply with another directive or another action of that same government, that particular employee concerned could possibly make a case to the Housing Authority who have the -- are charged with the responsibility of implementing this particular function, but it's going to have to be a hard and fast situation, Mr. Speaker. It isn't going to be just a verbal commitment -- "Well, I'm sorry, you know, there's no lots to buy in Riverdale, therefore, I can't comply with your wishes.". It's going to have to be a pretty firm situation.

If it can be a firm situation, I would be inclined to believe that the Housing Corporation is going to, with some kind of proper commitments from that employee concerned, is going to use, what I would consider to be, prudent judgment in dealing with that particular situation.

We have been faced with many situations over the years, Mr. Speaker, in which the appropriate authority was charged with the administration of these policies has been given to believe that certain things or certain actions were being conducted by the employee to comply with this, and in some instances, these commitments, if you wish to call them that, were simply not met.

So it's a two-sided situation, and I do believe, Mr. Speaker, that that is about as far as I would care to go. I think that that would be up to the employee to make that firm commitment or firm understanding in a manner which would be acceptable by the Housing Corporation.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re Banking At Teslin

Question Re Delinquent Taxes

Mr. Fleming: Mr. Speaker, I have a couple of questions, to Mr. Commissioner, both of them. One is very simple: When will we be receiving some kind of banking facilities in Teslin, and that could be a written if Mr. Commissioner wishes.

The other one deals with delinquent taxes advertising in the paper. I may have to explain this a little so that the Honourable Members will understand why I asked the question later.

Last year, I think it was possibly the first year, it doesn't really matter, but the taxes were all listed in the paper and people who received the paper naturally read it, and said we owe three hundred and some dollars, four hundred and some dollars, five hundred and some dollars, and many of these people came and paid those taxes according to the figures in the paper, and maybe so they didn't look carefully enough at their own bills, because they may have checked back and seen that their taxes are up-to-date of course, on their bills, but not in the paper. They are merely arrears in the paper, but this was never stated clearly, and the arrears only came up last year to 1973.

Consequently these people this year received another tax notice with two year taxes on it, '74 and '75, and not really knowing just what they're doing sometimes, as happens to all of us --

Mr. Speaker: Perhaps the Member could get to the question.

Mr. Fleming: -- and many of them came to me and they said "Well we don't owe these taxes", so they had to find out, they do.

Now, could this advertising in the paper -- this is my question -- could this advertising in the paper not list more clearly that these are merely delinquent taxes, and not for the year 1975, this year, when they are put out, or be listed as taxes to date, so that they will know actually what they are paying.

Mr. Commissioner: Mr. Speaker, this advertising is done under the authority of an Ordinance that is passed in this Council, and the title of it, Mr. Legal Advisor, please? Well it's done under the Taxation Ordinance, and then this follows into another Ordinance--what is the--?

Mr. Legal Advisor: Part of the Taxation Ordinance.

Mr. Commissioner: Excuse me, I thought we had--excuse me, I thought, Mr. Speaker, we had a second Ordinance that had another name to this in connection with it, but I think really the question that is raised by the Honourable Member is, is it the government's responsibility to do everyone's personal bookkeeping?

Now, I'm prepared to take a look at this, because if there's something that we are not showing properly, you know, as per the requirements of the Ordinance, why you know government has to pull up is socks and do it accordingly.

So if I could have the opportunity of relating the advertisement to the requirements of the Ordinance and bringing it back here, then we will see whether there is a further step involved, Mr. Speaker. Is that a satisfactory arrangement?

Mr. Speaker: Are there any further questions?

I would like to thank Mr. Commissioner for attending our Question Period today.

We will now proceed to Public Bills.

Mr. Fleming: I did have a question, but I wasn't quite fast enough, but it's all right, I can leave it.

Mr. Speaker: I could, with the agreement of the House, could revert to the Question Period for the Honourable Member's question. Is that agreed?

Some Members: Agreed.

QUESTION PERIOD

Mr. Speaker: Proceed, the Honourable Member from Hootalinqua.

Mr. Fleming: Mr. Speaker, I have a question for the --Mr. Commissioner.

Question Re Recreational Road

Is there going to be a recreational road from Lewes Bridge, in that vicinity, through to Tagish in the near future? Is it proposed, or will it be -- let's say, will it be done in the future?

Mr. Commissioner: Well, if the question didn't contain those words "in the near future", Mr. Speaker, I could answer, so when they contain those three words I'll have to take notice.

Mr. Speaker: The Honourable Member from Whitehorse West.

Question Re Government Housing

Mrs. Whyard: Well, Mr. Speaker, if the Question Period is still open, I have a supplementary to the housing question, Mr. Commissioner.

What is going to happen to the vacant government houses as of next September? Will they be made available to the public? If so, can government employees then buy them?

Mr. Commissioner: Well, Mr. Speaker, all I can do is reiterate what I have said before, and that if it was left to me as an individual, all the government houses in Whitehorse would have been up for sale years ago.

And the whole test of this thing, in order to get government houses up for sale, is very obviously to have a vacancy factor which will clearly indicate to the government housing authority, namely the Federal Department of Public Works, that the number of houses that they have in their housing pool is in excess of their needs, and this is part of the routine is to try to get a vacancy factor in the Department of Public Works' housing, which will encourage them to surplus a group of their houses and put them up for sale in the normal manner.

Now, as far as them being--I think the next part of the question is, will they be available to government employees? There may be circumstances, Mr.

Speaker, that this would be appropriate, but I would be hopeful that if they are to be put up for sale, that they are going to be for sale to everybody.

Mrs. Whyard: Thank you.

Mr. Speaker: Are there any further questions?

ORDERS OF THE DAY

PUBLIC BILLS

Mr. Speaker: May we then proceed to, under Orders of the Day, to Public Bills? What is your pleasure? The Honourable Member from Mayo? Bill No. 2 First Reading.

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speak . Carried.

Motion Carr

Mr. Speaker: When should the Bill be read for the second time?
Bill No. 2, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, that Bill Number 2 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion as carried.

Motion Carried

Mr. Speaker: May I have your further pleasure at this time?
The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Mr. Speaker, I move that we call it twelve o'clock.

Mr. Speaker: Is there a seconder?

Mr. McCall: I will second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that we now call it twelve o'clock.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare that the Motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. Monday morning.

Adjourned

Just tabled
no debate

SESSIONAL PAPER NO. 3 [1975 FIRST SESSION]
Second Session]

Mr. Speaker
Members of Council

Appointments to

Yukon Territory Water Board

Introduction

The Northern Inland Waters Act provides for its regional administration by Territorial water boards. These boards are given the responsibility to approve applications for use of water. In so doing, the board plays an important role in the equitable distribution or sharing of surface and ground water resources among persons and private and public corporations with legitimate, but often conflicting, claims to the use of water. Moreover, the board is instrumental in controlling the pollution of our water resources by establishing, and maintaining in principle, that rights to the use of water for beneficial purposes are dependent on users accepting the responsibility for maintaining the quality of the water or restoring its quality, after use, to acceptable standards before discharging the water back to its natural environment.

The Yukon Territory Water Board members are appointed by the Minister of Indian Affairs and Northern Development from among nominees of Federal Government departments which have water management responsibilities in the Yukon and from nominees named by the Commissioner-in-Council. An extract from the Act (Section 7) is attached which outlines the method for establishing the board, (Item A). Particulars on the Board are attached as Item B.

Three seats on the Board are currently allocated for membership on the recommendation of the Commissioner-in-Council.

Background - Northern Inland Waters Act

The Yukon Territory Water Board was established in 1970. During the discussion of the appointments in Council (Fourth Session, 1970, November 10, 1970) the Commissioner was asked if any guidelines existed as to selection of members. It was the opinion of the Commissioner that members should not be employees of the Territorial Public Service nor members of the Council, although this was not impossible. It was also suggested that members should include:

1. Someone with technical qualifications, who would have knowledge of needs of the mining industry, but presumably would be independent of the industry;
2. Someone with an involvement in local government and knowledge of municipal water requirements;
3. Someone, from outside Whitehorse, who could represent the interests of the remoter areas of the Territory.

It was also suggested that the three members be selected entirely by Council. The motion nominating the three members, Mr. A. Wright, Mr. H.E. Boyd. and Mr. J.D. Livesey was passed on November 13, 1970. No mention was made at any time of terms of membership or duration of membership. In accordance with the Council's recommendations, Messrs. Boyd, Livesey and Wright were appointed by the Minister on February 10, 1972.

On June 27, 1974 the last Territorial Council passed a motion recommending that Mr. George Shaw be appointed to the Water Board as a representative of placer mining interests at the "first possible opportunity". The motion also requested that the Water Board submit an annual report to the Territorial Council. (A copy of Motion 43 is attached, as item C).

Since this time, Mr. J.D. Livesey has resigned from the Water Board in order not to contravene Sections 9 and 10 of the Elections Ordinance. In this connection, it should be pointed out that neither a nominee for Territorial Council nor a member of Council may also serve as member of the Water Board. In other words, should a Council member be appointed to the Board, it would be necessary for him to resign his Council seat.

Current Status of Yukon Representation

The present Yukon representatives to the Water Board are Mr. H.E. Boyd and Mr. A. Wright, both of whom have now served on the Board for almost three years. One additional member must be named to complete Yukon representation.

The activities of the Water Board are reported annually to the Minister of Indian Affairs and Northern Development. The Minister has advised that his report is available to the Territorial Council on request. It is not possible for the Board, as an unit, to report directly to the Territorial Council since it is responsible to the Federal Government. Council may, however, request that Yukon representatives on the Board consult and report with Council through the Executive Committee.

Options for Future Yukon Representation

The Northern Inland Waters Act does not set-out any terms for membership on the Yukon Territory Water Board. The Minister has stated that changes in Yukon representation may be initiated at any time and that terms regarding membership may be requested as well.

There is no precedent for replacement or changes in Yukon representation on the Water Board. In view of the current vacancy on the Board, and the installation of a new Territorial Council, it seems advisable that some policy for appointment of Water Board members be adopted. There are two types of procedure which might be followed:

1. Ad hoc appointments can be made, determined by the resignation of a current member or the desire of Council to replace a member or appoint a new member. In the case of Council wishing to change membership, it would also be necessary to recommend that sitting members' membership be terminated.

2. Stipulated term appointments can be requested of the Minister which would provide for changes in

membership on a regular basis.

Discussion of the Options

1. Ad hoc appointments have the advantage of permitting membership changes at any time Council wishes to recommend them. They have the disadvantage of placing Council in the position of having to remove a member in order to appoint a new member (except in the case where a member should resign). This type of appointment also creates a situation where a member may continue on the Board for many years or, conversely, where a high turnover of membership may occur which would be detrimental to the functioning of the Board.

2. Stipulated term appointments would allow members to be changed on a regular basis. If the Minister were requested to make initial appointments for staggered terms, i.e. three years, two years, one year, to be followed by three year terms, some continuity of membership on the Board would be ensured.

COUNCIL IS ASKED TO RECOMMEND by Motion:

i) one person to fill the current vacancy on the Water Board;

ii) a policy on the terms of future appointments to the Board which would be proposed to the Minister;

iii) that the Yukon representatives on the Board consult and report to Council through the Executive Committee;

iv) a request that the annual report of the Water Board be made available to the Council on a routine basis.

James Smith
Commissioner

[A]

NORTHERN INLAND WATERS ACT

Section 7 - Establishment of Water Boards

7. (1) There shall be two boards to be known as the Yukon Territory Water Board and the Northwest Territories Water Board, each consisting of not less than three and not more than nine members appointed by the Minister.

(2) The membership of each board shall include:
(a) at least one nominee of each of the departments of the Government of Canada that in the opinion of the Governor in Council, are most directly concerned with the management of water resources of the Territory and the Territories; and
(b) at least three persons named by the Commissioner-in-Council of the Yukon Territory in the case of the Yukon Territory Water Board and at least three persons named by the Commissioner-in-Council of the Northwest Territories in the case of the Northwest Territories Water Board

(3) The Minister shall designate two of the members of each of the boards to be chairman and vice-chairman respectively of the board of which the persons so designated are members.

(4) The main office of the Yukon Territory Water Board shall be at the seat of government of the Territory, and the main office of the Northwest Water Board shall be at the seat of government of the Territories.

[B]

YUKON TERRITORY WATER BOARD

Terms of Reference:

Yukon Territory Water Board is established pursuant to section 7 of the Northern Inland Waters Act and is charged with the responsibility to provide for the conservation, development and utilization of the water resources of the Yukon for ultimate benefit for all Canadians and residents of the Territory.

Membership:

Membership on the Yukon Territory Water Board shall include at least one nominee of each of the Departments of the Government of Canada that in the opinion of the Governor in Council and at least three persons named by the Commissioner-in-Council. The Minister shall designate two of the members of the Board to be chairman and vice-chairman, respectively. The main office of the Yukon Territory Water Board shall be at the seat of Government.

Meetings Held:

Monthly, or at the call of the chairman.

Per Diem Expenses:

Members are entitled to be paid a per diem rate plus expenses.

Present Membership:

Chairman -Leo Brandon, Regional Manager of Water, Lands and Forest

Yukon Territorial Representatives-Bert Boyd, Whitehorse

-Al Wright, Whitehorse

Department of Public Works -R.K. Byram

Department of Environment -Mr. Wykes

Department of Energy, Mines and Resources -Mr. Humphreys

Ministry of Transport -E.D. Harris, Prince Rupert

Northern Health Services -Dr. M. Myers

[C]

MOTION NO. 43

Moved by: COUNCILLOR STUTTER

Seconded by: COUNCILLOR TAYLOR

WHEREAS:

THE NORTHERN INLAND WATERS ACT PERMITS THE TERRITORIAL COUNCIL TO RECOMMEND THE APPOINTMENT OF AT LEAST THREE MEMBERS TO SERVE ON THE YUKON TERRITORY WATER BOARD AND

WHEREAS:

A GROUP OF OVER FIFTY PLACER MINERS IN THE KLONDIKE AREA HAVE PETITIONED COUNCIL TO NOMINATE A PLACER MINER TO SERVE ON THE YUKON TERRITORY WATER BOARD.

BE IT THEREFORE RESOLVED THAT:

THE COMMISSIONER RECOMMEND THE APPOINTMENT OF MR. GEORGE SHAW OF DAWSON CITY TO BE A MEMBER OF THE YUKON TERRITORY WATER BOARD AT THE FIRST POSSIBLE OPPORTUNITY.

BE IT FURTHER RESOLVED THAT:

THE YUKON TERRITORY WATER BOARD BE REQUESTED TO SUBMIT A REPORT OF ITS ACTIVITIES TO THE YUKON TERRITORIAL COUNCIL ON AN ANNUAL BASIS.

EXECUTIVE COMMITTEE APPOINTMENT

Mr. Speaker
Members of Council

A vacancy currently exists on the Executive Committee for a member designated by Council from among its members. The nominee to the Executive Committee will also serve as a Member of the Advisory Committee on Finance.

The Executive Committee represents an important achievement of local responsibility in administering the affairs of the Territory. For the benefit of the government as a whole and of the Committee, I ask Council to regard this matter as a priority item of the session.

Council is asked to recommend by separate motions:

(a) a member to be appointed to the Executive Committee; and

(b) the same member to be appointed to the Advisory Committee on Finance.

James Smith
Commissioner

The Yukon Legislative Assembly

Number 3 | 3rd Session | 23rd Legislature

Debates & Proceedings

Monday, May 12, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Monday, May 12, 1975

Mr. Speaker reads Daily Prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

ROUTINE PROCEEDINGS

We will begin with the Orders of the Day. Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, I have for tabling this morning a petition regarding the Yukon Territorial Government's position on the Indian Land Claims.

Mr. Speaker: Perhaps the Honourable Member could leave the petition with the clerk, who also serves as Clerk of Petitions, and we'll deal with the matter according to the Standing Orders.

Are there any further documents or correspondence for tabling this morning?

Are there any reports of Committees?

Introduction of bills?

Are there any Notices of Motion or Resolutions?

The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, I would like to give Notice of Motion Regarding the appointment of a member to the Executive Committee of the Government of the Yukon Territory.

And secondly I would like to give Notice of Motion regarding an appointment to the Advisory Committee on Finance of the Yukon Territory.

Mr. Speaker: Several members have indicated to the Chair that it was their wish that we waive the 24 hour period according to our Standing Rules on Order that we may proceed with these motions at this time. Is this agreed?

Some Members: Agreed.

Mr. Speaker: Any disagree?

The Honourable Member from Whitehorse South Centre?

Dr. Hibberd: Mr. Speaker, moved by myself and seconded by the Honourable Member from Whitehorse Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory Flo Whyard, the Honourable Member from Whitehorse West.

And moved by myself and seconded by the Honourable Member from --

Mr. Speaker: Perhaps we could deal with the first one and then continue. Is there any debate?

Hon Mr. McKinnon: The question before she has time to reconsider.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory, Mrs. Flo Whyard, the Honourable Member from Whitehorse West. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Dr. Hibberd: Mr. Speaker, moved by myself and seconded by the Honourable Member from Whitehorse Riverdale that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Advisory Committee on Finance, Flo Whyard, the Honourable Member from Whitehorse West.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse Riverdale, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Advisory Committee on Finance, Mrs. Flo Whyard, the Honourble Member from Whitehorse West.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion has carried.

Motion Carried

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

Are there any Notices of Motion for the Production of Papers?

We will then proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: Would the Honourable Member from Whitehorse West be prepared to discuss Motion Number 1 at this time?

Mrs. Whyard: Yes, Mr. Speaker.

Mr. Speaker: Proceed.

Motion Number 1

Mrs. Whyard: Mr. Speaker, this Motion is not asking for a full scale costly study or survey on the present potential reserves of known coal deposits in this Territory. I am informed that a considerable amount of information is already on the files somewhere, but it has not been brought forward.

My reason for this request that the Geological Survey of Canada provide this information in conjunction with current studies of future power developments in the Yukon, is that in the current weeks and months, all of us are involved in decisions regarding a possible future hydro power site in the Yukon, and before we make that decision, every possible avenue should be explored.

During recent discussions, it came to my attention that even in the Government commissioned Sigma Report, which was commissioned by the Northern Canada Power Commission recently, reference to alternates include coal as a viable source of energy. If I may quote, Mr. Speaker, from the Sigma Report which is entitled "The Development of Power in the Yukon",

"Prospective coal areas are quite widely distributed, including the Liard Basin, the Upper Yukon Basin, Dezadeash Basin and the Tentina Trench in the southern Yukon. The Upper Yukon Basin appears to be the area with the most potential for thermal coal, and it is well situated in relation to the power load centres. There has been no concerted effort to assess the coal resources of the Yukon. Limited exploration has been carried out in the vicinity of old mines, and in some areas where coal showings have been reported by the Geological Survey of Canada.

Six holes were drilled in the Nordenskiold River area in 1972, and estimated reserves of 2.8 million tons were reported on the basis of intersections in two of the holes.

A 100 megawatt thermal plant operating at an average plant factor of 60 percent would require 10 million tons of coal for 30 years of operation, based on coal having a calorific value of 10,000 BTU per pound.

If a coal-fired thermal plant were to be constructed for the interconnected system, the proven reserves would have to be at least 10,000,000 tons and preferably 20,000,000 tons. Reserves of this magnitude have not been proven as yet.

The short term outlook for coal is not promising because of the limited amount of exploration work that has been carried out. At the present time there is not much incentive for coal exploration because the existing market in the Yukon is small, and the coal would have to be of coking quality to be considered for export market.

The only large potential market within the Yukon is thermal powered generation. So far, private companies have not invested the risk money required to prove up a large thermal coal desposit, in part because the known coal seams would require underground mining to recover large volume.

Over the longer term, coal would be an important energy resource in the Yukon, in view of its proximity to load centres. However, it appears that public investment will be required to determine the potential of this resource." End quotes, Mr. Speaker.

My request is also based on remarks made by the resident geological survey representative at a recent seminar when he said that studies of the coal deposits in the Yukon up until now have been made on the basis of economic foreign export markets. Whereas most of the coal found in the Yukon is of the bituminous quality which is better used for thermal energy. And he left the impression very clearly in my mind that further studies should be made to determine how much is available for that use. That is the reason behind this motion, Mr. Speaker, and I would hope that it receives the consent of other Members in this house.

Mr. Speaker: Any further debate? The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Mr. Speaker, I have one question. I understand that in regards to this Motion, that to do a study of the known coal deposits would take a fair length of time, like two or three years. Now, do we, around this table feel that we have two or three years to wait for a study to be done in relation to, in comparison or whatever, to Hydro power. I think that's a very valid question to ask at this table because I believe that in the next couple of years, we are going to need power. And I think that it something that has to be considered. I'd like to ask the Honourable Member, am I correct that it would take two or three years to do a valid study on this?

Mr. Speaker: The Honourable Member from Whitehorse West?

Mrs. Whyard: Mr. Speaker, I don't know how long a study would take, that's entirely up to the geological survey. I would think they have enough information already based on studies from another angle which is the economic and exportable market for such reserves. I would think that they could take the figures already known and the recent exploration in the Nordenskiold area and come up with some kind of a guesstimate. At this point, my assumption is that we have got time to do

this study. From what I understand at a recent seminar on hydro development, there is a levelling off of power requirements which may give us some time, some grace period there, to do further studies. And that is another reason I'm suggesting it now. Thank you Mr. Speaker.

Mr. Speaker: Is there any further debate? Are you prepared for the question on the motion?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Would the Honourable Member from Whitehorse West be prepared to discuss Motion Number 2 at this time?

Mrs. Whyard: Yes, Mr. Speaker.

Motion Number 2

Mrs. Whyard: Mr. Speaker, Motion Number 2 involves a proposed amendment to the Motor Vehicles Ordinance. And this Motion would add to Section 113 a new sub section imposing fines for failure to comply with Section 113. If I may, Mr. Speaker, could I quote Section 113 from the Motor Vehicles Ordinance?

Mr. Speaker: Proceed.

Mrs. Whyard: Section 113, (1) "When a vehicle bearing the sign School Bus and displaying alternately flashing lights has stopped on a highway to receive or discharge passengers, a driver approaching the school bus from either direction shall stop before reaching the school bus."

Section 2, "A person who is required by sub section 1 to stop before reaching the school bus shall not proceed to pass the school bus, (a) until the school bus resumes motion or (b) until the driver of the school bus indicates by a signal that he may proceed or (c) where the school bus is displaying alternately flashing lights until the lights stop flashing."

Mr. Speaker, the proposed motion would add another section, making those failures to stop, an offense and phasing out the fine. The reason for this motion, Mr. Speaker, if I may give you some background is that last December a child was injured on the Alaska Highway after alighting from a school bus, which had stopped with its lights flashing, on a straight piece of highway, clearly visible in both directions. The child was not the first one off the bus but the third which implies the bus had been stopped for some time.

The only section under which the driver, who struck the child could be charged was Section 170 of the Motor Vehicles Ordinance, which is driving without due care and attention. For the first offense under that charge, you can be fined $25 and the outcome of that accident, Mr. Speaker was that -- for an accident which had occurred last December, the offense was finally heard in court and that was third week in March, and the driver was fined $25.

Mr. Speaker, this strikes me as being a little unusual since it costs you more than that to get your dog out of the pound in Whitehorse. The child received hospitalization and of course, it was a traumatic experience as well. I think children are more important than dogs. I think there should be a stiffer penalty for passing a school bus while children are alighting and this is my attempt to impose a stiffer penalty. A fine of not less than $100, not more than $500 or to imprisonment up to three months or both. I think that drivers who have got pretty casual about passing school buses have to learn the hard way and the only way to learn is to hit them in the wallet where it hurts.

Now, I am not out on a witch-hunt or a vendetta, I just agree with the parents of that child that every attempt should be made to educate drivers to the serious hazards of passing a school bus. One has already been injured this year; we have had children killed in this community in school bus areas in previous years.

I would think that this is a reasonable fine for anybody who is that careless about human life, and I would endorse the support of this House.

Mr. Speaker: The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, I just would like to point something out. Under Section 170 of the Motor Vehicle Ordinance, we already have a fine, imposing a $100.00 fine on first offenders. The only thing is that the Motion of the Honourable Member from Whitehorse West is trying to do, is right now we have $200.00 in there and I think what she is trying to do is just bring it up to $500.00.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: Mr. Speaker, I was going to raise the same point. Under Section 170, which is the Section dealing with the penalties for driving without due care and attention for the first offence, it's a fine not exceeding $100.00, not 25.

Under Section 171, for -- that Section is a penalty section for the breach of any other section under the Ordinance, and that again provides for the first offence, for a fine not exceeding $100.00

It's my respectful submission that possibly what this House ought to consider is raising the maximum penalty for the first offence under both Sections, Section 170 and 171 to something, say, like $200.00

So, I would -- while I agree in principle with this Motion, I would oppose it and respectfully ask the Members to consider simply raising the maximum penalty under these two Sections, Sections 170 and 171.

Thank you.

Mr. Speaker: Just from the Chair, I've noticed in debate that there seems to be a fair amount of interchange respecting the Sections and the Ordinance, and I'm wondering perhaps if the House may wish to move this Motion into Committee for further discussion, to allow more latitude of dealing with it.

The Honourable Member from Whitehorse West?

Mrs. Whyard: Mr. Speaker, if I may just make one

comment. I must have made myself unclear.

The first offence under this Section at present requires a fine of only $25.00. The maximum is $100.00

What I am endeavouring to do in this Motion is increase the fine to not less than 100. At present, you can strike a child and injure the child, or kill the child--no, you wouldn't, because then you would have a more serious charge laid against you, but you can actually strike and injure a child now for $25.00. That's the minimum fine on a first offence, and if it happens to be the first time you do it, that's all a J.P. has to fine him.

Hon. Mr. McKinnon: Mr. Speaker, I would move that the Motion Number 2 be discussed in Committee

Mr. Speaker: Seconder?

Dr. Hibberd: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse South Centre, that Motion Number 2 be referred to Committee of the Whole. Are you prepared for the Question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare that the Motion is carried.

Motion Carried

Mr. Speaker: Would the Honourable Member from Whitehorse West be prepared at this time to discuss Motion Number 3?

Motion Number 3

Mrs. Whyard: Yes, Mr. Speaker.

Motion Number 3 simply tries to enforce the safety conditions around school bus stops. Everyone who has travelled Yukon Highways is familiar with signs which say "Watch for Horses", but I don't see any signs that say "Watch for Children".

I have been trying to find some on the Highways recently, and I do not see any, and the suggestion in this Motion is that traffic signs should be erected at all school bus stops, warning drivers that children should be watched for in those areas.

Now, I realize there are a large number of such stops in residential areas, but they should all be signed and people who live in that area certainly become familiar with them. It is the bus stops on highway areas with which I am particularly concerned, and perhaps the wording should say "highways" only. There are many drivers going through those areas who are not familiar with bus stops, and they should be given plenty of warning so that they can slow down.

Mr. Speaker: Any further discussion?

It's been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse Porter Creek, that in the opinion of Council, under the authority of Section 156 of the Motor Vehicles Ordinance, traffic signs should be erected at all school bus stops warning drivers that children should be watched for in those areas.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: That now brings us to the Question Period, and Madam Clerk, I wonder if you could ascertain if Mr. Commissioner would be available to the House this morning for the Question Period?

Madam Clerk leaves the Chamber

Mr. Speaker: At this time, we will declare a brief recess.

Recess

QUESTION PERIOD

Mr. Speaker: We will call the House to order. We have Mr. Commissioner here to assist us this morning.

Mr. Commissioner: Mr. Speaker, if I may, I have answers to some of the questions from last week.

Councillor Fleming asked is the recreational road being planned from Lewes Bridge to Tagish and is a recreational road being planned, and will it be completed in the near future. And the answer is preliminary work has been carried out on route selection. However, it is not anticipated that construction will take place for several years.

A further question asked by Mr. Fleming on the subject of delinquent taxes and the manner in which they are advertised in the media and the question was, can the advertising of delinquent tax notices published in the paper be made clearer to specify that notices are for arrears only and do not include current assessments.

Section 83(1) of the taxation Ordinance requires the collector prepare a list of arrears and publish it in a newspaper in the Territory. In future publications will append by way of a foot note a statement that the above taxes and costs do not include the current year's taxes. I trust that that is the problem that was raised by the Honourable Member.

A third question asked by Councillor Fleming, when will banking facilities be available in Teslin? And the answer, Mr. Speaker, is that we expect the Canadian Imperial Bank of Commerce to make a public announcement in this regard within the next few weeks. Mr. Speaker, one other thing, while I am on my feet, it is--I am advised by the Clerk that Council has nominated Councillor Whyard to a position on the Executive Committee and I would like to advise all members of council that it will be my intention to swear Mrs. Whyard in to that position, and likewise the

Advisory Committee on Finance, in my office at 1:30 and all Councillors are very welcome to attend at this time.

Mr. Speaker: Thank you, Mr. Commissioner. Any questions? The Honourable Member from Whitehorse Porter Creek?

Question Re: Ecological Sites Representatives

Mr. Lang: Mr. Speaker, I have a question for, I believe, the Commissioner.

It has come to my attention that there is, what they refer to as the International Biological Program Department, a federal funded organization looking into the idea of ecological sites. It states here on a newsletter of April 1975 that there was meetings within the federal government departments that the Minister of the -- the Honourable Minister, Judd Buchanan approve the concept of ecological sites in the North, the establishment of a working group to review proposed sites and make recommendations to the Minister and three, the establishment of a procedure for the submission of sites for the review and final designation.

I'm just giving a little background at the present time on this memorandum. A little later on it says the working groups will be chaired by Dr. M. Ruel, assistant director of Northern Resources, Environment Branch of the Department of Indian and Northern Affairs, and will include representatives from the Territorial Government. I would like to know how these representatives are going to be chosen by the Government of the Yukon Territory.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I would have to seek notice on that to be able to give a proper answer to it.

Mr. Speaker: The Honourable Member from Olgivie?

Question Re: Trasport of Children in Old Crow

Ms. Millard: Mr. Speaker, I have a question for the Honourable Minister of Education. In places such as Old Crow where it's necessary for children to attend school away from home, should they want to complete their education, is there any provision in the Department of Education's budget for transport of those children home for the holidays such as Christmas, as the Indian Affairs branch provides for their own children?

Mr. Speaker: The Honourable Member from Mayo?

Hon. Mr. McIntyre: Mr. Speaker, I would have to take that as notice. I think there is provision for certain transportation but whether it covers the holdiays, I'm not sure.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question Re: Capital Cost of Swimming Pools

Mr. Fleming: Mr. Speaker, I have a question for I think it's the Minister of Education.

Is there any possibility of us getting the capital costs of one or any one of the swimming pools in the Territory?

Mr. Speaker: The Honourable Member from Mayo?

Hon. Mr. McIntyre: Yes, Mr. Speaker. I'll take that as notice and have the information.

Mr. Speaker: The Honourable Member from Whitehorse West?

Question Re: Commercial Use Of Yukon Territorial Government Logo

Mrs. Wyhard: Mr. Speaker, will the Commissioner explain what the requirements are necessary to make any commercial use of the Yukon Territorial Government's official Coat of Arms or crest or the new government logo?

Mr. Speaker, it disturbs me to see this beautiful and dignified design, which is our symbol, being used on store signs, people's commercial letterhead, the sides of trucks, any old place and my question is, to determine whether or not there is some control over this.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, the answer falls into about half a dozen different categories and I will table a written answer.

Mr. Speaker: The Honourable Member from Olgivie?

Question Re: Prisoners

Ms. Millard: Mr. Speaker, I'm not sure whether I should direct this question to Mr. Commissioner or to the Minister of health, Welfare and Rehabilitation.

Mr. Commissioner then. Last session, under considerable pressure, we passed an Ordinance concerning the Transfer of Prisioners. I was told at that time that there were two prisoners waiting to be transferred out and that we couldn't await an answer from Ottawa concerning the legality of provision of appeal in that Ordinance because the two gentlemen wanted to be transferred quickly and that we were going to be in adjournment for awhile. I wonder if Mr. Commissioner could tell us, have these two prisoners been transferred and if so, on what date was this effected.

Mr. Commissioner: Mr. Speaker, I will certainly get that information to you.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re: Forestry Contracts

Mr. Fleming: Yes, Mr. Speaker, I would like to direct a question to Mr. Commissioner. It's to deal with forestry contracts, possibly federal, but on the bids,

are they allowed -- the flying companies, are they allowed to bid only the tariff in their own territory, while other bidders from outside of the Yukon with a lower tariff actually, also can bid on the contracts, and naturally if the companies in here can't go down to that tariff, are they held to a tariff in their territory?

Mr. Commissioner: Mr. Speaker, I'm not able to answer directly what question the Honourable Member is referring to, because I think it depends on the manner in which the contract in question is called, and if he would be good enough to let me know outside of the Chamber, a specific contract, then I can get him a specific answer for that, because it depends upon the manner in which the tender is called, Mr. Speaker.

Mr. Speaker: I believe this is a written question, is it not?

Mr. Fleming: Yes, Mr. Speaker, I will go along with that.

Mr. Speaker: The Honourable Member from Pelly River?

Question Re: Cost Of Water System For Dawson City

Mr. McCall: Yes, Mr. Speaker, I would like to address a written question to the Minister of Local Government.

The question is why does the Territorial Government pay the ordinate cost of the water system for the Municipality of Dawson City and not for the other municipalities in the Yukon?

Mr. Speaker: Order, please. Are there any further questions?

The Honourable Member from Whitehorse West?

Question Re: Robert W. Service Stamp

Mrs. Whyard: Mr. Speaker, a question for the Commissioner.

Is the Territorial Government interceding with the Postmaster General on the matter of cancellation of the Robert W. Service stamp which was to have been issued on May the 15th? In belated commemoration of his hundredth birthday last year? Everything was all set to go, and now we find that this stamp has been cancelled and instead we are getting a French Canadian commemorated by the Post Office.

If the government is not taking any such steps, Mr. Speaker, perhaps we could take this matter up further in Council.

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, this is one that I am totally unaware of at the present time, and I would venture to say that probably along with the other 4 or 500 things that we're making representations to the federal authorities at the present time, this one, you know, could take its proper place, but I will leave it up to the Honourable Member whether she wishes this to be done as part of her question or whether she wants to deal with this on her own with her colleagues in Council, whatever route is chosen, we will be happy to accommodate the representation.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re: Fire Regulations

Mr. Fleming: Yes, Mr. Speaker, I have a written question for the Commissioner.

I must explain, if private companies are selling lodges and so forth and so on, we must comply immediately when a license is renewed with the fire regulations. I'm asking this question, does the government also comply with these when they bring in school houses or such as may be brought into Mayo possibly in the near future, and any transaction of business or transaction of moving from one building to another in their own departments? Will they comply with those regulations?

Mr. Commissioner: I take it this is a written question?

Mr. Fleming: Yes.

Mr. Commissioner: We will get it answered, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua.

Question Re: Television

Mr. Fleming: Mr. Speaker, I have a question for Mr. Commissioner. When do we get T.V.?

Mr. Commissioner: Mr. Speaker, I'm not in any position to tell you when you're going to get T.V., but I would like to suggest that within the next few days you're going to get an answer one way or the other as to whether you are ever going to get it or not, so that would be about as far as I could go at this moment.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: Land For Natives

Mr. Lang: Mr. Speaker, I have another question for Mr. Commissioner. It's in relation to land.

For the edification of myself and I believe for the public as well, up to this point I would like to know, and this is a written question incidentally, how much land has been set aside for the Natives, and where are these lands located?

Mr. Speaker: Are there any further questions?

The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker. This is a question from the lighter side, there is no problem involved in it.

Now, that the Yukon has another sport where participant excells himself in, I am now talking about we now have a Western champion in boxing. Is the

Administration planning any sort of a function of recognition to them and their trainers who spent many many years on the kids and with the kids.

Mr. Commissioner: Mr. Speaker, I think that the administration would be very happy to entertain any suggestions that the Honourable Member from Dawson would like to bring to our attention in this regard. Do I take it that the individual concerned is from Dawson City?

Mr. Berger: If I may, the individual in question has presently been living in Whitehorse. He's a foster child, he's been moved around from home to home and he received his first training in boxing in Dawson. I believe he originally is from Mayo, I'm not just sure on that.

Mr. Commissioner: Well, Mr. Speaker, I can certainly assure the Honourable Member that I would be very happy to entertain any suggestions that he may have along these lines, and I am sure that you will find us only too happy to cooperate.

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re: Lawyers From B.C. Or Alberta

Mr. Fleming: Mr. Speaker, I have a question for Mr. Legal Advisor. Perhaps I am in trouble and I don't like any of the lawyers in Whitehorse, what procedure do I have to go through to get a lawyer from British Columbia or Alberta?

Mr. Legal Advisor: It disappoints me to hear any Honourable Member say that, Mr. Chairman, Mr. Speaker.

But there is no formality about it because there are a number of lawyers from British Columbia, from Alberta, I think some from Saskatchewan and some from Ontario who are qualified to practice law here and keep up their membership at the Yukon Bar and if the member would contact me in my office I would supply him with a list of all the out of town non resident members of the Yukon Bar.

Mr. Speaker: The Honourable Member from Hootalinqua.

Mr. Fleming: Mr. Speaker, I would again ask Mr. Legal Advisor if they are not now a member of the Bar here, can I still hire a lawyer from outside?

Mr. Speaker: Mr. Law Clerk?

Mr. Legal Advisor: Mr. Chairman, a lawyer cannot practice in this territory, that is practice law in this territory unless he complies with the requirements of the Legal Professions Act which would include a call to the Bar. But it is customary for people to contact lawyers informally outside, but if any specific thing such as an application to the court or something like that is required, then the lawyer would be compelled to comply with the requirements of the law here which is he must pay his annual practice fee and be called to the Bar by Mr. Justice Harry Madison.

Mr. Speaker: Any further questions? The Honourable Member from Whitehorse West?

Question Re: Committee Of Heritage Canada

Mrs. Whyard: Mr. Speaker, a question for the Commissioner.

I have been told from outside sources that we are soon to have a visit here in Whitehorse from the Committee of Heritage Canada. Could we have any information on this?

Mr. Commissioner: Certainly I will see that the full information is tabled for Council's information, Mr. Speaker. The answer is in the affirmative. I'm sorry I don't know the dates right off hand but it's in the very near future.

Mrs. Whyard: Thank you.

Mr. Speaker: Are there any further questions?

I would like to thank Mr. Commissioner for assisting in our question period today and we'll now proceed to public bills.

PUBLIC BILLS

Bill Number 1, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I would like to move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a second time.

Mr. Speaker: This would be a first time.

Hon. Mr. McIntyre: First time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time.

Bill Number 1, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable

Member from Whitehorse North Centre that Bill Number 1 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

Motion Carried

Bill Number 3, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3, an Ordinance to Amend the Cooperative Association's Ordinance be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

Motion Carried

Mr. Speaker: When shall the bill be read for the second time?

Bill Number 3, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker.
I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 3 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

Motion Carried

Bill Number 4, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a first time. Are you prepared for the question?

Some Members: Question

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Mr. Speaker: When shall the bill be read for the second time?

Bill Number 4, Second Reading

Hon. Mr. McIntyre: Now Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 4 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 5, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: The Motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 5, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker.
I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion as carried.

Motion Carried

Bill Number 6, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 6, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 6 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 6 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 7, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 7 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 7 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the Motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 7, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 17 be now read for a seond time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Phelps: Point of order, Mr. Speaker. I believe that you stated Bill Number 17; we are dealing with Bill Number 7.

Mr. Speaker: Oh, Bill Number 7, yes. Let the record stand clear, right.

Bill Number 8, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded

by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member for Whitehorse North Centre, that Bill Number 8 be now read a first time. Are you prepared for the question?

Some Members: Question

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read a second time?

Bill Number 8, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Bill Number 9, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members Agreed.

Mr. Speaker: I declare that the Motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read a second time?

Bill Number 9, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 be now read a second time. Are you prepared for the question ?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bil Number 10, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I would like to move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read for the first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 10, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Bill Number 11, First Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for the first time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for a second time?

Bill Number 11, Second Reading

Hon. Mr. McIntyre: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: What is your further pleasure?

Mr. Lang: Mr. Speaker?

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Thank you. Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. McCall: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member for Pelly River, that Mr. Speaker do now leave the Chair and the House resolve in Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

Mr. Speaker Leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call the Committee to Order and declare a 5 minute recess.

Recess

Mr. Chairman: I call the Committee of the Whole to order.

We have before us 11 Bills and a Motion. I would suggest that possibly we should start with a discussion of the Motion, which is now before this Committee. Is it agreed by the members?

Some Members: Agreed.

Mr. Chairman: I'll read the Motion. It has been moved, by Mrs. Whyard, seconded by Mr. Lang that Section 113 of the Motor Vehicles Ordinance be amended by the addition of a new section, subsection 3 as follows: "Everyone who fails to observe a provision of this section is guilty of an offense and liable on summary conviction, to a fine of not less than $100 and not more than $500, or to imprisonment up to three months or both."

Who would like to speak on this motion? Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I'm sorry there is some confusion in the intent of this Motion. I am advised that the driver of a motor vehicle contravening any of those sections now, reading in Section 113, could be charged under that section. My information was that they had to be charged under the general provisions of 171, or under some other specific section. In the case I was referring to, the specific section was 170, driving without due care.

If they're charged under the general penalty clause of Section 171, the first offense is to a fine not exceeding 100 which is exactly the same. What I'm trying to get

through is that the first offense should increase the minimum to 100, not the maximum of 100. I really feel personally that having an additional section in 113 means that it is possible to charge the driver under the particular school bus section.

Now perhaps Mr. Legal Advisor could clarify this. I'm not as knowledgeable as he is. My concern is to have a driver charged with actually contravening the school bus section, and if I'm going about it the wrong way, I would appreciate his assistance.

Mr. Legal Advisor: Well Mr. Chairman, it would be hard to say that the Honourable Member is going about it the wrong way. What she is doing is, she is putting in a specific penalty other than the general penalty for a breach of any of the provisions of Section 113. Now, as I apprehended, when a person breaches a Territorial Ordinance such as this, they can be charged with a breach of the section, breach of their duty under the particular section and the general penalty applies. The charge would read, a breach of Section 113 and so and so, so that the penalty is there, or else in, in alternative drafting, a breach of Section 171 and then the breach of 171 the evidence would be that in fact they had breached Section 113. So, merely to put in a fine is not necessarily to amend the Ordinance. But it is necessary to amend the Ordinance if it is the intent of the House to amend it in such a way that there is a minimum fine because the general penalty section does not provide for a minimum fine. It provides for a maximum fine.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, in effect what you're saying is that we have to go back to Section 171 to amend that. Is that...for my own clarification...if we want a minimum?

Mr. Legal Advisor: If you want a minimum fine, then the correct place to put that minimum fine will be in the section where the duty is spelled out.

The section starts off "every person shall do so and so" and every person shall not do so and so. A breach of that carries the normal fine for Section 171. But if you want a minimum fine, the correct place to put it, in logic, is to put it immediately under the other section so that when a person is looking at the Ordinance, they know exactly where they lie and what the penalty is. And of course I should say that minimum fines are something else again.

Mr. Chairman: Ms. Millard.

Ms. Millard: Mr. Chairman, that's my objection to this Motion, is that imposing a minimum fine is really giving a lot of instance to a section in an Ordinance which should be up to the judge. I feel I have enough faith in the judicial system that according to the circumstances of the crime, the judge will consider, in his mind, a minimum fine. It is very seldom you see a minimum fine imposed, especially of $100. I would presume, especially in motor vehicle legislation.

Mr. Chairman: If I may just comment, I have the same difficulty with the concept of minimum fines. Because really what happens in effect is that the House is usurping the function of the judiciary, and I feel that possibly the maximum ought to be raised, and this discussion in the House certainly will be heard loud and clear by the officials throughout the Territory. It seems to me that there ought to be a lot of flexibility in the case of the magistrate or J.P. to impose the fine. I can see different circumstances arising where it may not be fair that a person be fined that much and under certain other circumstances, it may be fair that a person be fined more than $100. I don't like the idea of a minimum under these circumstances. I don't like the idea of a special section dealing with the penalty for 113. I think that we ought to consider raising the maximum under Section 170(a) and under 171(a) and leaving the actual individual case up to the J.P. or magistrate. Mr. McCall?

Mr. McCall: Thank you Mr. Chairman. I would just like at this particular time to clarify something here. If I could draw the attention of the House to Section 163, subsection 1,

Mr. Chairman: Mr. McCall, yes?

Mr. McCall: I hope that the Legal Advisor could draw a broader picture of what that -- a wider picture of what that wording stipulates.

Mr. Legal Advisor: Mr. Chairman, this is a generalized section to save the complications of a police officer in writing out the specific charge on the top of the information sheet. To give a generalized description. And it just says he drove dangerously. He doesn't have to say he drove two feet to this side of the line or one foot to that side of the line. It just sets out in aid of the procedure that a person cannot escape easily by a simple description of what is a clear offense. It's a procedureal section.

Mr. Chairman: Thank you Mr. Legal Advisor.

I'd just like to point out one other thing and that is there are certain kinds of offenses under this particular Ordinance which don't involve any intent at all. If something is done then you're guilty. That is to say, you could be driving along and not be aware that there was a school bus in front of you for some reason. Or you could be driving along and because of some ice on the road you could skid by the point where you ought to stop. Where it really isn't your intention to break the law, where it may not really be your fault. And even so, the law seems to be that there is strict liability with respect to certain sections. That is to say, even though it's not your fault, and you don't intend to break the law, you're still technically guilty and a conviction will be entered.

In cases such as I'm describing, if you have a minimum provision of $100, even though you didn't intentionally do something wrong, the minimum fine would be $100. Now it just seems to me again that it's useful to have a situation where the magistrate finds you guilty and if he believes from the evidence that the accused person didn't intentionally violate the law, if that's his feeling he might, under those circumstances impose a relatively minor fine, whereas where a person is obviously just in a hurry and drives by a stopped bus or intentionally breaks the law, then he

could go up to the maximum.

And again, I feel quite strongly, I'm against the principle of strict liability I guess. I don't feel that people should be fined where they didn't intend to break the law. Where they're driving and through very little fault or no fault on their own, they have broken a statutory requirement. What I'm getting at is there are certain instances under this Ordinance where without having any intent, you're still guilty and this never happens of course, under the Criminal Code of Canada. It does in something like the Motor Vehicles Ordinance.

So this is another reason that I feel there ought to be some flexibility given to the magistrate and I would think that a minimum fine of say $100 for a person who is technically guilty could be very unfair.

Mr. Legal Advisor: Mr. Chairman, it is possible for people, I can see The Honourable Member doesn't accept this, that it is possible for people to pass school buses with their lights flashing. And it's not to be that person's fault. There are two situations. One where a bus is coming towards you and the other when a bus is going in the same direction as the person is driving. A bus can pull in and close its door and its travelling up to that point at say approximately 40 miles an hour and it switches on its lights and a person suddenly has to pull out and go past to avoid a dangerous situation. The same situation can apply when a bus is coming towards you, on the highway. A driver going in the opposite direction doesn't know exactly where it is and may not be aware of the situation, and within a short space, the lights can suddenly commence to flash and there's no way you can warn, there is no amber light, that the lights are going to suddenly come on. The person is maybe doing 70 miles an hour and suddenly they're faced with a situation to choose either to go on or to stop. And in that situation the magistrate will hold that it wasn't that person's guilty fault, there was nothing to do.

I personally defenced cases where this has in fact occurred.

Mr. Chairman: Yes, and I think to extend that, under those circumstances, the person is guilty and with the proposed Motion would be fined $100 even though what he might have done under the circumstances was the safest thing. To suddenly slam on his brakes might have put his vehicle out of control entirely. All I'm saying, all I'm suggesting and I think Mr. Legal Advisor is saying is that there ought to be discretion in the person hearing the case to vary the fine, and take into consideration this kind of technical conviction.

Any further comments or--?

Mr. Legal Advisor: May I make one suggestion?

Mr. Chairman: Yes.

Mr. Legal Advisor: I'm not aware of when the Motor Vehicles Ordinance will be coming up for amendment again, but perhaps if the intent of this House went forward that the two main offences in the Motor Vehicles Ordinance, which are careless driving and dangerous driving in that order, were to be reviewed by the Department in the light of current values and practices and a recommendation came back from the Government itself, dealing with the rate of fine which should be levied in respect to those two main offences.

Mr. Chairman: Well this is my feeling. I think that if a person is openly violating the provisions of the Ordinance with respect to motor vehicles, they shouldn't be charged under Section 113, they should be charged with driving without due care or dangerous driving, and the penalty for that kind of reckless abandon ought to be much higher than it is right now. The maximum of $100.00 is rather low.

Mr. Fleming?

Mr. Fleming: Mr. Chairman, I feel the same way as Mr. Phelps of Whitehorse Riverdale, in the sense that if that bus is stopped, and as the Legal Advisor has explained, you cannot stop sometime to get by it.

Now, on the other hand, if a child is hit by that bus, that is definitely careless driving, because that child has no time, he has to have a certain length of time to get out of that bus and get to the front of it before you can possibliy hit him. There is no question really in a case where a child is hit.

There is many cases where you can't stop in time to go by, but in these cases the doors would not be open, the children would not be out yet, he would be gone by long before that. So therefore it constitutes two, actually two different crimes, I would say, careless driving is fine, you just went by the bus, but if you hit a child, it becomes more than just careless driving, you definitely didn't go by that bus when you didn't have to, I would say.

On the other hand, I can't support the concept of the Bill as it is now, just to change it to $100.00 for just any infraction of the law.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I have a point here to bring up in relation to what you were describing, if they put their flasher on and a guy comes to a halt. It says here in the Ordinance here, it says, "When a vehicle bearing the sign 'School Bus' and displaying--". "--flashing lights is stopped on a highway to receive or discharge passengers" --it says, "has stopped on a highway to receive or discharge passengers, a driver approaching the school bus from either direction shall stop before reaching the school bus.

And myself personally, as a driver in the Yukon Territory, was not aware that coming the other way I was to stop, and I think--I always thought, I was under the impression a person had to slow down to 5 miles an hour. I have never stopped. I believe that maybe the public should be educated to this point, because I think there's a lot of people that don't know. I realize going behind it, but coming this way. Yeah, but I mean coming this way, I never realized it, and I think maybe the public should be educated. I'm just on out of 20,000 but maybe there's three of us, I don't know, there would be ten thousand, but I think it's a point that should be a valid point as far as publicity is concerned to the education of the people in the street that are driving the highways.

Mr. Chairman: Mr. Lang, there's no three of you in

the Yukon.
Mr. McCall?

Mr. Lang: Thank you, Mr. Phelps.

Mr. McCall: I was going to say to the Honourable Member that just spoke, he should try living in the provinces, try breaking a law down there as far as the bus situation.

Mr. Lang: Mr. Chairman, if I may ask--

Mr. Chairman: Mr. Lang?

Mr. Lang: --how much stricter is it down in the provinces?

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I don't know, I never broke the law in other countries?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I see the intent of the Motion as presented by the Honourable Member from Whitehorse West, and I think in light of the discussions that have taken place and with the assurance of the Legal Department that they will review this when next they deal with the Motor Vehicle Ordinance, that perhaps I would suggest, Mr. Chairman, to the Honourable Member that she may wish to withdraw the motion rather than having it voted on, with the agreeance, concurrence of her seconder.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, I realize this is my last chance if I rise now.

No, I don't think I am willing to withdraw the Motion at this time for the following reason, that I understand that the overhaul of the Motor Vehicles Ordinance is not going to come up until next year. That's why I put the Motion in at this time. I inquired first.

I want something happening by next September on this Section. I want motorists of the Yukon to know that they are going to get clobbered next September under this Section. I regret that the Honourable Members do not know that they are supposed to stop when a school bus has stopped in the opposite direction. We did have a widespread educational program on the radio stations following this accident last December, that was one result of this specific accident. You will hear on every road report the message that you must stop, no matter which way that bus is going.

If that isn't getting through to you, then maybe a more serious fine might.

Mr. Chairman, another point that I would like to make at this time is that drivers of school buses who observe motor vehicles passing them illegally, not when they are in motion, but when they are stopped, have always had the recourse of reporting the licence number of the driver who passed. If it means only that after all the hassle of appearing in court and taking time off from work and going through all the whole performance, they are still only going to get fined 25 bucks, what is the point? This is removing all hope of having drivers report infractions. They are not going to bother. And the guy who is passing that school bus happily and without any punishment is going to continue to pass the school bus until some day he hits a child.

Now, this particular incident which sparked my attempt to change this Section, was to me a flagrant example of a driver who was driving too fast, who could not stop, who skidded from the back of the bus all the way past it to the front, and then knocked down the third child off that bus.

Now, someone has said in the course of this debate that you may be driving along at 70 miles an hour, so how could you possibly stop when the school bus does. You should never be going 70 miles an hour behind a school bus. I can't see any of those yellow school buses going 70, so I'm not convinced by the objections I've heard today.

Maybe the legal mind has an inbuilt objection to a minimum fine, maybe there's a better way, but as far as I can see, it has to be built into that school bus section only. If, as someone has suggested, that minimum fine be put into Section 170, you're penalizing everybody who fails to stop at a whatever, it's not pertinent to the school bus section, and that is why I would prefer to leave it in there, and I would like to see this Motion in effect next fall when the school season begins again, not wait for another whole year before we get at this nOrdinance.

Mr. Chairman: Thank you Mrs. Whyard. Ms. Millard is next.

Ms. Millard: Mr. Chairman, I might suggest to the Honourable Member that she simply amend the Motion to express more strength and I suggest that could be done by eliminating the minimum fine but leaving the $500 maximum and eliminating the three months and substituting six months. I think the magistrate would consider that the Legislators felt that this was a very serious offense because they had imposed such maximums.

Mr. Chairman: Thank you Ms. Millard. Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, I think one way out of the situation we're in is to pass a resolution requesting the stricter enforcement of this particular section and also that the penalties be made commensurate with the infraction and that this could be made to the judge of the Territorial Court, a recommendation to the Territorial Court to pass down to his legal officers. I don't think this is an unusual thing because similar situations have occurred with the drinking driver in the Province of British Columbia where the Supreme Court of British Columbia sent down a message to the lower courts that they weren't satisfied with the type of penalties that were being handed out and recommended that heavier penalties be imposed for this particular offense. I think that a resolution of this House along these lines would have the necessary effect. I know that with the J.P.'s for example every year they have a convention in Whitehorse and at this particular time, they are given

an indication by the magistrates as to what penalties should be invoked. How they should exercise their power of fining, and actually suggest the type of fine they give in connection with speed violations. If you go five miles in excess of a posted sign, they suggest that you get – that they impose a fine of so much. If you go ten miles an hour, in excess, they suggest an increased fine. So I don't see there's anything wrong with this House passing such a Resolution in support of Mrs. Whyard's motion. I go along with the other speakers that I'm not particularly interested myself in setting minimum fines.

Mr. Chairman: Thank you Mr. McIntyre. Mr. Lang.

Mr. Lang: Mr. Chairman, I, as everyone knows, I seconded this Motion to come into Committee, into the House. And my belief is when you second a Motion it is primary to get it in for discussion and not necessarily whether or not you support it. And I support the Honourable Member from – Mrs. Whyard, with the idea behind it, but I can see what Mr. Phelps brought up in relation to the minimum fine and I think Mr. Phelps is right in relation to leaving the discretion to the judicial. This is the way I feel on it anyway.

Mr. Chairman: Thank you Mr. Lang. Any further discussion?

Hon. Mr. McKinnon: Mr. Chairman, I think that the intent of the Honourable Member to move the Motion was to put to the public and to the courts the seriousness that could be involved in the passing of school buses where their lights are flashing. I agree whole-heartedly with that concept, that both public and the court should be made aware of that, what we consider to be a serious breach of the Motor Vehicle Ordinance. I think that the only place we can find that is in Section 113 to make it sure to the courts and to the public that that is the area where we consider it to be a serious breach of the Motor Vehicle Ordinance, in the passing of school buses when the lights are flashing, and the attendent harm that can come to the children of the Yukon.

The other point is that I am really worried with the minimum fine section. I think one of the saddest things I ever saw in court and really made it indelible on my memory that we had to get the public drinking section out of the old Liquor Ordinance was where a hereditary chief of the Whitehorse Village, I won't mention his name because he has passed on, over Rendezvous, was hauled up into the magistrates court, and I used to spend a lot of time at Magistrates Court on Mondays following things like Rendezvous too, so I happened to be there at the same time. And he was very, very elderly. He was approaching almost 100 years old. He never had a record at all under the Liquor Ordinance. Never. Hereditary Chief, he was both blind and crippled. He got around with a stick. For the first time in his life, during that Rendezvous, he had more than several drinks and had been picked up by the constabulary, had been lodged in the cells over the weekend and came up to court where he had to be helped, translated, the whole bit to the court. And to the magistrate's credit he really went after the constabulary and said didn't you have enough sense as human beings to take this gentleman home rather than bring him here. Don't you realize that under the Liquor Ordinance, I have absolutely no discretion at all but to fine this man and I really want to apologize to him for being treated the way he is. But there was no discretion at all, in that Ordinance, there was no flexibility and the magistrate had to fine that person, and that person had to have it on the record and had to pay the fine. That's why a problem with minimum fines. Because it seems as if there are exceptions to every rule that you make and there has to be flexibility and discretion, particularly in the courts of the magistrates session.

That's why I particularly like the suggestion that was made by the Honourable Member from Ogilvie, where we certainly up the minimum or up the maximum fine in this area so the courts know we consider it to be serious and up the prison sentence that could be given under this section. And accordingly, Mr. Chairman, I would move that the words "not less than $100" be removed from line 5 of Motion Number 2 and that the words "three" be changed to "six" in line number 6.

Ms. Millard: Mr. Chairman, I'd like to second that motion.

Mr. Chairman: Thank you, Ms. Millard.

Mr. Lang?

Mr. Lang: I'd just like to say that once again, I would like to harp on the public--being known of this, because I myself, until today, I might quite conceivably gone to jail for six months. Six months seems like a long time to me. I think three months expresses it quite well.

Hon. Mr. McKinnon: Mr. Chairman, this is the total point in being able to set maximums because then it's completely up to the judge's discretion. Certainly if the Honourable Member from Porter Creek appeared in the courts and tried to use ignorance of the law as an excuse for his position, I think that he probably would deserve six months.

But other members who weren't in a responsible position such as the Honourable Member from Porter Creek probably could convince the magistrate because of their ignorance of the law, that they should only have a minimal fine and this is completely in the discretion upon the court. But having the six months and having the $500 shows the seriousness to which the legislative assembly puts the question of motorists passing school buses while their light is flashing. I think that that's what we're trying to do and that's how we make our point in this, but it's so completely within the discretion of the court to put a fine of $1 , up to $500 and one day up to six months and that's where the discretion should lie because each cases is different that comes before the court.

Mr. Chairman: Thank you, just before I hear from Ms. Millard, I'll read the motion as amended. It has been moved by Mr. McKinnon, seconded by Ms. Millard that the Motion be amended by deleting the words "not less than $100" and further by deleting the word "three" and substituting therefore the word "six". So that the amended motion would be as follows,

"That Section 113 of the Motor Vehicle Ordinance be amended by the addition of a new section, Subsection 3 as follows: "Everyone who fails to observe a provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than $500 or to imprisonment up to six months or both.

Ms. Millard?

Ms. Millard: Yes, Mr. Chairman, I would just like to point out that I certainly agree with Mr. McKinnon that there is plenty of leeway in this for the Magistrate to consider the seriousness of the actual offence of the circumstances around the actual offence, and I would like to point out to the Honourable Member from Whitehorse Porter Creek that perhaps six months in a hospital for a child is also a long time, which can happen.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I concur with the amendment as has been presented by the Honourable Member from Whitehorse North Centre, and if there is not yet a seconder, I would be pleased to second it.

Mr. Chairman: Ms. Millard seconded it --

Ms. Millard: Quite a long time ago.

Hon. Mr. Taylor: I didn't hear whether it was or not.

Mr. Chairman: Any further discussion? Mr. Lang?

Mr. Lang: Mr. Chairman, I can't support this amendment. As far as I am concerned, six months is too long to leave to the discretion of anybody--

No, I think that--I cannot support the six months' concept, so I'm opposed to the amendment. I can see the $500.00, but to raise it from three months to six months, I am opposed to.

Some Members: Question.

Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: As mover of the original Motion, I have the authority to withdraw it.

Mr. Chairman: Yes.

Mrs. Whyard: I'm persuaded, I think, that Mr. McIntyre's method of approach is probably preferable. If there is going to be an overhaul of this Ordinance, a Resolution from this Council, I think will get the message across. We can leave the mechanics to whoever is drafting the amendments.

I am perfectly happy if this Council wishes to accept my withdrawal of this Motion, providing right now at this time, someone will phrase that Resolution.

Mr. Chairman: Thank you, Mrs. Whyard. I believe that we are dealing right now with the amendment to the Motion, and -- Mr. Taylor?

Hon. Mr. Taylor: Just to get us out of this mess, this is why I suggested in the first instance that we withdraw , but what we've done now, failing withdrawal, is we now have an amendment on the floor. In order to withdraw the main question, the amendment would have first have to be withdrawn.

Mr. McKinnon, what is your pleasure?

Hon. Mr. McKinnon: Well, Mr. Speaker, I think -- or Mr. Taylor, I think we should get an amendment to the amendment first, and then we could really have a lot of fun.

Mr. Chairman: Yes.

Hon. Mr. McKinnon: If the Honourable Member who moved the Motion, whose idea it was, that she wanted to point out the seriousness of this, and is willing now to see it come up in the general review of the Motor Vehicle Ordinance, I would be happy to withdraw my amendment, upon the concurrence of my seconder, to get us out of this tangle that we're in at the moment.

Ms. Millard: Well, Mr. --

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, Mr. Chairman, I'm going to mess this all up and not concur.

I would really like to see both methods used, if possible. I would like to see a permanent change in the Ordinance, and I would like to see a major Resolution to imply that we really recognize the seriousness of this. If Mrs. Whyard doesn't consider that, I will withdraw my seconding.

Mr. Chairman: Are you asking a question of Mrs. Whyard, Miss Millard?

Ms. Millard: Yes , I believe I am. If perhaps we could reconsider on the basis that possible we could do both methods.

Mrs. Whyard: Well, let's vote and see what happens.

Mr. Chairman: Any further discussion before

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: I think we have a area of confusion here. Could the Honourable Member from Whitehorse West clarify her position before we do anything else?

Mrs. Whyard: Mrs. Chairman, I'm waiting for the vote on the amendment.

Mr. Chairman: Thank you, Mrs. Whyard. Question?

Some Members: Question.

Mr. Chairman: All in favour?

Some Members: Agreed.

Mr. Lang: Mr. Chairman, I would like to go on record in opposition.

Mr. Chairman: Thank you, Mr. Lang. I declare the amendment carried.

Amendment Carried

Mr. Chairman: We have a question on the main Motion as amended. Question?

Some Members: Question.

Mr. Chairman: All in favour?

Some Members: Agreed.

Mr. Chairman: Opposed?

Mr. Lang: I'm opposed.

Mr. Chairman: I declare the Motion as amended is carried.

Motion Carried

Mr. Chairman: What is the pleasure of Committee? Shall we recess now for lunch or?
We will recess until 2 o'clock this afternoon.

Recess

Mr. Chairman: I will now call Committeee to order, and the first item on the agenda would appear to be a clause by clause of bill Number 1. It that agreeable?

Some Members: Agreed.

Mr. Chairman: 1, sub-section 35, sub-section (1) of the Credit Unions Ordinance is repealed, and the following substituted therefor:
35(1):

(Reads 35(1))

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, obviously the difference over the existing Ordinance is the expression of one and one-half percent over what currently is one percent, but perhaps Mr. Legal Advisor could advise Committee as to what gave rise to this Bill, and you know, was this sought by the Credit Unions or something that the administration did, or could we have a little background?

Mr. Legal Advisor: Yes, Mr. Chairman. The Credit Union people have asked us to put this through. They are restricted by the rate of one percent per month to twelve percent per annum, and they feel they should be at liberty to move with the times and move to a maximum of one and a half percent per month, which would have the effect of raising it by 50 percent.
That's the maximum now that they can charge, it doesn't mean that every loan is going to be charged at that rate.

Mr. Chairman: Thank you. Any further comments or questions? Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to ask the Legal Advisor, do you mean at the present time that when the Credit Union charges one percent, that's not necessarily the charge, one percent per month or twelve percent, that this is negotiable?

Mr. Legal Advisor: It's negotiable with the Credit Union, but the maximum that they can legally charge is one percent per month. They want to be able to negotiate a loan up to one and a half percent per month.

Mr. Lang: So, Mr. Chairman, we're talking 18 percent per year?

Mr. Legal Advisor: Yes, Mr. Chairman. Well, this would, I think, be more than 18 percent per year. I think it goes on a compounded rate, but this is the way they talk, the language.

Mr. Chairman: Anything further? Mr. Lang?

Mr. Lang: Yeah, Mr. Chairman, from this I gather they are having some financial difficulties, or is it that their profit is just down so low that --

Mr. Legal Advisor: No, Mr. Chairman, they are controlled by other rates from money that they borrow to lend, so they need to attract money in from their own investors, and they want to be able to raise the underneath amount they pay to investors and still have working capital and be able to make loans. If, in order to attract money, they have to pay their people 10 percent, they want to cushion that by being able to charge, say 15 or 16 percent on the money they borrow from their investors for relending.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Preamble, The Commissioner of the Yukon Territory by and with the advice and the consent of the Council of the said Territory, enacts as follows, "and the title of Bill Number 1, An Ordinance to Amend the Credit Unions Ordinance. Clear?

Some Member: Clear.

Mr. Chairman: I'll entertain a motion.
Mr. McIntyre?

Hon. Mr. McIntyre: I move that Bill Number 1 be passed out of Committee.

Mr. Chairman: Is that without amendments Mr. McIntyre?

Mr. McIntyre: Without amendment.

Mr. Chairman: Seconder?

Hon. Mr. McKinnon: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr.

McIntyre, seconded by Mr. McKinnon that Bill Number 1 entitled An Ordinance to Amend the Credit Unions Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Bill Number 2, clause by clause. 1:

(Reads Clause 1)
Ms. Millard?

Ms. Millard: I wonder if it could be explained to us how this might affect people who are now covered under some regulations which allow them to obtain amounts of game that they may like, such as Indian people under the Indian Affairs Act and people who are now making a full time living as trappers are apparently allowed under some regulation. Does this supersede those kind of inclusions?

Mr. Legal Advisor: To give a short answer, Mr. Chairman. This is a substitution for paragraph A as it originally read which read, "The Commissioner may make regulations, fixing the boundaries of the areas within which game or any specified species of game may or may not be hunted or killed." It's not intended to deal with the question of whether native people or trappers or anyone can or cannot hunt. It's to just be applied to the expansion of that particular section.

Without going into the whys and reasons behind any other exceptions to the Ordinance, this does not affect or is not intended to affect those particular exceptions or privilege that people may have.

Mr. Chairman: Thank you. Miss Millard?

Ms. Millard: It says under 1A, "establishing a program of game management for the purpose of sustaining the yield." It's not simply deciding where the areas are, it's actually going into the whole procedure. How far has that procedure now been taken?

Mr. Legal Advisor: Mr. Chairman, the procedure hasn't commenced yet, it's about to commence if this Ordinance is passed. The Honourable Member will recall that there was a Sessional Paper presented sometime ago to Council, delineating out what the program is intended to be. The first question was privileges and who can hunt and trap and so forth, that's not intended to be affected by this program of game management.

Any privilege which exists is not changed by this.

Mr. Chairman: Miss Millard?

Ms. Millard: Thank you. That answers that question. I do have another.

In the Sessional Paper that we received, I expected to see within the area some kind of delineation of what types of animals would be listed to be preserved or whatever, there was nothing attached like that. Would that be forthcoming, do you know?

Mr. Legal Advisor: Mr. Chairman, I don't have to direct knowledge of this, but I imagine if you asked the game people for information, they would be able to tell you at what stage they are now in the case of implementing this particular set of regulations.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Legal Advisor just brought something up which I wanted to mention. Can we get somebody here from Game Management to get more information on this?

Hon. Mr. McKinnon: Mr. Chairman, I would suggest that the Assistant Commissioner, Mr. Gillespie, whose duties include looking after the Game Department, would be the person that the Committee would want before them.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, would you see whether or not Mr. Gillespie is available?

Madam Clerk: Immediately?

Mr. Chairman: Perhaps you could find out now and report back. Shall we leave that then and proceed to the next Bill? Or do you want to wait and see?

I shall declare a short recess.

Madam Clerk leaves the chamber.

Recess

Mr. Chairman: I will call Committee to order again. We have with us, Mr. Gillespie, Mr. Fitzgerald, and Mr. Hoeffs, and we're discussing, gentlemen, Bill Number 2, "An Ordinance to Amend the Game Ordinance". Do you people have any questions of these witnesses? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm pleased indeed to see this piece of legislation before the House and the Committee today. It's something that for record's sake, I have worked on for at least eight years or longer, and it is now apparently coming to fruition.

I agree with the concept, of course, as always with big game management zones, but I have some reservation with Sections sub (3) and sub (4), and I wonder if I could just have, for the record's sake, some clarification.

(3) states "requires the outfitters to make reports respecting hunting in any zone", and (4) "require the outfitters, guides, hunters and so forth, to deliver trophies and other biological material for our Game Department, and again, from an enforcement point of view, I'm just wondering how far we may go towards making unreasonable requests or what may be deemed

to be unreasonable requests. For instance, asking a hunter to bring in all their moose heads, you know, this type of thing, and I'm wondering, if possibly one of the witnesses we have with us today could maybe elaborate a little bit on how they anticipate enforcing and -- these two Sections, and what they are really going to be asking for.

Mr. Fitzgerald: Well, this information referred to here, we already get it from the outfitters. And there is provision in the Ordinance now to obtain certain biological and other information. But we have never had occasion to lay a charge against anyone, the hunting public usually co-operates quite well. On the biological end, they have already been bringing in all their sheep heads for instance, all their goats and all the bear skulls and they've been co-operating wonderfully well. There's no reason to do anything really.

But it wasn't completely tied in with the regulations, but the machinery was there but we've never had to use it.

Mr. Chairman: Thank you Mr. Fitzgerald. Any further questions.

Mr. Fleming: Yes, Mr. Chairman, I would like to ask a question to any of the panel.

In the regulations now, I think you do have hunting methods are not to be used and hunting methods that can be used. What does it say, here, that you will be able to make more regulations now, this is a fairly loose piece of legislation, because it turns loose--says you can do what you wish more or less with the hunting methods.

Now what would you propose to do with the regulations you have now concerning this? Add to them?

Mr. Gillespie: It's possible in the future that we might want to add to or change the sort of regulations that we have at this point in time.

Referring back for a moment to the question put by Mr. Taylor, the reason we need this biological information and the reports is so that we can determine, better than we can now, just what game resources we have, their biological characteristics, the ecological characteristics of the area from which they come and when we have the benefit of that far greater knowledge than we have right now, we will then be able to determine what sort of means might be employed to better manage those resources. Right now we essentially use bag limits as the main vehicle for controlling the harvesting of game. But in the future, it's possible that we might use methods, such as, allowing in a certain zone. hunting of cariboo only during the morning. And allowing thereby the cariboo to pass through that same zone unmolested in the afternoon. In that way having the effect of controlling the harvesting of game.

Hunting methods is another one. I suppose that this might refer for example, to the use of bow and arrow, as opposed to a gun. If, as the result of all this further study, we see this is a way of properly managing game.

Mr. Fleming: It may put us back to the stone age.

Mr. Gillespie: Well, that's another--

Mr. Chairman: Ms. Millard?

Ms. Millard: Could the gentleman give us some kind of outline of how this procedure is being used. How do you determine what, within the --I can see making distinct areas, I'd like to know how you go about determining what kind of things are going to be shot and what aren't and how. In a practical way, and how far is that proceeding along now. I understand from our legislative--it wasn't a Legislative Return, a Commissioner's order, that some methods have been employed already, in some areas but there are some areas that haven't even been touched, say Old Crow for instance that don't have any kind of things imposed on them yet. How would you go about it in that area to discover what is needed and what--and how long can we anticipate before these things are going to be in force.

Mr. Fitzgerald: Of course, our survey which we try to come up with exact numbers on and what have you, and some are, for instance, for goat and sheep, winter in the moose and caribou, we are doing as much as we can with the money allowed each summer and winter, and it's a slow process in covering all our areas.

Now in conjunction with another job we had on the coast last summer, we managed to do some survey work on the British Mountains north of Old Crow. There is quite a lot of information available on the Porcupine caribou herd that comes through the Old Crow area, and down across the Dempster and so on.

There's not much pressure on our game in that area at the moment, except by the local people in Old Crow who hunt for food, and -- but how it is determined, of course is as the result of the surveys and what is found in the areas, and also we depend on certain information from hunters, trappers, guides, et cetera.

Now maybe Manfred could enlarge a little futher on that for you, Ms. Millard.

Mr. Chairman: Mr. Hoeffs?

Mr. Hoeffs: I didn't quite understand the question. You wanted to know how many animals you have in a zone and how many harvested? Or--

Ms. Millard: No, I would like to know in a practical way, how you go about finding out what animals are there, and how long do we anticipate before this whole thing will be imposed? I understand there are some areas now where there are regulations, and some where there aren't.

Mr. Hoeffs: This game inventory which you refer to, has covered so far areas 5, 7 and 9, and of course the parks and from work done by other people, the Canadian Wildlife Service and by consulting firms, we have a good idea what is in number 1 and 2. So the other zones, we know the distribution from outfitters and from hunters, and as far as the Indian harvest goes, we get very accurate information from the outfitters' reports, and less accurate ones from the hunters' reports. We rely on the hunters questionnaires and the return hasn't been all that good last year. Every game branch does it. The third group of hunters are the natives, and again, there is even less accurate. Let's

deal with proceedure. We determine the number from our surveys and the harvest from these reports.

Mr. Chairman: Gentlemen, I think Miss Millard wants to be assured that you aren't going to prevent the Indians from Old Crow from hunting in the future. Is that the gist of it, Miss Millard?

Ms. Millard: Well, that might be behind it in a way, but I really want to be able to assure them that you are not going to go up there tomorrow and say no more hunting caribou, which I know isn't going to happen, but what can I tell them other than that, because I don't know what system you're going by and how long it's going to be, or whether these things are already imposed because our paper only showed the areas, it didn't show what was being done distinctly within the areas. I am glad to see that you do talk to the trappers and hunters. I presume your local game wardens do that on a sort of regular basis anyway, so that there's local input which is really important, because I think a lot more information can come through them practically than through a survey a lot of times.

So the main concern right now is say, when could we say in a period of over 5 years you're going to be setting down regulations for the other areas, or will it be next month, or when?

Mr. Hoeffs: Well, the areas where we have the numbers, for instance in 7 and 9 there will be few restrictions for the upcoming season, but not for the remainder of the country. Coming back to your caribou herd, there's no danger at all that they are overharvested. Many more can be taken, and we are much more worried about people that may come in from the N.W.T. than we worry about the Old Crow people.

Mr. Chairman: Thank you, Mr. Hoeffs. Mr. Berger is next.

Mr. Berger: Thank you, Mr. Chairman. As a whole I have absolutely nothing against the proposal, as a matter of fact I am welcoming it. I think it is high time. What I am interested in mainly is the enforcing of it.

In the past, in the game warden and hunting regulations, it was stated that all game hunted, the meat had to be recovered and everything, but this was only enforced in most cases by local resident hunters. Non-resident hunters did not, in most cases, recover the meat. I would like to know how much, if the Department is prepared to enforce this thing? It's fine to put the restriction and regulations on local hunters. but how much are you prepared besides just going on the reports of outfitters. Are you prepared to go spot-checking them and everything like this?

Mr. Chairman: Mr. Fitzgerald?

Mr. Fitzgerald: The regulations and Ordinance apply to the non-residents every bit as much as they apply to the residents.

I think a lot of us here know that some of this meat, I'm not trying to make excuses for anybody here, but a lot of this meat is shot up pretty badly by some of these people who probably are not as knowledgeable at hunting as the local people; some of the meat is in such a state it's not a --it's not fit for human consumption.

But there's no fresh meat taken into the outfitter's camps, and they live on this stuff, on the meat provided by the hunter. If we know of cases where they deliberately abandon meat, we don't hesitate to lay charges. We had a few cases last year, the meat was abandoned. But there was a fairly reasonable excuse why it was abandoned, and anyone has information and hard evidence to the effect that meat is being abandoned, we will certainly take action on it at any time.

Mr. Chairman: Mr. Lang is next.

Mr. Lang: I'm certainly in favour as far as your zoning is concerned, but what concerns me is the largeness of the areas in respect, we'll take Number 4 here. Say that the moose population is very sparce up in Mayo area but say that there is considerable amount around Faro.

Now when you say that you're going to take a bag limit from a certain area like Number 4, the people in Faro could say well why, there's lots here, but then you say well there's zilch up in Mayo. What I'm saying is in your regulations are you going to say, well in the Mayo area, which is sadly lacking, you will enforce a certain type of regulation.

In other words, I'm saying, you'll take each area, each zone, in say number 4 and maybe split it into two or three or whatever the case may be, depending on the population? Is this the idea?

Mr. Gillespie: Mr. Chairman, perhaps I can answer that one. At the moment we have, our intention is to establish, as you can see in the legislation, proposed legislation, to establish the zones by regulation and should it turn out that the -- any particular zone is too big, or is put together in the wrong way, then of course these regulations could at some time in the future be changed. But within any given zone there will be one regulation. They will not divide that zone up into further zones.

Mr. Chairman: For clarification, Mr. Gillespie, I understand the map that you have before you Mr. Hoeffs, is that--that just shows how the territory is divided into outfitting areas, does it not?

Mr. Hoeffs: No these are the zones, the legal descriptions for the zones.

Mr. Chairman: The present zones?

Mr. Hoeffs: Yes.

Mr. Chairman: So you may alter those zones if you find that they don't uniformly represent, reflect the situation?

Mr. Hoeffs: That's right. It relects our present knowledge and we also use, wherever possible a boundary that is easy to recognize major rivers.

Mr. Chairman: Yes. Mr. Berger?

Mr. Berger: I wasn't quite satisfied with the answer,

for one thing, I have a second question regarding the first one. It's how much is the game management prepared to enforce this Ordinance we have before us.

The other thing is, I quite disbelieve the answer you gave me on the meat, in outfitting camps. Just a rough figure, your own figures giving the weight of a moose at roughly 500 pounds and the caribou 175 pounds.

So you have three hunters shooting in a two week hunting period like they usually are, they each have three moose. Each one has moose, caribou, three, how many people do you actually need out there to consume that meat. The thing is, what I would like to find out, is how many of the outfitters, I know some of them have, I'm not accusing any one of them, how many of those outfitters have actually refrigerator equipment out in the camps, because I think right now we get into a period where game is a very expensive item and I think we're just wasting it. I say I'm welcoming this legislation because I think it's high time, but I think it is still too lax in the enforcement of it.

Mr. Chairman: Mr. Fitzgerald.

Mr. Fitzgerald: I think there's more canning outfits now, Mr. Berger, than there is refrigerators is these outfitting camps.

We are prepared to enforce it to the best of our ability. We can only--we can't be into these camps every week, and if we manage to get into every outfitters camp twice in the fall, we're doing pretty good. As you know, flying is quite expensive, and what have you. We don't have that much money for aircraft rentals and so on. But, everybody is aware of the fact that meat cannot be abandoned and they're sticking their necks out if they insist on contravening the law. We do the best we can.

Mr. Chairman: Any further questions of these witnesses. Mr. Fleming?

Mr. Fleming: Mr. Chairman, yes just to clarify a little bit. Three, require outfitters guides or hunters to make reports respecting hunting in any zone in the Territory. Now I find it very good legislation and yet I will just wonder how far sometimes this type of legislation goes where there is no wording that says you know, you will do so much of this or so much of that, merely says requires, guides or hunters, which is individual hunters to report, respecting hunting.

And it could go an awfully long way towards a report which a normal, everyday hunter may have to turn in, if you so wished it to be, because you could ask him to report where he had gone, how he had got there and how he got home, what he seen on the way there and everything else. And make it--I find it very loose in this respect, possibly with--possibly it's hard to word it in there but I have seen regulations so many times in the Yukon that turns the official people loose that--and they make regulations all of a sudden that we can't comprehend or keep up to.

Other than that the legislation I find very good.

Mr. Chairman: Mr. Gillespie?

Mr. Gillespie: Mr. Chairman, the --I appreciate the spirit of your comments, of the comments of Mr. Fleming very much. I think my best response to that is that any over zealous regulation making along the lines which you're suggesting could happen would be totally self defeating, to our purposes here because if we even -if we do produce regulations of that sort we just won't have them filled out properly and handed in and we won't get the information we want. So I think that fact will have the sort of policing effect on our regulations making endeavours that you're seeking, at least I would hope so.

Mr. Chairman: Miss Millard?

Ms. Millard: I'm just curious to know how -- I know they are not called game wardens, but your game management officers in the field, are they, what percentage of time do they spend on surveys and doing actual kind of biological work against the time that they spend doing enforcement work? Is there anything known on that?

Mr. Fitzgerald: Do you have any figures on that, approximately?

It has to be approximate.

Mr. Hoeffs: I would say probably 20 per cent is biological and 10 per cent educational and the other half enforcement and half administrative.

Mr. Chairman: Anything further? Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I wonder whether we could hear what restrictions are contemplated in what zones for this hunting season this fall and the reasons behind such restrictions?

Mr. Chairman: Mr. Hoeffs?

Mr. Hoeffs: Main restrictions are for the proposed zone 7. We mentioned already last year that the goat have been overharvested and there will again be a shorter goat season than in the other two zones, 10 and 11 where we have more goats, and of course there is no goats in the rest of the country and that is justification for having a goat kill in the other area.

And also in zone 7, there will be no cow moose season. Also in zone 7 and zone 9, the grizzly season will start one month later, it will start on the 1st of September.

For the Dempster Highway, we have proposed to extend the caribou season by ten days, but there's a stipulation that the hunting is restricted to the afternoon, with the idea that pernaps by doing so, maintaining their migration over the road, they may get used to the rhythym of crossing it at night and in the morning, and hunting being allowed in the afternoon only.

We think it may work better than the present corridor which is only six miles off the highway, which is 250 miles long.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard?

Ms. Millard: Just a question on that. That means that the caribou crossing corridors are going to be eliminated this year?

Mr. Hoeffs: Yes.

Ms. Millard: Good.

Mr. Chairman: Anything else?
Mr. Berger?

Mr. Berger On the Dempster Highway, I was up there a few years ago when there was a large quantities of caribou up there, and shortly after the hunting season opened up and it was just a slaughter actually in this respect. People came up from all over the Territory and drove up in the herd and just got out of the car and just shot everything in sight, more or less,

I wonder if there could be a possible restriction made that if there are more than two or three hunters around, there shouldn't be no hunting, because it was just indiscriminate shooting out there, and it wasn't even safe to be out of the car. I wonder if you have any comments on this?

Mr. Hoeffs: Well I think that the harvest really spread out over a longer distance since the highway's much longer this year, but we are not worried about the number shot. It may look bad, but if you consider the population as a whole, the harvest is not significant. The only important thing is that it's very concentrated, and in time and in space, and that's why we proposed this restriction to have it only in the afternoon, and we hope that the caribou get used to that rhythym.

Mr. Chairman: Thank you, Mr. Berger.

Mr. Berger: That is only one thing, like the Game Department can't be at the same place all the time, but I have been travelling up and down the Dempster Highway for many years, and on this particular highway, I mean it's quite common to see so-called hunters shooting at anything that moves, even at people, and chasing any kind of game by car and anything that goes on. This is why I was wondering if there would be a strict enforcement and more game department personnel around at this particular caribou season, because at present on the Dempster Highway there is only certain sections on the highway where you can possibly hunt caribous. Certain sections of the highway have no game at all, period, and I thought that the concept of the game corridor was very good. As a matter of fact, I would have liked to see them expanding it to about five miles off the highway, but by doing it away, I can see the possibility in the last couple of years, there was not any large movement of caribou on the highway for some reason or another.

But if there's another say two, three dozen caribous coming down the highway en masse, I could see the same thing happen as in the past, people just drive in there, shoot everything on sight, and I think any kind of game, and I think being a biologist you have to agree with me, if you chase them for any length of time, it's hard on their lungs and especially in the winter time.

Mr. Chairman: Any comments?

Mr. Fitzgerald: Well, we certainly have personnel there this fall, and maybe a few more people, in view of the highway being lengthened out further, there will be a few more people, and as Manfred already suggested, we had hoped to try no shooting till 12 noon, and see -- I think the highway is starting to have its effect on the movement of this herd right now.

If the highway goes through the wintering grounds of the caribou at Porcupine, but we hope that this will work. We will try it; if we have to go back to the corridors, why we'll certainly take a reading on it, and maybe have to go back to that.

Mr. Chairman: Mr. Berger?

Mr. Berger: One more item on this corridor bit. I don't know, you are most likely aware of the caribou herd that used to come into the 60 mile area, but on Dawson it's right up to 1957, because of opening the highway and more traffic on the road, there are hardly any caribous over there today. Since 1957, I think there's maybe, I think you could count under a hundred caribous which you can actually see without flying into the bushes and I am afraid that this could possibly happen on the Dempster Highway too.

Mr. Gillespie: Mr. Chairman, this game zone approach to regulating the harvest is an experimental one of necessity because we have had in the past to try certain methods which have not proven entirely satisfactory and the game corridor was one of those. It may prove in the end to be the best method that we have available to us but we were not apparently quite satisfied with it because people were finding ways to get on to skidoos and herd the caribou outside the one mile limit and shoot them there. It was having all sorts of adverse effects that had not really been contemplated, at the beginning. So, the intent is to try another method here and if it has the effect that we're seeking to live with, to stick with it. And if it doesn't have that effect, and to return perhaps to a modified corridor approach or something of that sort.

Mr. Chairman: Thank you. Any further -- Ms. Millard?

Ms. Millard: Will the Indian people be affected at all by these regulations or are they exempt because of the Indian Act?

Mr. Fitzgerald: Well the only effect that we can forecast would possibly be NWT Indians hauling caribou back into the NWT where they sell it. They're allowed to sell...and if this happens, this may create a problem and I don't think that the people from Old Crow will be very happy about this. I think it will all be ironed out. I think we'll be able to keep tabs on that.

Ms. Millard: Mr. Chairman, I'm sorry, that wasn't really my question. My question was generally for Indian people in the Yukon who now have no hunting restrictions, will they be brought under these regulations so that they will, all through the Yukon will be restricted hunting --

Mr. Fitzgerald: Not that we can foresee.

Mr. Gillespie: Mr. Chairman, we have no intention of modifying the situation of the Indians from the way it is right now.

Mr. Chairman: Thank you. Mr. McCall.

Mr. McCall: Just one question, Mr. Chairman. Why not?

Mr. Gillespie: Mr. Chairman, we haven't addressed the question, to be frank.

Ms. Millard: Mr. Chairman, I would think the reason they couldn't modify it is because the Indian Act supersedes anything done in the Territory anyway.

A Member: The Yukon Act.

Mr. Chairman: Any further questions or comments?

Hon. Mr. McKinnon: Mr. Chairman, it gets to me this concept of 12 o'clock, how long, is it the opinion the game department it will take the caribou to wise up to lay low in the afternoon and cross in the night and the morning. Because, you know, the thought of it, that everybody is standing there by the highway with their rifles loaded, and a member of the game department, the poor dumb caribou going across the road, they can't be shot until the arm comes down, and they say now shoot, and wham, all the -- it sounds like a small scale war breaking out and everybody gets their jollies. How long is it going to take before we say that that's not the kind of thing that we consider sport in the Yukon and that's not what we consider hunting. You know far be it for me to say anything against the hunting, because I have been on hunts, I find them challenging, I find them exciting, I find the whole bit -- of hunting but not a slaughter, certainly at some point in time, if the caribou don't get the message and don't lay low in the afternoon but just go across the road and then they're allowed to be shot for a certain length of time during the afternoon. How long do we consider that to be sport? How long do we consider that to be hunting? How long do we move before we say that isn't what we have as an idea of, as far as hunting goes and that's the end of it, you have to be five or ten miles away, you have to do a little bit of work and you actually have to get off your fat butt and go into the bush and get something if you want to go hunting. I mean this just doesn't appeal to me at all. I don't like it. I'm on the side of the caribou in this instance, where do we stop.

Mr. Chairman: Thank you Mr. McKinnon. Mr. Berger?

Hon. Mr. McKinnon: I'd like an answer from the Game Department. We're supposed to find out whether the caribou learn not to go across in the afternoon, and if they don't, what will they do then.

Mr. Gillespie: Mr. Chairman, I think the only answer I can give to that is that at the end of each season, at the end of this coming season, after trying this method for this one season, we will then be in a position to have -- make some assessment of it. It's not possible to predict, at this point in time, exactly how long it will take before you can determine whether any particular method of harvest control is a workable one.

But it may be possible, if there is the wholesale slaughter, that some people fear might happen, if that in fact is realized, then we would drop that system and approach it another way next year.

Mr. Chairman: Just before I entertain another question, it seems to me there is some confusion here between the esoteric part of hunting and your guidelines that seem to be harvesting game. Surely the criteria that you people are interested in is how you can have a sustained yield of the caribou not the esoteric way in which they're tracked down and shot. Is that not true?

Mr. Gillespie: Yes, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I'm rather curious. Is there any statistics, or anybody can say, statistics, but just an idea of last year, the number of caribou that were slaughtered or killed or whatever the term is around the table here, in comparison to the numbers that actually did cross, is there any count on that?

Mr. Hoeffs: Well last year not too many showed up during the hunting season, I don't know of more than maybe 30 or 40 that were shot during the hunting season. Several came after the hunting season.

Mr. Chairman: Perhaps we have a season of hunters. Mr. Berger?

Mr. Berger: I'm still of course satisfied with the non resident hunters, because I disagree with the concept of trophy taking all together. I can't see anything sportsmanship in there to have the head of a dead animal hanging on the wall. The other thing is what I'm quite upset about is, most of these hunters are actually non resident people, not even Canadians. I think the largest percentage of those people come either from the United States or from Europe. And why wouldn't it be possible to charge them a larger fee than presently charged and require them people to pay for the transport of the meat into the native community and have, if necessary, a government run store there to sell wild game meat?

Mr. Chairman: Mr. Berger, with respect, I think we're getting off the topic which is simply an amendment to one of the sections in the ordinance. I think it's unfair to ask these gentlemen to try to set policy on our behalf. I'm not going to ask them to answer that. Any other questions of the witnesses?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I have a question, whether it would actually deal with this, first I would say what it is and then if it's okay to ask it, I will. It is in special prohibitions and restrictions, and it's number 2:

"Where the Director is satisfied that no commercial transaction is involved and that it is proper to do so, he may issue to a resident who is in possession of a hunting licence, a permit permitting a non-resident to hunt big game without a guide while accompanied by such resident."

Can I ask a question about that paragraph, or would they be willing to answer it?

Mr. Chairman: Well Mr. Fleming, I think you're out of order, but I'll allow one answer to that question, if one of the witnesses wants to answer it.

Mr. Fitzgerald: What is the question?

Mr. Chairman: Are there any questions, Mr. Fleming?

Mr. Fleming: I merely feel that while they are here, and we don't I think, want to take them away from their job and bring them in every other day, that even though this is what we are dealing with, there's many things in game management that they might even like to discuss with us, so I would like to be able to ask them the odd question.

Mr. Chairman: I sympathize with that point of view, Mr. Fleming, but the point is that we are really dealing with one Section of the Ordinance, and we have to restrict ourselves to the -- what's pertinent to what we are doing this afternoon.

Any further --

Ms. Millard: Yes, Mr. Chairman.

Mr. Chairman: Ms. Millard?

Ms. Millard: Since we are dealing with these, do these regulations -- will these regulations apply also to the trappers who are not restricted, but who make their living solely by trapping?

Mr. Fitzgerald: Well, at the moment, there's nothing in sight that would suggest there would have to be restrictions placed on any of our fur bearers. Our fur bearers are under-harvested at the moment, as far as we are concerned, and I can't see where it would interfere with them in any way.

Mr. Chairman: Thank you. Any further questions or comments?

Mr. Berger?

Mr. Berger: I have one more question here, sir. What time limit do you set on this -- on item 4, biological material? How does it say, for instance, a big game guide is going to get his material to you people, or are you going to come and pick it up? In the three month hunting period, a fellow is going to have an accumulation of biological material, and I can just see it, if there's a nice warm fall, like it sometimes is, I can just see the flies hanging around that particular camp.

Mr. Fitzgerald: Well, all we are concerned with is the horns of the goat and at the moment, all we are concerned with are goats and sheep and grizzly bear skulls. This other -- and we've had no problem up to now getting all this material, it's all brought in. Unless it's their reproductive tract and hunters that have held on to it for a while, it may be a little smelly, but --

Mr. Chairman: Thank you, Mr. Fitzgerald. Anything further?

Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes, Mr. Lang?

Mr. Lang: I would like to ask a question for my own edification. Like in number 7 there, Region 7 I think that you said there would be now cow season this coming year. Is the pressure in that area, is it largely due to the Whitehorse hunting, or is it due to predators such as wolves and this type of thing, or is it a combination of the two?

Mr. Hoeffs: Well it is one of the most heavily hunted areas in the Yukon, and we surveyed it, as you know, two years ago, and I've forgotten right off my head, I think we came up with something like 800 moose and about 200 were shot, which is pretty high, that's 25 percent. So we don't want a cow season in that area.

But as far as predators go, I don't know offhand how many wolves there are, but in a natural set-up, there's a balance between moose and wolves, and you can count on one wolf for thirty moose, unless the wolves have been hit fairly heavily by trappers and predator control programs, but normally in the back country you have about one wolf for 30 moose, if the wolf feeds entirely on moose, if there is not many other play animals.

But if you look at 9, which is a very good moose area, particularly the top of Snafu country and there's well over 500 moose in there, and there's also a hell of a pile of wolves in there, and yet hunting has no effect at all. Many more moose can be taken out of that area.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman.

I would like to ask if this game management program in any way in the future, may affect the hunters living out of the game management. In other words, if you have a game management area, Old Crow, 3 or 4,000 acres which can be hunted this year, and we in the south of the Yukon, have a Yukon hunting licence, would you foresee sometime in the future maybe that these people would not be able to hunt that game management area, due to the fact that it was that area?

Is there any possibility?

Mr. Fitzgerald: You mean people going from the south to the north to hunt in an area where they --

Mr. Fleming: Where they don't live, yes.

Mr. Fitzgerald: The same thing is happening in British Columbia right now, as you know. There is an awful lot of people from southern British Columbia hunting around Atlin right now. That could happen.

Mr. Chairman: I think perhaps just for clarification, I think that the question that Mr. Fleming was asking, was whether or not you would restrict hunting to people living within a management zone, and he asked whether you could foresee this happening in the Yukon? Can you?

Mr. Gillespie: Mr. Chairman, we're not contemplating doing that at this time.

Mr. Chairman: Thank you.

Ms. Millard: Mr. Chairman --

Mr. Chairman: Miss Millard.

Ms. Millard: --just one further question on fur trappers.

My understanding is that there's part of the regulations where if a person is making his living by trapping, he can also go beyond the bag limit to feed his family, so that a -- say, for instance, a white status person in Old Crow can go and get as many caribou as he needs, as long as he can prove he has a special permit, saying that he is supporting his family in this way.

Will these game regulations or game management zones affect that kind of person?

Mr. Fitzgerald: Well, I think the people you refer to there are people living the Indian way of life, although they are not status Indians. Right?

Ms. Millard: You could call it the Indian way of life, yes.

Mr. Fitzgerald: Yes. Well there's provisions for that in the regulations, people living there to take game for food, but a white person going there, such as a schoolteacher or a policeman, et cetera, they are not allowed any privileges, other than what we allow to take under a legal licence.

Ms. Millard: Yes. Thank you, Mr. Chairman. I'm glad that's clarified, because I wondered about whether or not that was actually in the regulations.

It seems fairly vague to me sometimes.

The questions is, will these regulations, these new regulations, affect that situation?

Mr. Gillespie: Mr. Chairman, I believe the answer is that they will have no effect on those regulations. These amendments to the Ordinance will have no effect on those regulations.

Mr. Chairman: Anything further?

I'd like to thank the witnesses for attending and excuse them at this time. Thank you gentlemen.

We will continue with the reading of the Ordinance. Any further questions. Mr. Taylor, have you any further comments or questions? Clear?

Some Members: Clear.

Mr. Chairman: Preamble, "The Commissioner of the Yukon Territory by and with the advice and consent of the Council of the said Territory, enacts as follows" an Ordinance to Amend the Game Ordinance is that clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a motion?

Hon. Mr. Taylor: Mr. Chairman, I'd be more than pleased to move that Bill Number 2 be reported out of Committee without amendment.

Mr. Chairman: Thank you Mr. Taylor. Seconder?

Mr. Lang: I'll second that.

Mr. Chairman: It has been moved by Mr. Taylor and seconded by Mr. Lang, that Bill Number 2 entitled An Ordinance to Amend the Game Ordinance, be reported out of Committee without amendment.

Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed?

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Next we have Bill Number 3, clause by clause. 1:
(Reads Clause 1)

Mr. Chairman: Anything arising?
Ms. Millard?

Ms. Millard: Mr. Chairman, I read in the explanatory note that the purpose of the ordinance is to limit the statutory power of revocation of the registration of extra-territorial co-operative associations. In other words, it doesn't apply to co-operative associations within the Territory?

Mr. Legal Advisor: No, Mr. Chairman, these sections apply to an extra-territorial corporation, it defines the corporation here.

Mr. Chairman: Any comments or questions? Clear?

Some Members: Clear.

Mr. Chairman: Two;
(Reads Clause 2)
Are there any questions?
Mr. Berger?

Mr. Berger: Mr. Chairman, could we ask Mr. Legal Advisor to give us the background on the whole thing and more explanation.

Mr. Legal Advisor: Mr. Chairman, this deals with extra-territorial co-operative associations. The particular one in respect of which this legislation is made

is a co-operative association in British Columbia which is opening up operations here, its the Teachers Building Co-operative Association, and it wants to be in a position to lend money to members of its association who are resident and employed by the government here.

In looking through the legislation, they found there were certain restrictions that, there is a wide power, which is a common power, to strike them off for not obeying the rules. And they put forward a case to the government saying Okay, strike us off for not obeying the rules, but leave us in a position to collect our debts and administer our property not-withstanding that striking off. So it was discussed between the solicitors for the co-operative association within Whitehorse and the government and in the result, these sections were brought in to protect the equity of the association and the right of the members who would borrow money from them in the event that there was a withdrawal from business by the co-operative association.

Mr. Chairman: Thank you. Mr. I'm concerned about the use "corporation". Is that an oversight. Should it not be "association?"

Mr. Legal Advisor: We introduced a year or two ago a complete new section dealing with extra-territorial corporations and it is defined in Section 32.1 of the Ordinance which should be in the revised edition but may not be. We call it an extra-territorial corporation.

Mr. Chairman: So there is presently a definition limiting that to associations?

Mr. Legal Advisor: Yes.

Mr. Chairman: My concern is this not be misconstrued to apply to a company, Ltd.

Mr. Legal Advisor: It could be by anyone who didn't read the title of the Ordinance. Mr. Chairman.

Mr. Chairman: Many of us never do read the title. Anything arising? Mrs. Whyard?

Hon Mrs. Whyard: Mr. Chairman, I understand that this has been in the mill for some time, that Yukon teachers have been quite anxious to have this process for about two years, because it assists their efforts to build their own homes in the Yukon and since that's the objective of this government, I would think we would speed the process.

Mr. Chairman: Anything further?

Some Members: Clear.

Mr. Chairman: The preamble. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows, "An Ordinance to Amend the Co-operative Associations Ordinance. Clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a motion?

Hon. Mr. McIntyre: I move that Bill Number 3 be reported out of Committee without amendment.

Mr. Chairman: Seconder.

Mr. McCall: I'll second that,

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 3 entitled An Ordinance to Amend the Cooperatives Association Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Perhaps now we could adjourn for ten minutes.

Recess

Mr. Chairman: I will now call the Committee back to order, and the next tiem is Bill Number 4, clause by clause.

1:

(Reads Clause 1)

Mr. Chairman: Mr. McCall?

Mr. McCall: Well, are you going to read it all out for us?

Mr. Chairman: Clause by clause.

Mr. McCall: Okay.

Mr. Chairman: Any other questions before I carry on?

2:

(Reads Clause 2)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have one question. The Commissioner today has power, under some Ordinance, to establish a local housing authority. This is operated, I believe, under the Housing Corporation.

Now, where does this authority flow from, or in fact are we doing something which is currently illegal?

Mr. Legal Advisor: I was hoping the Honourable Member wouldn't ask that question. He has power to establish a Committee, and to give it certain powers, and he did so establish a committee, then gave them

those powers correctly in accordance with the Ordinance, but it wasn't what was originally intended, and they had to be given the name, a local housing authority, so as to meet with the wishes of C.M.H.C. and the government in the operation of the housing projects.

This is perfecting the Legislative scheme which wasn't done so well in the first place, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. McCall, did you have a question?

Mr. McCall: No, forget it.

Mr. Chairman: We certainly will, Mr. McCall. Any further questions or comments? Clear?

Some Members: Clear.

Mr. Chairman: Preamble.

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

The Title of Bill Number 4, "An Ordinance to Amend the Housing Development Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will now entertain a Motion.

Hon. Mr. McIntyre: I move that Bill Number 4 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. Fleming: I second it.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Fleming, that Bill Number 4 entitled "An Ordinance to Amend the Housing Development Ordinance", be reported out of Committee without amendments. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Next, clause by clause of Bill Number 5.

1:

(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2:

(Reads Clause 2)

Mr. Chairman: Mr. Berger?

Mr. Berger: I have a question that might be out of order, but the superannuation of Canada right now has roughly about, my understanding is about 4 to six billion dollars tied up in pension funds for government employees.

I was wondering if anybody ever gave thought to establish a Territorial pension plan for all employees, I mean just a rough estimation of figuring as though you could possibly raise just the government employees alone, about $600,000.00 a year in the Territory, or if you would consider all private industry and everything like this. I mean, the government of the Yukon Territory could raise quite a bit of money over the years. I was wondering if this--are we bound through the Yukon Act, or another Act to have--to force Territorial Government employees to pay to the superannuation of Canada?

Mr. Legal Advisor: Mr. Chairman, I would rather not attempt to answer the philosophical question as to whether or not we should be contributors to the superannuation fund of Canada. The factual present relationship is that we are one of the list of employees who's accepted for pension plan purposes within the federal legislation governing public servants, and Crown agencies and corporations.

By virtue of that, we are compelled to pass reciprocal legislation requiring our employees to contribute in the same manner as if they were employees of the Public Service of Canada, so that there's a central funding operation in progress.

Now, the purpose of this particular Bill is to change the definition of employee; "employee" is narrowly defined in words and legal words, to mean a permanent employee, and it changes from time to time, depending on bargaining within the public service, and depending on how the public service sees its temporary or part-time employees, and we pick it up from time to time to change the definition of "employee" so that we are pretty much the same. I think it might have been forgotten about for a year or two, and we realize that perhaps the sensible thing to do would be to make the definition "contributor" apply, so that this is phrased so that if there is a change in the meaning of the requirement of who should contribute, we will automatically pick up the changes, because we are operating within this definition and have been for, I think, two years, notwithstanding the fact that we should have amended it two years ago.

Now, on the broader question, it's a financial question and doesn't really fall for a legal advisor to answer. Perhaps the Member might ask a question at question time or put forward a Motion so that it might be considered.

Mr. Chairman: Thank you, Mr. Legal Advisor. Is there any further questions?

Preamble,

"The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:"

And the title of Bill Number 5, "An Ordinance to amend the Territorial Employees' Superannuation Ordinance." Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion.

Hon. Mr. McIntyre: I move that Bill Number 5 be reported out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 5 entitled, "An Ordinance to Amend the Territorial Employees' Superannuation Ordinance", be reported out of Committee without amendment.
Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

The Chairman: The next clause by clause is Bill Number 6.

(Reads Clause 1)

Mr. Chairman: Anything arising? Ms. McCall.

Ms. Millard: I beg your pardon?

Mr. Chairman: Millard. I haven't got you married yet anyway, Eleanor.

At least then I wouldn't have to worry about my stipend.
I understood that J.P.'s are Small Debt Officials. In Dawson I know Mr. -- are they both then, sometimes both -- thank you.

Mr. Chairman: What was the answer to that Mr. Legal Advisor?

Mr. Legal Advisor: It doesn't automatically follow, Mr. Chairman. Some of them are both Small Debt Officials and J.P.'s some of them are just J.P.'s but when the administration of justice was transferred to the territory in 1971, a search of the Ordinance was made, naturally, and all the various appointed powers were transferred from the government in council to the Territory. But there was no power appointment regarding Small Debt Officials at all, but the Government of Canada has exercised it. And it's inconvenient to have the Government in Council appoint Small Debt Officials, it's something that should be done locally.

Mr. Chairman: Thank you. Any further questions?
The preamble. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows," An Ordinance to Amend the Judicature Ordinance. Clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a motion.

Hon. Mr. McIntyre: I move that Bill Number 6 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Ms. Millard: I second it.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Ms. Millard, that Bill Number 6 eneitled an Ordinance to Amend the Judicature Ordinance be reported out of Committee without Amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Next is clause by clause of Bill Number 7. 1:

(Reads Clause 1)
Ms. Millard?

Ms. Millard: Mr. Chairman, it was my understanding when this was discussed that the member would hold office for the period covering the time that the -- that the member of the Legislative Assembly who had appointed him was also holding office. Was I mistaken in that?

Mr. Legal Advisor: I don't think the Honourable Member was, Mr. Chairman. This was tossed back and forth how it should be drafted, and this draft reproduces a thought of 7 plus 3 and changed that to 12 plus 3. The period of four years was taken because this spans the life of a Council. And the thought is that a Council is elected from September or October for a period of four years. And there is always a period in excess in this four years, over the life of the Council. The Council is never actually four years, it's always terminates in August, so this reproduces the thought, reasonably accurately, that the member nominated by a member of this Council, would keep his office over the period of the non existance of this Council, to the next Council and then the members can change them then, the membership. This does that.

Mr. Chairman: Thank you. Ms. Millard?

Ms. Millard: Mr. Chairman, if I calculate correctly it was over four years from the last election to our election and there were Boards who were let go from last October, until they were appointed by us in our session and is that not taken into consideration?

Mr. Legal Advisor: Yes, this did happen on this one occasion only and so far as we know, it didn't happen since 1898 and will not occur until 1988.

Mr. Chairman: Anything further? Mr. Lang?

Mr. Lang: Mr. Chairman, how come we have, each member here has appointed one member to serve on the Board, yet we have not more than 15 members. Is this in the idea of the Chairman being appointed by the Commissioner or--

Mr. Legal Advisor: No, Mr. Chairman, originally it was ten, meaning 7 plus 3. Now it's 15 meaning 12 plus 3. There are three other members in addition to the members who were appointed by this House.

Mr. Lang: Well who are the other three members is what I'm getting at. Are they--this is at the Commissioner's pleasure?

Mr. Legal Advisor: Yes, Mr. Chairman. I presume he exercises his right on the advice of the Executive Committee.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, on the subject of Boards, are we going to be having legislation also on the other Boards which were changed, the membership being changed?

Hon. Mr. McKinnon: No, Mr. Chairman. They're not created by statute. This is the only one that is.

Ms. Millard: Thank you.

Mr. Chairman: The preamble, "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows," An Ordinance to Amend the Historic Sites and Monuments Ordinance.

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: Does anybody have a motion?

Hon. Mr. McIntyre: I move that Bill Number 7 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Mr. Lang: I second that.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Lang, that Bill Number 7 entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance be reported out of Committee without amendment.

Mr. Chairman: Question?

Some Members: Question?

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Motion Carried

Mr. Chairman: Bill Number 8, clause by clause. 1: (Reads Clause 1)

Mr. Chairman: Sorry, this must be a new piece of legislation. 2(1)
(Reads Clause 2(1)

Hon. Mr. Taylor: Mr. Chairman, I'm often puzzled when I see the Administration taking the tact of saying well we really don't think that we should body a certain item in regulations and so we're in fact going to make a statutory provision. And I'm wondering possibly if Mr. Law Clerk could advise me as to what really is the reason why we're taking these regulations and giving them statutory authority?

Mr. Legal Advisor: I don't know the real reason, Mr. Chairman. It's possibly nervousness on the part of the Administration in carrying through on Regulations something which can be attacked or changed from time to time, and putting it into a statutory form so that members know exactly where they stand.

Hon. Mr. Taylor: Mr. Chairman, I can only remark that this is a very unusual tactic on behalf of the Administration, because usually they are asking us for Regulations and you will note, before we complete the Bill, that they also provide for additional Regulations to boot. I just wondered what the specific reason was to bring this into statutory position.

Hon. Mr. McKinnon: Mr. Chairman, there's no mystery at all as far as I'm concerned, because I was one of those people that stood along with the Honourable Member from Watson Lake and condemned this government for being a government of regulation rather than of statute. It's the policy that's always been in my background, and I hope we will continue to do so, that when programs of government that are originally set up by Regulation prove themselves to be successful, such as the Travel for Medical Treatment Ordinance and the Students' Grant Ordinance, that both, the formulation of polices I was proud to have been part of, and have become a part of Yukon life, and hopefully they are not going to be terminated by the act of a Commissioner as Regulation can by order. These are all well established policies of the government of the Territory. Hopefully they are going to remain as policies of the government of the Yukon Territory for a long time to come, and only this Legislative Assembly is going to go about changing them from not being on the statue books of the Government of the Yukon Territory.

So if it's a change, as far as I'm concerned, it's one that's a welcome change and one that I hope this Legislative Assembly will see more of.

Mr. Chairman: Thank you, Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, I just make it clear that I'm not displeased, but I just wondered why the government actually bent and provided this great measure of responsibility back to the people of the Yukon and I must say that this possibly is a good example of where the Executive Committee participation in the Administration, at least from the level of the Legislative Assembly is not doubt paying off, and this is why I asked the question.

Mr. Chairman: Thank you, Mr. Taylor.
Any further questions or comments?
Clear?
2:
(Reads Clause 2(2))

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, I would like the Legal Advisor to redefine transient please?

Mr. Legal Advisor: A person who moves from point to point without stopping a long time in one place.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm wondering if Mr. Legal Advisor could indicate why we are using the term "ordinarily present" in sub-(a) or 2, rather than "ordinarily resident".

Mr. Legal Advisor: Mr. Chairman, we didn't choose this definition for this Ordinance.
We are using the definition from the main Ordinance carrying the Medicare Plan.

Hon. Mr. Taylor: But--

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: --it still doesn't answer my question. Why do we use the term -- you say "who makes him home and is ordinarily present". Wouldn't you say "makes his home and is ordinarily resident"?

Mr. Legal Advisor: You could say that, but then you're using the expression resident, and it's not the best of practice if you can avoid it, to define a word by using the same word a second time. We're talking about a person who is ordinarily resident here, but you say "ordinarily present', because you're defining him to be a reaident.
It's a question of style as much as anything else.

Mr. Chairman: Any other questions?
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I wonder if the Legal Advisor could amplify on whether or not there are any age limits, e.g. dependents of parents living in the Yukon. What is the cut-off point when you are no longer a resident?

Mr. Legal Advisor: I couldn't give a quick answer to that, I would have to look it up, Mr. Chairman.

Hon. Mrs. Whyard: Or, Mr. Chairman--

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: --supplementary then, if this is going to be pursued, could we also know how long they must be away from their parents' home before they are no longer considered a resident?

Mr. Legal Advisor: Mr. Chairman, I would rather not answer that because it's preferable to have such a thing flexible, and if we were to give a written opinion on it, we might disqualify people that we would want to include for the expenses of this plan, but certainly so far as dependency is concerned, we can amplify what is meant by that.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I'm wondering if the Legal Advisor could explain to us what happens to someone in the first three months of their life. Are they covered somewhere else?

Mr. Legal Advisor: No, Mr. Chairman.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Am I to understand that during the first three months of life, the plan does not cover them for evacuation purposes?

Mr. Legal Advisor: At the risk of seeming facetious, Mr. Chairman, they come from a place which doesn't need that kind of plan.
We include for Medicare purposes, and the benefit under the Medicare plan, all of the people who are ordinarily resident here, and we have a qualifying period. The reason for the qualifying period is that a person is normally coming from Alberta, Saskatchewan or elsewhere, where he is covered under the plan, but there's a special section in our Medicare plan which says that where a person comes to the Territory and is not covered by a home plan in a province, such as a soldier coming from overseas, or a diplomat returning to a home posting, or an immigrant from another country, a landed immigrant, he is covered for the first three months, although a normal Canadian would not be covered because he's covered elsewhere.
But nobody ever thought of what happened to a person who comes from somewhere up in space.

Mr. Chairman: Leave us not get into a religious discussion gentleman.
Mr. Fleming?

Mr. Fleming: Mr. Chairman, it is possible the answer has been given. Could Mr. Legal Advisor tell me how he defines in b "to be completed three months of continuous residence from the date of entry into the Territory for the purpose of establishing residence therein." How can you prove that he is here to establish residence therein.

Mr. Legal Advisor: Mr. Chairman, I don't think it normally becomes subject to proof. I think he's just asked a question or fills in a form and his word is normally taken. How you would prove it would be a difficult question, if a Court case arose, it would be a question of intention and the person, the establishment of his own personal intention is usually established because he tells you what he intended to do at that time.

Hon. Mr. McKinnon: The reason why it was this way, because of universal medicare that's one of the first things that a person does is establish his residence here because he's only under the umbrella of the medicare where he came from for a three month period so it's generally essential that he establish his residence so he will come under the aegis of the Yukon Medicare scheme following his three month waiting period from the jurisdiction he came from. So they're finding that people now want to establish residency and if we leave it the same as this, we've got a pretty good idea of the point of residency, at the time that he really did arrive and become a resident of the Yukon Territory.

The other point that Mr. Hibberd has stated, just wasn't looked into at the time that this was. I think there is a very valid point there, that that three month old baby who is a resident of the Yukon should be considered for travel for medical evacuation, and I think that is a point that the legislative programming committee should look at because there is all kinds of problems that could arise in the first three three months where the baby should be qualified as a Yukon resident to go out.

Mr. Chairman: Mr. Legal Advisor, would you take that under advisement?

Mr. Legal Advisor: Yes Mr. Chairman.

Ms. Millard: Mr. Chairman, wouldn't that come under dependents? Wouldn't the child, as soon as its born be registered under the medical plan as a dependent and be covered?

Mr. Legal Advisor: Perhaps yes Mr. Chairman, perhaps not, a lot depends, there are circumstances where I can visualize that might not happen. We might need to think of a section to make sure of it because there are babies whose mother dies and such things. Who are not residents of the territory themselves, therefore a difficult situation might arise. At least we must look into it.

Mr. Chairman: Thank you. Anything further?

The Chairman: 3 (1).
(Reads Clause 3 (1))

The Chairman: Clear?

Some Members: Clear.

The Chairman: 4(1)
(Reads Clause 4 (1))

The Chairman: Clear?
Section 5
(Reads Clause 5.)

Hon. Mr. Taylor: Mr. Chairman, in subsection 1 of 5, is there anything in subsection 1 that would prohibit, for instance a nurse, in an outlying community where a medical practitioner indeed is not available, is there anything which would now prohibit the nurse from making the necessary paper work and necessary authority to evacuate a patient.

Mr. Legal Advisor: No, Mr. Chairman. The subsection is especially drafted with that in mind. It's drafted in such a way that in a place where a doctor is not expected, a local person, a public health nurse or other, carries the responsibility for dealing with the patients own doctor, to find out what the score is and then on behalf of that medical practitioner, the patient's own doctor, then certifies it and that certification is accepted.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I'm maybe not reading this correctly, but what you're saying in 5 (1) is that where a medical practitioner is attending a resident, that the Chief Medical Health Officer, on behalf of the medical practitioner, can make provision for someone else to authorize the, say the evacuation, that's the way I read it.

It only provides where a person as I see it, where a person, you're assuming everybody has a doctor, well everybody doesn't have a doctor, and that's what I'm getting at.

Mr. Legal Advisor: The intention, Mr. Chairman, is that everyone will have a doctor they will nominate for that purpose if required. The authorization given by the Chief Medical Officer is given to a nurse for the purpose of signing a certificate, of necessity. But the signature on the certificate will only occur after that person has consulted with the medical practitioner who is normally attending the patient. And there are very few people in the Yukon that don't have some medical practitioner they can fall back on and nominate as usually attending them. It's got to be basically a Medical Practitioner's Ordinance in this regard, because it's going to be medically audited by the Committee. But for convenience of patients, certain people are authorized to sign and their signature is accepted, by the Committee.

Mr. Chairman: Anything else?
6:
(Reads Clause 6)

Some Members: Clear.

Mr. Chairman: (1):
(Reads Clause 7 (1):

Mr. Chairman: 8 (1):
(Reads Clause 8 (1))
Clear?

Some Members: Clear.

Hon. Mr. McIntyre: Mr. Chairman, could we go back to Section 7. "An escort shall be deemed to be in travel status" and so on," and return to his home." I'm wondering if home is the proper word to use there, Mr. Legal Advisor, because the home of the escort may not be the same place as the origin of the transportation?

Mr. Legal Advisor: I'm not sure exactly what the point is Mr. Chairman. But the Section 7 doesn't deal with the travelling expenses as we would know them in every language of an escort. They deal with the per diem allowance for meals and the overnight bill he would have to pay in a hotel as he moves from point to point. His airfare or whatever it is, is paid the same way as a patient is. But he's got to get back to his home, even though he might have to go from Whitehorse to Teslin to pick up his patient, and bring him back to Whitehorse, and travel in the plane, the escort is entitled to go to his own home and this is the home we're talking about. I think it's the escort's home, to get back home.

Mr. Chairman: Miss Millard?

Ms. Millard: But I can envision someone say coming down from Dawson and receiving an escort from Whitehorse to take out to Edmonton, and then we would be responsible to take him right back to Dawson City, where -- because I know it's discussed amongst professional people who's going to escort who and it's quite a privilege sometimes to have a free trip out, and so I can see the point that it should maybe returned to the place where the resident was picked up.

Mr. Legal Advisor: Mr. Chairman, I'll look into it and discuss it with the medical people but the intention is that the escort return to his home base, wherever he happens to be living at the time. It's not intended to mean that if he happens to live in P.E.I. he can go back to P.E.I., but I can see there is room for doubt once we start to discuss the Section.

Ms. Millard: Then--

Mr. Chairman: Miss Millard?

Ms. Millard: --this will be reconsidered then?

Mr. Legal Advisor: Yes,Mr. Chairman.

Mr. Chairman: Is 8 clear?

Some Members: Clear.

Mr. Chairman: 9(1):
(Reads 9(1))

Ms. Millard: I would like to know if there was any provision for someone who, since the basic rate is the bus transportation, what if someone were medically unable to travel by bus without discomfort, would then -- is there any provision for air fare to be paid then?

Mr. Legal Advisor: Yes, Mr. Chairman. This can -- it occasionally happens that a person -- the usual situation is a person cannot travel by air and has to go by bus. There is sufficient flexibility in the regulations to allow this to happen.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I am a little disturbed here in this Ordinance. We have situations whereby there is no other form of transportation to evacuate a patient, other than private aircraft, that is to say a Beaver, an Aztec or indeed a helicopter, and I've known -- in my experience, at least in the Yukon for many years, I've known many occasions where pilots have gone and had to break the law in order to fly people at night, in order to attempt to save a life, and flying in bad weather and on top with no IFR ratings and this type of thing, in order -- in an attempt to save a life, and get these people in.

I also know air services that have done this and to add insult to injury, who have been unable to collect for the flight. Now, I feel that some provision should be made in the Ordinance to protect these operators who are doing a pretty good chore. I'm wondering if I could have some response from the Administration to this request?

Mr. Legal Advisor: I'm not really in a position to give a response so far as the policy is concerned, but Section 8 is intended to be wide enough to deal with an emergency, and it's completely unrestricted. Whatever the Chief Medical Officer deems to be necessary, he signs a chit and that's what happens. It may be an aircraft, it may be a helicopter, it could be anything, but Section 8 is a Section which, although in the Ordinance, leaves the capacity to break all rules for the purpose of getting the job done. It's the immediately preceding Section.

Hon. Mr. McKinnon: Mr. Chairman, where it was dubious prior, where in the case of a bona fide emergency, whether the person who brought the patient in was going to get paid, we have tried to make it completely clear in 8(1) that if there is that kind of emergency, it's anything goes. There's just no qualms involved at all with the transportation of that patient, by whatever means and whatever costs can get him to the place where he can get medical treatment, rather than trying to make it dubious, to clarify it to the point where I think Section 8 doesn't provide any room for doubt, that that patient is going to get the medical treatment.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, Section 8(1), I think it would be more valuable to make it more clearly delineated. I don't really think it does allow for the type of transportation that might have to be used in a specific instance. It really doesn't refer to the type of transportation at all.

Hon. Mr. McKinnon: Immediate medical evacuation.

Dr. Hibberd: But you can be immediately evacuated by car or bus. I'm merely stating that it should be perhaps by whatever means are available.

Mr. Legal Advisor: Mr. Chairman, it's drafted so that all the bills can be paid. If we start tinkering around with it and do a nicely polished draft like Mr. Phelps has me do sometimes, we might end up with something we might be sorry for.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to add as well that when such emergency flights or other forms of transport are authorized by the Chief Medical Officer, those bills are immediately and automatically paid by the Territorial Government, and if the person involved is a non-resident or does not come under these qualifications, then they attempt to recover, but the bill is paid first. They don't hesitate.

Mr. Chairman: Thank you. Anything further?
9, sub-section (2):

(Reads Clause 9(2))

Mr. Chairman: Any questions?
Mr. Fleming?

Mr. Fleming: I have a question to ask of Mr. Legal Advisor. In the case where they are flown out by airplane, there -- the cost will be taken by the Territorial Government, and yet if they have to drive out and need escorts, there is only one fare, scheduled air fare. Now, does that mean that is the escort and the patient, or does it mean it's just the patient and the escort has to come back on her own or his own?

Mr. Legal Advisor: Mr. Chairman, a now absent Member is responsible for that particular Section. There was no such Section before, and under no circumstances would the government pay for the cost of an automobile drive from Whitehorse to Vancouver. It would absolutely prohibit it, but as a saw-off, this was put in.

And the intention is to put in a certain minimum amount which will lead to no abuse, or at least restrict abuse, because with medical treatment, there was a suspicion -- I'm not saying it actually happened, but there was a suspicion, that from time to time people used to combine an operation and a holiday in Vancouver Island or Vancouver, and this led to a certain amount of officials being up-tight and doctors being up-tight about permitting these kind of medical treatments and operations outside of the Territory.

And the way to stop it was to have no driving out for treatment. The saw-off is one fare, because with the case of a child, he will invariably, up to the age of 12, need an escort going out, but if his father and mother choose to go with him, then the government shouldn't be asked to pay for the escort so that the escort can have a holiday in Vancouver Island, and I would ask the Members to bear this in mind. It's an economy measure with the intention of preventing abuse, and still to allow some freedom of action to the people who want to move here and there and charge a proportion of the cost to the government.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. Mr. Legal Advisor, I see your point to a certain extent, although I see the medical practioners saying you must go out by automobile, because you cannot go by airplane.

Now, this may happen, their doctor gives them that right. Then, I find it hard to believe that if they also say you must have an escort, that that escort wouldn't be paid for in that case up to a scheduled air fare for the escort. I find it very hard to believe, if it has been authorized and he says you must go that way.

Mr. Legal Advisor: If the Honourable Member was looking at the Honourable Doctor, you see the Honourable doctor shaking his head.

Dr. Hibberd: Mr. Chairman, I have never come across an instance where a medical practitioner has recommended land travel versus air travel.

Hon. Mr. McKinnon: Mr. Chairman, one thing about this Travel for Medical Treatment Ordinance, there is so many people who have taken advantage of this and I know, I've seen the correspondence and I know from the Minister, the ex Minister that--how thankful they were that this was availalbe to people of the Yukon and I know the fight that we had to put for first, getting it ouside of the territory and secondly, getting it inside the Territory, medical treatment before this Council and the fight we had for the administration to accept it.

I'll tell you one thing else that's really amazed me is the number of methods in which the public of the Yukon have seen fit to abuse these privileges that some of us members fought like hell for. And I'm telling you that my blood really starts boiling when I see the methods that they'll go to to screw the government and the people who have fought for them to try and get this type of treatment around.

Now, it was so narrow that there was no automobiles allowed at all because of some of the abuses that so obviously had taken place and have been put upon all the taxpayers of the Territory to pay for. So, we went to the people who did practice medicine and found out that it was so infinitismal an area that it's never happened to this point in their memory of the Yukon Territory, where they've said a patient go by automobile that they would provide an escort. This is just not done in good medical practice.

So we went further and said now, if the kids and the wife and the family wants to go on a holiday and they have surgery or something to get done when they're out there, okay, we'll pay for one, which never was allowed before. So we're making it even a little broader than it was before and probably leaving ourselves open for other methods that the public of the Yukon, a small portion of them, will use to try and get your tax dollar and mine out of our pockets. I'm telling you, when you do something that you think that the public would just be so thankful for because at the time when they have a really bad medical scene that everybody seems to be down and out on them and I'm telling you, its' a heavy scene and somebody is going to help them and then through the deviousness of other people, those people may be limited in the help that we can give them. And it's really amazing when you get into it to see the limits

that people can go to to try and abuse a program that is so needed in the Yukon Territory. This is broader than it was before, it lays down in clear guidelines exactly what is necessary and what the rules are and we had a lot of time and trouble with a lot of these sections of the Ordinance, particularly knowing some of the abuses that had taken place prior in the Yukon through the medical evacuation programs that the Yukon had initiated.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I just must say something due to the Honourable Member's explosion, because I am not against any one of these articles in here but I merely like to have things explained. Thank you very much.

Hon. Mr. McKinnon: Mr. Chairman, that wasn't even an explosion, that was--

Mr. Chairman: Leave us not have an explosion then. Any other questions?
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, just for clarification. I'm not quite sure that this section, we're on Section 9 (2) are we?

Mr. Chairman: Yes

Hon. Mrs. Whyard: Transporting the residents from the point of referral to the nearest place where an airport is located. I see nothing about an ambulance from that airport to a hospital but I'm assuming that it is included?

Mr. Legal Advisor: I would think so, Mr. Chairman. I can check it out and see. It largely depends on what the practice is.

Hon. Mrs. Whyard: I mean, Mr. Chairman, it would be great to arrive at the airport but if you can't get from there to the hospital, and ambulances outside cost money.

Mr. Chairman: You're going to look into that, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman.
There's no question, it's not intended that ground transport is the normal routine, is not intended to be provided from the airport to the hospital, but an ambulance in some cases is quite a different matter if it is medically required.

Hon. Mrs. Whyard: Thank you.

Mr. Chairman: Thank you Mrs. Whyard. Anything arising?
10(1).

(Reads Clause 10 (1))

Mr. Chairman: Clear?
Unless Mr. McKinnon would like to elaborate on that.
11:

(Reads Clause 11)

Mr. Chairman: 12 (1):

(Reads Clause 12)

Mr. Chairman: 13(1):

(Reads Clause 13(1))

Mr. Chairman: Mr. Legal Advisor, I'm wondering whether in this instance, where a lawyer recovers that amount, is he, is the lawyer entitled to the same fees as under the Medical Health Ordinance?

Mr. Legal Advisor: I would think so, yes. But that's by an understanding and a regulation made under the Financial Administration Ordinance.

Mr. Chairman: I see.
14(1).

(Reads Clause 14)

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, what about the non-resident whose expenses have been paid by the Territorial Government?

Mr. Legal Advisor: Mr. Chairman, we don't pay except for medical evacuation, any expense of a non-resident. If we recover them from the non-resident, then we take our chances. They are recoverable in the normal course of events, under I think it's an action had and received, but they are hard to collect.

Mr. Chairman: Clear?
15(1):

(Reads Clause 15(1))

Mr. Chairman: Clear?
16(1):

(Reads Clause 16(1))

Mr. Chairman: 16 (2).

(Reads Clause 16(2))

Mr. Chairman: Clear?
17(1):

(Reads Clause 17(1))

Mr. Chairman: Clear?
18(1):

(Reads Clause 18(1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Before we proceed with the reading of the preamble, I just had one question that got by me, and that deals with Section 14(1), where provision is made to recover travel expenses which have been paid, from a person found guilty of a wrongful act or omission and so forth.

"Person" is, I believe interpreted as being a corporation as well as an individual, my question is, does this apply to government as well?

Mr. Legal Advisor: Which government, Mr. Chairman?

Hon. Mr. Taylor: The Government of Canada or the Government of the Yukon Territory as such, the Administration?

Mr. Legal Advisor: I don't have any answer, but in certain circumstances, yes, the government would have a responsibility. If the government, through the negligence of a driver of a truck, caused damage to somebody, then that person will have at law, an action against the driver personally, and also against the owner of the car which is the government, and would in the normal course of events meet that responsibility.

Hon. Mr. Taylor: But, Mr. Chairman, what I'm saying is, must that person then go into Exchequer Court and first sue the government to recover, or is this Ordinance not designed to repay him for those medical costs?

Mr. Legal Advisor: No, Mr. Chairman, he could sue this government in the Supreme Court itself. He would have to sue the Government of Canada in the Exchequer Court, but you get into an awkward situation when one government is suing another, of course, but normally speaking, the bill of course would be paid.

Mr. Chairman: Federal Court for the record, Mr. Legal Advisor.

Hon. Mr. Taylor: Mr. Chairman, this is the point that there is no Government of the Yukon Territory in law; there is only an administrative arm of the Federal Government, and that's why I think it's an important point, because this question has arisen in other areas of legislation, and I'm just wondering to what extent the government is liable under 14(1).

Mr. Legal Advisor: It depends on what happened in the particular case. It would be hard to give a general rule, but if a person is injured through a government truck knocking him down, if an individual is injured by a government truck in circumstances which render the driver or owner of that truck liable in an action at law, then they would pay, and if they didn't pay, they are capable of being sued and being forced to pay.

This doesn't affect the instance of Section 14, because it would be unnecessary, the Government has already paid the money, so the government isn't going to pay to itself, and we would probably not argue too much with the Federal Government, because we maintain a certain relationship even if the Honourable Member doesn't approve of it, between one Department of a Crown and the other.

It is sometimes cozy, Mr. Chairman, sometimes otherwise.

Mr. Chairman: Well I think that that's it for Bill Number 8 at this time. We expect to hear further from the Administration regarding certain Sections. Section 2, Section 7, sub-section (2), and Section 9, sub-section (2).

Mr. Legal Advisor: The Honourable Member has a point about Section 14 as well. I think I should check back, because I think we should use the word "person" in certain circumstances.

Mr. Chairman: Thank you. We will add to that list 14, and I won't be reading the preamble today. We will wait to hear further on those sections and clear them first. I will at this time entertain a motion, Mr. Lang?

Mr. Lang: Mr. Speaker – Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: Seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. McCall, that Mr. Speaker now resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion is carried.

Motion Carried

(Mr. Speaker resumes Chair)

Mr. Speaker: At this time I'll call the House to order.

May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker, The Committee convened at 10:55 a.m. to consider bills, papers and motions. A discussion was had on Motion number 2, and an amendment was moved by Mr. McKinnon, seconded by Ms. Millard and duly carried, that the Motion be amended by deleting the words "not less than $100" and by deleting the word "Three" and substituting the word "six" therefore. The motion as amended was duly carried.

The Committee recessed at 11:.50 and reconvened at 1 p.m.

We had present as witnesses Mr. Gillespie, Mr. Fitzgerald and Mr. Hoeff. It was moved by Mr. McIntyre and seconded by Mr. McKinnon that Bill Number 1 entitled An Ordinance to Amend the Credit Unions Ordinance and reported out of Committee without amendments. And that motion was carried.

It was moved by Mr. Taylor and seconded by Mr. Lang that Bill Number 2 entitled An Ordinance to Amend the Game Ordinance be reported out of Committee without amendment. And that motion was carried.

It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 3 entitled An Ordinance to Amend the Cooperative Associations Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. Fleming and duly carried, that Bill Number 4 entitled an Ordinance to Amend the Housing Development Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 5 entitled an Ordinance to Amend the Territorial Employees Superannuation Ordinance be reported out of Committee without amendments.

It was moved by Mr. McIntyre, seconded by Ms. Millard and duly carried that Bill Number 6 entitled an Ordinance to Amend the Judicature Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. Lang and duly carried that Bill Number 7 entitled An Ordinance to Amend the Historic Sites and Monuments Ordinance be reported out of Committee without Amendment. I can report progress on Bill Number 8, Mr. Speaker.

It was moved by Mr. Lang, seconded by Mr. McCall, that Mr. Speaker now resume the Chair, And that was duly carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Fleming: Mr. Speaker, I now move we call it 5:00 .

Ms. Millard: I Second that.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Olgivie, that we now call it 5:00. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10 a.m. tomorrow morning.

Adjourned

The Yukon Legislative Assembly

Number 4 | 3rd Session | 23rd Legislature

Debates & Proceedings

Tuesday, May 13, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Tuesday, May 13, 1975

(Mr. Speaker reads daily prayer)

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the house to order.

ROUTINE PROCEEDINGS

Mr. Speaker: We will now proceed to the Order Paper and to the Daily Routine.

Is there any tabling of documents or correspondence this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today written answers to written question number 1, Withdrawal of Subsidy for Emergency Phones on Yukon Highways, and written question number 5, Proliferation of Studies and Reports.

Mr. Speaker: Madam Clerk?

Madam Clerk: Mr. Speaker, I have examined the Petition under Standing Order Number 4, and the Petition appears to be in order. I am, Mr. Speaker, therefore tabling my report.

Mr. Speaker: The Honourable Member from Whitehorse South Centre.

Dr. Hibberd: Mr. Speaker, could we have the Clerk read the Petition?

Mr. Speaker: Is the House agreed?

Some Members: Agreed.

Mr. Speaker: Madam Clerk, could you read the prayer?

Madam Clerk: "Whereas we are vitally concerned with what happens to Yukon land, our land, we the undersigned petition the Yukon Territorial Government to release the Territorial Position Paper and the Territorial Assembly state what their position is on the native land claims which is currently under negotiation".

Mr. Speaker: Is there any further tabling of documents or correspondence?

Reports of Committees?

Introduction of Bills?

Are there any Notices of Motion or Resolution? The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Yes, Mr. Speaker, I have a Notice of Motion pertaining to Indian land claims. It's moved by myself, and seconded by the Honourable Member from Watson Lake, and with your permission I would like to read this motion.

Mr. Speaker: Proceed.

Mr. Lang: "BE IT RESOLVED that this House instructs the Honourable Member from Riverdale, Willard Phelps, to support the principles enunciated in this Motion, when acting on behalf of this House as a Member of the Advisory Committee to the Federal negotiator of the Yukon Indian land claims.

(a) That the rights of all owners of property in the Yukon held by title or lease be honoured in any settlement arrived at or agreed upon.

(b) That the usufructuary rights of all residents of the Territory be honoured.

(c) That any settlement should contribute positively to the constitutional development of the Yukon.

(d) That all residents of the Yukon be equally subject to the laws of the Territory and the special privileges assumed or otherwise, be abolished as part of the settlement.

(e) That all programs and services within the legal competence of the Territory as defined in Section 16 of the Yukon Act be delivered through the government of the Territory in accordance with legislation enacted by this House and in accordance with appropriations voted by this House;

(f) That all Crown land which does become part of the land claims settlement be immediately transferred to the control of the Commissioner in Council to be held for the beneficial use of the Territory.

And the House further resolves that the said Member should report from time to time to this House.

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

Are there any Notices of Motion for the Production of Papers? The Honourable Member from Klondike.

Mr. Berger: Yes, Mr. Speaker, I have a notice of motion concerning the tabling of contracts between the RCMP and Historic Sites and the Y.T.G. to perform third party works on R.C.M.P. and Historic Sites vehicles by the Y.T.G.

Mr. Speaker: Is there any further notices of motion for the production of papers? We'll then proceed to orders of the day. Madam Clerk, could you ascertain if Mr. Administrator would be available to the House this morning?
Madam Clerk leaves the Chamber.

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

Recess

ORDERS OF THE DAY

Mr. Speaker: At this time we'll call the House to order and we have with us today Mr. Administrator, who will assist us in the question period. Any questions?

QUESTION PERIOD

Mr. Speaker: Mr. Administrator?

Mr. Administrator: Mr. Speaker, I have an answer to a question put yesterday by Ms. Millard. The question was, when the Transfer of Prisoner's Agreement was under discussion at the last Council session, Council was told that two prisoners were awaiting transfer. Were these prisoners transferred and when?

The answer is, that the two prisoners awaiting transfer in March subsequently decided they wished to remain in the Yukon. Therefore, they have not been transferred. However, the agreement is being used to facilitate the transfer of a native born Yukoner back to the Yukon from an outside institution. This transfer was requested by the prisoner prior to the approval of the agreement.

Mr. Speaker: Any questions? The Honourable Member from Whitehorse Porter Creek.

Question Re: Park Canada

Mr. Lang: Yes, Mr. Speaker, I have a question for the Administrator. I understand Park Canada is doing a survey of the southern portion of Canada. And this is a written question incidentally. What is the purpose of this study and I would like to know is there a possibility of another national park.

Mr. Speaker: Are there any further questions?
The Honourable Member from Olgivie.

Question Re: Policy on Boarding Children Away From Home

Ms. Millard: Mr. Speaker, I have a written question for the Minister of Education. Will the minister detail for us the policy of the department on boarding children away from home to attend school, especially the policy as to cost and how it is determined.

Mr. Speaker: Thank you. Are there any further questions this morning? The Honourable member from Klondike?

Question Re: Dawson School Grounds

Mr. Berger: I have a written question for the Honourable Minister of Education concerning the school in Dawson. In the last budget we had some items of preparing school grounds and so on in the various schools in the Yukon Territory. But just recently there was a construction performed in Dawson and the school fround is a real mess.

I was wondering if there was any money set aside for the repair to school grounds and the playground facilities?

Mr. Speaker: The Honourable Member from Mayo?

Hon. Mr. McIntyre: Mr. Speaker, I wasn't aware of this particular situation. I'll look into it.

Mr. Speaker: The Honourable Member from Olgivie.

Question Re: Beer Bottle Depot

Ms. Millard: Mr. Speaker, I have a question for Mr. Assistant Commissioner. Sometime ago a question was asked in Council by myself about the beer bottle depot and I was advised at that time by the Commissioner that it would be established soon. Has there been any progress on this?

Mr. Speaker: Mr. Administrator?

Mr. Administrator: Mr. Speaker, yes, there has been considerable progress made on the empty beer bottle return problem which has resulted from prolonged negotiations both with the brewers and the Pacific Brewers Distributors, the agency of the brewers. Tenders are now being prepared to arrange for the picking up of empty bottles throughout the Territory and the shipment of these bottles to Vancouver.

In the first instance, the empty bottles will be accepted at all the liquor stores and the central warehouse, up to two dozen from the general public at the time of purchase, and from the licensee operators up to the amount of purchase. The contractor who picks up the empties will be permitted to purchase additional empties from operators and other purchasers at the same price as will be paid by the liquor store. This first step will be implemented before the end of June. Additional measures are being contemplated for the future and the exact nature of these improvements will be determined as we gain experience with these initial arrangements.

Mr. Speaker: The Honourable Member from Olgivie?

Question Re: Forestry Buildings in Old Crow

Ms. Millard: I have another question for Mr. Assistant Commissioner, I believe it's to him.

In Old Crow there is a building that has been built and left sitting there for quite a lengthy time. It's a forestry house and outbuildings. Is there going to be

any use for this building, are the forestry people going to live in it, is it going to be for the game warden, what is going to be the use of it or is it just going to sit empty?

Mr. Speaker: Mr. Administrator?

Mr. Administrator: Mr. Speaker, I'm not sure -- there is a building there which currently belongs to fisheries, I'm not sure if this is the same building. If it is the same building, we're hoping to make use of that for our game people. If not, I will have to take notice of the question, Mr. Speaker.

Ms. Millard: Yes, Mr. Speaker, if you can take notice of it, because it's certainly a different building and a much better building.

Mr. Speaker: Are there any further questions this morning?

I would like to thank Mr. Administrator for his attendance in question period this morning and we will now proceed to Public Bills.

PUBLIC BILLS

Bill Number 1 Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1, An Ordinance to Amend the Credit Unions Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 1 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo Seconded by the Honourable Member from Whitehosre North Centre that Bill Number 1 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Bill Number 2, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move seconded by the Honourable Member from Whitehorse North Centre that Bill Number 2 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 2 be now read for a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 2 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

Motion Carried

Bill Number 3, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 do now be read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: The motion is carried. Are you prepared to adopt the title to the Bill?

Motion Carried

Hon. Mr. McIntyre: We are. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 3 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and that Bill Number 3 has passed this House.

Motion Carried

Bill Number 4, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried. Are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 4 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and that Bill Number 4 has passed this House.

Motion Carried

Bill Number 5, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse Porter Creek -- or pardon me, from Whitehorse North Centre, that Bill Number 5 be now read for a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried. Are you prepared to adopt the title to the Bill?

Motion Carried

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 5 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried and that Bill Number 5 has passed this House.

Motion Carried

Bill Number 6, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 be now read for a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Historic Bill #7 passed presented May 22/75

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried. Are you prepared to adopt the title to the Bill?

Motion Carried

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 6 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried and that Bill Number 6 has passed this House.

Motion Carried

Bill Number 7, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 be now read for a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as Carried. Are you prepared to adopt the title to the Bill?

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 7 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried and that Bill Number 7 has passed this House.

Motion Carried

Bill Number 12, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move seconded by the Honourable Member from Mayo, that Bill Number 12 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 12 be now read for a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When shall the bill be read for the second time?

Bill Number 12, Second Reading

Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Mayo, that Bill Number 12 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 12 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Bill Number 13, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 13 now be read for a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by

the Honourable Member from Mayo, that Bill Number 13 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 13 Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 13 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 13 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Bill Number 14 First Reading

Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 14 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 14 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 14 Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Mayo that Bill Number 14 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 14 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: The motion is carried.

Motion Carried

Bill Number 15 First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 15 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 15 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 15, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 15 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 15 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: The Motion is carried.

Motion Carried

Bill Number 16, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that bill Number 16 be now a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 16 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 16, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Mayo that Bill Number 16 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 16 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Bill Number 17, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 17 be now read a first time?

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 17 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read a second time?

Bill Number 17, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 17 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 17 be now read for a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Bill Number 19, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo, that Bill Number 19 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 19 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried. When shall the Bill be read for the second time?

Motion Carried

Bill Number 19, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Mayo, that Bill Number 19 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, that Bill Number 19 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: May I have your further pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker now leave the chair and the House resolve in Committee of the Whole for the purpose of considering Bills, Sessional Papers, and Motions.

Mr. Speaker: Is there a second?

Ms. Millard: I second it.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Ogilvie, that Mr. Speaker do now leave the Chair, and the House resolve in Committee of the Whole to consider Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

(Mr. Speaker leaves chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call Committee to order and declare a 10 minute recess.

Recess

Mr. Chairman: I will now call Committee to order.

The next item would appear to be a clause by clause reading of Bill Number 9.

2, sub-section (1):

(Reads Clause 2 (1))

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to have who ever is in charge of this Department here as a witness or whatever, to explain what is actually supposed to take place with this Bill. Can one of the Ministers relate to what--

Hon. Mr. McKinnon: Mr. Chairman, Mr. Gillespie is in charge of this Department. I'm sure that he would welcome the opportunity to be appear before Committee on it.

The reason why the Ordinance comes before Committee at this time, is that there are programs where there are cost sharing involved by the Federal Government and the Travel and Information Branch of the Yukon Territorial Government that we haven't been taking advantage of up to this time. With the passage of this Ordinance, some of the research and the planning that are going on by the Travel and Information Branch of the Yukon Territorial Government can be cost shared by the Federal Government, so we are just trying to take advantage of some federal monies which we haven't up to this point, which we think that we, like the rest of the provinces, should share in.

And that's the only reason for the Ordinance.

Mr. Chairman: Is it the wish of Committee that we invite Mr. Gillespie?

Mr. Lang: I would like to have him here if we could.

Mr. Chairman: Is it agreed then?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, could you see if he's available?

Madam Clerk leaves the chamber

Mr. Chairman: I will declare a brief recess.

Recess

Mr. Chairman: I will now call Committee to order. We have with us Mr. Gillespie, and we're going clause by clause through Bill Number 9, Mr. Gillespie. Are there any questions of this witness?

Mr. Lang: Yes, Mr. Chairman. What worries me is that this last session we talked of $750,000.00 approximately for the administration of tourist and information.

Now, what worries me is are we going to be setting up another bureaucracy, say a Territorial and Federal cost-sharing program, and what would be the relation as far as the sharing? Is it 90-10, or 75-25, or --?

Mr. Gillespie: Mr. Chairman, there would be no new bureaucracy attached to the implementation of this particular Bill. All it is is a cost-sharing arrangement which will enable us to enter into agreements with the Federal Government on a 50-50 cost sharing basis generally, to carry out studies, the sort of studies that we have been carrying out in the past.

Examples of those sorts of studies are the Parks Study, another one the Evaluation of Historic Sites at Fort Selkirk and 40 Mile, the highway lodges study, this kind of thing. We will probably be able to cost share. We would hope to be able to cost share with the Federal Government under an agreement pursuant to this proposed Bill.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to know how much money, like you say 50-50, how much money is

forecasted over and above what we have already allocated?

Mr. Gillespie: Bear with me for a moment.

Mr. Chairman: Very well.

Mr. Gillespie: Mr. Chairman, I will have to come back with the answer to that question later on, when I've been able to locate it.

Mr. Chairman: Thank you Mr. Gillespie.
Mr. Lang?

Mr. Lang: Well I'd certainly like to have a full explanation on what has happened because as far as the tourism is concerned, I see these figures of the amount of tourists that have come up to the Yukon apparently and I think somewhat they're prefabricated, anybody can play with statistics, once again as I say in days gone by and I think it's essential that we know what is going to happen. I don't think it's something that we can just be very flippant about.

For an example, you have these people counting vehicles. I don't know, mine must get counted maybe five times a day between here and Porter Creek and I sometimes feel like a tourist but really I'm not. I think it is essential to have a look at it because, in my estimation, in order to get an accuate count, I've talked to Mr. Gillespie on this, in order to get an accurate count on the amount of tourists coming up, we should have an extension to the weigh scales in Watson Lake, and the campsite stickers and see what we can do to have it made mandatory, if the federal government will allow us that privilege, for tourists coming up from the month of May to September and then we would have an accurate count of what's going on. And as well, at the same time, they would check the insurance of the vehicles coming up here because there is a lot of these vehicles coming up on the Alaska Highway where their insurance is not valid for the Yukon. If they do not have insurance valid for the Yukon they should either be turned back or else have to buy some more insurance. And as well, I think it would help pay for the maintenance of the Alaska Highway which we, at most times, is in a very bad way. So I'd appreciate an answer to that question before we pass this out of Committee.

Mr. Chairman: Well possibly what we ought to do then is carry on to another Bill and invite Mr. Gillespie back after lunch when he's had an opportunity to research that particular question.

Mr. Lang: Thank you Mr. Chairman.

Mr. Chairman: Thank you Mr. Gillespie.
We'll then leave Bill 9 until this afternoon and proceed to Bill Number 10 on a clause by clause.
1:
(Reads Clause 1)
Clear?

Some Members: Clear.

Mr. Chairman: The preamble.
(Reads Preamble)

Mr. Chairman: The title of Bill Number 10, An Ordinance to Repeal the Students' Grants Ordinance.
Clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a motion.

Hon. Mr. McIntyre: Mr. Chairman, I move that Bill Number 10 be reported out of Committee without amendment.

Mr. McCall: I will second that Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall, that Bill Number 10 entitled an Ordinance to Repeal the Students' Grants Ordinance be reported out of Committee without Amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Next, Bill 11. Clause by clause.
1:
(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 2 subsection 1:
(Reads Clause 2(1))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: In 2(1)(c) the definition of Committee I believe it means established pursuant to Section 15, since section 5 has no reference to the Committee.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: It should be section 15, Mr. Chairman, it's a typing error.

Mr. Chairman: Thank you. Ms. Millard?

Ms. Millard: I'd like to ask a question of someone under 2(1) – it's really confusing this organization here. Anyway, on page 2, under b, definition of independent students, has not attained the age of 24 years. Is there some reason for this cut off date or can it be extended to include adult students?

Mr. Legal Advisor: Mr. Chairman, there is a reference to adult students later on in the Ordinance which changes the age in respect of a special

classification of people who are long time residents in the Territory.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: I was just wondering, Mr. Chairman, if at all possible to call we could call some witnesses to go through this with us from any student body or Vocational School, providing the House is in agreement?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: I don't think that anybody from the Vocational School would -- this is dealing with post secondary education.

Mr. Chairman: Mr. McCall?

Mr. McCall: What about F.H. Collins School?

Hon. Mr. McIntyre: Well that wouldn't be applicable either, you know, because it is for university.

Hon. Mr. McIntyre: Mr. Chairman, I might just say a few words in connection with this Ordinance, that this Ordinance represents what is in effect at the present time. We have just taken the former legislation and regulations and combined it into one Bill to cover the two situations that existed before, one of which was under an Ordinance, and the other which was under regulation, and it doesn't represent any change in policy. It's exactly the same situation as we've been operating under, including this year. The students that are making application at the present time will be making it right now under the former Ordinance and Regulations, and as soon as this is passed, it will be transferred to this Ordinance.

But the terms and conditions are exactly the same.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Mr. Chairman, I'm having a little trouble with 2(b) here, where it says "has resided continously in the Territory for less than 12 months immediately prior to the commencement of classes," and then carries on to "who signs a declaration of intention to maintain continuous residence in the said Territory for a period of 12 months from the date of such declaration". Does that mean that if a person came up here for a month, they are eligible to apply but they have to say that they will be staying here for 12 months? Is this the intention?

Hon. Mr. McIntyre: Mr. Chairman, this basically applies to people who have moved to the Yukon or have been transferred to the Yukon and have taken up residence here, but haven't qualified under Section A, but who have a dependent who is eligible--would otherwise be eligible under the program, and in order not to inhibit it, that person from attending post-secondary education, this particular provision has been placed in the Ordinance. It was also in the former regulations, and what we require is the declaration of the intention of the parent that he or she will --intends to maintain continuous residence in the Territory for a period of 12 months from the date of such declaration.

It hasn't resulted in any problems that I'm aware of in the past.

Mr. Chairman: Mr. Lang?

Mr. Lang: So, just for my own edification it means in fact--in effect, that if people move up to the Yukon and their student is in Grade 12 and he has say, done 4 months here and graduated or whatever it is---

Okay, thanks.

Mr. Chairman: Clear? Subsection (2):
(Reads Clause 2 (2))

Mr. Chairman: Does this apply even though the dependent student marries before his 19th birthday?

Mr. Legal Advisor: We don't get many people who are married before 19 that apply under this Ordinance, Mr. Chairman. I would say on the definition of this, as it's written, this would be so. But perhaps I should explain to the House that there were two sets of regulations governing the money which was allocated to students--one was an Ordinance and was governing grants; the other was a regulation that was governing what used to be called bursaries and it would now be called scholarships under this Ordinance.

They were developed over a period--a long period of years, and in the course of dealing with the regulation, a number of anomalies were brought to light on a regular basis through people who thought they were qualified and whom the Committee thought should be qualified, by reason of their connection, their residence and so on with the Territory, so the regulations were amended from time to time, to take into consideration special cases, because each special case was a new case but it could occur again.

So as you go through the Ordinance, you will find a number of Sections which are tailored to fit specialized situations because the thrust of the Ordinance is an enabling and empowering Ordinance to enable genuine applicants to be given the benefit of these scholarships and grants, and to exclude people who are trying, as an Honourable Member mentioned yesterday, to obtain advantage of something to which they are genuinely not entitled. So the Ordinance is quite a difficult Ordinance to contruct and indeed to understand.

Mr. Chairman: Thank you. I was just wondering whether or not you might qualify that further by saying "or until he or she marries".

Mr. Legal Advisor: Perhaps.

Mr. Chairman: So that it dove-tails with your definition under 2(1). Could you take that under advisement?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Sub-section (3):
(Reads Clause 2(3))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I wonder if the Legal Advisor could give us some more clarification on that Section. It is not quite clear.

Mr. Legal Advisor: I would prefer to clarify it outside the House rather than inside the House, Mr. Chairman. It's intended to be an honest attempt to deal with the situation which can commonly occur with married women who are deserted by their husbands or who leave their husbands and they have got young children, who have left their education for the purpose of marrying or obtaining a job because of economic circumstances, and who later, in life, wish to return to complete their qualification as a nurse or whatever it is. And it's especially tailored for that purpose.

Now, there isn't much experience in it in the operation of this Section as yet, because this Section only found its way into the Regulations about 18 months ago, I think.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, yes, I would like to just put in my objection to this, because anyone who has completed not less than four years' secondary education in the Yukon obviously was a child when they were in high school or a dependent, and this restricts it to simply -- to people who have lived in the Yukon for a long time, people who have come up with their children still in high school, and that child has now been in the Yukon 10 or 15 years, and has left school and can go back and apply.

It doesn't apply to people who have come say with children who have come in Grade 10, 11, 12 and have come back to go on to further education, not come back to the Yukon, but have come back into the educational system. It's -- I think it's quite restrictive the four years; I would suggest it could be two years or one year of secondary education in the Yukon to at least enclose the people that come up as civil servants, and normally they don't stay more than two or three years, so their children would never apply -- would never apply in this.

Hon. Mr. McIntyre: I think that's the intention, is to make this particular Section restrictive, because if we opened it up to any great extent, we would never have enough money in our, the amount we have allotted to begin to pay for the applicants.

This was a special Section put in to meet a special purpose, and I'd rather see it removed completely than extend it.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I take it, like up here a little earlier, it says "has not attained the age of 25, 24 years prior to the commencement of classes". In reference to this 3(a) and (b), does this mean that like myself, I did most of my schooling here in the Yukon, say at the age of 32 or whatever the case may be, if I decide to go back to school, am I eligible for this, is this the intent?

Mr. Legal Advisor: If you were four years in Yukon schools, yes, Mr. Chairman.

Mr. Lang: So, Mr. Chairman, when I'm 65, I can go back to University?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Lang: Thank you.

Mr. Chairman: Are you satisfied, Mr. Lang?

Mr. McCall: Secondary education, four years' secondary education.

Mr. Legal Advisor: This is post-secondary education, Mr. Chairman, but you must have been four years in a Yukon high school or its equivalent.

Hon. Mr. McKinnon: Mr. Chairman, I think there's several things -- I've been involved in this Scholarship Committee to such an extent because of different problems that people have met in being eligible for scholarships or grants.

The one thing that under Section 15 I think all members of Committee should be aware of, that we probably have set up and the personnel in it, one of the most independent committees, free of all government influence in the Scholarship and Grant Committee. And these people who are involved in these people who are involved in this Committee pride themselves completely on the lack of government and political pressure that can be put on them, so that they make what they feel are very objective decisions upon people looking for grants and scholarships. Personally, I think that's terrific and would like to have it left that way.

Just about all of these suggestions, which are incorporated, in this Ordinance, come from their handling of hundreds of applications over the years. The remarks I made yesterday on the medical evacuation can apply completely to this Ordinance. You cannot imagine the imagination of the public in an attempt to rip off the government from a plan that they originally intended to help Yukon students, and make sure that the taxpayers' money was going to the benefit primarily of the students of the Yukon.

It became for a couple of years, prior to the Committee putting some of these regulations into effect, the Yukon was just hot, it was known all over Canada, go up for a summer job, it didn't even matter, go up and collect Unemployment Insurance in the Yukon for a couple of months and you got four years of university guaranteed on behalf of the Government of Canada. You know, the kids couldn't believe it, they just said, "Man, this is the greatest place in the world". So the Committee went to work on that and put in regulations that were in this and they ran into the other instance, the 24 year old one, which I ran into too, because after serving a term on the Legislative Council, I went back to finish off my degree and do some other work, and I couldn't get any help from here, because I wasn't -- I was over 24 and wasn't a four year tenure of Yukon schools, but I was a citizen of the Yukon, my marks were good enough that could get a scholarship in Manitoba, because I considered myself to be a resident of the Yukon, they said "Go to hell' he is from Manitoba, so I was a man without a country as far as any help in post-secondary education was concerned.

I went along with it, because I thought, you know,

that I was old enough that certainly I should have enough bucks put together by that time to be able to do what I want to do. So we ran into the other problem now on this Committee of people who had been in the work force for an awful lot of years, whose family had grown completely and away from the nest and then decided that they could go to school, and if I mentioned the names of the people who had the bucks to be able to do this, you just couldn't believe it. You know, they had more money than you and I ever are going to see the rest of our lives. They were coming to the government and appealing as mature students, so that they could get money to go off to U.B.C., and there were female menopause and male menopause students involved who had decided that life was not – they weren't doing their thing any longer, and it was time to go out and find a new career, and they had ample opportunity, and I'm not kidding you, and money to be able to do this in absolute style, you know, to which they had become accustomed, and yet they were coming to the Committee and asking them for help to be able to go and do this, even including the plane fare to be able to get to school and back, you know.

So the Committee had to make some restrictions in that regard to – and they come up with these regulations. I'll tell you something else, that this Committee is so independent that if they're not considered to be allowed to go under the regulations which they have found are the best that they have come up with so far in a pretty fair assessment of all the applications they get to them, they would just as soon say "Go find somebody else to run your show," because all they get is nothing but abuse constantly from it.

And another interesting thing, out of all the hundreds, it's almost going into the thousands of kids who they have listened to and helped, I think they have on file about two thank you letters up to this point. So you talk about a thankless position to be in and one that takes an awful lot of time and one that they work hard on. It would be pretty tough to replace this Committee of government, because as far as I'm concerned, they're one of the best I have ever seen in operation, and I know that when I have gone out and tried to put some influence on them, they just told me exactly where to go and I think that's exactly the position that they should maintain.

These are the regulations that they found that they can operate under, that they are getting – I don't think there is any fairer committee in listening to people who want to appear before them, and I think they have just done one tremendous job. It really is appalling, and it's the same as I said yesterday, on the imagination of the people who will – you know, and all these regulations are meant to that miniscule amount of the population to go about trying to beat the government, the rest are completely,honest and above board, don't need all these regulations, but boy, can they ever come up with schemes to beat you if you don't have them in there. It's just unbelievable.

Mr. Chairman: Thank you. Dr. Hibberd?

Dr. Hibberd: Thank you Mr. Speaker. I wonder if we could be informed as to is on this committee and at the same time, perhaps I could ask how many students are involved and what is the cost of the program?

Hon. Mr. McIntyre: I could get that information.

Dr. Hibberd: Is it possible to carry on Mr. Hibberd and have that information after lunch.

Any other questions about this specific sub clause? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I would just like to restore the Honourable Members' faith in human nature, by saying that I know of at least one case where a student from the Yukon who dropped out of the second year of a two year course, voluntarily repaid the entire grant which he had been assigned to him.

Mr. Chairman: Thank you, Mrs. Whyard.
3(1):
(Reads Clause 3(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 4(1):
(Reads Clause 4(1))

Some Members: Clear.

Mr. Chairman: 5(1):
(Reads Clause 5(1))

Mr. Chairman: Mr. McCall.

Mr. McCall: I was wondering, how was this $1,200 figure derived?

Hon. Mr. McIntyre: Mr. Chairman, this is the amount of money that has been paid in the past. It was formerly divided into two amounts of $600 each and this is the amount of money that the estimate in the budget this year were set. I realize that with costs of everything going up, that the $1200 probably represents an insufficient amount but there's no way we can get this changed until the estimates for the next year.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: I take it, Mr. Minister, that you are looking at upgrading this amount for the next budget?

Hon. Mr. McIntyre: Mr. Chairman, yes. We're looking into the possibility of not only increasing the amount but possibly extending the period of assistance from four to five years.

Mr. Chairman: Thank you. Any further questions?
6(1):
(Reads Clause 6(1))

Some Members: Clear.

Mr. Chairman: Seven, one
(Reads Clause 7(1))

Some Members: Clear

Mr. Chairman: Eight, one
(Reads Clause 8(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Nine, one
(Reads Clause 9(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Ten, one
(Reads Clause 10(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Eleven, one

(Reads Clause 11(1))

Mr. Chairman Clear?

Some Members Clear.

Mr. Chairman: Twelve, one
(Reads Clause 12(1))

Mr. Chairman: Ms. Millard?

Ms. Millard: I'd just like to go back for a second, if I may, on the figuring out how much money per year. It seems to me that $1200 for the first year and then a total of a thousand per year if they are eligible for a scholarship past the first year is putting the emphasis on the wrong place. I know probably the philosophy behind it is to get the child off to a good start. Normally in first year, I found anyway, there were a lot -- there was lots of money available. There was high school scholarships and things like that, that the first year was pretty well solid. After that was the problem and there are many students who start out in first year and don't go back. So we're putting the emphasis moneywise on the first year when the money really isn't needed and our investment may not even be taken up. I wonder if it can be explained why this emphasis is on the first year?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, not having been a member of the Committee that developed these regulations, I'm not really that familiar with the rationalization behind there. I would assume that the object is to get these younsters off to a good start at university, and with the idea in mind that in their second year, there will be employment available to them as students which will enable them to earn some of their own bread to get through university.

Mr. Chairman: Ms. Millard?

Ms. Millard: Well, just a supplementary, there is employment available to people in grade 12 also. The employment really isn't the question.

Mr. Lang: Mr. Chairman, I don't think that's the question. I think the question is the amount of time in order to earn the money to go to university, you have two months when you get out of grade 12 and you have four months when you get out of your first year of university. You have May till September and I think it's quite adequate the way they have it personally. I think it's a matter if you have four months to earn a living, a person, especially a male, in construction, can be very well off financially at the end of four months, if they are willing to put in the time involved in earning the money.

Mr. Chairman: Thank you Mr. Lang.

Ms. Millard: Yes, Mr. Chairman, and only if they attend a university that operates on that schedule. I don't see that that's much on an objection to the actual reality of the case, that I would say something like at least 40 percent of the students quit after the first year and we may have invested $1200 in the ones who have just gone for one year. The ones who are willing to struggle and go on further, we're not giving them as much, which doesn't seem proper to me.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Well I'd like to state that I really don't agree with that Mr. Chairman. I think it's quite adequate the way it's written up. I really can't see any argument at all with it.

Mr. Chairman: Thank you, any further questions?

Hon. Mr. McKinnon: Mr. Chairman, this is really flexible because six and seven allow the guys to do it, semesters, trimesters, terms or quarters, whatever he can do, and monetarily and be allowed to have a proportionate amount of scholarship and grants for that period of time. I know that the Committee was looking not, primarily at the students but the parents of the kid after grade 12 because the parents, after the guy gets out of grade 12, he only has two months to work, and generally at that age he doesn't have an attempt during the two months, in July and August, and most of the hire for bush jobs and stuff goes on in May, but that kid doesn't have nearly the opportunity of making the bucks the first year. It's the parents pocket book that suffers a heck of a lot more in the first year than in the other years because after that he can on his own schedule, through his terms, trimesters, whatever he wants to do. He also has the opportunity and this is true in the Yukon that the Yukon jobs are primarily saved for Yukon students no matter what area you go to, and that if a guy wants to hustle and wants to get out to work and wants to go into the bush, he can go to university with this scholarship and grant and with the money he can make in the bush in the summer, in a style better than most of his southern colleagues can do. This is a fact of life and I know it. So

in the second, third and fourth year, if that person wants to get out and hustle and doesn't want to live the good life in Whitehorse during the summer, he can go back to university in pretty good monetary style. That was the reason the Committee had the $1200 in the first semester to try to ease the drain on the parents pocket book and let the kid go out and hustle for the rest of the three years and I agree with that.

The Chairman: Thank you. Anything further? Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, in view of the fact that it is International Women's Year, I have to make a comment, that the Honourable Member is absolutely right when he says that it's possible to go back in style. If you're a male student attending from the Yukon, but the situation is quite different for girls. The jobs that they can get during the summer pay far less than the men's. They have to work as waitresses or chambermaids or whatever in lodges along the highway, and these are good jobs and that's fine, it's a good summer's experience, but they are not going back with a fistful of money at the end of the year. And their expenses are as high as the men's, as far as students are concerned.

This has been a matter of concern to me and to many others for a long time, and I don't know how you solve the situation. There is not equal pay for equal work yet in this world, and until there is, I guess the girls will always have to struggle a little harder to get through school.

Hon. Mr. McKinnon: Mr. Chairman, I was trying to use persons and people, and perhaps my male chauvinist background didn't allow me to use it in all instances, but I have seen, within the last several years, women survey. I know from the last amendment that they now go into the mines, that they are employed at Whitehorse Copper, and other areas in the last few years, I have seen this dramatically change on my tours throughout the Territory, so I think that this is definitely changing, that women are getting into these jobs which were formerly only a male applicant need apply type of thing. I welcome that and think that in the near future that they will have those opportunities which they are pursuing now, to be able to go back with the same amount of money in their jeans as their male counterparts.

Mr. Chairman: Thank you, Mr. McKinnon. Mr. Lang is next.

Mr. Lang: Mr. Chairman, another point I would like to bring out too, and I have to agree with what Mr. McKinnon has said in the construction field they are going flagging and this type of thing, there is another area that men aren't accessible is the area of being a cocktail waitress. I know these girls make in the area of tips, if they are in a good location around town, make in the area of between 40 to $60.00 in tips quite conceivable, tax free.

I know--I know that in my own case in construction, we maybe make between 50 to $70.00 a day, but that's all taxed, so I think that maybe there is not parity here. Maybe we're being discriminated against, I don't know.

Thank you.

Mr. Chairman: Thank you, Mr. Lang. Mr. McCall--he always likes to get into this kind of debate.

Mr. McCall: Thank you, Mr. Chairman.

In view of what was said by the Honourable Minister for Local Government, I do beg to differ with the Honourable Member for Health and Welfare.

In our particular industry, there has been substantial break through in the last couple of years, in fact at this moment, we have students now working at the mine, male and female, and they do get equal pay.

Hon. Mrs. Whyard: Good.

Mr. Chairman: Thank you, Mr. McCall. Miss Millard?

Ms. Millard: Well I really can't let this pass without some comment. I simply happen to have on hand here a little article from the newspaper which says, "Results of a survey by Statistics Canada show that on the average, earnings of women in financial institutions, insurance and real estate were almost half of those of men". Now, that is just one industry and it applies in every industry, and I have certainly found I must support Mrs. Whyard wholeheartedly on this, because I found as a university student myself, I was earning a dollar and a quarter an hour during the summer time, which kept me over the summer, and at the same time when men were earning up to 3 or 3.50 an hour on the average, which was disgustingly differentiated.

I think especially with this being International Women's Year, it might be a wise idea to have another look at this financial need and particularly of women students. This might be a wise move on the government's part to, even if they can't do it this year, perhaps next year in view of International Women's Year, that this be taken into consideration.

Beyond that, I think we are getting away from the question here, and I still persist that the emphasis here is quite wrong. That the first part of the year, usually, if parents have been saving money to send their children to University, it's used up in the first year. It's their second, third and fourth year and beyond that, certainly, where the troubles are found. I found that myself. In high school I got two scholarships and a bursary. I was all prepared for the first year, although I didn't have any money from my parents, so that a lot of things are available to high school graduates which aren't available to a person who has just finished first year university or second year university. The emphasis here is totally wrong.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: I couldn't disagree more strongly than my colleague across the table. I would like to say this, too, that--and our point here, as Mr. McCall and Mr. McKinnon have brought up, that parity is being reached, and the thing is like, for an example, when I was out in the Watson Lake area working, I ran across a group that were working for a mining industry in exploration, and there was, I believe, four girls

geologists and two men geologist for this outfit. So I think that it's being reached, and I don't think that we can complain on that two month's basis.

Mr. Chairman: Thank you.

Mr. Chairman: Thank you, Ms. Millard?

Ms. Millard: Mr. Chairman, just for Mr. Lang's information, if he would mind looking back to the votes to see where I indicated where there were areas of concern, and certainly there were areas of concern in earnings in financial consideration. Perhaps he can look back on that and refresh his memory.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I feel compelled to speak because I do have an opinion. I wholeheartedly back our Local Government Member and Mr. Lang in their statements. I also feel that the girls do have a point, but I think if you will just look ahead a little ways into the future, this Council has the answer themselves right here. If these children need work in the future, then it is more or less up to us to see that they do get work in the future, and see that our children from the Yukon Territory, from these schools, the jobs that are available are held for those children and not for somebody walking in from outside I think that's all we have to look at.

And also the wages are equivalent for girls and boys. That's the answer to the whole problem.

Mr. Chairman: Thank you Mr. Fleming, I must agree with you.

Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I'm a little concerned about Section 11 and again repeated in Section 22, where the eligibility expires at the end of four years or on the completion of obtaining a degree. I have no doubt this has been considered carefully, but I would like to suggest that we should be offering inducements for the students to go on to further education and therefore should be included in this program.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: This particular suggestion has a financial implication and as our budget is set for this year, we can't do anything about changing the number of years or changing the amount of money until the budget session next year. And as I say, the Executive Committee is looking into this.

Mr. Chairman: Thank you.

Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I think the main problem, the Honourable Member Mr. Fleming has touched it on, is the student work giving it to students even in some cases from other countries. A good example is in 1970 there was a high unemployment rate amongst students and I was in Europe at the time and I believe there was about 250,000 students looking for work in Canada, across Canada and in Europe, they were running great big ads and these were Canadian government ads, Come to Canada to pick Tobacco, at $1.80 and in some cases $1.60 an hour which is way below the rate to be paid in Canada. I think this is the type of thing the problem amongst male or female students, I don't care, I have to agree with Mrs. Whyard on some of the instances like waitresses, and I also have to agree with the other members, but I think the main problem is that we look in the future. I hope that the Honourable Member -- Minister of Education takes a good hard look into the future.

Mr. Chairman: Thank you Mr. Berger.

Anything further?

Ms. Millard?

Ms. Millard: Just one last comment. Perhaps some day we can look at the minimum wage and start making it realistic because women are the ones who are getting the minimum wage throughout the Yukon. I hope that this will come before this Council before too long, that the minimum wages at least equivalent to in -- in comparison to the cost of living, equivalent to what is happening outside. Ten cents an hour more does not make it equivalent to what's happening as far as the cost of living is concerned up here.

Mr. Chairman: Ms. Millard, you're stretching the bounds.

I'll allow that and no more.

Mr. Chairman: Thirteen, one
(Reads Clause 13(1))

Mr. Chairman: Does that sound fair?

Fourteen, one
(Reads Clause 14(1))

Mr. Chairman: Fifteen, one
(Reads Clause 15(1))

Mr. Chairman: Two
(Reads Clause 15(2))

Mr. Chairman: Three
(Reads Clause 15(3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Four
(Reads Clause 15(4))

Mr. Chairman: Five
(Reads Clause 15(5))

Some Members: Clear.

Mr. Chairman: Six
(Reads Clause 15(6))

Some Members: Clear.

Mr. Chairman: Seven
(Reads Clause 15(7))

Mr. Chairman: Sixteen, one
(Reads Clause 16(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Seventeen, one
(Reads Clause 17(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Eighteen, one
(Reads Clause 18(1))

Mr. Chairman: Subsection two
(Reads Clause 18(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Nineteen, one
(Reads Clause 19(1))

Some Members: Clear.

Mr. Chairman: Twenty, subsection one.
(Reads Clause 20(1))
Clear?

Some Members: Clear.

Mr. Chairman: Twenty-one, one.
(Reads Clause 21 (1))

Mr. Chairman: Subsection two
(Reads Clause 21 (2))

Some Members: Clear.

Mr. McCall: I would like some clarification for the Minister as to the sentence "A substantial connection with the territory". That's very broad. Can we have an explanation please?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, the intention behind these--this particular Section, and also to 3, deals with the situaton where a student attending university may not return to the Territory for the vacation period, for the purpose of working or for a holiday, and may say get a job in Newfoundland for the summer period. This is to provide for these particular cases where in essence, the student may be say, living in Vancouver attending U.B.C., and working somewhere else outside of the Territory for maybe two or three years, and it's to provide some means of evaluating this particular situation that we say that he is maintaining, in the opinion of the Committee, a substantial connection with the Territory, or making a significant contribution to the Territory, where in the opinion of the Committee the renewal will enable them to improve that contribution.

It's to give some flexibility to a student who, for reason of his own, may not be able to return to the Yukon during a vacation period.

Mr. Chairman: Thank you.

Hon. Mr. McIntyre: It's an attempt to be fair to the student.

Mr. Chairman: Mr. Hibberd?

Dr. Hibberd: Mr. Chairman, I'm a little concerned regarding the explanation of this Clause, in that there are many students who will be involved in jobs in the summer time that are related to their education, and they are more or less obligated often to take such jobs, and I can't see how this is really covered by this Clause, except by saying that they have a significant contribution to the Territory. That certainly wouldn't cover them all.

Hon. Mr. McIntyre: Well, the substantial connection to the Territory would, I think.

Mr. Chairman: Anything else? Mr. Fleming?

Mr. Fleming: Mr. Chairman, I must admit that I find it very confusing myself in the same manner as Mr. Hibberd does.

Hon. Mr. McKinnon: Mr. Chairman, if I could speak on this, the Committee wants the discretionary powers and the flexible powers, because there are so many instances and they go, every case is a unique experience in itself that they deal with. If they don't have the discretionary power and the flexibility, and if they are tied down tightly by specific regulation, then there's all kinds of instances that do develop.

The person who, as a result of his schooling, gets a job in his discipline, they would consider that person still to be a resident of the Yukon and would be eligible under 2, even though his parents in the interim, had removed themselves from the Yukon Territory. They wouldn't have any problem with that.

But, if the parents had obviously moved and the student every year is going and living with the parents at their place of residence, and making no attempt to even attain a job in the Yukon or any indication that he's going to come back to the Yukon, all he wants is the grant and scholarship from the Yukon, then they would make a different decision, I would believe, as to the eligibility of that student.

It's an attempt, 21 (1) and (2), to allow that discretionary power and that flexibility in this Committee, and I must say that up to this time they have done an extremely good job of separating the bona fide students from the ones that are just trying to use the grant and scholarship section of the regulation.

Mr. Chairman: Thank you. Anything arising?

I think we should possibly recess at this time, and possibly urge the Administration to come back with their decision on 2, sub (2), either defend the present

situation or have them no longer a dependent student if they are married in the interim between the death of parents and the age of 19.

Hon Mr. McKinnon: Mr. Chairman, could I suggest that to many of us, that's going to be impossible before two o'clock, because we already have our appointment calendars filled with people coming to see us from 1 to 2. I think that we should be allowed to at least attempt to have a bite of lunch, and if we can report progress on this Bill once we are through with it and when we get a chance to get together to examine it, we will certainly bring our feelings back to the Committee Table.

Mr. Chairman: Very well. I will declare a recess in any event, until two o'clock.

Recess

Mr. Chairman: I will now call the Committee to Order.

We'll continue with our clause by clause in Bill 11. Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, I have an answer to the question that Dr. Hibberd asked earlier in the day. Who are the members of the Student Financial Assistance Advisory Committee? The answer is John Holden is the chairman, Marilyn Halliday, Robert G. Hilker, Doris Stenbraten, Charles D. Taylor and Rosalee Stuart. How many students are in the program? The Number that were assisted in this past year, 190, and the cost of the program during the past year, 180,402 dollars.

Mr. Chairman: Anything arising from that information before we proceed?

22, subsection 1:
(Reads Clause 22(1))

Mr. Chairman: Subsection 2(a)
(Reads Subsection 2(a))

Mr. Chairman: 23, sub 1
(Reads Clause 23(1))

Mr. Chairman: 24(1):
(Reads Clause 24)
Clear?

The Legal Advisor: Before you finally report progress, may I request that Section 18 be transferred from its present position as section 18 and inserted again at, immediately before the present Section 24. It's out of its context in the position it's in.

Mr. Chairman: Is that agreeable?

Some Members: Agreed.

Mr. Chairman: There remains then, aside from reading the preamble and title, some response from the Administration on Section 2, sub 2.

Madam Clerk, are the witnesses ready for Bill Number 9?

Madam Clerk: It will be about 5 minutes.

Mr. Chairman: Shall we then declare a recess for five minutes? Agreed?

Some Members: Agreed.

Mr. Chairman: So called.

Recess

Mr. Chairman: I will now call Committee to order. We're back to the clause by clause of Bill Number 9. We were dealing with Clause number 2. We have with us as witness again, Mr. Gillespie. Mr. Gillespie, you were asked a question by Mr. Lang which you required time to produce the answer for. Have you got that answer?

Mr. Gillespie: Yes, Mr. Chairman. The answer to Mr. Lang's question is that we have nothing in either the expenditures or recoveries in this year's budget for this particular item.

As I explained this morning, the Ordinance would allow us to enter into an agreement with the Federal Government on a 50-50 cost sharing basis.

Our plan is, if this Bill is passed, is to collect retroactively, $6,500.00 from the Federal Government for the Historic Sites study done last year, and $2,500.00 for the Yukon Highway Lodge study, for a total of $9,000.00 in retroactive recoveries.

When the 1975-76 budget was passed in the last Session, the Federal Treasury Board had not given the Department of Industry, Trade and Commerce approval to make these retroactive payments, and this is why they are now shown in the budget, andalso why this Bill was not presented at the last Session.

This Ordinance would also allow the government to cost share research and planning studies in future years, if we were for example, to undertake a resident recreations study, which is one that we are thinking of at the moment, or a campground master planning study is another one we are also thinking of. At that time, of course, we would put money in the budget and then that budget would appear before this Council at next year.

I don't know, I hope this answers your question.

Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Mr. Lang: Yes, it answers my question. My thought is, you know, like your 50-50 sharing is that in other words, next year if this goes through, the Territorial budget for the Tourist and Information is going to go up that much more, is that correct?

Mr. Gillespie: Mr. Chairman, if we plan to undertake studies next year, then the full amount of the expenditures will appear in the budget, and half of those expenditures will appear in the recoveries.

Mr. Lang: I realize that, but it's still costing us more money.

Mr. Chairman: Just a second now --

Mr. Gillespie: If we undertake them. Now, the expenditures do have to be approved.

Mr. Chairman: If you're going to be asking questions, Mr. Lang, please rise and address the Chair.

Mr. Lang: Well, Mr. Chairman, this is perfectly okay by me, but I think we are going to have to look at it the next time, next year when the budget comes before us, to see if these requests for new programs are available, because I feel that there's a lot of money being spent here, and I question the validity of that amount of money being spent in that area.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: I take it from your last remarks that we have now paid for two studies, completely, by the Yukon Territory and in order to collect our 50 per cent back from them, we would have to carry on with this programming.

Mr. Gillespie: That's correct.

Mr. Fleming: Your hope is to collect back. You don't have any assurance yet, do you, that you could collect it back?

Mr. Gillespie: The indication is that the Federal Department of Industry, Trade and Commerce has gone to the Federal Treasury Board, seeking permission, if this Ordinance is passed, to pay us retroactively that money. The Treasury Board has now given its approval, so I think we can take that as our assurance that this money will certainly be coming to us this year, this $9,000.

Mr. Chairman: Thank you. Any further questions? Mr. Lang?

Mr. Lang: I'm curious now, we've got $9,000 retroactive, does it go to the General Revenue Fund or does it stay within the Tourism Department. I'd like to kind of know how that would be spent? If this is going to be extra now.

Mr. Gillespie: Mr. Chairman, that will go into the General Revenue Fund.

Mr. Chairman: Anything further?
3 (1):
(Reads Clause 3 (1))
Clear?

Some Members: Clear.

Mr. Chairman: 1 (1)
(Reads Clause 1 (1))
Clear?

Some Members: Clear.

Mr. Chairman: The preamble.
(Reads Preamble)

Mr. Chairman: The title to Bill Number 9, Travel Industry Development Agreement Ordinance.
Clear?

Some Members: Clear.

Mr. Chairman: Thank you Mr. Gillespie.
I will entertain a motion.

Hon. Mr. McIntyre: Mr. Chairman, I move that Bill Number 9 be reported out of Committee without amendment.

Mr. Chairman: Do we have a seconder?

Mr. Berger: I will second that, Mr. Chairman

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. Berger, that Bill Number 9 entitled Travel Industry Development Agreement Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed?

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: We will then move on to Clause by Clause of Bill Number 12.
(Reads Clause 1)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a general question on the ordinance I would like to direct to Mr. Legal Advisor. In persuing the Ordinance I find that most of the changes relate to the remission of monies from the Commissioner over to the territorial treasury more specifically. For instance, in the clause now under consideration, we say any person who uses, we change that now to every person who purchases fuel. I also note that the people, further on as we get through the Ordinance, who are now excluded from the provisions of the Ordinance, for certain purposes, the generation of power, this sort of thing, that there has been no change in this.

Is there indeed any further changes in the general bill from what now exists in the current bill?

Mr. Legal Advisor: Mr. Chairman, I think there are a couple of minor changes, but none of substance and they will appear when we come to it.

The basic change is to change the accounting method which is used for collecting fuel oil from one kind to another.

At the moment, everyone is caused a lot of trouble, because when you purchase fuel for a duty free purpose, you go to the gas station and you fill in a certificate and it goes to the Treasury for each individual purchase. The person who is selling it has to maintain a file of these and account for every one, and then they came over to the Treasurer and then they are ac-

counted for and then they are checked back again on the main distributor.

Now, they are changing over the accounting method, whereby the person who wants fuel for a duty free purpsoe, makes an application direct to the Treasury. He's given a permit and a number, and whenever he gets fuel oil, then that's checked onto a number and the number is tranferred and can be checked back in the central files of the Territorial Treasurer. This is the basic change.

We ran into several law cases over the years in attempting to prove, not that the person had purchased duty free fuel, but that the person used fuel on which duty should have been paid for a purpose which required tax to be paid on it. We found difficulty in collecting, and we found difficulty in the court of proving what actually happened, because the person could go along to a friendly agent who would just give him a form, he filled in that he wanted for generation of electricity or something, and then he could purchase for one small stationary engine, he could purchase up to a hundred thousand gallons for one engine. When that would come to the Treasury's notice, they are chasing him and they are chasing him from Alberta to Ottawa and back again and they still haven't caught up with some of them.

So, they changed it over to a reasonably simple accounting method, and that's the real purpose of this Ordinance.

Now, so far as exemptions and that kind of thing are concerned, I think there are a few minor ones that have been picked up during the course of the redrafting. I can't recall them to mind at the moment, but it wasn't the original intention of the Ordinance.

Now, so far as transferring the remission to the Territorial Treasurer is concerned, it just happened that on redoing the Ordinance, we used "Remit to the Treasurer" in some places, "Remit to the Commissioner" in others, and we just firmed it up by making it go direct to the Treasurer, who is the administrator and the tax gather for the Territory.

Mr. ChairmN: Thank you. Anything else arising? Two.
(Reads Clause 2)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Three
(Reads Clause 3 5(1))

Mr. Chairman: Mr. Lang?

Mr. Lang: Does this mean, Mr. Chairman, that the fuel that is used by the people who are in the agricultural field is just a matter of the vehicles for driving around the farm and not driving on the highways, is that correct?

Mr. Legal Advisor: That's the intention, Mr. Chairman.

Mr. Chairman: 5(2).
Mr. Fleming?

Mr. Fleming: Thank you, Mr. Chairman.

I take it from this that the farmer now is going to go and he is going to get a permit for whatever vehicle he uses to farm with, tractors, so on and so farth.

Now, I would question just what – how do they come to be sure that he is qualified to have this? Is there a Board or a Committee or who decides who is a farmer and who is not a farmer, or what the vehicle is to be used for?

Mr. Legal Advisor: I don't know, Mr. Chairman, who decides in the final analysis, but each individual makes his application and he fills in the details in the spaces in the form provided, and they either believe him or they don't.

But the change is not so much to change that portion, it's to change the word "tractors" to mode of equipment, because it's just strikes a person as harsh to call, we'll say, a jeep which is used for a certain purpose on a farm to call it a tractor when it's not, but they call everything a tractor.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, what you mean is there really is no Board of Appeal. If the people, whoever is deciding this, decides that you're not a farmer, you're not a farmer, is that correct?

Mr. Legal Advisor: I'm not sure how many farmers there are, but I'm sure that both of them agree to this particular set of rules.

Mr. Chairman: Five (2)
(Reads Clause 5(2))

Mr. Chairman: Five (3)
(Reads Clause 5(3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Four.
(Reads Clause 4)

Mr. Fleming: Mr. Chairman, I find in this 5(3), it says "valid and subsistent permit being issued by the Commissioner. This is what I referred back to 5(1) where there is no actual explanation as to whether you are considered a farmer or not a farmer or how do you get your permit or anything else and yet in this paragraph there is, a permit issued by the Commissioner.

Mr. Legal Advisor: I can see you looking at me Mr. Chairman but I'm not sure whether the question was asked or a statement was made.

Mr. Chairman: Mr. Fleming, you can determine that.

Mr. Fleming: Yes, I would ask the question is why we are to go to the Commissioner for a permit in this paragraph and why we are not to go or we don't have to, or apparently it would seem so, in 5(1).

Mr. Legal Advisor: Mr. Chairman, he will still have to have a permit to do what he wants to do and he's got to satisfy the Territorial Treasurer that he is using it for bone fide farming equipment. If he uses it for any other purpose he is liable to a criminal charge.

Mr. Chairman: I'm a little confused Mr. Legal Advisor. Does this mean that you're saying that any permit presently in existance just carries on with respect to mining and so on.

Mr. Legal Advisor: Yes, Mr. Chairman. I can't give any financial explanation for this, but apparently it has been traditional that fuel oil tax is not charged on a mining operation where it is used for, what might be called, a cooking process. This carries on that tradition unchanged. The drafting is only a very minor point. No tax is payable on fuel oil purchased and used for heating in the mining business. The earlier draft said just used. It's just to fit in this particular sub section with the other sections.

Mr. Chairman: Anything arising?
Mr. Lang?

Mr. Lang: Mr. Legal Advisor may not be able to answer this. I'm kind of curious as to how much fuel oil is actually used by the mining industry. I would like to get that information at a later date if we could. I'm just curious to know what the mines do use in the quantity that is tax free for this, so-called, cooking process.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: As far as I know, there are no mines using fuel oil directly for the purposes of drying the concentrate. The only mines I know of which uses a drying process is Anvil and they use coal from Carmacks.

Mr. Chairman: Four:
(Reads Clause 4)
Mr. Berger?

Mr. Berger: Mr. Chairman, I looked through this present Ordinance and the new Ordinance and one question arises and is, why wasn't the municipalities considered to be tax exempt on fuel? I mean they're definitely not in the personal gain business and they only supply a service to the people and I think it would be a good time to enter a new section to exempt the municipalities of fuel oil, taxes too.

Mr. Legal Advisor: Mr. Chairman, that question was exhaustively debated by the last Council and the debate took approximately two days, and at the time the Commissioner explained that research had been done throughout Canada and there were a few places where municipalities had been exempted but the trend, and over 90 percent of municipalities, in fact over 99 percent of municipalities pay fuel oil tax in the normal way. He said the government policy was to charge the tax to municipalities and if they required exemption then they could be opened by way of a return by way of money given to the municipalities and that would be part of their losses and their expenses, but not to do it as an exemption process. And the House approved that in the light of the last Council.

Mr. Chairman: Five:
(Reads Clause 5)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Six:
(Reads Clause 6)

Mr. Chairman: Clear?
Seven "11 (1)":
(Reads Clause 7)

Mr. Chairman: Clear?
Eight:
(Reads Clause 8)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I would just like to hear from perhaps Mr. Law Clerk as to why three years instead of two years?

Mr. Legal Advisor: Mr. Chairman, there were two particular cases involved. One of them was quite serious and it involved something like 60 or $70,000.00 non-payment of tax in respect of a company which had a road contract, and in the course of the road contract they used very large quantities of fuel, but they purchased it all duty free under the guise of stationary engines.

The Territorial Treasurer's people eventually caught up on them, but they were unable to collect a large portion of this money because it escaped into a previous year and we couldn't get to the accounts and we're depending on accounts and on pieces of paper. Very poor accounting methods were used by the firm. Possibly deliberately, so we lost tax.

Now, when you say one year, you're really talking about a business year when you're talking about a company's accounts, so we need to catch two years, and we've got to say three years in order to have leeway at the beginning and end ot it, because they are choosing the financial year, not the government.

Mr. Chairman: Mr. Legal Advisor, 7 doesn't call for the repealing of Section 11 (1). Shouldn't it provide for that?

Mr. Legal Advisor: Yes, Mr. Chairman, it should.

Mr. Chairman: We will treat that as a typographical error, should we?

Mr. Legal Advisor: Please, Mr. Chairman.

Mr. Chairman: Mr. Berger, did you have a question?

Mr. Berger: Thank you, Mr. Chairman.
I have something on a generality basis, something

bothers me with that fuel oil tax. Why call it a fuel oil tax? There's other propulsion fuels available too, one of them I'm thinking of specifically is propane, and a distributor of propane in some instances uses propane for --to drive their own vehicles, and they are making a tremendous profit on propane and my understanding is that up til now, propane could not be touched by local legislation because of no taxes on it. I think the administration misses a good opportunity to just call it a fuel tax, for propulsion of vehicles or something like this, and include propane in the same thing.

Mr. Legal Advisor: Mr. Chairman?

Mr. Chairman: Yes?

Mr. Legal Advisor: It could be made clear if the Honourable Member would refer to the definition of fuel oil which in the Ordinance which is being amended. It's a very wide technical definition. I think it includes propane within its ambit, it's included in the definition, I think.

Mr. Chairman: Mr. Berger?

Mr. Berger: I don't think so, because I'm fighting for propane for two years now, and apparently there is nobody can determine the actual cost of the propane at Taylor B.C. and some of their excuses I had through the Territorial Government Administration and through the Consumers' Association is because there's no taxes available, no tax--the propane is not taxed on a Territorial basis, and this is why there is no way that we can get a hold of it.

Hon. Mr. McKinnon: Mr. Chairman, I would suggest that perhaps the Ordinance be left in abeyance until Mr. Assistant Commissioner Miller returns, who is the expert on taxing.

The reason that the new Section 5 (5) is included, is simply that, that this does cover propane, now, and there is a method that has been determined of putting the fuel oil tax on propane. I wouldn't be even prepared to try and delineate before Committee what that procedure is, but it has been and it is, and it is intended that the fuel oil tax be applicable to propane, and of course, there is no desire by government to put that impost upon that propane which is used as fuel oil for cooking, and other than that, there would be no reason for 5 (5) being included in this Ordinance. There's no doubt in my mind, after listening to the Assistant Commissioner explain this Ordinance, that this was one of the reasons for the Ordinance being brought forward at this time.

Mr. Chairman: Are you satisfied with that answer, Mr. Berger, or--?

Mr. Berger: Yes, I would take the Honourable Member's suggestion and maybe we could wait for the Assistant Commissioner Miller to come back.

Mr. Chairman: When is he expected back, Mr. McKinnon?

Hon. Mr. McKinnon: As far as I know, Mr. Chairman, it is on this Friday.

Mr. Chairman: Well I leave this up to the Members. What is the feeling?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I was interested to hear that we were talking about propane. I would think that more properly we should not be dealing with this question of taxing of propane or anything else, until we come around to consider next spring's estimates in the budget. I think that is the time we properly discuss taxation. I don't think that we should be doing it at this Session, inasmuch as we have already approved the current year's budget.

Mr. Chairman: Mr. Lang do you have something? Ms. Millard?

Ms. Millard: I would certainly like to delve into this subject because of the fuel oil equalization plan. If people can get equalization payments on propane, I would be very interested to find out.

Mr. Chairman: Is it then agreed that we report progress at this time on this Bill and wait for Mr. Miller?

Some Members: Agreed?

Mr. Chairman: Mr. McKinnon, the next Bill is an Ordinance to Amend the Municipal Ordinance. Is it your intention to invite witnesses on this clause by clause?

Hon. Mr. McKinnon: Mr. Chairman, Bill 13, 14 and 15 affect to a considerable degree municipalities or local improvement districts in the Yukon. I think that as most of them, and there are sections that don't apply, to this general statement, most of the suggestions that appear in these Ordinances come as a result of representations from the Yukon Association of Municipalities.

The Department of Local Government has sent out copies of all these Ordinances that apply to municipalities and to local improvement districts after their introduction. There is an executive meeting of the Yukon Association of Municipalities in Whitehorse this weekend. I think probably to expedite business of Committee it would probably be quickest if we went through these bills, through Committee, and then report progress on them and following the meeting of the Executive of the Yukon Association of Municipalities, if they wish or desire witnesses prior to third reading of the Bills, then we could accommodate them at the beginning of next week before they return back to their respective towns or municipalities, Mr. Chairman.

Mr. Chairman: Is that agreed by the members?

Some Members: Agreed.

Mr. Chairman: I think I'll declare a short recess at this time and another short one later on. Five Minutes.

Recess

Mr. Chairman: I call the Committee to order and

we're about to go clause by clause through Bill 13.
One.
(Reads Clauses 1)
Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would ask why the estimated population and also the assessment, as to why you should have a town or not?

Mr. Legal Advisor: Mr. Chairman, I can't recall the reasons but the original table proved to be difficult to apply and to understand and its merely a revamping of the table.

Mr. Chairman: Thank you. Perhaps we should ask the Sergeant at Arms to stop those jets.
Mr. Lang?

Mr. Lang: Mr. Chairman, I'm curious about the 10 million dollars assessment. Is this whether or not an area becomes a city, is this up to the Territorial Legislature or is it to the LID and say for example, Watson Lake, I don't know if they're considering becoming a city or not, but if they were assessed for 10 million dollars, would they automatically go into that?

Mr. Legal Advisor: No , Mr. Chairman, there was a table prepared at the time of the passage of this original Ordinance, I think it was in 1972 or 73. There was a continual question being asked whether they had to be both over 300 in population and over a million dollars in assessments and the intention was to have it either over 300 or over a million dollars to become a village. It was intended to be an automatic scale, that when your population either exceeded 300 or become a million dollars, you should -- you could if you wished become a municipal district or village. And there are other sections that are not printed in this part of the Ordinance but were in the Main Ordinance, as to how this comes about. There are a series of automatic sections.

Hon. Mr. McKinnon: Mr. Chairman, there is no discretion on the part of the Commissioner or this Council to say that if you fit the one or other of these requirements, that now you become either a Village or Municipal District, a Town or a City. There is a well-defined Section of the Municipal Ordinance which says how a local improvement district or any of the areas fitting these qualifications goes about becoming either a Village, Town or City under the terms of the Municipal Ordinance.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Mr. Chairman, my point is that if an area is an L.I.D., I can't understand why they would ever want to become a city, after going through the Community Assistance Program, other than the fact they may have a little more control over the area.

Hon. Mr. McKinnon: This is a very good question on philosophy, whether the Local Improvement District's responsibility should increase under the Local Improvement Districts' Ordinance, or whether an area which has grown to some status which fits into the terms of the Municipal Ordinance should be really guided or should be asked whether they would not, because of their status, be willing to come under the terms of the Municipal Ordinance, because of the greater flexibility they have in guiding their destiny as a Municipality than under the Local Improvement District Ordinance.

It's a good argument, as to whether we should leave the Local Improvement District -- Ordinance as it is without greater responsibilities, we've had some pressure from the Local Improvement Districts that they want greater responsibility. We could say, "Look, if you do want greater responsibility, then you should come in under the Municipal Ordinance, and you can really then have control over the destiny of the community which you're elected to represent.

So it's a policy decision of whether the Local Improvement District will be allowed more power and flexibility, or whether people who have reached this type of population or assessment will be asked whether they would not prefer to become a Town or a Village or a City under the Municipal Ordinance.

Mr. Chairman: Thank you. Anything further?
Two
(Reads Clause 2(2))

Mr. Chairman: Four:
(Reads Clause 2(4))

Mr. Chairman: Five:
(Reads Clause 2(5))

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: Well I think before passing this Section we certainly have to have some input from the Association of Yukon Municipalities. I think we should just waylay this for awhile, because I think we could argue for hours on whether or not a Mayor should vote and a lot of the other conditions in here.

Mr. Chairman: Miss Millard, just on that, I think we should discuss it now and we will be inviting the Mayors as witnesses, and if they wish to open any of these Sections by agreement, we can open them at that time. I think that's understood.

Ms. Millard: M'hmm.

Mr. Chairman: Okay?
Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman.
We went through this whole Section before, as certainly one Honourable Member and one Law Clerk could attest to. I still hold the view that an elected member should not by legislation, be told that he has to place a vote. If it is his wish to abstain for whatever reason that may be, he should have that right as an elected Member, an elected person.

If we were talking about people appointed by government, well then that could be a different thing,

but as far as I'm concerned, I'm unalterably opposed at this time to any suggestion as contained in 2 sub(2) which states that all the Members present, including the Mayor, shall vote.

Mr. Chairman: Thank you, Mr. Taylor.
Mr. McKinnon, do you wish to comment on that?

Hon. Mr. McKinnon: Well, Mr. Chairman, the reason why -- it was a very dull Ordinance, and the reason why this was put in was because we realized what a good debate we had the last time it went around the circle. I am of the opinion that it shouldn't be the Mayor and the Executive Officers of the Municipalities who should really have the decision on whether they should vote or not, I think it should be the Members of the Council and the people who elect them.

If anybody decides whether they want their elected officials to stand up and be counted, I think that's what you're elected for. As sub-section (4) of Section 2 says "a member of Council is not required to vote when he is disqualified from voting by reason of interest or otherwise." If a guy wants to chicken out and say "I abstain" and give his reason, he can sure abstain, but the public still knows what he is doing. He is voting "yeah" or "nay" or he's abstaining. I don't really think that an official should run for public office unless he's willing to stand the gaff before the public of letting the public know where he stands, and that's about on every decision that comes about in any of the Municipalities of the Yukon, you never know where the Chief Executive Officer of that Municipality Stands. It's a beautiful political position, because you can play both ends against the middle whenever it suits his purpose, or following the meeting when he finds out which way the political wind is blowing. I don't think Yukoners like that type of elected representative. I say, "What's the heck, he's run for office, let him get in there, let him get his feet wet and let him make a decision, "yeah" or "nay" or abstain like the rest of all the aldermen and like the rest of all of us have to do here". I think that's the true democratic process, and I think that's what he should be prepared to do.

And if the Chief Executive Officers of the Yukon Association of Municipalities, I think they would be silly to even mention the point, because I would like to be in the beautiful political position that they are, just about every instance, and never have to make a decision except through a tie vote. I don't think that that's the way that the aldermen want it, and I don't think that that's the way the people of the Yukon who elect these Chief Executive Officers of the Municipalities want it either. As I say, I feel quite strongly on this. This is an area which wasn't suggested by the Yukon Association of Municipalities, but one that I think that we should decide on. We've been in debate on it before, of course, where there's an equality of votes, the vote is seen to be defeated, that's only natural because then that can come up again, at a later date, where if it is in the affirmative, it would be a more difficult chore to bring the same -- or if there were an equality of votes, it was affirmative that would stop the question at that point. I think it's normal Parliamentary practice that with the equality of votes, that the vote is deemed to be in the negative.

So, those are some of the reasons that I had in particular of resurrecting this Section of the Municipal Ordinance, and I believe that it should be included in these amendments to the Municipal Ordinance. As I say, I feel quite strongly about it, and I think that the people of the Yukon do also.

Mr. Chairman: Mr. Lang?

Mr. Lang: To Minister of Local Government, I don't know if you can answer this or not, what's the procedure outside in the municipalities outside, is this along the same lines, are they mandatory to vote or is it up to the discretion of the council?

Hon. Mr. McKinnon: I don't like to use the argument that because they do it there we should do it here, but without doubt in just about totally the municipalities, municipal Ordinances yes, they're required to vote.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, notwithstanding the remarks made by the Honourable Minister, I still feel very strongly that as an elected representative, I don't think you should be able to, by legislation, impose a requirement such as contained in 2(2) where he must vote if he so chose.

However, I've also always felt and I'm sure other Members and former Members of the House have expressed the desire to give to the municipalities all the possible rights that we can possibly give them, inasmuch as they are governed by elected representatives of the people, and in this regard I would like to see that Section 2 be stood over until we've had an opportunity to hear what the representatives of the municipalities have to say, in effect.

Mr. Chairman: Thank you Mr. Taylor.
I think what we will be doing--does anybody have anything--

Hon. Mr. McKinnon: Mr. Chairman, I'll go further than the Municipal Ordinance, now, as I understand it, as it now reads, is the Chief Executive Officer of any municipality in the Yukon is not allowed to vote. We have a section in there in which we don't allow him to vote, we prevent him by law from voting unless there is an equality of votes. Now if that's democracy in action, we should be proud of that kind of legislation which refuses the right of an elected member to vote unless there is an equality of votes, I don't know. I think we're on pretty shakey ground. Mr. Chairman.

Mr. Chairman: That is the present 29(2).
Ms. Millard?

Ms. Millard: I think most of this argument could be solved if it was changed from including the mayor shall vote to read including the mayor may vote so that each municipality can decide on its own whether or not they want the mayor to vote. That is true democracy to me.

Mr. Chairman: Thank you Ms. Millard. I think rather than cover all this ground twice, I can see it's going to be a hot and heavy time when we do have the witnessess present, so if the Committee is agreed, I'd

like to carry on. There is one thing I'd like to mention at this time and that has to do with the drafting.

It's says "subsection 29 (2) of the said Ordinance is repealed and the following substituted therefor". Surely we're simply substituting the new 2 and then adding 4 and 5. There's 3 in between. I think it's badly worded.

Mr. Legal Advisor: It is a matter of style, Mr. Chairman, I wouldn't accept that it's badly worded. We're substituting three subsections for one--

Mr. Chairman: I'm sure you wouldn't, Mr. Legal Advisor.

You're substituting three for one but shouldn't there be a separate section simply saying that you're adding two subsections to that section and not substituting three subsections?

Mr. Legal Advisor: It's a total substitution. We're pulling out two and then there's a group of three being substituted for that particular section. We commonly use this way, not all the time but sometimes, sometimes yes, sometimes no.

Mr. Chairman: I hate to interfere with your discretionary powers, Mr. Legal Advisor.

We'll then proceed to three.

(Reads Clause 3)

Hon. Mr. Taylor: In this case it's been the practice of the House to itemize them as enumerated, it would save you reading all the various figures.

Mr. Chairman: I don't quite understand what you're getting at. You just want the list of what the aldermen can make and the mayors make.

Hon. Mr. Taylor: No, Mr. Chairman, in reading the section where we've found these complicated Bills and the Municipal Ordinance has been one, when we got down to these various scales, we--rather than read the--up to 500 and so forth and all these figures, we say as enumerated, or as outlined in the paper in order to cover the scale. However it is up to you.

Mr. Chairman: What's the feeling of the members?

Ms. Millard: Read it,---

Mr. Chairman: I'll read it to there.

(Reading Clause 3 cont'd)

Is there anything arising?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, there is one thing that arises here, that is relevant and that is the fact that kind of relates to the municipal aid or whatever you call it ordinance.

The populations of the municipality as estimates by Statistics Canada, is by no means, in my assessment, correct. Or shall we say the correct population of any municipality. The Municipality of Faro very well knows this. They have in excess of 1200 people and they're getting grants and this type of thing for only much less than that, about 900 and some odd.

And any time that I see in legislation a link between the Ordinance and the population as determined by the Statistics Canada, which I believe every five years this is done, these are really inaccurate figures we're talking about. And usually the municipalities are the loser in the long run.

Mr. Legal Advisor: Mr. Chairman, with respect, this does not tie us to the census. This is as estimated by Statistics Canada, and as I understand their position, they will produce an estimate at the drop of a hat and certainly every first of June.

But the second thing is that this table only deals with Municipalities up to 2,000, because that's all we have, other than Whitehorse, and then Whitehorse comes into the category of over 8,000, so for the purposes of discussion, we can ignore the 2 central points.

Mr. Chairman: Thank you.

Mr. Lang?

Mr. Lang: Mr. Chairman, I'm curious. If this is the case then, would Statistics Canada come at a drop of the hat here on June the 1st and do a population study, for the Municipality of the Yukon -- I mean of Whitehorse, excuse me. You say that if you call them they will come in and do an estimate.

Mr. Legal Advisor: No, I'm not saying that if you call them they will come in and do an estimate, but this is based on an estimate. It's not tied to annual -- to the quadrennial census. However, often they would do an estimate, that would be an acceptable figure for the purpose of this Section whenever that would occur.

The Sections dealing with other things, on which money is based, are the annual census as found under the governing Ordinance which occurs every four years, or every five years, rather.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, what you're saying that in case of raising your pay if you are within the city, you can more or less do your own census, but if you want to become accessible for grants from Canada, from the Statistics Canada, you would have to wait those five years. Is this what you are saying in a nutshell?

Mr. Legal Advisor: I'm not saying that you do your own census, Mr. Chairman. I'm saying if Statistics Canada come forward with an estimate, then that would be acceptable within the language of the Statute as it's here written, but the margin of error is --is very wide because we are talking up to 2,000 people and the highest figure is round about 1,400 at the moment in that category, and over 8,000 there is no question, as far as Whitehorse is concerned, they have from 8,000 upwards, it covers Whitehorse.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, I find in these figures more or less a discrimination, in my opinion, because of the fact that it looks like one of these percentage raises we're always talking about when anybody goes

on strike or anything which I don't agree with.

I find here they start out here with an alderman for 1,500, for 2,000 and 3,000 for a Mayor and all of a sudden they get up to 8,000 people and it changes from 4,000 to 10,000. Now, I never did see any justification for anything changing when the job don't change, and I see quit a change in figures.

Mr. Legal Advisor: Mr. Chairman, that's the difference between what the aldermen gets, 4,000 and the mayor gets 10,000. It's not a jump from 4,000 to 10,000.

Mr. Chairman: Thank you, Mr. Legal Advisor.
Mr. Fleming?

Mr. Fleming: This is not exactly, Mr. Chairman, this is not exactly what I mean. I'm saying that the job, we will say is worth 1,500 for the aldermen, $3,000.00 for the Mayor. The job continues the same, except the people, there's more people under that -- and there's more responsibility but there is also more responsibility for both people. So why, all of a sudden 10,000 and 4,000 which is not half and half, or in fact, this is $7,000.00 being put on the Mayor and only $2,500.00 put on the aldermen.

Mr. Chairman: Thank you, Mr. Fleming.

Mr. Fleming: I don't think it's equal.

Mr. Chairman: I would like to comment, I think that $4,000.00 for Whitehorse aldermen is just far too low, and it's the one situation that I'm well aware of, and I know that many of the present elected officials are very unsatisfied with what they are getting now, which is $3,750.00. I feel that these people, who are working as many as three nights a week at the job of alderman, should be making more than $4,000.00 a year.
Mr. Lang?

Mr. Lang: Are you saying that we should increase this?

Mr. Chairman: Yes, I'm suggesting that the $4,000.00 figure really should be more like $6,000.00 or 7,000 and they themselves could decide how much they are worth.
Mr. Taylor, did you have something?

Hon. Mr. Taylor: No -- that was way back in another part of the argument, but Mr. Legal Advisor pointed out that Statistics Canada would come to the Yukon and make reviews in their estimates of the population of some of these Municipalities. That's news to me, because I tried when I used to represent the area that the Honourable Member from Pelly River now represents, to get such a thing done, even at the expense of the Municipality, to have, and under the supervision of Statistics Canada, to have a census taken within a Municipality, and we were just flat out refused.

I'm very surprised to hear that Statistics Canada are prepared to do this, Mr. Chairman, and I would like to, as soon as we can get Mr. Law Clerk's attention, I would like to ask Mr. Chairman, if Mr. Law Clerk could tell me, does he think that Statistics Canada may come here, or does he know that, in fact, Statistics Canada will come here once a year and make these?

Mr. Legal Advisor: Mr. Chairman, I know that they will come here every year and they will make an estimate. I'm advised now that the estimate they make every year, which is an estimate and not a census, and it's based on friends and information in their possession, in a Territory wide estimate of the population of the total Territory.

I'm informed that it's not broken into Districts or Municipalities, year by year.

Hon. Mr. Taylor: Then Mr. Chairman, in fact it is of no value to us when we're talking in terms of anything related to municipalities, so what are we talking about. Then in fact they are not prepared, in the case of municipalities to do re-estimates. That's what I wanted to clarify.

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: Mr. Chairman, on that same point, it's no value at all because that the Government of Canada won't accept the estimate that they make, so any cost share program from population of the Yukon where we receive money back from Canada, they'll only go on the official census and if you think the municipalities get it in the ear, you better believe that so does the Government of the Yukon Territory on cost sharing programs by population with the Federal Government.

Mr. Chairman: Mr. Berger is next.

Mr. Berger: Yes, just one or two questions Mr. Chairman, the formula of indemnities here. For the first two items which seem to have a 58 per cent increase basis, a 100 per cent increase, and for the next two items, all of a sudden it's dropped down, and I was wondering why the reason was for that.

Hon. Mr. McKinnon: Because, Mr. Chairman, that was the advice of the Yukon Association of Municipalities and they were in ananimous agreement on it. They thought that there wasn't that much work difference, in fact there might even be more work involved for a mayor that doesn't have the expertise of a manager, and a legal advisor in a small community, specifically like Dawson, than to the other areas. So they wanted a much larger maximum increase available to those areas with the smaller population and the reflection of this formula brings that into effect quite dramatically where they're allowed to raise it three times as much in the communities of Faro and Dawson City, where they have no where near that percentage, in fact it only works out to about 33 per cent in the larger municipalities but that also reflects the thinking that Mr. Fleming seems to be bringing before the Council table also.

Mr. Chairman: Thank you. Mr. Lang?

Mr. Lang: Mr. Chairman, I want to address a question to the Minister once again, In relation to these figures, these are figures derived from the meeting that you had with the municipality, the Yukon Municipality?

Hon. Mr. McKinnon: No, they asked for a formula, to be evolved whereby the municipalities could be allowed to vote themselves a larger increase, whereas the smaller population percentage to the larger communities, the larger municipality period. Whitehorse. We've reflected that thinking in this formula and they now have copies of this formula in their hands.

Mr. Lang: So Mr. Chairman, I trust that they'll come before us to say whether or not they're satisfied with the figures here?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you Mr. Chairman, I wonder if the members will allow me to read a press release, December 18, 1974, concerning statistics and census in the Yukon. I'm quoting exactly what was stated in the local newspaper. "The territorial government has all but convinced the federal government that the Yukon has 21,000 people.

Statistics Canada figures say that there are 19,000 people in the territory, and because federal payments to medicare hospital insurance programs are based partly on the current population, the YTG demanded Statistics Canada officers from Ottawa to come and see for themselves how many people are here. Friday, "and remember this is December 18th, 1974, "Friday, two officers left for Ottawa after promising that the chief migration estimator would be here soon, hopefully by the end of the month.

YTG Statistical Planning Advisor, Ragu Ragunathan said yesterday the YTG gets $60 yearly from Ottawa for the health schemes for each person in the Yukon. But since Statistics Canada figures were inaccurate, the schemes weren't getting all the money they should. He said Ottawa had Yukon's population in 19,300 but the YTG had figures of 20,600, a difference of 1,300 or $78,000. In round figures of 19,000 and 21,000, the difference was 2,000 or $120,000. The YTG bases its figures on the number of people enrolled for medical insurance, which it says is more accurate than Ottawa's population determining formula that is based on the number of family allowance cheques it sends to the Yukon, as it does with the provinces, births and deaths are not considered.

Ragunathan and the YTG argued, and convinced the Statistics Canada officials, that the family allowance formula was inaccurate, because of the high number of single and unmarried Yukoners.

Ottawa in turn promised to send yet another official, J.J. Kelly, to Whitehorse soon to straighten out the figures.

Another small coup the YTG managed to accomplish, Ragunathan said was to get Ottawa to supply additional information from what it will receive in the 1976 census. He said the census will be broken down into populaton figures for each territorial electoral district, and pointed out that the federal government doesn't do that for any province."

This is taken from the local paper, December the 18th. I'm still not quite sure just how our figures here for the various municipalities and villages and cities are estimated and what figures they're calculating their figures from. I'm curious on that.

Hon. Mr. McKinnon: Mr. Chairman, I think the only result out of the press statement was that the migration officer did come to the Yukon and after that our statistical officer migrated to Ottawa to go to work to work for Statistics Canada, if you will believe. There's no one -- I just knew of Mr. Ragunathan's work in this area and how had had been working and he was about the only one who really had his pulse on it and with his departure, we've just lost any inroads that we were making towards Statistics Canada and with them in trying to settle this argument that has been going on at this table for the last decade, and we haven't resolved it yet.

Mr. Chairman: Thank you, Mr. McKinnon.

This, I gather, will be also subject to much debate when we have witnesses appear.

Hon. Mr. McKinnon: But the fact remains that at this point the only statistics that the Federal Government will accept as far as the Yukon is concerned, are the statistics from the census that is taken every four or five years, and that's it. Too fool ourselves that there's been any formula devised that is anything else is wrong, because those are the facts of life, right up until this date.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, then if that's the case and if those figures are to be accurate, we should then be able to go to Census or Statistics Canada and say when you make a census, make a census. Don't ask people to answer embarrassing questions or questions for information unrelated to the counting of their numbers and this type of thing, and then perhaps we would then get a more accurate census in respect of the Yukon Territory and the Municipalities and everybody in it.

But that is indeed what's happened, and that is why many people, including myself, refuse to answer these questions and were never counted as a person who was resident in the Yukon Territory, and it sounds a little funny but indeed it is a fact. And that's why a lot of people in this Territory, and I venture to say well over 2,000 people anyway, were never counted in this Territory.

Mr. Chairman: Order. As I was about to say, I think we could pass on, because we will be coming back to this and it will be the subject of further debate. I'd like to put Committee on notice that when we do get back to that particular Section 3, that I will be turning the chair over to Mr. Lang, because at that time I intend to introduce a motion to raise, at least, the aldermen's salaries in Whitehorse from $4,000.00 to a maximum of something like six or seven.

Is it agreed that we pass on to the next Section?

Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Mr. Lang: I'm kind of curious as to what the Honourable Member to my right--the Honourable Member to my right has just said about if you don't

answer the embarrassing questions, you don't get counted.

I would like him to administrate if he is serious, I don't know whether or not you are. If it's true, I would like to see the Administration check into this, because I don't believe in answering these embarrassing questions either.

For example, my wife brought home a piece of paper from the hospital there due to she was quitting and what not, and they wanted even to know where the hell I had my will, and I really don't think it's their business, and I think it's imperative to look into that, because I think it's an infringement of your rights.

Mr. Chairman: Well possibly we could get back to this when we next go through these clauses. Is that agreed? I'm just concerned that we are getting more and more irrelevant, not to say irreverent.

Four then:
(Reads Clause 4)

Mr. Legal Advisor: Mr. Chairman, the only words are they are taking out the expression "who are not required", because of a potential law case --it should have been a law case, it turned out that when the manager went to dismiss somebody, he had to prove that the person was no longer required, but you do in fact require a plumber, but not that particular plumber, so it proved difficult to dismiss him because of the way the Statute was written.

Mr. Chairman: Thank you, Mr. Legal Advisor. Anything arising?

Five:
(Reads Clause 5)

Mr. Legal Advisor: Mr. Chairman, this might be an obscure Section. What this Section is doing is, it's exempting from the requirements normally found in respect to a money by-law, monies borrowed for an electrical power distribution when they've already had a plebiscite asking for permission to do it.

Mr. Chairman: Thank you.

Mr. Legal Advisor: Saving a double plebiscite.

Mr. Chairman: Six:
(Reads Clause 6)

Mr. Chairman: 81 (1):
(Reads 81 (1))

Mr. Chairman: 2:
(Reads 81 (2))

Mr. Chairman: 3:
(Reads 81 (3))

Mr. Chairman: Four:
(Reads 81 (4))

Mr. Chairman: Five:
(Reads 81 (5))

Mr. Chairman: Six:
(Reads 81 (6))

Mr. Chairman: I would like to simply say that this is why, one reason why the salaries should be increased from 4,000 to 6,000.

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in 81 (1), under Section 6, you say that where you were saying that the Member would be personally liable to the Municipality for the amount thereof, you are now saying simply "and is subject to civil liability for his action."

Does this mean then that any--not necessarily the Municipality, but any resident of the Municipality can actually take this poor fellow to court?

Mr. Legal Advisor: Mr. Chairman I think he probably could, but he couldn't recover the money personally. He could take an action as a ratepayer, as a taxpayer within the framework of the Ordinance and start the ball rolling in an action, and join the Municipality as a co-plaintiff in the action, but it does not mean that the taxpayer can personally collect any money, but it does mean that within the very narrow confines of this Section, that the person who votes wrongly becomes personally liable.

Hon. Mr. Taylor: Mr. Chairman, might I address an additional question to the Honourable Minister, and ask him if this has been agreed to, this particular sub 1, was it agreed to by the municipality?

Hon. Mr. McKinnon: Mr. Chairman, this is the whole section really, is a pet subject of myself, personally. The reason being that under these present terms of the Municipal Ordinance, everybody is protected, the Legal Advisor gives advice to the Council, the City Manager gives advice to the council,,

they say that this is completely within the jurisdiction, within the realm of the City Council. There is nothing against the terms of the Municipal Ordinance in going along with this, so the person who is a layman, who is the type of a person that we would hope to see in the city council, who thinks that he has something from the people viewpoint, without the expertise of the discipline of the accountant or the lawyer, of going in to public office and duty. After all this happens, he receives the advice from all these people that he's paying high prices for, he himself is receiving with the amendments to the ordinance, maximum $3700, when it all falls in, the solicitor isn't liable for anything, the city manager isn't liable for anything, even if bad advice or wrong advice is given. The whole onus of the responsibility lies on the shoulder of Joe Shmuck who just wanted to go and perform a civic duty by allowing his name to act as alderman in this. We all know that there is still a group of people, who after resignation, are civilly liable for an amount of up to $140,000, of money in the municipality of this city of Whitehorse. I think that's criminal, to -- besides everything else, and all the problems and all the frustrations and all the abuse that you need, that you're the only one, no matter whose advice you follow, and accept it in the best of faith, is going to be liable if something goes awry.

Now under the old section, the administrative offices were protected, if they knew that the aldermen were doing something which was beyond the Municipal Ordinance and all they had to do was put that advice in

writing that it was against the terms of the Municipal Ordinance. I had no problem with making the city fathers liable after accepting or after listening to the advice or after receiving the advice, that this is against the law, that it is against the Municipal Ordinance, if they go ahead and pass it anyway, then I think that they should be prosecuted for not accepting this advice. But when they go along the whole gamit of accepting their barristers and solicitors advice, of accepting the advice of the city manager, and they have it that this is of a proper method that they're following, this is perfectly under the terms of the Municipal Ordinance, then when they receive that advice in writing, that they should not be liable. It's exactly the quid pro quo, if you take the administrative officer off the hook, why shouldn't the elected official be taken off the hook also, when all he is doing is accepting the advice of the professionals that he is paying for.

I find it less and less attractive, that fewer and fewer people, and fewer people who have real responsibilities are silly to run for public office these days. I think that the same advantages should be given to the people who are elected to office as the advantages that are given to the administrative officers for not being liable for civil prosectuion. This was the method that we saw of getting around it, it was one that debated long and hard in the legislative programming committee and it is what we have come up with to try and answer this question that I personally feel very strongly about and would like to see some solution to.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, where I'm having difficulty with this section is, before you were saying he was personally liable to the municipality for the amounts thereof, now you're talking about contrary to the provisions of the whole Ordinance.

It seems to me you're leaving a member or an officer for that matter, in a very untenable position because he is subject to any frivolous type of prosecution. I think that those who have been around this municipality for some time, have seen people who do this type of thing, whether they're right or wrong, they'll bring action in order to simply embarrass a member who they maybe dislike, who is either a member of the city council or an officer of the municipality.

What I'm afraid of here without an additional section which would say that anyone found to bring action against any officer of a municipality or any indeed member of the council, and that was found to be frivolous, that some onus be put on that individual because you broadened this thing so widely that I think you've got to accord some protection at least to the officers at the same time.

Mr. Legal Advisor: With respect, Mr. Chairman, the parameters of this section are very very much narrower, so narrow as to almost be non existant for a reasonable city official who gets advice and acts on that advice. He's virtually off the hook completely. But you still can't move in and say that a citizen cannot take his case to court. If he takes his case to court, under the provisions of this section, he's going to lose his case, and the expression that you use in court is, costs follow the event.

If he takes a frivolous case to court, he'll be thrown out and he'll be ordered to pay the costs of the unsuccessful suit. I don't think in drafting we can go much further than that. We can't stop them from going to court but we can fix it that he loses his case when he gets there.

Hon. Mr. Taylor: But, Mr. Chairman, with due respect, at the same time this, perhaps this person has lost a great deal of face as a result of a frivolous action that in time was thrown out of court, but it seems to me, as I say, I haven't had an chance-an opportunity to stand the rights and privileges of Members of Municipalities, so I really couldn't tell you, having no experience in that particular line, but it seems to me that still something must be done to offer at least some protection for someone who is indeed innocent of a charge that's been alleged against him, and as I say, I become suspicious when I've known people within the Municipality who have done similar things and got things into court just to degrade publicly a person who was in fact, innocent.

Mr. Legal Advisor: Most of the people who take these kind of actions appear to be living in Vancouver, Mr. Chairman, at the moment.

Mr. Chairman: Well , Mr. Legal Advisor --

Hon. Mr. Taylor: That's still not the point.

Mr. Chairman: -- you could follow up on that possibly. I understand what Mr. Taylor is getting at, possibly there should be a special provision allowing total legal expenses to the successful alderman who has been sued by a municipality or other person. I think that's what he's getting at, is that if he's innocent, then the person suing ought to pay all costs, not just court costs.

Mr. Legal Advisor: That's the trouble, Mr. Chairman. If we put that in this Ordinance that a person gets all costs, and you know, you upset the way the court operates and the rules of costs, I think in fairness you've got to put it in for all unsuccessful parties that take an action that gets thrown out when the judge finds there is no cause of action.

Mr. Chairman: I noticed that this --

Mr. Legal Advisor: We're treading on dangerous ground.

Mr. Chairman: Well, Mr. Legal Advisor, I noticed that you managed to do that to the lawyers when we get to the Legal Professions Ordinance amendment.

Mr. Lang?

Mr. Lang: Mr. Chairman, I'm curious in Section 6 here, it says "in defence of any action brought under the Section against any member of council for voting on a by-law or resolution or authorized expenditure of monies", and goes on to state that if it's in writing from a barrister or solicitor, they have a good defence.

Now , you're paying good money for this advice, and

it's supposed to be authentic and what not. Are the barristers or solicitors, are they liable for this? I'm just curious.

Mr. Legal Advisor: There's no clear answer to that one, Mr. Chairman. Sometimes they are and sometimes they're not.

If they are negligent in the advice they give, they are liable to an action for negligence, and the results of that negligence just like anyone else, but if they're not negligent, if they don't know any better and they give that advice, they're not liable. But if they know better and they give bad advice, then they are liable.

Mr. Chairman: In other words, it could be something that's open to interpretation? And what their guess of what the court might -- of how the court might interpret it could be wrong. Under those circumstances, if it was an educated guess and just turned out that the court disagreed, then they wouldn't be liable. If they just didn't read the Section, missed something entirely, and there was no way that they could have been right, that's negligence and they could be sued. That is right.

I was concerned, Mr. Legal Advisor, by the wording of what's going to be 81, subsection (2). The way I read that, it would seem that --

Mr. Legal Advisor: 81?

Mr. Chairman: Well, -it's under 6, the proposed subsection (2). It seems to me that what could happen is that sums might be due the Municipality, and an electorate could sue on behalf of themself and the rest of the citizens in the community, and would then recover -- he and the other citizens, not the municipality -- would recover those sums directly from the irresponsible person, even though the municipality had spent some, a lot of money in improvements to the city.

Mr. Legal Advisor: No, Mr. Chairman. The way the Section is written, as I apprehend it, without being definitive on the subject, it's a sum due the Municipality which is recovered. We're not talking about a sum due to the elector.

If it's a misspent sum of money, by law under normal Municipal legislation in Canada, it can be recovered in the name of the Municipality, or the person can sue in his own name or sue on behalf of the class of persons who are electors, if there are a group of them, and in any event, the money when found to be due, and if paid at that time, would then be paid to the Municipality.

Mr. Chairman: But I'm suggesting, Mr. Legal Advisor, is possibly the words on the third line of that sub-section, commencing "or suing on behalf of himself and all other electors of the Municipality", might better be deleted, then that confusion won't arise.

Because you're allowing any elector to sue in the name of the Municipality at least, so why not delete the words "or suing on behalf of himself and all other electors of the Municipality", because it could be interpreted, I interpret it, if I chose, as an elector, to sue on behalf of myself and the rest of the electors in the District, after the City had misspent a bunch of money on a bridge or something, across to Riverdale say, and to get that benefit, be able to sue the city fathers, and recover individually those monies. I think those words are unnecessary.

Mr. Legal Advisor: I'll think about it, Mr. Chairman.

Mr. Chairman: Thank you. Any further questions or comments?

Mr. Chairman: We shall vigorously forge ahead then. Seven:
(Reads Clause 7)
Eight:
(Reads Clause 8)
Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, the purpose of this is to exempt from the normal requirements of a plebescite and approval of the taxpayers, a general cost shared scheme which is costing the city or the municipality nothing, because the total cost is being paid by the territory and if the city has a share to pay which is less than the normal amount of a bylaw, a money bylaw, that is $194,000, they can go through without a plebescite.

Mr. Chairman: Anything arising from that?

Mr. Lang: For clarification for myself, like in Riverdale there, in the paving and this type of thing that is going on there and they did it by bylaw rather than by plebescite. Is this the reference you're making?

Mr. Legal Advisor: I'm not sure about the financing of that particular scheme, but a particular example would be building a new rec centre. The city would be putting up a million dollar scheme, or which if they only had to put in $50,000, now they shouldn't need a money bylaw for that, but technically, they have to vote the total million, so that would throw it into the money bylaw provision, because they would actually have to receive a million dollars from the Territorial Government, and then pay out a million dollars, but, in fact, of their own money they would only be using $50,000.

So this provision fixes it that when the city proportion of the scheme is only a percentage of what the territory itself is paying, and that that city percentage is less than the normal amount they would require a money bylaw for, they don't have to have a money bylaw, merely because it's a million dollar or two million dollar scheme.

Mr. Chairman: Thank you.
Anything arising?
Nine?
(Reads Clause 9)
Clear?

Some Members: Clear.

Mr. Chairman: Ten?
(Reads Clause 10)

Ms. Millard: Mr. Chairman?

Mr. Chairman: Ms. Millard.

Ms. Millard: I was wondering if the Administration has any intention in mind to do the same with skidoos. At the moment I understand there is no licensing of skidoos. Is there some intention involved, or coming up to change that?

Mr. Legal Advisor: No, Mr. Chairman, they already have that power since the last Municipal Ordinance. Skidoos. In the description, I think, all terrain and snow vehicles, or some such words, they're not called skidoos.

Mr. Chairman: Eleven:
(Reads Clause 11)

Mr. Chairman: Before I proceed is that one too many ones? Mr. Legal Advisor?

Mr. Legal Advisor: No, Mr. Chairman, perhaps I could take this opportunity of explaining to the House the new way we number for the last couple of years. When we insert a new section between section 120 and 121, we used to say 121 capital A to show this. We now use library notations and the first new section going is 121.1, the next would be 121.2, and so on the same as in a library. So if I was doing that in a court I would say 121.1(1).

Mr. Chairman: Thank you Mr. Legal Advisor.
Two.
(Reads Clause 120.1(2))

Mr. Chairman: Three
(Reads Clause 120.1(3))
We're getting awfully good mileage with the Stanley Cup games being played when they are.
Four:
(Reads Clause 120.1(4))
Anything arising?
Five:
(Reads Clause 120.1(5))
Clear?

Some Members: Clear.

Mr. Chairman: Six:
(Reads Clause 120.1(6))
Clear?

Some Members: Clear.

Mr. Chairman: Seven:
(Reads Clause 120.1(7))
Clear?

Some Members: Clear.

Mr. Chairman: Eight:
(Reads Clause 120.1(8))
Nine:
(Reads Clause 120.1(9))
Clear?
Ten:
(Reads Clause 120.1(10))
Clear?

Some Members: Clear.

Mr. Chairman: Eleven:
(Reads Clause 120.1(11))
Mr. Lang?

Mr. Lang: This is in reference to the title of property, is it not? I am talking in relation to squatters? The way I interpret it at the present time, I feel it is people who are already under tax assessment, is this correct?

Hon. Mr. McKinnon: Mr. Chairman, it's not directed primarily at any segment of the municipality. The municipality has had trouble all the way along in dealing with any building which they consider to be delapidated or to the public danger. The perfect example of it all coming to a head at a very inopportune time was the Faro Hotel at the time of the Farrago Folk Festival. There was a difference in legal opinion as to who had the responsibility for the public safety of that building, the municipal council or the government of the Yukon Territory? We were of the opinion that under Section 120, which was open to legal opinion, that the municipality had the decision making ability on when a building was delapidated or came under the heading of a building that was not publically safe any longer.

This is a responsibility which is across the Board, a municipal type responsibility. It's a difficult responsibility, it's a difficult type of responsibility to be able to activate because of all the pressures and of course, because of all the legal situations that can evolve out of such a declaration.

So we went to the different municipalities and tried to form something which would allow for the protection of both the person whose building was declared a nuisance to the public safety and also would protect the municipality if they had to act. It's a comprehensive, a complicated section, which all these type of sections are, under the Municipal Ordinance. I'd be the first to admit that I am one of those who doesn't understand the complete legal procedure involved and I think that in that instance, I would bow to Mr. Legal Advisor to answer questions on the absolute legal procedure involved in the steps of recourse to the individual who has been aggrieved or also to the municipality.

Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Mr. Lang: May I direct a question to the Legal Advisor then?

This is more or less directed to buildings that are used by the public, am I correct?

Mr. Legal Advisor: No, Mr. Chairman, it covers all kinds of delapidated and junky buildings. It's not directed to any segment, it's an all-embracing power

which the Councils have asked for time and again and are now being given, to deal with their own problem buildings in the best way they see fit.

But it's the duty of this House to see that having given them that power, that it's not to be misused, and that built into it is a series of protections to ensure the protection of the persons occupying the buildings and the person who owns the building, and to see that it's done under the supervision of a court and the court has the right to interfere at every step of the way if the person doesn't like what the Council is doing, and that's the general intent of the Section, to be fair to both sides, but still make it workable.

Mr. Lang: Thank you.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Twelve:
(Reads Section 12)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Thirteen:
(Reads Clause 13)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, what I would like to know is do they have to fill all three of these conditions, or I mean, "has no currently valid licence plates attached thereto"? It has to go with all three?

Mr. Legal Advisor: Yes, Mr. Chairman. It must be all three, but the main change is to put in the word "either", the second word after (b) in the second paragraph. It's put in to resolve a difference of legal opinion, which couldn't be resolved in a Federal Court case, and it's cheaper to do it here.

Hon. Mr. Taylor: Mr. Chairman, with respect, I don't think that the Honourable Member from Whitehorse Porter Creek got an accurate answer to his question. He said, "Was it possible that all three had to--all three items, (a), (b) and (c) had to be fulfilled", and that is not true, because what you say in (a) "has no currently valid licence plates attached thereto", and there's no "and" there, but if you wished it to make all three, you would have to put an "and" there.

Mr. Legal Advisor: With respect, Mr. Chairman, there's a rule of grammatical construction which is commonly followed in some places, including our office, that you put in, and I don't want to be technical on this, you put in either an "and" or an "or" in the penultimate paragraph, which is the second last paragraph, and that modifies all the paragraphs which have gone before it.

What we now do is, we don't put an "and" after the (a), we put if after the second last paragraph which is the (b), and it governs all of the three paragraphs, so the use of the "and" in the penultimate paragraph makes it compulsory to fulfill all three conditions.

Mr. Lang: Okay.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: Again, with respect, I don't know if Mr. Legal Advisor is emphasizing the right part, but I think (c) is the main change in this Section, is the change in (c) where it says, in the old one, it can be located in the open or on private property, and in here that's dismissed.

In other words, an abandoned car on someone's private property can be taken away by the Municipality on private property?

Mr. Legal Advisor: No, Mr. Chairman, that's just moved out of the way, because it's an open question in Whitehorse, what is private property and what isn't, so far as the use of the public is concerned, for abandoned vehicles along the highway.

Mr. Lang: Mr. Chairman?

Mr. Chairman: Yes, Mr. Lang?

Mr. Lang: I have to agree with Ms. Millard, that--in what she has to say on private property. Here you say is "not located in a building". Not everybody can afford to put a garage on their property. I think it's a very valid point.

Mr. Legal Advisor: Mr. Chairman, this Section apparently needs more careful reading than I explained. We took out the words "is located in the open on private property", because it seemed to run in with "is not located in a building".

Now, what makes it a junk vehicle therefore it now has no licence plates, it's wrecked, and it's not in a building, and does not form part of a business enterprise. If it's located in the open on private property, you're in a different classification, it's a different ball game.

Mr. Lang: Mr. Chairman, if I may ask, what ball game?

Mr. Chairman: Mr. Lang?

Mr. Lang: I don't understand that.

Mr. Legal Advisor: It's not necessarily a junked vehicle within the meaning of this. It could be located in the open on public property and still be beside a building. It's not part of the parameters of what we were asked to do in changing the Section for the benefit of the Municipality. This was at the city's request that they asked us to do this.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: I really don't think my question, my original question has been answered. I can still see someone who's got a car that's a couple of years old and he can't afford to fix it up too well, he doesn't have a licence on it, and the (b) Section here is very interpretative, "partly wrecked, partly dismantled", he could be taking the motor apart and having a look at it and seeing what's happening, and if it's not located in a garage, if it's just in his yard, the city can come along and take it away.

Mr. Legal Advisor: Yes, Mr. Chairman, that's what they could do, and that's what they want to do. They want to eliminate the numerous vehicles lying around, which have people waiting for 10 to 15 years til they get round to it to put back the wind screen or something. That's what they are trying to do, and this is what the Section is drafted for.

Ms. Millard: Mr. Chairman, I still don't think that that's quite fair, because I can see an abandoned car in someone's yard for years and years is something that is an eyesore and everything else, but there are a lot of times when it isn't, when it's just a necessity for the person, especially someone with a low income who can't afford a new car and is working on the thing himself, part time, I can't see why – it seems to me that this definition is far too broad.

Mr. Chairman: Is there a response to Miss Millard?

Mr. Legal Advisor: I'm not attempting to defend the policy in that sense, Mr. Chairman, I'm just explaining what we are attempting to do, and we are attempting to answer the request of the Municipality to enable them to deal with car wrecks which are lying around and not looked after for long periods of time.

That's all we are trying to do, it's a matter for the House to decide whether they want to allow the Municipality that particular power.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I think it's open to debate what is an eyesore and what is not. I know of a case -- we have a case and it happens to be in my constituency, where there apparently appears to be a lot of eyesore.

Now, I don't think that we should be telling him that he has to take these so-called eyesores off the property. I think it's a matter for the Municipality to put in a regulation of some kind that if you want to repair a vehicle in your backyard, then you will have to put up a fence accordingly.

Because I think if a man is earning a living part time doing this or whatever, I think it's his business, his property.

Mr. Legal Advisor: Mr. Chairman, it seems to me that this is getting slightly off track. We are merely putting in a definition of what a junked vehicle happens to be.

Mr. Lang: You're giving them the responsibility--

Mr. Legal Advisor: The parent Section says that the Municipality may make by-laws dealing with junked vehicles. They asked us to give a different definition of it. They make the rules, and they make the by-laws, not this House.

Mr. Chairman: Sorry, I think with respect, I must agree with Mr. Legal Advisor's complaint, and that is that one has to read this Section in conjunction with the entirely of the old Section 121, and the definition itself isn't the operative Section, with respect to your point.

Ms. Millard: I see that now, Mr. Chairman.

Mr. Chairman: Thank you, Ms. Millard.
Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'd like to ask, does this section apply only to municipalities or does it include any LID, or is it just actual municipalities?

Mr. Legal Advisor: It only covers municipalities but any request will, no doubt, be considered by the government.

Mr. Chairman: Thank you Mr. Legal Advisor. I hope the demand isn't too great to satisfy them. Mr. Lang, do you have something further?

Mr. Lang: No.

Mr. Chairman: Any other questions?
Section 14:
(Reads Clause 14)

Mr. Chairman: Mr. McKinnon, do you want to rise on this one?

Hon. Mr. McKinnon: Mr. Chairman, we're just getting so many responsibilities that certainly they should all be required to vote.

Mr. Chairman: Section 129.2(1)
(Reads Section 129.2 (1))
Any questions?
I would certainly be amenable to entertaining a motion.

Mr. Lang: Well Mr. Chairman, it gives me great pleasure to make this motion, I move that Mr. Speaker do now resume the chair.

Mr. McCall: I second that.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. McCall that Mr. Speaker now resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion is carried.

Motion Carried

(Mr. Speaker Resumed Chair)

Mr. Speaker: At this time I will call the House to order. May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker, The Committee convened at 10:30 a.m. to consider Bills, Papers and Motions. We had as a witness Mr. Gillespie. It was moved by Mr. McIntyre, seconded by Mr. Berger and carried that Bill Number 9 entitled Travel Industry Development Agreement Ordinance be reported out of Committee without amendment.

It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 10 entitled an Ordinance to Repeal the Students' Grants Ordinance be reported out of Committee without amendment.

The Committee recessed at 11:50 A.M. and reconvened at 2:05 P.M. I can report progress on Bill 11, progress on Bill 12 and progress on Bill 13.

It was moved by Mr. Lang, seconded by Mr. McCall and duly carried that Mr. Speaker now resume the Chair. Thank you.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Fleming: Yes, Mr. Speaker, I move that we call it 5:00.

Ms. Millard: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie, that we now call it 5:00. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Mr. Speaker: This House now stands adjourned till 10 a.m. tomorrow morning.

Adjourned

aspects of community life, whatever the boundaries of that community may be, then elements of community development are provided in the Vocational School and outlying communities through the Lifeskills program as well as the academic program and the Home Education program.

However, no courses specifically identified as community development are provided at the school.

8. Native Teacher Training

A series of meetings have been held involving members of the Department of Education, the Yukon Native Brotherhood, and the Yukon Association of Non-Status Indians. These meetings have been of an exploratory nature to determine if the development of a teacher-training program with a non-academic bias could be developed in conjunction with a recognized University with the object in view of making it eventually possible for these people to obtain certification as teachers. Progress has been made in that the University of Calgary has shown an interest. We are now considering the types of programs which might be possible to offer.

9. Research

The Department of Education does not have funds for this specific purpose nor are the necessary personnel available. During the conduct of certain programs, information with statistical implications, and perhaps of research value, is gathered but there are no pure research programs conducted by the Department of Education.

10. Adult Education in the Communities

Objectives

1) To provide the opportunity for adults who are illiterate or near-illiterate to learn to read and write.

2) To provide the opportunity for adults to upgrade their present level of education to a grade 10 level in communications and mathematics in preparation for skill training.

3) To provide experience in Lifeskills to improve their capabilities in understanding themselves and communicating with their families, employers and the rest of the community.

The program consists of three components, BLADE (Basic Literacy for Adult Development) which is an individualized program on cassette tapes, of mathematics and communications to about a grade 4 level. The second is LINC (Learning Individualized for Canadians) which is also individualized but not on tape and consists of mathematics and communications from grade 5 to grade 10. The third component is lifeskills which provides the opportunity for people to develop capabilities in self-expression, communication and understanding as well as responsibilities to himself, family and community.

The overall program is supervised by trained experienced instructors in lifeskills and academic upgrading. The community instructors are local people who have been given training on an on-going basis in 6-week training sessions, one-week seminars and on-the-job training.

The program started in two communities in 1972-73, expanded to 10 communities in 1973-74 and 1974-75 and will likely be in 12 communities in 1975-76.

Enrolments in the courses were as follows:

	1973-74	1974-75
Total number enrolled in the year	165	189
Maximum number on course at any one time	125	143
Average number on course	115	122

The above are rough statistics. More accurate statistics will be available at the end of June.

Future plans are to fulfill the objectives stated for all adults in the communities who want any part or all of the program. It is estimated that this will take until about 1979-80.

11. Dormitories

The ideal situation is to have each child educated in his home community. However, a number of factors tend to make this impractical. First, some communities are too small to support a school e.g. Champagne. Second, some homes are too far from a settlement to enable the student to travel to school daily. Also, some homes are not capable of supporting children in a fashion which enables them to attend school regularly and some schools have too small an enrolment to enable all twelve grades to be taught.

The solutions which have been offered for these problems are:
1) Extending school services as far as possible to educate as many pupils as possible in their home community.

2) Providing accommodation in private homes in the larger communities.

3) Providing correspondence courses from the B.C. Department of Education.

4) Providing dormitory accommodation in a large centre.

Solutions numbered 2 and 3 have not been successful because not enough householders are willing to take boarders, and the successful completion rate of correspondence courses in less than 5 per cent.

Within the past few years one large dormitory - Coudert Hall - has been closed and a number of small group homes are being built in Ross River, Upper Liard, and "2½ Mile". With the extension of the grades taught in several communities, the number of students who have to live away from home has decreased. Yukon Hall will probably continue to provide accommodation for a number of children who cannot be

LEGISLATIVE RETURN NUMBER 1
[1975 SECOND SESSION]

Mr. Speaker,
Members of Council

On Monday, March 24th, 1975, Councillor Millard asked the following question:

"Will the Honourable Minister supply details of the Executive Committee's position and future plans in the following areas of Indian education:

1. Indian language curricula;
2. Native-content textbooks;
3. Indian heritage classes;
4. Home school co-ordinator;
5. Separate Indian schools;
6. Special native achievement testing;
7. Community development training at Vocational School;
8. Encouragement to native teacher training;
9. Research into areas which affect education such as social adjustment, health, speech problems, cultural differences and poverty;
10. Adult education for the native;
11. Dormitory living for the native;

The answer is as follows:

1. Indian Language Curricula

Indian Language programs are presently being offered in the schools at Old Crow, Mayo, Pelly River and Teslin. Local instructors are hired by the Department of Education on a casual wage basis. These programs are largely experimental in nature but with the co-operation of Stan Johnson from the Yukon Indian Centre, and a language consultant, John Ritter, hired by the Department on a contract basis, an attempt is being made to organize a sequentially structured curriculum for the language of each community. Work will continue in this effort during the next year. The major problems encountered to date are lack of funds to develop and print suitable instructional material, and to provide supervision and tutoring to native instructors in such areas as lesson planning, oral teaching techniques, use of school equipment, etc.

In some cases, the instructors have not been very regular in their attendance. As a result the progress at some communities is not as good as others.

2. Native-content Textbooks

The Department of Education has purchased no textbooks specifically for their Native Indian content. Few such books are available which are educationally valuable and at the same time applicable to the Yukon Territory. It would be more feasible to produce these Native Indian oriented texts within the Yukon Territory than to purchase what is now available on the market.

3. Indian Heritage Classes

There are few classes in our school systems which deal specifically with the subject of Indian heritage. In the community of Old Crow, Mr. Charlie Peter Charlie continues to teach a class in Kutchin history and folklore using both English and Kutchin as the language of instruction.

At F.H. Collins Senior Secondary School, a course called "Northern Studies" is offered to any student, white or native, interested in taking the course. The course deals with the study of Indian culture, ethnic origin of native peoples, and the development of tribal domains; emphasis is on the anthropological and archaeological aspect of history. Contemporary issues affecting native peoples is a major focus of the course and a large portion of this course is devoted to discussion and study of current problems. However, the course does not specifically deal with Indian heritage in the sociological sense.

In addition, two alternate programs, at Whitehorse Elementary and one at Mayo Elementary-Secondary, have considerable native content built into their particular programs. These have been modified to suit the students involved who happen to be mostly native.

4. Home-School Co-ordinator

The Home-School Co-ordinator position proposed by the Yukon Indian Women's Association was not funded by the Territorial Government because of budget restrictions. Currently it seems likely, however, that the Federal Government will fund one such position for a period of one or more years. This person would be supervised by the Educational Psychologist of the Department of Education.

5. Separate Indian Schools

At present there are no plans to establish separate Indian schools within the Yukon Territory Education system.

6. Special Native Achievement Testing

There is no special consideration given to children of Indian ancestry in the administration of school achievement tests. The purpose of such tests is usually to measure what has been learned from formal school instruction. Because, with isolated exceptions, all students in Yukon schools adhere to the British Columbia curriculum, it would not be reasonable at this point in time to offer achievement tests with different curricula orientations. In the administration of tests of academic potential, or learning ability, or intelligence, or personality on the other hand, special consideration is given to the ethnic background of the student being assessed.

7. Community Development Training at the Vocational School

The concept of what community development is, varies considerably. However, in the terms that it is a social process by which people can become more competent in living together and controlling local

placed in group homes, or for those who wish to pursue high school subjects which are not offered in their particular school. The Government of the Yukon Territory operates two small dormitories. An allowance to parents whose children are boarded in private homes is offered as an alternative.

G. A. McIntyre,
Member, Executive Committee

LEGISLATIVE RETURN NO. 2
[1975 SECOND SESSION]

Mr. Speaker
Members of Council

On May 9, 1975, Mrs. Whyard asked the following questions:

"In view of the proliferation of studies and reports commissioned by the Yukon Territorial Government in recent months, would the Administration provide the following information:

1. Are these surveys and studies put out for tender?

2. If not, how are they allocated?

3. Are local professionals considered for these assignments?

4. Are professional engineers from outside the Territory required to meet the standards of such organizations as the Yukon Association of Professional Engineers, prior to embarking on a professional study in Yukon?

5. Are such research companies required to be registered and licensed in Yukon Territory?

6. Is every effort made by the Yukon Territorial Government departments involved to utilize the professional expertise of their own staff members prior to spending more tax dollars on imported experts?

THE ANSWERS ARE AS FOLLOWS:

1. Surveys and studies are not normally put out for tender.

2. Such work is usually allocated by searching for the best qualified individual or firm to undertake the assignment.

3. Local professionals are considered, if available.

4. Yes.

5. Research companies are required to be registered and licensed in Yukon Territory only if they maintain an office here or work in the Territory for a sufficient period of time.

6. Yes, however, time constraints and limited professional expertise often preclude us from doing this.

J. Smith, Commissioner

LEGISLATIVE RETURN NO. 3
[1975 SECOND SESSION]

Mr. Speaker
Members of Council

On May 9, 1975, Mrs. Whyard asked the following question:

"Will the Administration ascertain what change in policy of Ministry of Transport has resulted in recent withdrawal of subsidy for emergency phones on Yukon Territorial Highways?"

THE ANSWER IS AS FOLLOWS:

The Ministry of Transport has not been involved in this program. C.M.T. provided the emergency phone service, at a reasonable cost to Y.T.G., using their existing land lines.

With the abandonment of the C.N.T. land lines, the Yukon Territorial Government was approached for our comments concerning this matter. As this is the only section of highway (Klondike Highway, Mile 0-94) provided with this service, and considering the considerable extra costs of providing radio-telephone coverage, it was deemed advisable to allow this service to be discontinued with the termination of the land line service.

J. Smith, Commissioner

Speaker's Ruling

The Yukon Legislative Assembly

Number 5 | 3rd Session | 23rd Legislature

Debates & Proceedings

Wednesday, May 14, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Council of the Yukon Territory by the Queen's Printer for Yukon

* Speaker's Ruling

The Yukon Legislative Assembly

Wednesday, May 14, 1975

Mr. Speaker reads daily prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

X **Mr. Speaker:** Before dealing with the Order Paper this morning, and in the interests of all Members, and in the interests of continuity and proper procedures within the House. I have been giving consideration to the matter of evening adjournments and the procedures which facilitate those adjournments.

The question I have to determine is whether the adjournment of the House by the Chair without question being put and following a Motion proposing we now call it 5 o'clock is procedurally correct or incorrect.

Firstly, the Standing Orders of this House make no provision for adjournment at the closing of each sitting day as defined in our Standing Order Number 2. In this case, we must refer then to our Standing Order Number 1, which states that in all cases not provided for, hereafter or by Sessional or by other Orders, the usages and customs of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may be applicable to this House.

Beauchesne indicates in Standing Order Number 6 that Mr. Speaker shall adjourn the House without question put until the next sitting day. The amended Standing Orders of the House of Commons currently state that Mr. Speaker simply adjourns the House until the next sitting day.

In conclusion, I have determined that the current practice of the Chair first receiving a Motion to call it 5 o'clock, or 12 o'clock as the case may be, concurrent with the sitting hours of the House and followed by an adjournment by the Chair without question being put is quite in order and procedurally correct, and accordingly I would so rule.

We will now proceed with Orders of the Day.

ROUTINE PROCEEDINGS

Mr. Speaker: Are there any tabling of documents or correspondence?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Legislative Returns Number 4, 5 and 6. They are in response to written questions Number 2, Number 9 and Number 8 respectively.

Mr. Speaker: Is there any further correspondence or documentation for tabling?

Are there any Reports of Committees?

Introduction of Bills?

Bill Number 18 Introduced

Hon. Mr. McKinnon: Mr. Speaker, I beg leave to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill Number 18, entitled "Whitehorse, Takhini and Valleyview Lands Ordinance".

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled, -- could I have the title to the Bill again?

Hon. Mr. McKinnon: Bill Number 18, Mr. Speaker, Whitehorse, Takhini and Valleyview Lands Ordinance".

Mr. Speaker: I'll repeat the Motion. It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled "Whitehorse, Takhini and Valleyview Lands Ordinance". Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Is there any further introduction of bills?

Are there any notices of motion or resolutions?

Are there any notices of motion for the production of papers?

We'll then proceed to the Order Paper. We have on the Order Paper Motion number 6. Mr. Lang, are you prepared to proceed with your motion?

Motion Number 6

Mr. Lang: Yes, I am, Mr. Speaker. Motion Number 6 is moved by myself and seconded by the Honourable Member from Hootalinqua. I'll read it once again. "Be

it resolved that this House instructs the Honourable Member from Whitehorse Riverdale, Willard Phelps, to support the principles enunciated in this motion, when acting on behalf of this House as a member of the Advisory Committee to the Federal Negotiator of the Yukon Indian Land Claims:

(a) That the rights of all owners of property in the Yukon held by title or lease, be honoured in any settlement arrived at or agreed upon;

(b) That the usufructuary rights of all residents in the Territory be honoured;

(c) That any settlement should contribute positively to the constitutional development of the Yukon;

(d) That all residents of the Yukon be equally subject to the laws of the Territory and that special privileges assumed or otherwise be abolished as part of this settlement;

(e) That all programs and services within the legal continents of the Territory as defined in Section 16 of the Yukon Act be delivered through the Government of the Territory in accordance with the legislation enacted by this House and in accordance with the appropriations voted by this House;

(f) That all Crown land which does not become part of the Land Claims Settlement be immediately transferred to the control of the Commissioner in Council to be held for the beneficial use of the Territory.

And the House further resolves that the said member should report on progress of negotiations from time to time to this House.

Mr. Speaker, if I may give a little background to this Motion. When I ran for office, one of the key issues was land. What we termed was the land policy. I believe land is the key to responsible government. If we do not have control of the land we will never have responsible government.

There was a meeting last Sunday and a few of the Members around this table were unable to attend and I would certainly like to go over to impress upon them what is happening to the Yukon via the federal government.

If I may, point here, in the green we have the territorial parks. There is no constraints on this as yet, where they refer to them as multipurpose parks, but we really do not know which direction that is going.

The striped areas are what you call ecological areas. It was brought down by the International Biological Program. This area also has no constraints. They apparently think that each area will be unique and they will go along accordingly and do what they see fit in the area outlined.

For example, in this area here, we have the Snake River. There is an iron deposit in this area and they are proposing an ecological site for this area.

Down to your left we have what they call the Kluane National Park, 8500 square miles.

Now they are asking for an ecological site up in this area. This site down here as well is moderately to high as far as mining activity is concerned and I believe it is very important for the development of the Yukon.

Now we are facing an issue which the Territorial Government is in a very unenviable position in the negotiating for Indian Land Claims.

Take this area at the present time, the proposal that was brought out by the federal government, double it, you have an area like that. And it gives you an idea of the importance of the issue that we face today. I believe that it's a very important issue and I believe that we, within this chambers, must make every attempt to become involved before its too late and we start calling wolf.

This is why I brought forth this motion, Mr. Speaker, because I believe that it is something that is very important to the Yukon.

The principles outlined in this Motion, Mr. Speaker, I believe are very straightforward, and I do not think that they constraint our Member from the Legislature who is in the position, the unenviable position, if I may add, in the negotiations.

If I may go through it point by point and explain what that point is, to clarify it to any Member that may not interpret it the way I interpret it, I'll go through it (a), (b), (c).

"(a) that the rights of all owners of property in the Yukon, held by title or lease, be honoured in any settlement arrived at or agreed upon;"

In other words, it is saying what the people who have put their lives in the Yukon and who have managed to make a prosperous living for themselves and helped develop the Yukon, these rights will be honoured. I think that's very straightforward.

"(b) that the usufructuary rights of all residents of the Territory be honoured;"

This is in relation, for example, of outfitters who have put their lives in this Territory, and have attempted to become a part of the community here, and it means, in other words, that if they are infringed upon, there should be full compensation in that direction.

"(c) that any settlement should contribute positively to the constitutional development of the Yukon;"

In other words, in any settlement that is brought forth by the Federal Government, that it works within the political structure of the Yukon.

"(d) and (e) that all residents of the Yukon be equally subject to the laws of the Territory, and that special privileges assumed or otherwise be abolished as part of the settlement;"

and

"(e) that all programmes and services within the legal competence of the Territory as defined in Section 16 of the Yukon Act be delivered through the government of the Territory in accordance with legislation enacted by this House and in accordance with the appropriations voted by this House;"

In effect, when this settlement is through, I feel personally, and I know there's other lot of people feel the same way, that we'll all be Canadians once and for all.

And (f), and I feel this is a very important Section of this Motion,

"that all Crown land which does not become part of the land claims settlement be immediately transferred to the control of the Commissioner in Council to be held for the beneficial use of the Territory."

I believe this will be a step towards responsible government, one which everyone around this table asked for when they ran for office six months ago.

And the other point, and probably the most im-

portant at this time is:

"That the House further resolves that the said Member should report on progress of negotiations from time to time to this House".

I believe it's imperative that he comes back to this House, even if it has to be in confidence, to report the progress of the negotiations, it may be preferably his discretion, that we in the Yukon become involved in this.

I realize, and I would like to say at this time, that we are very fortunate to have a man of Mr. Phelps' education representing us, and I believe he has the confidence of this House, but I also feel that when he does go to the negotiation table, he should have an idea of what the Members around this table are talking about, and attempt to do what he can and how he sees fit, to see if he can help the development of the Yukon.

That's about all I have to say at the present time, Mr. Speaker, except for the fact that we have a petition in our midst that's asking for the Territorial Legislature's position, and they are also asking for the Territorial Position Paper. As far as the Position Paper, I raised this question last Session, Mr. Speaker, and it was because I felt that the Yukon public should know that there was a Position Paper made by the Yukon Government. As far as making it public, I feel that we should leave it up to Mr. Phelps and the rest of the Administration to see when they should release it as they see fit, because if they feel it is going to jeopardize negotiations, it's up to their prerogative, but I feel that the public has the right to know that the Government of the Yukon Territory is working on this, and working for the benefit of all Yukoners.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker. In seconding this motion, I felt very, very strongly towards the attitude that is in this Motion. I wish the people of the Yukon to know that we are here and we are working for them and not for just one of them but for all of them. Native and white people. And on that paper, as Mr. Lang has said, rights to be honoured for the Yukon people, I think this is not a harsh thing, I think this should be considered in any negotiation for any type of thing in the Yukon. We are merely asking now that our representatives there, we're not actually asking, we are saying that we would like that representative to know exactly how we feel. I realize he does know already, but the public doesn't know that we have given any instructions whatsoever, and I think it's their right to know that we have some instructions that we wish him intend to carry out.

I don't expect him to go against the negotiations if they are fair and square at all but I expect him to stand up for the people, white people and the native people. And as for all of the other items in there, I think Mr. Lang has explained them fairly well. I won't take up your time, except for the one, about equal rights for all people. I again, hold very strongly with this. That any settlement that is made by the government, and is not made with equal rights to the people is going to jeopardize this country and also the native people very much in the future. Maybe more so than the whites. It will jeopardize all of us. Anything that is not made with equal rights.

Therefore, as I say, I second this Motion and I'll stand behind it.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I must thank the Honourable Member from Whitehorse Porter Creek for delineating, I think, for one of the first times, before Council the land alienation that is now presented in the Yukon Territory. I have a map in my office which is even a little bit thicker than that one and that shows that out of the 207,000 square miles of the Yukon Territory, the land under the direction and control of the Yukon Territory and this Council amounts to some 300 square miles. It consists of the lands around the municipalities, around the local improvement districts, and around the unorganized areas.

I agree with the Honourable Member that land is the key. I agree with the Honourable Member that we are not going to have a responsible government until at least the surface rights of unalienated Crown land is turned over to the direction and control of the people who live here.

The fact, however, Mr. Speaker, remains that outside of that 300 square miles, every other square mile of the Yukon Territory is owned outright, lock, stock and barrel by the Government of Canada, The Federal Government.

Mr. Speaker, I further submit that it is unfair, and that it's irresponsible of this body to try and fool the people of the Yukon that anything else is the truth.

We can pass all the motherhood motions on land that we want to, I feel that that's not in the best interest of the people because they should realize the truth, they should know the truth and they should be willing to accept it.

I disagree with bodies passing Resolutions over which they have no jurisdictional and no constitutional control, in an attempt to try and relieve the hard facts of reality from the people of the Yukon, just as to where the Government of the Yukon and the people of the Yukon Territory stand. And we can do this in so many areas, and I think that that's one of the great problems of democracies and the politics of expectations, where people make political promises and put into effect motions which they know that they have no effect, no constitutional jurisdiction over and which are, in effect, ultra vires of their rights and privileges.

I think that we should be responsible enough and sensible enough to know that the reasons why the Indian people of the Yukon are negotiating with the Federal Government, and not with the government of the provinces as they are, or the Territory as they are in other parts of Canada, is because the Government of Canada is the only body that have anything that they want, which in essence, is the land. To try to think that this body has any input into land policies or land use or land control of the Government of Canada is simply not the case, and any Member who has been around this House for more than one Session, knows full well that every input on land policy directed towards the Federal Government, has up to this point in time, not been acceptable to the Federal authorities, and to try to think that a Motion of Council at this time is going to just move away those 90 years of indifference to the

people of the Yukon, where land is concerned, is an attempt to fool this Council and to fool the Members of the public of the Yukon Territory.

Mr. Speaker, because the Federal Government owns the land, all the aspects of this Motion are negotiable between the Federal Government and the Indian people of the Yukon Territory, and the Federal Government knows it, the Indian people of the Yukon Territory know it, and those of us who are big enough to accept realities, in the Yukon Territory , know it.

Our input, Mr. Speaker, on the negotiations, have to be in the area that following a settlement, and we all know, we may as well not try and portray an ostrich role, that a settlement is not going to take place, that the Indian people of the Yukon and the other people of the Yukon are going to be able to move together to a better society for all of us and for our children tomorrow in the Yukon.

That is the realization that we should all be accepting, and we should all be moving towards. Our input, Mr. Speaker, which has been effective, at this time, on the federal negotiation scheme, is to put exactly that proposition to the Federal people who own the land and are negotiating with the Indian people on the land.

I can't agree more with the Honourable Member from Porter Creek, that the biggest problem, I think that's the way that he put it, or the most important point, is that the people of the Yukon, through their elected representatives, have to have the knowledge of what is happening on the negotiations if the ultimate, which I have mentioned before, can ever come to pass.

Mr. Speaker, the Members of Council know that we have been trying to make that point with the Minister of Indian Affairs and with the negotiating team, the Executive Committee has been trying to make that point, the Member from Whitehorse Riverdale, Mr. Phelps, has been willing to make that point, so far with no success.

Mr. Speaker, I think that any fair minded person in the Yukon has to agree that it's patently discriminatory and I disagree with the discrimination in any form, that a certain segment of the negotiators have the ability to report back to their people on what is happening and another segment of the negotiators do not have the ability to report back to the people who have elected them, on what is happening. I find that just discriminatory and I do not agree with it.

Mr. Speaker, because I feel personally that for us to pretend that we have any ability of setting land policies with the federal government is naive, and I think it's rather irresponsible to the people of the Yukon and they should know and should be involved in the cold hard facts of reality. Because I believe that we shouldn't lose, what the Honourable Member has stated was the most important point of his Resolution, that I would like to move an amendment to the Motion Number 6, Mr. Speaker.

Mr. Lang: On a Point of Order, before there is any amendments done to this Motion, I would like to speak to this Motion for the last time.

Mr. Speaker: I would caution the Honourable Member that if the Member is to now speak, he would have the effect of closing the debate. The amendment as being proposed is quite in order. I just caution the Member if he now speaks he will close debate on the Motion. So on the point of order, I must rule that the Member has a right at this time to introduce an amendment.

Mr. Lang: Well Mr. Speaker, I'll wait for that amendment then.

Mr. Speaker: The Honourable Member from Whitehorse North Centre.

Hon. Mr. McKinnon: Mr. Speaker, I would move an amendment to Motion Number 6 that all the words after "House" in line number one be replaced by the following words, "request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a member of the Advisory Committee to the federal negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House.

Mr. Speaker, I feel that this is the most important point that can be made at this time, the point that members of the Executive Committee have been making, that Mr. Phelps has been making, that this total house has been making to the Minister. I don't think that you can get everything that you want overnight. It's been my experience in politics that you go for one thing at a time. When the original land claims negotiations was struck, there was no membership on behalf of the people of the Yukon Territory. Because of the interest of this House and because of their involvement, there are now three members on that team, one of them the Member from Whitehorse Riverdale, Mr. Phelps.

I believe, Mr. Speaker, that with the support of this House, that we may have the opportunity of going one step further and having the ability to have our elected representative on that negotiating Committee to report back to the House. This is possible, and this is feasible, and this is practical.

The attempt to pass Motion Number 6 as it is, with all those areas over which the Yukon Territorial Government has no control, will find its way so quickly into file 30 of the federal government that it will be as if the Motion was never before this House or was never passed or never defeated.

I feel that the amendment can probably meet with the unanimity of this House; I believe that it is a policy that should be accepted by the Minister of Indian Affairs and Northern Development, and I would believe that it would be the biggest single advance in the negotiations that can practically and possibly take place at this time in the area of the negotiations of the Indian Land Claims in the Yukon Territory.

Mr. Speaker, the motion would now read that "Be it resolved that this House request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a member of the Advisory Committee to the Federal Negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House."

Thank you Mr. Speaker.

Mr. Speaker: Is there a seconder for this motion, or this amendment?

Mr. Berger: Yes, Mr. Speaker, I just would like to second the amendment. I have actually nothing further to add than to say that I think to allow the Motion which the Honourable Member from Porter Creek made, to let it go through the way it was, I think, would be irresponsible of us.

Mr. Speaker: I will read the amendment.

"It has been moved that all the words after 'House' in line 1 be replaced by the following words: This is moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike.

"Request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a Member of the Advisory Committee to the Federal Negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House."

Is there any debate? I might, inasmuch as this is an amendment, I would like to advise the Honourable Member from Whitehorse Porter Creek that he now does not close the debate in speaking at this time to this amendment.

The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: There's a lot of things that the Honourable Minister has said that I agree with, Mr. Speaker. I believe, and I thoroughly believe that if the Territorial Legislative Assembly does not want to get involved in an issue such as this, or an issue of parks as far as land is concerned, and it is classed as irresponsible, then we have no business in this House.

I believe strongly, very strongly, as a Yukon citizen, as a man who was raised in the Yukon, took my education in the Yukon, I have as much right as anyone else in the Yukon or in Canada, for that matter, and for the Honourable Minister to say that a person is irresponsible for attempting to get involved in Federal legislation and attempt to at least giving some direction, Mr. Speaker, then therefore maybe we should leave these Chambers to the Administration and leave it to the Administration to save approximately $180,000.00 in wages.

Because I don't believe, Mr. Speaker, that this House is acting responsible if we are not about to state to the Federal Government what we, in the Yukon want, and I believe it's high time that we in the Yukon did state what we wanted. I realize, in this issue everybody realizes how involved I have been, it's partially the reason I am in this House today, and if there is no example of support, there was a meeting Sunday night where there was a hundred and fifty people at that meeting, and other meetings for different organizations it's a tough time to get a quorum to vote an executive, so it just shows you how the people of the Yukon feel about this, this shroud of secrecy that is involved in the negotiations at the present time.

I realize that there has to be some secrecy, but at the present time, nobody knows what's going on. I believe it's up to this House to become involved, or else it's going to be to the detriment of the Yukon and forty years from now, if I live that long and am a Member of this House that long, we will still be legislating on the dog catcher.

Thank you.

Hon. Mr. McKinnon: Mr. Speaker, just rising on a Point of Order, I didn't want to interrupt the Honourable Member when he was speaking. I think the remarks that I made will show me out, I tried to be very careful of them, that it would be irresponsible to the people of the Yukon for them to think that a Motion of this type would settle the land situation in the Yukon. If that's not what I did say that is certainly what I intended, because I think it is extremely responsible for people to be involved and the Honourable Member knows full well my total involvement in the land in many of the areas in which the Motion speaks, Mr. Speaker.

Mr. Speaker: Any further debate on the amendment?

Are you prepared then for question on the amendment?

Are you agreed?

Some Members: Agreed.

Mr. Speaker: Are there any disagreed?

Madam Clerk, would you poll the House, please?

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Disagreed.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Disagreed.

Madam Clerk: The Honourable Member for Ogilvie?

Ms. Millard: I agree.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: I Agree.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: I agree.

Madam Clerk: The Honourable Member from Mayo?

Hon. Mr. McIntyre: I agree.

Madam Clerk: The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Agreed.

Madam Clerk: Mr. Speaker, the vote is seven "yeah", two "nay".

Mr. Speaker: The yeahs have it, the amendment than I declare carried.

Amendment Carried

Mr. Speaker: Have you anything further on the Motion? Motion number 6 as amended. Are you prepared for the question and the Motion?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agred.

Mr. Speaker: Any disagreed?

Mr. Lang: Disagreed.

Mr. Fleming: Disagreed

Mr. Speaker: Is it your wish to have the House polled?

Mr. Fleming: No Mr. Speaker, I don't think it would do any good, I still disagree.

Mr. Speaker: I shall declare that Motion Number 6 as amended as carried.

Motion Carried

ORDERS OF THE DAY

Mr. Speaker: We'll proceed with the Orders of the Day. We have a Motion for the production of papers Number 1. Would you care to read your Motion, the Honourable Member from Klondike?

Motion for the Production of Papers No. 1

Mr. Berger: Yes, Mr. Speaker. Moved by myself, and seconded by the Honourable Member from Pelly River, that the Government Administration table the contract papers concerning the third party work to be done on R.C.M.P. and Historic Sites vehicles for Y.T.G.

Mr. Speaker: It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Pelly River, that the Government Administration table the contract papers concerning third party work to be done on RCMP and Historic Sites vehicles, by YTG. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: ARe you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried.

Motion Carried

QUESTION PERIOD

Mr. Speaker: We will now proceed to the question period. Madam Clerk, would you ascertain if Mr. Commissioner would be available to the House this morning?

Madam Clerk leaves the Chamber

Mr. Speaker: At this time I will declare a brief Recess.

Recess

Mr. Speaker: I will call the House to order, and proceed with the question period. We have with us this morning Mr. Commissioner to assist us in this endeavour.

Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, if I may, a question was aksed on May 13 by Councillor Millard concerning the Forestry House at Old Crow. The question being a forestry house and outbuildings were built at Old Crow which are now standing empty, what is the contemplated use of these buildings. The answer Mr. Speaker, the house, office and garage built by Forestry at Old Crow were intended to accommodate a Forest Ranger after suitable native personnel from Old Crow were trained for this position. Presently a native from Haines Junction is the Official Assistant Ranger posted to Old Crow. However Mr. Allan is single and since there is not enough officials work for him in Old Crow, he lives in forestry quarters in Dawson and covers the Old Crow area from there. There are no permanent plans for this building, but it will be used this summer by water resources personnel and is available to accommodate other northern development staff working in the Old Crow area.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: Porter Creek Industrial Area

Mr. Lang: Yes, Mr. Speaker. I have a question for the Minister of Local Government, if I may.

On May 9 I asked a question concerning the Porter Creek industrial area. Now apparently there is -- they have surveyed the area that was tentatively proposed for an extension to the Porter Creek industrial area, and they have come up with a area that will yeild ap-

proximately five to six servicable lots, probably at a cost of $5,000.

Now these people in Porter Creek and I'm not necessarily talking Porter Creek, I'm talking Whitehorse, there's a lot of people that are looking in the industrial area for lots in order to carry on their business.

Mr. Speaker: Order please. Perhaps it is not competent in question period to bring matters up in the form of debate. Perhaps the member could simply ask his question.

Mr. Lang: I'm sorry, Mr. Speaker, I got carried away.

The question is, that they are looking in Porter Creek for a site that will yield approximately 15 to 20 lots. What I would like to know, is the government prepared to get this done within the next month and a half so that these people can build within the building season.

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I think it's impossible in this day and age to get lots serviced, surveyed, the plan of survey registered in a month and a half. There will be 16 lots of varying acreage going on sale in the McCrae industrial subdivision, we hope somewhere around the middle of June, depending upon the survey and the registration of same.

We feel that it would be uneconomic for those people who want to purchase industrial lots in Porter Creek, with the expansion of the present industrial subdivision, because the land is expensive to survey, and there is only a few lots available. Our municipal officers have been instructed to look for a further site in Porter Creek, where there can be industrial expansion, where there can be 15 or 20 lots serviced and sold and where the lots will be much more reasonable to the people who are looking for this type of land, than if the present expansion to the present industrial subdivision was followed where only 5 or 6 lots would be available.

I might add, Mr. Speaker, that there is so much of this land in the industrial area of Porter Creek that was put out strictly for speculative purposes, there was no-- there were no clauses in the last sale that demanded improvements. It's a perfect example of a mistake that we should never make again, that when land is being sold, there should be an improvement factor on it, because those lots are owned by people all over the country, who are hanging on to them, for speculative purposes and bone fide Yukon people who need land for industrial uses cannot find land at this time. I'll probably be condemned by Council for having tight improvement clauses on the next land, but by golly, with what I've seen over the last few years, you can scream all you want, they're going to be on there.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: Availability of Lots

Mr. Lang: Mr. Speaker, again, once again to the Honourable Minister of Local Government, he states that there are five or six lots that are relatively flat land in this area. Now I'm wondering if he would be prepared to have this land available for sale if there was in these 5 or 6 cases, where lots are available, 5 or 6 people come ahead and say that they will commit themselves and pay the $5,000 for these lots if it's possible that it could be done this year?

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: If it can be proven that there is a need where people are willing to pay this kind of money for expansion to the present industrial area that would be a demand for lots, that they would be prepared to pay in this price range, and prepared to accept improvement clauses over a several year period, the government would have no objection at all, with the consent of the Whitehorse Planning Board, whose advice we seek on any development within the city limits, to go ahead with this type of development, Mr. Speaker.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Well, Mr. Speaker, I take it that if five or six people that are interested in these lots, if they approach Mr. McKinnon in the next couple of days, that action would be taken on this if they commit themselves?

Hon. Mr. McKinnon: I am sure I have seen 500 in the last 3 days.

Mr. Speaker: Are there any further questions? The Honourable Member from Ogilvie?

Question Re: Transfer Of Prisoners

Ms. Millard: Mr. Speaker, sometime ago, I asked Mr. Commissioner for some indication about the regulations which are being processed for consideration of appeal for transfers of prisoners outside, and we were told that they were told that they were in the process and only awaiting signature. Could Mr. Commissioner now tell us how far that process has gone?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I believe that I deferred the question to the Legal Advisor at that time, and I can say with certainty that the papers have not come to my attention up to this time.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: International Biological Program

Mr. Lang: Mr. Speaker, in relation to a question that I asked a couple of days ago to Mr. Commissioner, I was wondering if they have an answer as of yet to the

-- how the Territorial representatives will be appointed to the Board for the International Biological Program, and also when would the Board of the International Biological Program be willing to meet with the legislature here, because it's stated in a memorandum that they are willing -- they were going to meet with the legislature early in 1975, and I think we are progressing into the middle of 1975.

Mr. Commissioner: Mr. Speaker, material is coming so that we can answer the question, it is not on hand as yet, and as quickly as it is available to us, an answer will be tabled for Council's interest.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Transfer Of Prisoners

Ms. Millard: Mr. Speaker, just a supplementary to a question I had at first, if Mr. Commissioner would refer back to the votes -- the Debates and Proceedings for the day that I asked that question, the reply of Mr. Legal Advisor was that it was in the process and as far as he understood, it was nearly coming to the point of signature.

Could this be investigated?

Mr. Speaker: Mr. Law Clerk?

Mr. Legal Advisor: Mr. Speaker, may I answer that question? Immediately after the question was asked, I also investigated it, apart from the Commissioner, and I found that in fact the papers had the day before arrived in my office, and there is, as perhaps the Member knows, a set standard procedure for dealing with the signature by the Commissioner of Regulations. And it passes through a series of hands, eventually ending up in the Commissioner's hands with the formal advice which has been tendered to him in that respect.

I think it passed through my office that morning, I initialled it and passed it on. The procedure would then I think go to the Executive Member responsible for that Department, and it may be that it was held up pending the appointment of the Executive Member. It may not be, but definitely it's in the middle.

Mr. Speaker! The Honourable Member from Hootalinqua?

Question Re: Swimming Instructors

Mr. Fleming: Yes, I must refer back to Friday morning's question period when I asked the Minister of Education where the nurses were going to be quartered, and -- not the nurses, pardon me, the swimming instructors, pardon me, and I wonder if and when I will have that question answered.

Mr. Speaker: The Honourable Member from Mayo?

Hon. Mr. McIntyre: This was taken as a written question, and the answer was signed by me this morning, and will be tabled tomorrow.

Mr. Fleming: Thank you.

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Indian Education

Ms. Millard: Mr. Speaker, I have a question for the Honourable Minister of Education.

I have recently, as we all have, received the Legislative Return Number 1, which was the answer to a question that I made on March 24th, concerning the Department's position on Indian education. It's a beautiful document, it's five pages long, but it doesn't answer my question. I would like to emphasize the part of the question which was my concern, which was "Will the Honourable Minister supply details of the Executive Committee's position and future plans in the following areas of Indian education".

The document simply outlines what's now happening. It does not outline the Executive Committee's position, nor its future plans for developing Indian education in the Yukon Territory. Therefore, Mr. Speaker, I would like to repeat this question if I may.

Mr. Speaker: I don't know if I could, in fact, permit the question to be repeated inasmuch as it has been answered. Perhaps if the Honourable Member wished to pursue the matter further, it could be done in another way, but I don't think I would allow the question.

Is there any further questions?

The Honourable Member from Klondike?

Question Re: Construction Contracts

Mr. Berger: Thank you, Mr. Speaker. My question is for Mr. Commissioner.

It is my understanding from the news media this morning, that the Yukon Housing Corporation let 1.8 million dollars worth of contracts go and all the tenders and bids received were outside contractors, and it was further my understanding that some of the low bids received were actually Yukon contractors and they were not considered. My question is, if that is so, why were they not considered on the contracts?

Mr. Speaker: Mr. Commissioner?

Mr. Commissioner: Well, Mr. Speaker, I would have to seek an answer from the Housing Corporation. Very obviously, I am not personally involved in the bid selection process, but the tender regulations do apply, and if the Honourable Member would like to give me time to secure an answer for him, I would be happy to do so.

Mr. Speaker: Are there any further questions?

I would like to thank Mr. Commissioner for his attendance this morning, and we will now proceed under Orders of the Day to Public Bills.

PUBLIC BILLS

Bill Number 9, Third Reading

Hon. Mr. McIntyre: I move, seconded by the Honourable Member from Whitehorse North Centre,

that Bill Number 9 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 9 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 9 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion carried and that Bill Number 9 has passed this House.

Motion Carried

Hon. Mr. McIntyre: Mr. Speaker, Bill Number 10 appears on the Order Paper for third reading. But inasmuch as this Bill is contingent upon the passing of the Students Financial Assistance Ordinance which is still in Committee, I propose to not bring this particular bill forward at this time.

Mr. Speaker: This brings us then to the end of the Order Paper. What is your futher pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. McCall: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that Mr. Speaker do now leave the chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the chair in Committee of the Whole.

COMMITTEE OF THE WHOLE

Mr. Chairman: I'll now call the Committee to Order and declare a ten minute recess.

Recess

Mr. Chairman: I now call the Committee to Order. And if it's agreed, we'll proceed with the clause by clause of Bill 14. Agreed?

Some Members: Agreed.

Mr. Chairman: One.
(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Two--oh, sorry.

Mr. Fleming: I would like to direct a question to the--Mr. McKinnon, I guess. This says, "every person who is an occupier of a real property." Do I understand it to mean that regardless of title, ownership, lease or otherwise, in this case it would cover even such as a squatter?

Hon. Mr. McKinnon: Mr. Chairman, there are certain sections of this Ordinance which I had some input into and I'll--I would like to speak to those sections when we arrive at them. The person responsible for the Taxation Ordinance is the assistant Commissioner, Mr. Miller, who is in Ottawa at this time and any of the legal questions I would like to redirect to Mr. Legal Advisor, because you're not going to get a legal answer from me, I don't know the legal answer.

Mr. Speaker: Mr. Legal Advisor?

Mr. Legal Advisor: First I'd like to explain, that the only changes in the third line, a "b" instead of an "a". It was a misprint in the orginal Ordinance. But the basic doctrine of taxation under which we operate, and the provinces operate, and all municipalities operate, is that the person who occupies the property is liable for the tax, regardless of the owner. This is very necessary when it's government owned property. You can't tax the government, but you can tax the oc-

cupational right of the occupier. And that goes on regardless of whether he's a squatter, an owner or a lessee.

Mr. Chairman: Thank you, any further questions? Two.
(Reads Clause 2)

Mr. Chairman: Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: Three:
(Reads Clause 3)

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, to the Minister of Local Government. Is this in the area, the way I understand it, where people have just bought land for speculation and they will be taxed accordingly, if there is a matter of supply and demand.

Hon. Mr. McKinnon: That comes in Section 5, Mr. Chairman.

Mr. Legal Advisor: Mr. Chairman, it's to deal with a particular case that has happened but not in recent years. A person appealed against this assessment; instead of just dealing with his assessment, the Board of Revision was enabled under subsection (c) as it then stood, to order a fresh assessment of the whole of the taxation area, just casually like that in the middle of winter, and this power is taken away. They deal with the property in question, not with the whole area, just casually.

Mr. Chairman: Thank you. Anything further? Clear?

Some Members: Clear.

Mr. Chairman: Four:
(Reads Clause 4)

Mr. Chairman: Clear? Five:
(Reads Clause 5)

Ms. Millard: Mr. Chairman?

Mr. Chairman: Mr. Fleming? And then Miss Millard.

Mr. Fleming: Mr. Chairman, do I take it then Mr. Legal Advisor, that this covers--I'll give you an example, because I am an example. I have property in the Municipality of Whitehorse which is three or four miles out in the bush which they surrounded when they made the city limits, so therefore, there is no road, no access to the property, only on foot today, or , you know, there's no improvements whatsoever, and this (2) gives them the authority now to raise that taxes over $25.00 regardless of improvements or anything out there, does it not, this Section?

Mr. Legal Advisor: Sub-section (2), yes.

Hon. Mr. McKinnon: Mr. Chairman, this was an area which I did have some input into this Taxation Ordinance, was at the direct request of the Yukon Association of Municiaplities that are extremely worried about the lack of unoccupied titled land where services are, primarily, are going past the doors and the minimum tax on that piece of land is $25.00.

I think the Honourable Member from Klondike, and probably from Ogilvie, will probably have something to add in this regard, where the Municipality of the City of Dawson is having terrible problems where minimum taxes are $25.00 on unoccupied titled land, and people, for a unique conversation piece, in the United States hold onto the title for $25.00 a year, to have title to a land in Dawson, and people who actually want to build in Dawson can't find a piece of vacant ground to be able to build a home on, and the Municipalities were unanimous in asking for the ability to be able to set a higher taxation rate than $25.00.

Now, it's up to the Municipality to determine what type of assessment, considering what type of services they are going to put on that land which is unoccupied, but certainly that is the Municipality's right and prerogative, and certainly that any appeal against what you feel may be unsatisfactory, should be to the Municipality.

If you will notice, the whole thread of Municipal type government and Ordinances which this Council has before it now, are to give the Municipalities the powers that they think that they should have as a duly elected responsible body. I find it very hypocritical, and always have, that this government tries to put dampers on the Municipal government when they are trying to feel their way and trying to attain the powers they think that they need in providing good municipal government, when we are constantly going to Ottawa and crying about the lack of responsible government here. It's the intention of the Department of Local Government to pay every attention to the demands and further responsibilities that the Municipal Governments feel that they need in responsibly governing the area within the Municipalities.

So I think that it is the prerogative, in fact I know it is, under the Yukon Act, to give this further power to the municipalities, and I'm recommending that such power be given to them and let them decide what properties will be on what assessment and at what price, which is, I think, part of their duly elected responsible duty.

Mr. Chairman: Thank you. Miss Millard is next.

Ms. Millard: Mr. Chairman, I can certainly see the concern in absentee landlords and things, and especially in Dawson City, however I myself live in the situation where I pay the minimum tax on a log cabin, and the sewer and water go right by my door and I certainly don't like the thought of having the city charging me $200.00 tax a year for a building that, for me, is almost summer occupancy, especially now. That may be called -- or maybe I'm an absentee landlord, I don't know.

However, I've actually -- the building is quite historic, and there's no way that I'm going to change

the exterior to improve it, because for one thing, Historic Sites has asked me not to, because -- and the tour buses stop by and take a look, so you know, it's an asset to Dawson to have this. It's a beautiful little place. I feel that the powers here are a little too broad, as far as I'm concerned, that even if the maximum could--$200.00 is a large sum to have to pay for taxes when you're suddenly paying the minimum. It used to be $10.00 minimum, it could be a maximum now of 200. This is what it says--

Hon. Mr. McKinnon: Mr. Chairman, perhaps we can get through this a little quicker. That doesn't apply to any property where there is an improvement on it. Section 2 just applies to properties where there are no improvements.

Mr. Chairman: Thank you, Mr. McKinnon.

Ms. Millard: Exactly, that's what I'm saying.

Hon. Mr. McKinnon: A log cabin is considered an improvement.

Ms. Millard: An improvement just in itself.

Hon. Mr. McKinnon: Right.

Ms. Millard: So this just concerns empty lots?

Hon. Mr. McKinnon: Right.

Ms. Millard: I see. I understood improvements as being some kind of improvement to what's already there. But I refuse to improve my house.
Thank you.

Mr. Chairman: Thank you, Miss Millard. Mr. Berger is next.

Mr. Berger: Thank you, Mr. Chairman. I could have a further answer for the Honourable Member from Ogilvie, that even gardens are considered as an improvement. There's no intention of the city of Dawson to increase taxes on garden patches which lots of people have in Dawson.. But to add further to the Honourable Member from Whitehorse North Centre, the whole thing was raised by the Municipality of Dawson, and one of the main questions arose that up til now the Municipalities, like in Dawson for example, there's over 900 empty lots, absentee landlords, and up til now the City of Dawson collected $25.00 and 50 per cent of that was submitted to the Federal Government, because it was shared--a 50 per cent share basis on the minimum taxes.
And this would eliminate this thing, and it would also eliminate, like the Honourable Member said, from Whitehorse North Centre, absentee landlords holding land in serviced areas, and you can't get any land.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I would not like the Honourable Member who has just spoken to be under a misapprehension. It is true that the section is changed and there is eliminated the half going to the Territorial Treasurer with respect to school taxes, but he should read Section 9 of this Bill which makes different provisions for collecting school tax. It's now being collected by a total check in respect of the people who pay, rather than being measured by individual lots and in particular this.
So it's not correct to say that it exactly is the position that he thinks it is.

Mr. Chairman: Mr. Berger?

Mr. Berger: It's my full understanding, but the thing is up till now in Dawson, for instance, out of $25 minimum taxes, you submitted $12.50 to the federal government, and it has nothing to do with 16 mill school taxes. Now my understanding is, after reading this section, that minimum tax, the city submits is 16 mills and no longer 50 percent.

Mr. Legal Advisor: Yes, Mr. Chairman, that's the -- that's correct.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: I think I'm getting the picture a little clearer now, although I feel this is a very good regulation. I give you an example again of this exact property in Whitehorse, because this is more or less something I always felt I was getting for nothing, and I really don't want anything for nothing.
In this case, this property I speak of would be approximately 30 acres. Now it was taken in by the City of Whitehorse and I have been paying only $25 a year. Of course, I'm not going to jump right up and go to the tax office and say I want to give you more, although I felt they were very foolish in maybe not checking the property for this amount, and charging possibly some more. In this case, I think that the cause is very good. If anything happens and they do overcharge me on that property, I feel they do, I can go to the Court of Revision and I think it's very fair to give them the opportunity to charge just a little more.

Mr. Chairman: anything further? Mr. Lang?

Mr. Lang: I would like to say that I'm glad to see this because back to the Porter Creek industrial lots, I know people are sitting on them in speculation and I think that they should be paying whatever the municipality agrees to, tax them in order that they become available for the public at a reasonable price, not an outrageous price.

Mr. Chairman: Thank you. Anything further?
Six:
(Reads Clause 6)

Mr. Legal Advisor: Mr. Chairman, this is a very special case. People who carry on a business are liable to business taxes, if the municipality sees fit to put it on. But it was pointed out to the Administration that there are certain people who are carrying on professions, teachers were one of them, who are actually occupying a house, they are carrying on a profession, but they are not carrying it on for gain in the accepted sense of the word. So the definition was changed in the section to make it taxable, that's only if the municipality do oppose this tax, provided that it is

carried on for gain or profit.

Mr. Chairman: Does this apply to lawyers too, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Anything further?
Seven:
(Reads Clause Seven)

Mr. Legal Advisor: Mr. Chairman this sets out that when making assessments, there is a manual to be used, it is not to be haphazard. There was an omission in the original Ordinance as drafted. It's put in the same position as ordinary property.

Mr. Chairman: Thank you. It is the same manual to be used?

Mr. Legal Advisor: I wouldn't think so, Mr. Chairman, but it would be a manual. That would provide for uniform assessments throughout the particular area of taxation in the event that the municipality sees fit to impose this type of tax.

Mr. Chairman: I see.
Anything arising?
Eight:
(Reads Clause 8)

Mr. Chairman: Nine:
(Reads Clause 9)

Mr. Legal Advisor: This is just a clarification section, Mr. Chairman.

Mr. Chairman: Thank you Mr. Legal Advisor.
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a question just arising out of the repeal of subsection 60(5) as in Section 8. That is, firstly, are the municipalities required to assess on the basis of the Alberta manual, in the same manner as the Government of the Yukon Territory assess, or are they not?

Mr. Legal Advisor: Mr. Chairman, the system of assessment which we presently operate and have operated for the last two or three years, and has been successful, is a uniform assessment made on the -- used in the Alberta manual throughout the whole of the Territory and then the tax itself, the mill rate is set by the municipalities in relation to that assessment. They don't individually assess anymore.

Hon. Mr. Taylor: Well Mr. Chairman, my question though is, then, is there legislation within the Municipal Ordinance for instance, which provides that this must be, that the municipality must assess on that basis of that manual or can they find another means of assessing?

Mr. Legal Advisor: Mr. Chairman, the regulation making power exists in the hands of the Territorial Administration to fix a particular manual and for many years past the Alberta manual has been a fixed one.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Speaker: Ten?
(Reads Clause 10)

Mr. Legal Advisor: This is just to correct a misprint Mr. Chairman.

Mr. Chairman: Thank you.
Eleven:
(Reads Clause 11)

Mr. Legal Advisor: Mr. Cahirman, therewas no power to extend a deadline in the old Ordinance and there was some doubt of what would happen if the person did something 16 days after it should be done, when it should be done 15 days after something else. And of course, as the House is aware, officially there never late but this provides in case it happens to be in the future.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Thank you Mr. Chairman. I have a question I don't really know if it applies to this thing, but it is under taxation. It is last year, brought out in Dawson City also, that the municipality had a limit on levying business taxes. I actually expected to see some sort of amendment in this year. I wonder if there was anything in the making?

Mr. Legal Advisor: Mr. Chairman, that arose out of a query by people in Dawson who felt that the financial agreement which the Territory makes every year with the federal government, and contains a restrictive clause or did at that time, on the setting of taxes and the nature of income taxes or business taxes and set an upper limit. And the people who were taxed felt that this clause had the effect of restricting the power of the municipality to increase taxes beyond a certain point. And the matter was referred to the federal government and in particular the Department of Justice. The Department of Justice held that they couldn't tell what the sections meant and neither could the Department of Northern Affairs and neither could my office, so these limits no longer apply.

Mr. Chairman: Thank you.

Mr. Chairman: Mr. McKinnon, is it your wish to report progress on this Bill? Do you feel that there might be some--

Hon. Mr. McKinnon: Yes, Mr. Chairman. Just as an aside under Section 6, it's interesting to note that most of the Municipalities, I think, are still attempting to collect their --what business taxes and what varying rates through a licencing procedure, and none of the Municipalities have seen fit to use their business licencing provisions under the MunicipalOrdinance, as a way of--under the Taxation Ordinance, I'm sorry, as

a method of raising revenues to the cities. I think probably one of the few jurisdictions where the Municipalities have not moved into these powers that are given to them by the senior government, and I think it's pretty difficult to be raising through licences, on different businesses rather than most jurisdictions which do it on either a square footage basis, or by a gross or a net profit basis. I think it's just something that should be considered, that the cities really have more taxing authority given to them by this body than we are given by the senior body in an attempt to raise revenues.

Mr. Chairman: Thank you. I'm just wondering now about the timing of the witnesses for Bills 13, 14 and 15. It seems to me that in Committee at least, we are reaching a stage where we could possibly complete most of the work by Friday, Mr. McKinnon, and I'm wondering whether or not it would be possible to have these witnesses come before this Committe say Friday, rather than next Tuesday or something?

Hon. Mr. McKinnon: Mr. Chairman, I'll be seeing the Mayor of the City of Whitehorse who is also the President or Chairman of the Yukon Association of Municipalities eigher today or tomorrow, and I could determine from him whether or not this would be acceptable to them. I'll make an effort to try and get hold of the Association to see whether Friday would fit into their plans, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McKinnon. I'm concerned because the Bill Number 16, I'm sure that the Members from the Legal Profession will want to appear before this Committee and I understand they may have a considerable number of comments to make, and I would like to give them until say Monday, to prepare to attend as witnesses. They have been given a copy of the Bill, but only as of yesterday.

Some Members: Agreed.

Mr. Chairman: I will then declare a recess until 2 o'clock this afternoon.

Recess

Mr. Chairman: I'll call the Committee to order.

I understand that we can go back now to Bill 11, there being one point left with respect to that bill, having to do with clause 2, subsection 2.

Mr. Legal Advisor: Mr. Chairman, the point was raised by yourself, and it was , that on the language of subsection 2 of Section 2 as written, it would mean that whether or not a person married, he would remain under these circumstances, a dependent student, whereas, a person's whose parents did not die would change his status from dependent to independent on the acquisition of a spouse.

Now the particular point we had in mind in reserving it for consideration was, that it was important that merely by reason of marriage, a person should not lose his entitlement to a scholarship or a bursary. In other words that a woman should not be governed, under these regulations, by the residence of her husband but would continue to maintain her own residence notwithstanding her marriage, which was the intent of the Ordinance in the first place.

By putting in the word "unmarried" in subsection 2, at the first two words "an unmarried person who is qualified" it meets these parameters and the section will retain its intended meaning.

If the House would deem that to be a typographical error, then the Bill would be unchanged.

Mr. Chairman: Is that agreed by the Members?

Some Members: Agreed.

Mr. Chairman: The preamble.
(Reads Preamble))

Mr. Chairman: The title of Bill Number 11, Students' Financial Assistance Ordinance. Clear?

Some Members: Clear.

Mr. Chairman: I'll now entertain a motion.

Hon. Mr. McIntyre: I move that Bill Number 11 be reported out of Committee without amendment.

Mr. Chairman: Seconder? Mr. Lang?

It has been moved by Mr. McIntyre, seconded by Mr. Lang, that Bill Number 11 entitled Students' Financial Assistance Ordinance be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Mr. Berger?

Mr. Berger: Just one question on this, and I believe Section where it says "5", it should be changed to 15?

Mr. Legal Advisor: Yes, Mr. Chairman. That has already been done, to change the misprint from 5 to 15 in line 2 of the definition of Committee at sub-secion (1) of Section 2.

Mr. Chairman: Yes.

Mr. Legal Advisor: That's already been done.

Mr. chairman: I understand that Section 18 has been moved to become Section 24 as well?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: We are at clause by clause of Bill Number 15. One
(Reads Clause 1(1)

Mr. Chairman: Clear?

Two, one
Reads Clause 2(1))

Mr. Legal Advisor: Mr. Chairman, I just draw the attention of the House to that particular definition. It's intended to be a very broad definition, and to include not only what everybody knows is a Municipality, but any other body which is performing municipal duties or employs people in the nature of a Municipality, in order to give that person and the employer, at their option, the benefit of this particular Ordinance.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to direct a question to the Minister of Local Government in relation to this. As we go through this, is this Bill, as far as, say for the employees of this City of Whitehorse, if they are not in favour of this, it's going to be up to them to go before the city council, is that not correct? It just empowers the city municipalities to enact this if they wish, eh?

Hon. Mr. McKinnon: That's correct, Mr. Chairman. Sub-section (2) of Section 3 says that any Municipality may apply to the Commissioner to bring its employees or any class of its employees under the benefits program.

A bit into the background of this Bill. It was another request from the Yukon Association of Municipalities, and also many of the Local Improvement Districts, hamlets, towns, villages in both the Yukon and the Northwest Territories, that because of the sizes of these various municipal types organizations, they did not have the benefits of a large group in seeking group benefits as employees. As the Commissioner stated in his opening remarks, that we think as far as we can ascertain, that it's probably the first instance of the Councils of the two Territories, the Northwest Territories and the Yukon Territory acting in concert to bring about benefits to employees of small jurisdiction, such as municipalities within the Northwest Territories and the Yukon, Local Improvement Districts, hamlets, unorganized areas, villages and the like. To bring this to fruition, Mr. Legal Advisor and the Director of Local Government flew to Edmonton and met with their counterparts in Edmonton and drafted the terms of the Ordinance, most of which I do not understand, plus the copious regulations, most of which I do not understand. I asked Mr. Legal Advisor about some of the terminology in the Ordinance, which is rather foreign to terminology of the normal Ordinances of the Government of the Yukon Territory, and have been assured, and told by him that this was necessary to receive the agreement from the separate jurisdiction.

He also assures me, and I guess the only proof of this will be in its acceptance and its putting into action, that it is an excellent piece of legislation for the different municipalities and small jurisdictions, and that there are many benefits that will be maintained by both the Northwest Territories and the Yukon Territory by the simultaneous or near simultaneous passage of this Ordinance in both the legislatures of the Yukon and of the Northwest Territories.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, the reason I ask the question, I understand that there is some talk amongst the municipal employees that they are not in favour of this and what I'm getting at is, it will be up to them to go before the city fathers to decide that. This is the reason I asked.

Hon. Mr. McKinnon: That's right. There was talk of a certain section of a group of employees of the city, that weren't in favour of the plan but under sub 2, section 3, that's the city's prerogative where it should be. We shouldn't be setting up this legislation and forcing all classes of employees from the municipality to be members of it because all we're trying to do is set up a benefit scheme which is going to prove to be better than one that a small body could get and we formed under the aegis of both the governments of the Yukon and the Northwest Territories, if the different jurisdictions don't see fit to go for the benefits under this program, or think another plan is better, certainly that's the municipality's prerogative and those employees' prerogative.

Mr. Chairman: Thank you. Any further questions? Mr. Berger?

Mr. Berger: Just one question to the Minister of Local Government. Is this plan transferable to different provinces?

Hon. Mr. McKinnon: Yes, that is one of the other real benefits of the plan is its portability, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 3(1).
(Reads Clause 3(1))
Two:
(Reads Clause 3(2))
Three:
(Reads Clause 3(3))
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps I did miss some of the comments that have gone on just prior to this section, but I'm concerned about portability between Territorial government, of a person working for the territorial government, ceasing employment with the government and taking employment with the municipality. Is there a portability factor here?

Mr. Legal Advisor: Yes, Mr. Chairman, the Commissioner would have to make an agreement with himself, in that regard. It would take an agreement each time. But this plan is modelled in the same way as all of the provinces, except Ontario, which has a special plan of its own with special Ontario sets of regulations. But this follows a Western Canada plan in general and it more closely follows Alberta and Saskatchewan than the others. And it has portability, either from a municipal body, to the government or to other corporations as well, depending on the type of agreement that is made with the Commissioner or the

administrator for its portability. In the initial stages, and at present, overtures have already been made right across the country to all the people with similar plans, indicating what our plan is expected to be and asking for their provisional consideration for portability between their plan and ours, through a consultant, and the indications are that this plan would be portable right throughout Canada, both in the private and the public sector.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Four (1):
(Reads Clause 4(1))
Two:
(Reads Clause 4(2))
Three:
(Reads Clause 4(3))
Clear?

Some Members: Clear.

Mr. Chairman: Five(1):
(Reads Clause 5 (1))

Clear?

Some Members: Clear.

Mr. Chairman: Six (1):
(Reads Clause 6 (1))

Mr. Legal Advisor: Mr. Chairman, it's necessary in this regard to have retroactivity because people will be coming into this plan from outside who will have, say, ten years service. So, it's necessary that their service credits be transferred with them. It's an unusual provision in some ways but in other ways, it's to be regarded as a common term.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 7(1):
(Reads Clause 7(1))

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, probably the same question, this is establishing a board, to be known as the Municipal Employees Benefits Program Board to administer the benefits of the program. I don't take it from there that the government is going to handle the whole program, or I still feel that the program will be handled through private insurance companies.

Mr. Legal Advisor: There will be a Board, Mr. Chairman. It's intended at this point, that the final government decision on policy has not yet been set and will not be set until after this Ordinance has passed, and a similar Ordinance is passed in the Northwest Territories.

But the provisional plan for the moment is, there will be a Board which will be common to both Territories, and it would probably consist of an independent outside qualified professional person who might be connected with a particular board in British Columbia or Alberta, sitting as a neutral party. There would be two people on the Board with him, one of which would be an employee of the Territory, and one employee of the Northwest Territories. They would be merely a senior administrative Board for the purpose of giving government control and input into the general direction of the Board.

Under that Board then, there would be a trustee company which will tender for the business, and there will also be an insurance company which will tender for its portion of the business. So the pension will be handled as a trust fund. The collections will be made by month, or pay period by pay period from municipalities, channelled through, say our Territorial Treasurer to ensure that collections have been made, direct to the trust company who are investment, and to the insurance company which will tender and be operating subject to the Trustee Board to carry its portion.

So that basically, the administration from the Territorial point of view will consist of a joint nomination of a Chairman and a single nomination of an individual, from the public service, who will sit and possibly meet once a year and check that the accounts have been audited and that everything is in order. He might, for instance, be the Territorial Treasurer.

But it's intended to operate Section 8 and not Section 7. Section 8 provides for this common board.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, that answers one question, but it brings me around to this matter of trust funds. I would like to know to whom will accrue the interest, any interest derived from these funds held in trust. Will this accrue to the fund itself, or will it go somewhere else?

Mr. Legal Advisor: No, it will accrue and be part of the income of the scheme itself, and will, in the last resort, go to the employees who are contributing to it, not the municipalities.

Hon. Mr. Taylor: Thank you, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 8(1):
(Reads Clause 8 (1))

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: I'm a little curious to know why, for instance, are we going to make agreement with the Northwest Territories? Why, in fact, are we not making an agreement with, say the adjacent province of British Columbia? Why the Northwest Territories?

Mr. Legal Advisor: Mr. Chairman, they already have their plans and have their legislation in existence, and those plans don't provide for a joint exercise of power in the field of making regulations.

But this plan, coming into force here, will be a new

plan, and so will the Northwest Territories' plan. The intention of the original organizers of the plan was to have as big as possible a wage base and income base to operate, and it was felt that neither the Yukon nor the Northwest Territories would have a sufficient wage base itself, but joined together, they can give the plan stability, as well as portability and everything else.

Our advice was that this was what should be done, and it has been followed. It would be a separate deal to make an agreement with Alberta or B.C.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, I accept the explanation that's given by Mr. Legal Advisor in respect of the base, but it always disturbs me to hear in legislation, linking if you will, of the two, of the other place, which is referred to as the Northwest Territories here and the Yukon Territory. I think that at some point administrators as legislators are going to have to recognize the differences between the two places, between the two governments, and between the two legislatures, for that matter. I always become somewhat perplexed when on occasion we see a linking of programs with the Northwest Territories, and that's the reason I rose to question this Section.

Mr. Chairman: Thank you.
Mr. Lang?

Mr. Lang: Mr. Chairman, I'm very curious to what percentage of a person's annual income will be going into this plan. I see that it's fixed by regulation, I'm just kind of curious, is it 2 percent or 1 percent, or whatever the case may be? Is this going to be -- this has to, from what I gather, has to be by Commissioner's order what percentage it will be.

Mr. Legal Advisor: Effectively, Mr. Chairman, it will be by Commissioner's Order, but in fact it will be on the advice of consultants, and I think it would be either five or six percent with a matching contribution on the part of the Municipality. That would be the deduction; it will be at least what a Territorial employee contributes, and for every percent up that he contributes, of course, he is garnering an extra percentage from the Municipality, so you can't put it too high.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, to carry on further with what Mr. Taylor had said, and in view of the remarks made by the Legal Advisor, would it not be possible to form a good base fund, if they entered into an agreement with the Territorial Government Employees, rather than have to negotiate with the Northwest Territories?

Mr. Legal Advisor: That would be possible, if it was legally possible, Mr. Chairman, but we don't control our own pension organization. We are one of the scheduled employers linked into the Federal Pension Acts, similar to a Crown corporation, and we don't have this kind of control, and apart from that, our consultant advises us that this particular pension scheme is quite superior to the Territorial civil servants' pension scheme.

Mr. Chairman: 9(1):
(Reads Clause 9(1))

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. If I go through these definitions here, I am led to understand by reading it, just the way it sits, that if anybody applies in the benefits program will not receive anything.

Mr. Legal Advisor: But not yet, Mr. Chairman, until the benefit program comes into review. But that's not the intention of the Ordinance.

Mr. McCall: Well, Mr. Chairman, I beg to differ, because this is very, very broad, with very little room for reimbursement of any individual.

Mr. Legal Advisor: I would need to have some particularity of the question, because this follows a standard form for pension Ordinances in general terms, and if the regulations are attached to it, and then there would be more regulations and more plans attached to it on tables of ages, pensions, benefits, investments, death benefits, the insurance Section of the contribution and what have you. It would be quite a considerable package of literature. It would make into one book.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. It is nice to say that I would like to say, Mr. Legal Advisor, but beyond the layman, you'll just try and baffle him with science, so by the time he's got to a point where he's putting in a claim, he'll not get it anyway.

Mr. Legal Advisor: Mr. Chairman, I am mystified by the remark because our advice is that the person who is making a claim will get a better return for his 5 percent or six percent than he would if he was an employee of the Federal Government. This is our advice.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. Would it not be better to simplify the regulations instead of broadening regulations?

Mr. Legal Advisor: Mr. Chairman, when there's money involved, they have got to be very, very precise, but they have also got to be flexible, because there are situations when a person may or may not be married; they may be in a situation with children of different wives; his age may vary coming into the plan; it depends on where he has come from, what you call the definition of service credits; leave credits; overtime and all the various things. They are very, very precise, it has to be handled very, very precisely. It's rather like drafting Income Tax legislation or something like that.

Mr. Chairman: Thank you.
Mr. McCall?

Mr. McCall: So what you are saying, Mr. Legal Advisor, is you prefer to see three volumes of regulations instead of one.

Mr. Legal Advisor: I didn't say that, Mr. Chairman.

Mr. Chairman: Thank you Mr. Legal Advisor. Mr. Lang?

Mr. Lang: Mr. Chairman, I'm curious in relation to unions, maybe Mr. McCall can answer this question. In relation to pension plans within the union. Would this override, say if an individual wanted to stay with the union type of pension plan. Would this be up to the city fathers to determine at this point?

Mr. Legal Advisor: Mr. Chairman, over riding is an awkward word. This plan stands on its own feet. Each individual employer, each municipality makes its decision with respect of itself. And it makes that decision, together with the employee, and that it notifies us of the decision. We do not take part in the oftering and chattering or the negotiations that occur. But as Honourable Members know, there are certain bargaining processes that occur annually, and pension plans and benefits are one of those things which are discussed. We don't officially know anything about that, we're just producing a cradle and we hope that the municipality will place the baby in it and that will be the end of it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, would Mr. Legal Advisor please clarify 9 (f) for me please.

Mr. Legal Advisor: Yes, Mr. Chairman, there will be occasionally people who will have to be exempted from certain portions of it. Sometimes its administratively convenient to employ a person over the correct employable age, who might technically come within the plan, but would get no benefit from his money because by other regulation he would get nothing. He, as a person, might be exempt. Then there are various classes of employees, temporaries, casuals and so on, and it may not be wished to include persons who are casuals and who might technically come within the definition of an employee for deduction purposes, and they might ask for an exemption from him,--for him from the scheme. It's a normal thing to be found in pension legislation.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you Mr. Chairman. I'd like to just clarify one point that the Honourable Member from Whitehorse Porter Creek brought up. Most of the organizations dealing with labour have created their own pension plans and one of the specific reasons why is that government pension plans are just not workable. The regulations are so stiff that in order for a person to be involved with a government pension plan, he would have to make his own regulations, because those that are brought down by enabling legislation is just not workable. This is one of the reasons why labour organizations created their own pension plans. And this is why I'm saying once again that we're following the same pattern, by our fathers in Ottawa, and the same type of legislation.

There is an inquiry as to the many millions of dollars, or millions of dollars that is in the federal coffers, pertaining to pension plans, it is never drawn on by any individual. Simply because the regulations prevent him doing it. This whole statement is so old fashioned. There's no way you can draw any reimbursement, you might say, on any of these types of benefits. So this is why you find most labour organizations formulating their own plans, in order for an individual to benefit, no matter what walk of life he's in. This is why I say again, we might as well look at another three volumes of legislation regulations because it's not going to serve any useful function.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I'm curious to know whether an employee of the municipality who is contributing to a pension fund through his union, and is eligible to collect from the union, would he be also eligible for this plan to collect simultaneously? There is no prescription in here.

Mr. Legal Advisor: It would be a matter for Mr. McCall's friends rather than my friends, Mr. Chairman. Our friends here would allow us to collect from this pension fund, I don't know whether Mr. McCall's friends would allow him to collect from his pension plan.

Mr. Chairman: Surely, Mr. Legal Advisor, you have some mutual friends.
Mr. McCall?

Mr. McCall: I beg to differ with the Legal Advisor on that. There is a democratic process even in labour organizations, that maybe the Legal Advisor may not be aware of. I would presume so.

Hon. Mr. McKinnon: Mr. Chairman, I don't want people to misunderstood that we're getting into a government plan. We're not. The Territorial Government is providing the umbrella so that small jurisdictions can get into a plan which is going to be completely managed and entrusted to people who know how to make money, which is trust companies and insurance companies. The government isn't going to be involved in the day to day regulation and the financing. It is not a government plan. Like the federal government plan is. It's a private plan which is using the umbrella of the Governments of the Yukon and the Northwest Territories to be able to collect those fragments of people who do not have the benefit of a plan at the present time. And far be it from us, if I thought that the territorial government at any level were going to be the masters of this plan, this legislation would not be before this House at this time.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, Mr. Legal Advisor, we haven't gone all the way through this --

Would it have -- this legislation have anything to do at all with this plan in effect now, the Disability Plan,

and so forth, that the Government employees are working under now. Would it take that over, or have anything to do with it?

Mr. Legal Advisor: Mr. Chairman, as the Minister said, this is a private plan. Now, it was not the intention normally of this House to go through regulations. The regulations find their way into this book so the Members can peruse them --

Hon. Mr. McKinnon: At their leisure.

Mr. Legal Advisor: -- at their leisure in the spare time over the long weekend, but it wasn't the intention to actually read these regulations. The Ordinance is an enabling Ordinance.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Legal Advisor may be right, there is such a thing as a disability, and it is compulsory now, and I am just wondering, would it affect it in any way?

Mr. Legal Advisor: No, Mr. Chairman.

The plan to which the Honourable Member refers is a different plan and doesn't relate to this plan at all.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. Something still bothers me on 9(f) what Mr. Legal Advisor said, and this exempting casual employees. Why should casual employees be exempted from any pension plan? I mean casual is like city employees, especially in smaller municipalities, where the municipalities hire casual people for the summertime only, and maybe have two permanent people employed, for many, six, seven, ten, any amount of casual people from, say from May to October. Why shouldn't those people be allowed to accumulate their funds over the years and also benefit from the pension plan?

Mr. Legal Advisor: Mr. Chairman, some types of casual employees do benefit if they are termed to be seasonal casual permanent employees, you know, performing work every July for instance, or regular part-time employees, who could be permanent. But it's a classification which is beyond my canon; it's more a personnel matter than anything else, and it's more administration.

I'm not trying to defend whether they are or not, I'm merely giving examples, that there are certain categories of employees who will not be required to contribute, and ergo, will not obtain the benefits. So it's necessary to deal in regulations and have the power to change them, depending upon the definition of "employee", and as the House remembers, the other day we defined contributor for the Federal plan to which the Territorial employees contribute, by saying in the definition and that plan itself, only in the villages, permanent employees as being contributors to the pension plan.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Yes, this is what actually brought me on to this, the Territorial Government Administration started the whole nonsense of casual employees, and prior to the first union contract they had seasonal employees.

Now, all of a sudden, they created seasonal casual and casual seasonal and all sorts of nonsense employees and those people working for six months out of the year and yet they are not benefitting from anything, of the benefits that the so-called permanent employees are getting, and I cannot see why those people should be exempt from any benefits.

Mr. Chairman: I'm going to have to just come in here. I think that the point's been made, Mr. Berger, that this is really the choice of the Municipalities. This is just enabling legislation, so further debate at this point really isn't relevant.

Mr. Lang is next.

Mr. Lang: Thank you, Mr. Chairman.

Now, back to the union deal, for an example, with the Municipality of Whitehorse, I realize that this is going to be apparently a city problem, but what I say, and I concur with Mr. McCall, is that if I am on a pension plan say for one fifteen, which is more to my benefit, why should I have to join a municipal union plan? I mean, this is where it appears to read to me that like the Honourable Minister said, it's an umbrella situation in that they can, in order that they have a bigger base to work with. But I think it should be up to the individual. And what union -- not what union, but what pension fund they belong to.

Mr. Chairman: Well, at the risk of appearing dictatorial again, this is something that has got to be worked out between the Municipality and its employees. They simply turn, as has been explained, they have the option of using this vehicle. It's really something that's got to be debated by the city fathers and negotiated between them and their employees.

Mr. McCall?

Mr. McCall: Mr. Chairman, with respect to your position, Mr. Chairman, if we have to pass this through the House, I think we have a due right to question it, in any terminology whatsoever, and especially the language.

Mr. Chairman: I will ask you, Mr. McCall, to be very precise to the language.

Mr. McCall: Yes, I would like to draw the attention of the House to sub-section (c) and sub-section (i) of Section 9. Under sub-section (c), "may make regulations defining what constitutes the service of any employee for the purpose of the benefits program".

Now that, in my mind, to be in any contract or legislation, defeats itself. I think we are putting up little dictators here as to who is going to define what. To go farther into sub section (i), "may make regulations respecting any matter in respect of which he considers regulations necessary, to remedy any deficiency in this Ordinance".

Now I would like some clarification on that, because I would never see that in any of my contracts.

Hon. Mr. McKinnon: Mr. Chairman, this is what I said at the very beginning of the debate on this Ordinance. There are certain things in here which I question because they are not normal in legislation that we present to this Assembly. The point is, that because of the shared jurisdiction between the Northwest Territories and the Yukon; in this instance, the flexibility has to be in this Ordinance for the Board, when they make the decision, on the recommendations of those employees who come into the plan, that the Commissioners of each Territory has the ability to make the regulations necessary to implement those decisions that are made. I can't impress upon Committee enough, Section 3(2) which provides that they, any municipality, and the municipality is in its broadest definition, may apply to the Commissioner to bring its employees or any class of its employees under the benefits program, and under those conditions which the employees know full well. If the Union of Operating Engineers in the City of Whitehorse says, "our union gives us greater benefits and we don't want to join the plan", that's their prerogative and their right to say "look it, we think we have a better plan under the union and we pass." The other employees who aren't organized say, "well we haven't got anything and we know that the benefits under this plan are better than nothing and in fact we even think that they're better than perhaps another agreement which another class of employees have and they say good, we'll come into these Municipal Employees Benefits Ordinance."

But there's nothing in here which in any form, should appear to be dictatorial from the territorial point of view, upon any employee under the definition of the Municipal Ordinance or class of employee. It's one thing that we've stayed religiously away from in having anything of this nature so that there are that area of flexibility by regulation where the Commissioner of the Northwest Territories and the Yukon Territory, upon the advice of the Board of Professionals that they are going to listen to and manage the money, brings forward for regulation so that it can share and reap in the benefits of this hopefully sound money management.

And the other point is, that if the Ordinances don't pass and act in concert and appear simultaneously, that Mr. Legal Advisor, and the Director of Legal Affairs, his counterpart, are going to have to meet again to hammer any changes out. Because they agree that this was the only way of approaching this, was to be in a flexible nature where they could have the abilities of changing the regulations and setting the regulations in a flexible manner and those are the facts of the matter.

Mr. Chairman: Mr. McCall? Are you satisfied with that?

Mr. McCall: Definitely not. What I'm confused--I would agree with the Honourable Minister that there is nothing in it and the flexibility is more like set concrete. When you look at Section 3--subsection 3--I would sooner suggest that the Legal Advisor go from Section 9 on, to reword it because definitely there is too many infractions and its and buts. And it's too generalized and open for any layman or individual employee for any municipality.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, this Ordinance is relatively simple Ordinance and it's not really intended to be readily understood by anybody, except by a court. It's intended is to perform a function and it may not be a beautiful function, it may be written in beautiful flowing English, but in my respectful submission, it does perform this function. The Honourable Member raised the question of 9 (f) I think it was, or (e) talking about service. And service is a very difficult thing to define, because in the regulation itself we talk about continuous service, current service, service and pensionable service. And each take a full paragraph to define, and is defined as meaning a different thing for a different purpose. It also has to be defined differently for a person within the employment of a municipality and a person formerly employed in a municipality, and a person who comes from a municipality from outside to a municipality which is coming subject to this Ordinance.

It's an extremely tricky thing to do and it has to be done for a purpose. It's not really intended to be beautiful, just sound.

Mr. Chairman: Mr. McCall, are you going to persue that point?

Mr. McCall: Yes, Mr. Chairman.

This has no function as far as I'm concerned. For a lawyer yes, for a judge yes, but for an individual that is under this sort of a benefit program, an umbrella we've been told, even an umbrella leaks. This is so sound, it's just impossible to imagine it being able to work.

Mr. Chairman: Mr. Berger is next.

Mr. Berger: Thank you Mr. Chairman. I appreciate what the Honourable Minister said about the section 3 (2) but there's still questions. Under 3 (2) "any municipality may apply to the Commissioner," between may and shall is two differnent things. But under 9 (1) "the Commissioner also may make regulations" to change the whole thing again. So shouldn't that be a section that the Commissioner should listen to the voices of the municipalities.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: That's the last thing that we want is for the Commissioner to be sitting here in judgement of the management of the benefits under this plan. If that was the intent of this Ordinance, I wouldn't introduce this Ordinance, because that isn't the intent at all. It's the Board to be listening to the municipalities and the employees within the municipalities and making those changes that they request which are going to be to their benefit. It's not going to be my function, I guarantee you that, as far as I'm concerned, it's sure as hell not going to be the Commissioner's function to be sticking his nose into the employees and what they want to see in the benefits program.

This, Mr. Chairman, is simply--flows from a request of the total municipalities and various self governing and other areas within the Northwest Territories and

the Yukon to make some sort of plan available so that they could share in employees benefits which they don't have at this present time.

Now, the people, our people from the Yukon and the people from Northwest Territories, have agreed that this is the best method of arriving at to provide this type of a plan. If it's disagreed upon by this Legislative Assembly, that's fine too, it simply means that until someone comes up with a better method of approaching the problem than the one that we were able to come up with, that those people who were asking to share in some employees' benefits plan, will not be protected. And if Honourable Members can come up with a better plan than the groups, and we did hire consultants from Edmonton on this program that was cost shared between the Yukon and the Northwest Territories, and I don't know the names of the consultants at this time, but they--

Mr. Legal Advisor: Price Waterhouse.

Hon. Mr. McKinnon: --Price Waterhouse, which is obviously into this type of an area, and they were the ones who gave the advice to the governments of both the Northwest Territories and the Yukon as how to approach it.

We paid for expert advice; we accepted expert advice; we have met on that expert advice, and this is what we came up with and this is what is being presented to the Yukon Association of Municipalities. As far as I know, I have not heard that they are in disagreement, and probably we'll find over the weekend with this approach. But our statement and our position at this time, they asked for a plan, this is what we came out with. It was agreed to by both the people in the Northwest Territories and the Yukon, upon the advice of a consultant that we paid for, and if this isn't what this Legislative Assembly wants, or the Legislative Assembly in the Northwest Territories, then we will just have to come up with something different.

Mr. Chairman: Mr. Fleming's next.

Mr. Fleming: Mr. Chairman,--Mr. Legal Advisor, if the Municipalities ask this plan and go through this Council and it goes into effect, is it a compulsory plan?

Mr. Legal Advisor: Mr. Chairman, it doesn't come through this House. This House just creates a nest, and the Municipality then can lay an egg in that nest, and the Municipality then can lay an egg in that nest. It's their wish, this is just a package, and they can join the package or not as they wish it, but we don't deal directly with the employees. It's the official organ.

The City Council would pass a by-law resolution requesting incorporation here, and we act on their request. That's the mode of approach. It's for them to solve their internal squabbles and differences.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: I hope, Mr. Chairman, in all respect to Mr. Legal Advisor's and everything, but I hope that 9 (i) is carried out if these regulations do through, and the Minicipalities do use these regulations, "Respecting any matter in respect of which he considers the regulation necessary to remedy any deficiency in this Ordinance." I hope he is able to remedy the deficiencies.

Hon. Mr. McKinnon: Mr. Chairman, there are Municipalities and Local Improvement Districts who approached the government asking that this be made compulsory, because they so wanted a Municipal Employees' Benefits Plan, and recognized the value of this plan, they asked the Territorial Government to make it compulsory so that they would come under the protection of an Employee Benefit Plan. We said that that was not our desire to carry a big stick to the Municipalities or to the Local Improvement Districts and make it compulsory, that this legislative body made it compulsory for them to join.

I think that I can ascertain the scream that would have gone around this table if we had listened to that advice and made it compulsory. It's strictly in the hands of the municipalities and the unorganized areas to get together and say that they want to join the plan or don't want the benefits of the plan.

I think you will find upon passage of this plan, within a year that there will probably be every Local Improvement District, every unorganized area, every hamlet, every town, every village, and every Municipality and every class of employee in those areas, under the aegis and the benefits of this plan.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. In view of what the Honourable Minister has just stated, I hope we can come back this time next year and find out that is true, because I feel personally no. I don't feel that there has been enough investigation done into insurance plans. Nobody has mentioned any portable plan, which is now coming in the offering in many, many industries across Canada. There is no portability in this plan.

I'm glad that you did not concur, and agree to a compulsory plan, because I think the eggs in the nest, as Mr. Legal Advisor puts it, are sure as hell turning bad, or sour --

Mr. Chairman: Order.

Mr. McCall: I apologize for that Mr. Chairman.

But I say that the language in this particular Ordinance is totally unacceptable, the way it sits at this point. I agree there should be a plan covering the Municipality, or the Municipal employees. The lauguage in here is just too much area of confusion, and it is sewn up too much for one party.

Mr. Chairman: I wonder if I just might interject at this point. There seems to be some confusion here.

My understanding is that all we are doing is enabling and allowing the government to sit down and prepare a plan which are the regulations. Once the Municipality comes along and says we want to get into a plan, and the reason that Section 9 is so broad, so general, is simply that the government doesn't know what the Municipalities want for a plan, for one thing.

Mr. Legal Advisor: Mr. Chairman, that's not quite true. The plan is ready. The regulations setting up the plan are attached here.

Mr. Chairman: Right.

Mr. Legal Advisor: They haven't been enacted, of course, because the Ordinance has not been passed, but there will be attached to this, a book, an administration manual, and there will also be a booklet, dealing out what these benefits are.

But until the Ordinance is passed, a tender cannot be accepted for the insurance portion of the disability benefits' plan, and the death benefits' portion of the plan; neither can the investments commence to be made through the trust companies which will be handling the company. Because it's not known precisely what the income of the plan will be until the Municipalities commence to apply for incorporation of the plan.

So that the plan is ready for implentation, and it will be able to be demonstrated to the Municipalities' financial officers and their employees, what the benefits of the plan are or are not.

Mr. Chairman: Yes --

Mr. Chairman: --I'm sorry, I didn't express myself properly there, Mr. Legal Advisor.

What I'm saying is the -- we have a plan, and we're trying to be flexible enough to allow municipalities and various classes of employees as they wish, to enter into the plan. The flexibility, it seems to me of Section 9(1), is largely to allow the Municipality and its union or employees, decide who, Mr. Legal Advisor, what I am saying is what classes of people may take advantage of the plan.

Mr. Legal Advisor: It would be for the municipalities, Mr. Chairman, to decide in respect of the class of employee who wishes to incorporate the plan to decide that.

Mr. Chairman: Yes.

Mr. Legal Advisor: Usually, of course, in consultation with those classes of employees, and then to inform the Board what their wishes are, there may be exempt classes. But that would be the decision of the municipality in relation to those classes.

But of course, in creating a class of exempt employees, they would be seeking professional advice as to what was the best thing to do. There's lots of different classes of employees in these plans. There are some employees who work a four day week, there are some who work a 20 day month and so on. And it's divided up into different things. So there are different classes of employees in addition to the temporary, permanent, and semi-permanent and seasonal that we're dealing with.

There's the different types of occupations, different rates sometimes would be levied in respect to some occupations or otherwise, or there may be surcharges in relation to some of the classifications. All of these things are part of the insurance advice and the insurance quotation back again in relation to the group as a whole.

An insurance company might charge when it knows a segment of firemen, it might charge a higher general rate than a municipality which didn't employ firemen at all. It wouldn't change the individual but it would change the classification of rates of the insurance company.

All of these things are already prepared in a package and each municipality would be delivered the package and asked do you want this or do you not, and if you do want it, in respect of what classification of employee. That's the only function of the government at this point.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I have been agreeing with Mr. McCall up to this point. I can't agree with what he said about portability of the plan. It says here in 6(1) if I'm not mistaken, this is the way I interpret it, that portability is if you have on pension plan here, you can move over to there and the benefits will accrue to you in this other employment. So it does over that.

I have enough faith, myself, personally, in the city fathers and I think whatever unions are involved, I think that they will come to a consensus of opinion and I think we can leave it to the city fathers. It's just the fact that as Mr. Chairman said, that the plan is available to be made use of if they want to make use of it. We are not making it mandatory.

Mr. Chairman: Thank you. Mr. Berger is next.

Mr. Berger: Thank you Mr. Chairman. In answer to the Honourable Minister, I realize it was the municipalit who asked for the plan and I realize what was all behind it, but this is where I'm bothered with the 9(1), "The Commissioner may make regulations". Shouldn't it read that maybe the Commissioner may make regulations, on the advice of this benefits program board?

Mr. Legal Advisor: Mr. Chairman, I would be prepared to accept that as a change, except for the fact that this Ordinance parallels the Northwest Territories and that expression does not find its wav into there.

The second thing is, that under the provisions of the agreement, it will take both Commissioners to make a dubious set of regulations to make this Ordinance come into force. So there's a basic safeguard that neither Commissioner can independently alter the plan, unless he's prepared to go it along and put a Board into operation under Section 7 and that's not the present intention at all. It takes two Commissioners which is two governors to make a set of regulations.

Mr. Chairman: Mr. McCall, you were pregnant with comments a while back.

Mr. McCall: Thank you Mr. Chairman. All I have to say at this point, is I hope the Members of this House consider Section 9 thereon. I rest my case.

Mr. Chairman: Ms. Millard?

Hon. Mrs. Whyard: Mr. Chairman, just for clarification, it's my understanding that this legislation can be presented to the Association of Yukon Municipalities at their weekend meeting.

Mr. Chairman: They already have it.

Hon. Mrs. Whyard: They already have it. And Mr.

Chairman, I also understand that we are holding some other legislation for comment from those people early next week or the end of this week. Could we just hold this particular piece and get their comments on this at the same time.

Mr. Chairmman: It's agreeable to me Mrs. Whyard, but I don't want to invoke closure or anything like that.
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, inasmuch as we will be considering this matter once again, following a visit from a representative of the municipalities I would suggest at this time we report progress on the Bill.

Mr. Chairman: Is that agreed?

Some Members: Agreed.

Mr. Chairman: Let me read the last section. Ten(1):
(Reads Clause 10 (1)
Clear?

Some Members: Clear.

Mr. Chairman: I'll now declare a ten minute recess.

Recess

Mr. Chairman: I will now call the Committee to Order.
I'm wondering, Mr. McKinnon, whether -- what the situation is on having witnesses for Bills 13, 14, 15 to come before the Committee?

Hon. Mr. McKinnon: Mr. Chairman, it appears very unlikely that we are going to be able to have witnesses prior to next week on these Bills. I think that probably Tuesday will the earliest that we are going to be able to have witnesses before Committee.

Mr. Chairman: I see.
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, if this indicates, perhaps we were, I believe it was the intention of the Committee to have the Legal Profession people here on Tuesday. Perhaps inasmuch as the people from the Municipalities may be in town at that time, perhaps we should give them some precedence for time on Tuesday.

Mr. Chairman: Oh certainly, I'm in agreement with that. I think the people from the Law Society can appear at any time next week. Monday is a holiday.

Hon. Mr. McIntyre: It will take them quite a while to read through that anyway, because most of them are slow readers.

Mr. Chairman: That's right. They are obviously slow learners.
Okay, well, let's then go for a clause by clause of Bill 17, which is the Society of Industrial Accountants' Ordinance. At this time, I would like to hand the chair over to Mr. Lang.

(Mr. Lang resumes chair)

Mr. Lang: Thank you, Mr. Phelps. We shall carry on accordingly.
Two (1):
(Reads Clause 1(1))

Some Members: Clear.

Mr. Chairman: 2(1):
(Reads Clause 2(1))

Hon. Mr. McIntyre: Shouldn't it be "objects", "general objects", because there's more than one object.

Mr. Legal Advisor: I think so, yes, Mr. Chairman.

Mr. Chairman: That's a typographical error, I trust?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 3, Section (1):
(Reads Clause 3(1))
Two:
(Reads Clause 3(2))

Mr. Chairman: Clear?
4(1):
(Reads Clause 4(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sub (2):
(Reads Clause 4(2))

Mr. Chairman: (3):
(Reads Clause 4(3))

Mr. Chairman: (4):
(Reads Clause 4(4))

Mr. Chairman: Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: 5, Section 1:
(Reads Clause 5(1))

Mr. Chairman: (2):
(Reads Clause 5(2))

Mr. Chairman: (3):
(Reads Clause 5(3))

Mr. Chairman: Anything arising? Clear?

Mr. Phelps: Mr. Chairman?

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Going back to 4, sub-section (2), I'm wondering why general membership is limited to people 16 years of age or over. What if we have a child prodigy in the Yukon and he wants to become an accountant. Why is that limitation there?

Mr. Legal Advisor: I don't know the reason, Mr. Chairman. This Ordinance follows fairly closely a series of Acts in the various Canadian provinces establishing this organization, and this is a standard clause, and I don't know the reason why.

Mr. Chairman: Well I'm sure, Mr. Phelps, the reason probably is that they probably haven't attained Grade 12.
6(1):
(Reads Clause 6(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 7(1):
(Reads Clause 7(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 8(1):
(Reads Clause 8(1))
(2):
(Reads Clause 8(2))

Mr. Chairman: Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: 9(1):
(Reads Clause 9(1))

Mr. Chairman: (2):
(Reads Clause 9(2))

Hon. Mr. Taylor: Question, Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in the Interpretation Ordinance we get back to this old play on the word "council". Is it not necessary then to define what council is in the definition Section of this Ordinance?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I wouldn't think so Mr. Chairman. It could be done that way. Section 8 itself mentions council and it says there shall be a council. I think it's readily understood that council then follows on but we're talking about council established under Section 8. It's a matter of choice.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this then means that in no way would the Interpretation Act apply to this particular Ordinance, while it applies to all the other Ordinances?

Mr. Legal Advisor: No, I'm open to suggestions. I have no objection to putting in a definition of council to say council means the council established by Section 8, if the member so wishes.

Mr. Chairman: Well if it's all right with the other members we can carry on and maybe Mr. Taylor can bring his point up later on if he wishes.
Ten (1):
(Reads Clause 10 (1))
Clear?

Some Members: Clear.

Mr. Chairman: Eleven (1):
(Reads Clause 11 (1))
Two:
(Reads Clause 11 (2))
Three:
(Reads Clause 11 (3))
Anything arising?
Clear?

Some Members: Clear.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Perhaps before we proceed, I have had an opportunity to look at the Interpretation Act and as I thought--in an enactment the expression council means the Council of the Yukon Territory, so this being an enactment, I would think that we would have to somehow express it otherwise.

Mr. Legal Advisor: Council with a captial C or a small C Mr. Chairman?

Hon. Mr. Taylor: With a Captial C I believe.

Mr. Legal Advisor: We're using a small C here and that might have--

Hon. Mr. Taylor: I'll have to look it up again.

Mr. Chairman: Okay, Mr. Taylor, you do that.
Twelve (1):
(Reads Clause 12 (1))
Two:
)reads Clause 12 (2))

Mr. Phelps: Why not the letters I.R.A.?

Mr. Chairman: I think that's self explanatory, Mr. Phelps.
Three:
(Reads Clause 12 (3))
Mr. Chairman: Four:
(Reads Clause 12(4))
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it's a small point but we're using the word practice and practising and we're spelling it differently here and there. Possibly

that these could be considered typographical errors and maybe perhaps Mr. Legal Advisor could advise me. For instance, sub 2 of Section 12, you'll notice the difference. And which indeed is correct?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There's two different words Mr. Chairman. I think they're both correct. I think there's an S when you're using as a verb and a C when you're using it as a noun. That's my recollection.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Is this indeed fact? You say perhaps and maybe. Which is correct?

Mr. Legal Advisor: It's correct grammar I think, Mr. Chairman.

Mr. Chairman: I actually think it's a very minor technicality. Thank you.
Thirteen (1):
(Reads Clause 13(1))
Is there anything arising here?
Mr. Phelps?

Mr. Phelps: Mr. Legal Advisor, can you explain that section?

Mr. Legal Advisor: Which section Mr. Chairman?

Mr. Phelps: Thirteen (1).

Mr. Legal Advisor: Yes, Mr. Chairman. The intention of this Ordinance is not to be restrictive except in one particular. Any person who is practising as an accountant and also is describing himself as being a member of this society, commits an offense. But it does not interfere in any way with a person carrying on the practice of being an accountant. There are two other societies and those members are not interfered with and there are other people who are practising as accountants but not describing themselves as R.I.A.'s, it's not in the same way as the legal profession, which is a special privilege that nobody can practice law except a member of the profession itself. And anyone else commits an offense, or the medical profession.

Mr. Chairman: So Mr. Legal Advisor, I take it that I could go out and say that I'm an accountant, and I would not necessarily have to be a part of this society.

Mr. Legal Advisor: Yes, Mr. Chairman, if you did that, you would not be considered a quack.

Mr. Chairman: If I became part of this?

Mr. Legal Advisor: No, quack accountants are permitted by this Ordinance.

Mr. Chairman: Order.
Mr. McCall?

Mr. McCall: I was just wondering if we are getting involved here in a circus act because we're passing legislation for quack accountants.

Mr. Legal Advisor: No, that's not my intention, Mr. Chairman. I merely demonstrated that this is only dealing with the people who join a partiicular society, it controls their actions, and it also controls the actions of anyone who pretends he's a member of this particular society.
All other members of the public are free to do as they choose.

Mr. Chairman: Thank you, Mr. Legal Advisor. Anything else arising?
14(1):
(Reads Clause 14(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 15(1):
(Reads Clause 15 (1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 16)1):
(Reads Clause 16(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 17(1):
(Reads Clause 17(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 18(1):
(Reads Clause 18(1))

Mr. Legal Advisor: Mr. Chairman, it should be "a Board of Inquiry".

Mr. Chairman: Thank you.
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just one small point, I'm just wondering, has indeed agreement been reached which provides for the professional conduct committee being the British Columbia Committee?

Mr. Legal Advisor: I am not personally aware of this, but I understand that this is the position.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Legal Advisor, I'm just wondering how this Board of Inquiry is going to be paid. Who is going to fund its activities?

Mr. Legal Advisor: They are not going to be paid, Mr. Chairman.

Mr. Chairman: Mr. Phelps?

Mr. Phelps? Well, I'm sorry, the second part of my question was who is going to fund its activities?

Mr. Legal Advisor: Not the government, Mr. Chairman. I presume it's self-organizing on some kind of an old boy net from B.C.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: The Assistant Commissioner, Mr. Miller, was the person on the Executive Committee who sponsored this Bill, and it was originally presented prior without a professional conduct committee, and certain Members of the Executive Committee took strong exception to such a professional Ordinance being introduced in the House without a professional conduct committee being established, and Mr. Miller had been in consultation with the Professional Conduct Committee in the Province of British Columbia, and had led us to believe that they would be willing and at no expense to the government, to act as the Professional Conduct Committee of the Yukon Branch of the Society of Industrial Accountants.

Mr. Chairman: Anything else arising? Clear?

Some Members: Clear.

Mr. Chairman: 19 (1):
(Reads Clause 19 (1))

Mr. Chairman: Clear?
Mr. Taylor?

Hon. Mr. Taylor: Are we talking here--I'm just not clear. We have the committee reporting its action to the Committee or the Chairman.

Mr. Legal Advisor: Mr. Chairman, I think that should be shall report its action to the Council.

Mr. Chairman: We'll treat that as a typographical error.

Some Members: Agreed.

Mr. Chairman: 20 (1):
(Reads Clause 20 (1))
Two:
(Reads Clause 20 (2))
Three:
(Reads Clause 20 (3))
Four:
(Reads Clause 20 (4))
Five:
(Reads Clause 20 (5))
Six:
(Reads Clause 20 (6))
Clear?

Some Members: Clear.

Mr. Chairman: 21 (1):
(Reads Clause 21 (1))
Dr. Hibberd?

Mr. Hibberd: I take it Mr. Chairman that this Ordinance is to establish a criteria qualification for industrial accountants in the Territory. But it does not include any specific recommendation as far as training period or anything like that which I imagine to be established under regulations. It makes it difficult to assess the significance of this Ordinance without knowing what qualifications are going to be. I mean if the regulations are going to say a month or something it's obviously a different context, than it would be if it were a two year course, that would be required. Has there been any provisions for that?

Mr. Legal Advisor: We have drafted no regulations, Mr. Chairman. The Society does it by its bylaws. I would assume that there are bylaws in the Territory, Mr. Miller would have a copy of the bylaws of the British Columbia Society and we could, in the next couple of days, arrange to have them copied, or if they're bulky to have them circulated, if they're not bulky to have them photocopies and supplied to Members so they'll be aware of what the governing rules are and what the course of study has to be to become a member of the Society. If this would be the wish of the House. If this would suite the Honourable Member.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: At this time I'll give the Chair back to Mr. Phelps. Mr. Phelps Resumed the Chair.

Mr. Chairman: Thank you, Mr. Lang.
Preamble.
(Reads Preamble)

Mr. Chairman: The title of Bill Number 17, The Society of Industrial Accountants Ordinance.
Is that clear?

Some Members: Clear.

Mr. Chairman: That being the case I'll--

Mr. Hibberd: Mr. Chairman?

Mr. Chairman: Oh, I'm sorry, Mr. Hibberd.

Mr. Hibberd: Mr. Chairman, I just rose to indicate that we really don't know what Ordinance we are passing unless we are aware of the qualifications that are required in this Ordinance. I think we should have some evaluation of that before we do carry out and pass it out of Committee.

Mr. Chairman: Any further discussion on that point?
I'm not exactly myself clear on the point. Are you suggesting that we ought to be prescribing the course of study and so on?

Mr. Hibberd: Mr. Chairman, as I said, this Ordinance is to try and establish a qualification, to become an industrial accountant, or to at least belong to the society, but we have no idea what those

qualifications are, and so it makes it difficult to pass this Ordinance unless we do.

Mr. Legal Advisor: The Honourable Member, Mr. Chairman, had already asked that we obtain and be able to peruse and look at what those qualifications are. I would assume that a certain examination has to be done and certain, maybe an apprenticeship, maybe a course of study, maybe a degree, I don't know. But he indicated he wanted before passing it out Committee, he wanted to be able to at least read them so he knows what an industrial accountant in fact is when he joins the Society.

Mr. Chairman: Fine, if that's agreeable to members, we'll report progress on it.

Some Members: Agreed.

Mr. Chairman: I take it Mr. McKinnon that Bill Number 19 will require comments from Mr. Miller?

Hon. Mr. McKinnon: Bill Number 19?

Mr. Chairman: Yes.

Hon. Mr. McKinnon: I think not, Mr. Chairman. This is specifically dealing with the Mayo School. I'm sure the Honourable Minister of Education would be able to answer any questions in this regard.

Mr. Chairman: Very well, is it the wish of members to carry on with the reading of clause by clause of Bill Number 19?

One:

(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Two (1):

(Reads Clause 2(1))

I think I can read Schedule A. Appropriation or items: Department of Education, $20,000; Department of Legal Affairs, $7,000; Project Capital $1,100,000, for a total of $1,127,000.

Mr. Taylor?

Hon. Mr. Taylor: Under Legal Professions Ordinance in our support data it just says to provide funds to cover expenditures under the Legal Professions Ordinance. Is this in relation to new Ordinances which we have yet to --

Mr. Legal Advisor: Yes, Mr. Chairman. There is a provision in the new Ordinance by the imposing tax in relation to interests in trust accounts lying idle in chartered banks or trust companies and it is expected there will be a revenue from that. That revenue will not be earmarked for any particular purpose but an expenditure of $7,000 would be allowed for in case expenditures in relation to the new changes in the Legal Professions Act would result in expenditures of that nature.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: There's only one other question in relation to the Mayo school, and I may have -- the school replacement, I should say, and I may have this incorrect, but I understand that in order to expedite the construction of the replacement school, that the administration simply went out to one group, I believe it was Atco, and just asked them for a quote. Was there any tendering done to any other like and similar group, or was any attempt made to find a way around kind of giving this one job to one person?

Hon. Mr. McIntyre: Mr. Chairman, no, the -- this particular firm was asked to submit a proposal, and no formal agreement of any kind had been entered into with the company. We expect a proposal to be in next week.

Hon. Mr. Taylor: But I was just -- Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I was just questioning the unusual policy of government in going and -- going out and going to one organization, and virtually getting a proposal from only one person, virtually giving them the job and I think that that somewhat detracts from the policy of government tendering these things around, that's why I raised the question.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, the reason for this was the urgency, and the fact that we have to -- if the proposal is accepted, the factory space has to be booked in July for production of this multiplex school system for installation by the 1st of September, and this was the only -- my advice is this was the only method we could use to expedite this thing and be under a roof by the 1st of September.

However, there has been no contract signed. At the present time, the school committee in Mayo have been promised that they will have an opportunity to review the proposal and there's always a possibility that this particular thing may be rejected.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes. Just in finality, I assume then that these people are the only people who can do this, there is nobody else in Western Canada that is capable of producing this pre-built thing.

I would just like to say that I am very, very displeased with this type -- you know, understanding the urgency of the situation, I'm displeased with this manner in expending public monies, and I'm not going to make a great issue of it here today, but I'm extremely displeased, and I hope that the Administration never again will undertake to apportion out something in the area of a million dollars without giving several people an opportunity to tender it.

Mr. Chairman: Mr. Berger is next. No? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would ask the Minister of Education, is this to be a permanent school,

or is this to be a temporary situation?

Hon. Mr. McIntyre: No, this is a pernament school, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McIntyre. Mr. Lang?

Mr. Lang: Mr. Chairman, do I take it that in relation to the Mayo School, if the school committee turns it down, they will not -- if they say they don't want to accept the Atco trailers, is the administration prepared to put in a permanent structure such as building from the ground up, rather than importing trailers and the like?

Hon. Mr. McIntyre: Mr. Chairman, we'll have to cross that bridge when we come to it, because if we don't go for this particular type of proposal, it will be approximately two years before we would have a school finished and of course other arrangements then would have to be made for temporary accommodation of the school in Mayo, and how this would be approached, you know, that's another problem completely.

There are certain facilities there that might be used, but it certainly would be a very difficult situation to maintain a school in the type of accommodation they are using at the present time for two years.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask the Minister of Education for my own clarification, this particular modular unit that is going to be established to replace the school that was burned down, I am just wondering for the tax dollars being appropriated for this project whether the square footage per classroom, etc., is going to recover what was lost in the fire?

Hon. Mr. McIntyre: Mr. Chairman, there will be more than what was lost in the fire, because the school at the time of the fire was occupying the old, the original school building, plus four ATCO, or FABCO I guess they were, they weren't ATCO but four trailer type units, and the four trailer units were saved, but in replacing the school, we will also be replacing the trailer units. So it will be in addition to the school that was burned.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, is there going to be a gymnasium included in this?

Hon. Mr. McIntvre: No. there's no -- Mr. Chairman, there is no gymnasium included in this sum of money. The gymnasium which is in Mayo, is not--I don't believe it's a full sized gymnasium, but it wasn't burnt.

Mr. Chairman: Mr. Minister, what's the $20,000.00 sum for?

Hon. Mr. McIntyre: Mr. Chairman, the $20,000.00 is the cost, I think it's to date or to the end of the school term -- of June, of the renting of alternate facilities, such as the Masonic Hall, the Catholic Church, the Community Club and the lobby of the curling rink and all these various places that have been rented for temporary accommodation.

Mr. Chairman: Thank you.

Hon. Mr. McKinnon: Mr. Chairman, just as an aside, I was so impressed with the press reports of how the total community had moved in because of the Mayo tragedy, and the Catholics and the Masons were talking to one another for the first time in years, and renting community facilities with the community club, then the bills started pouring in.

Rental of community facilities, $4,000.00; Catholic Church, $450.00; Masonic Hall, $1,200.00 so $5,650.00 of that $20,000.00 is rental facilities where the tragedy brought the community closer together. It just shows that nothing -- nobody gets anything for nothing. You pay, Mr. Chairman.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, due to that speech from our Member of Government, I would like to ask, have you the length of time that the money is to be spent for? The amounts which you have given us, is that by the month, by the year, by the--

Hon. Mr. McIntyre: Mr. Chairman, that would be for the remainder of this school year, I would imagine. That $20,000.00 is intended to cover the unusual expenses of operating the school since the fire.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, a supplement.

I wish to have the figures that Mr. McKinnon gave us, does this included monies for the total period from now to the end of school of this year, or is this for the month?

MHon. Mr. McIntyre: It appears to be for three months, which would be the right time. The rental of the community facilities, that's the community club, $4,000.00; the Catholic Church, three months at $150.00, $450.00; and the Masonic Temple, the Masonic Hall, rather, three months at $400.00, is $1,200.00; moving equipment, $1,532.00; classroom supplies, $1,393.00; janitorial supplies, $500.00; textbooks, averaging five per grade at $6.50 per book, $2,892.00; library books, four at $6.50, and library films, 21 at $150.00 teacher loss, which these figures haven't been confirmed yet, but the teacher loss is estimated at $5,315.00; and the student loss at $2,701.00.

On the capital side, I should mention those books were $26,000.00; the library films $5,250.00 and the basic equipment purchased $8,270.00.

Mr. Chairman: Thank you, anything further?

3(1)

(Reads Clause 3(1))

Clear?

Some Members: Clear.

Mr. Chairman: Preamble.

The title of Bill Number 19, Second Appropriation

Ordinance 1975-76.
Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a motion.

Hon. Mr. McIntyre: I move that Bill Number 19 be reported out of Committee without amendment.

Mr. Chairman: Seconder.

Mr. McCall: I second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McIntyre, seconded by Mr. McCall that Bill Number 19 entitled Second Appropriation Ordinance 1975-76 be reported out of Committee without amendment.
Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: It would appear that the one bill left for a clause by clause that we could get to today is Bill Number 16. Eighteen was just introduced today. Is it the wish of the Committee that we start into that Bill, that we entertain a motion that the Speaker resume the chair?
Is that agreed?

Some Members: Agreed.

Mr. Chairman: I'll entertain such a motion.

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

Mr. Chairman: Do we have a seconder?

Ms. Millard: I second that.

Mr. Chairman: Ir has been moved by Mr. Lang, seconded by Ms. Millard that Mr. Speaker now resume the chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?
Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Speaker resumes chair

Mr. Speaker: At this time I will call the House to order.
May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker.
The Committee convened at 10:55 a.m. to consider Bills, Papers and Motion. I can report progress on Bill Number 14, the Committee recessed at 11:40 and reconvened at 2 p.m. It was moved by Mr. McIntyre, seconded by Mr. Lang and duly carried that Bill Number 11 entitled Students Financial Assistance Ordinance be reported out of Committee without amendment.
I can report progress on Bill Number 15 and on Bill Number 17, Mr. Speaker.
It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 19 entitle Second Appropriation Ordinance 1975-76 be reported out of Committee without Amendment. That motion was duly carried.
It was moved by Mr. Lang, seconded by Ms. Millard and duly carried that Mr. Speaker now resume the chair. Thank you.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: May I have your pleasure at this time?

Mr. Fleming: Yes Mr. Speaker, I now move that we call it 5:00.

Mr. Speaker: Is there a seconder?

Ms. Millard: I second that.
It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Olgivie that we now call it 5:00.
Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare the motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 4

May 13th, 1975

Mr. Speaker,
Members of Council

On May 9th, 1975, Councillor Lang asked the following questions:

"Mr. McKinnon, in what stage is the extension of industrial lots to the Porter Creek Industrial Area?

When will these industrial lots be made available for public sale?

How many lots will be available?"

The answer is as follows:

"The topography of the area suggested as the possible site for the development of additional lots in Porter Creek have been found to be quite undulating, and will yield only five or six serviceable lots on relatively flat land. Access to the area will be costly, and has brought forth an estimated developed cost per one acre lot of $5,000.00 compared with $2,000.00 per one acre lot in the McRae subdivision.

An alternate site is being sought in the Porter Creek vicinity that will yield the 15-20 lots that will make the project economic. Once a development site is chosen, an industrial lot serviced by a gravelled surface road requires approximately four months to bring to market. The chief development time delays are completion of survey and title registration as well as actual installation of the road.

J. K. McKinnon,
Minister of Local Government.

LEGISLATIVE RETURN NO. 5

MAY 13th, 1975

Mr. Speaker,
Members of Council

On May 12th, 1975, Councillor McCall asked the following Question:

"Mr. McKinnon, why does the Territorial Government pay the O & M cost of the Water System for the Municipality of Dawson City, and not do the same for the other Municipalities?"

The answer is as follows:

"'The City of Dawson Water and Sewer System is owned by the Yukon Territorial Government and operated by N.C.P.C. under contract. The operation of the system by the Government was started a number of years ago when an operable wood stave pipe system was deemed to be unecomonic by the private owners of the system, Yukon Consolidated Gold Corporation. The system was then purchased by the Federal Government, and was continued in operation pending a decision as to the Historic redevelopment of Dawson.

The system is operated under contract by N.C.P.C. who collect the user charges set by the Territorial Government. Any operational deficit, after the revenues collected have been applied, is paid by the Yukon Territorial Government as system owners. The operational deficits have been reduced to a break-even point.

An application has been received from the Dawson City Council to operate this system. Once the operational control leaves Yukon Territorial Government, deficit payments will not be made available for this system.

J.K. McKinnon,
Minister of Local Government.

LEGISLATIVE RETURN NO. 6
[1975 SECOND SESSION]

May 13, 1975

Mr. Speaker,
Members of Council

On May 12, 1975, Mr. Fleming asked the following question:

"Do bidders for forestry contracts have to submit bids which are in accordance with the tariffs of their area of operation - in other words, might an outside contractor submit a lower tender bid because the prevailing tariffs in his area are lower than in Yukon?"

The answer is as follows:

"All air carrier tariffs are set by the Canadian Transport Commission which approves tariffs submitted by each carrier on an individual basis. Each carrier must make submission to the C.T.C. requesting approval for its tariffs which are based on types of aircraft, volume of loads, schedules, a reasonable rate of return, etc. The tariff used by each air carrier is, therefore, based on its owns suggested rates. There is no overall tariff regulation for any particular geographic area of Canada.

Aircraft contracts are awarded for Forestry work on the basis of the lowest tender bid. Tenders are issued by the Federal Department of Supply & Services on the request of Local Forestry personnel and are usually requested from all companies listed which have aircraft conforming to the contract specifications.

P.J. Gillespie,
Administrator.

The Yukon Legislative Assembly

Number 6 | 3rd Session | 23rd Legislature

Debates & Proceedings

Thursday, May 15, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Council of the Yukon Territory by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Thursday, May 15, 1975

Mr. Speaker Reads Daily Prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I'll now call the House to order.

Before proceeding with the order paper this morning, I would like to draw the attention of all members of the House to the presence in the public gallery of Miss Cathy Hyland who is today serving as mayor of the Municipality of Whitehorse and I'm sure that I expressed to Miss Hyland the best wishes of the House for a very rewarding day today in the duties that she will be performing.

(Applause)

ROUTINE PROCEEDINGS

We will proceed with the order paper. Are there any documents or correspondence for tabling this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today the agreements between the Government of the Yukon Territory, the Royal Canadian Mounted Police, and Parks Canada as requested by the Honourable Member from Klondike, in his Motion for the Production of Papers.

Mr. Speaker, I have for tabling today the Legislative Returns Number 7 to 13 inclusive.

Mr. Speaker: Are there any further documents or correspondence for tabling?

Are there any reports of Committees?

Introduction of Bills?

Are there any Notices of Motion or Resolution?

The Honourable Member from Olgivie?

Ms. Millard: Mr. Speaker, I'd like--I beg to give leave of Notice of Motion respecting Legislative Return Number one.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: Mr. Speaker, I'd like to give Notice of Motion respecting the Consumers Protection Ordinance.

Mr. Speaker: The Honourable Member from Whitehorse South Centre?

Mr. Hibberd: Mr. Speaker, I'd like to give Notice of Motion respecting the Yukon nurses.

Mr. Speaker: Are there any further notices of motion or resolution?

Are there any notices of motion for the production of papers?

We will then proceed to orders of the day.

ORDERS OF THE DAY

Madam Clerk, could you ascertain if Mr. Commissioner would be availalbe to the House this morning?

Madam Clerk leaves chamber

At this time I'll declare a brief Recess.

Recess

QUESTION PERIOD

Mr. Speaker: At this time I will call the House back to order. And we have with us this morning Mr. Commissioner to assist in the conduct of the question period. Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, if I may, I have answers to two questions that are presenting outstanding. The first one was, a follow up question by Councillor Millard on the question of Regulations for the Transfer of Prisoners. And the follow up question was: When will regulations be issued? The answer, Mr. Speaker, the regulations will be signed Friday, that is tomorrow morning and may be seen in the Clerk's office. They will be distributed to all Councillors in the normal distribution routine, Mr. Speaker.

Second, Councillor Berger asked a question concerning Yukon Housing Corporation contracts. The question being: The Yukon Housing Corporation in awarding its recent contracts stated that all bids were from outside contractors. I am informed that some of the lowest bids were from Yukon contractors and were not considered. If this is ture, why were they not considered.

Mr. Speaker, the answer, on May 12, tenders for housing projects in Haines Junction, Carmacks and Mayo were awarded by the Board of Directors of the Yukon Housing Corporation. The decisions were based on such factors as design, cost and floor layouts. All the houses will be conventional frame buildings, erected on site, rather than factory made double wide units.

All bidders were considered and although one bid was considered by a partnership of which there was a

Yukon member, all other bids were from outside contractors.

Mr. Speaker: Have you any questions? The Honourable Member from Ogilvie?

Question Re: Delapidated Building At Dawson

Ms. Millard: Mr. Speaker, I have a question for Mr. Commissioner.

Sometime ago during the budget session, the question of an old delapidated building in the north end of Dawson came up, and it was suggested then that the government would look into it. Nothing's been done. This is the old Leduc sawmill building in Dawson City, which is a danger to children who play there all the time, and dangerous to anyone. And it's located on the corner of Front Street and the -- it has a sign on it saying, "Under the Protection of the Government of the Yukon Territory".

Could Mr. Commissioner mention to us whether or not anything's been done about this building and anything contemplated in the future?

Mr. Commissioner: Well, Mr. Speaker, I'm certainly not aware of the question being under any consideration at the present time. I'm certainly prepared to look into it. I would warn the Honourable Member that the answer is probably not going to be a very satisfactory one. The chances are it is going to be that nobody has even done anything at all about it, but I will certainly verify this one way or another, Mr. Speaker.

Mr. Speaker: Are there any further questions this morning?

Well, I would like to thank Mr. Commissioner for assisting us in the Question Period this morning, and proceed now to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Mayo?

Bill Number 10, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the bill?

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 10 do now pass the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 11, Third Reading

Hon. Mr. McIntyre: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall Declare the Motion carried, and when shall the -- or pardon me, are you prepared to adopt the title to the Bill?

Hon. Mr. McIntyre: We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 11 do now pass, and that the title be as on the order paper.

Mr. Speaker: It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 11 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and that Bill Number 11 has passed this House.

Motion Carried

Bill Number 19, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 19 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 19 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move, seconded by the Honourable Member from Mayo that Bill Number 19 be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo that Bill Number 19 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried and that Bill Number 19 has passed this House.

Motion Carried

Bill Number 18, First Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West that Bill Number 18 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill Number 18 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: When shall the Bill be read for the second time?

Bill Number 18, Second Reading

Hon. Mr. McKinnon: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West that Bill Number 18 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill Number 18 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: May I have your further pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker do now leave the chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. McCall: I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that Mr. Speaker do now leave the chair and the House resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

Mr. Speaker leaves the chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call the Committee to order, and declare a ten minute recess.

Mr. Chairman: I will call the Committee to order.

Before proceeding with business I notice that in the gallery we have grade six students from the Christ the King High and I would like to welcome you here. It's very encouraging to see you take an interest in our legislative process.

The first item that we might deal with is Bill 17, we've gone through that bill in the clause by clause. I note that we've cleared the preamble and the title. Mr. Hibberd wanted to receive some background with respect to the standards that were going to be set by this society. I note that we've all received a pamphlet from the RIA people.

Is there any further discussion on this point?

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, the only question that is remaining is why is an Ordinance required?

Mr. Legal Advisor?

Mr. Legal Advisor: Our advice is that this society is organized on a provincial basis, and that all the Provinces or Canada have an independent Ordinance similar to the other provinces, but independent of itself, whereby it constitutes the society within that particular province. And there are, some members have migrated to this province and are anxious that they get the same privileges within a practice within the Yukon, as they would have if they were practicing in B.C.

At present, I understand they're members of either the B.C. or the Alberta societies, but are anxious to be in a position similar to the other societies to constitute their own body.

Mr. Chairman: Thank you. Any further discussion?

Some Members: Clear.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Just for clarification, Mr. Chairman, this is a professional society enjoying professional status. I wonder if we have any information on the lack of any indication in this brochure about a university degree leading to a professional accountant's degree. This is an on the job evening course study at home, part time study program which is most commendable, and I know it's harder than going to university, but if it's a professional society, why is there no reference here to a professional accountant's degree, which I know can be attained?

I'm just a little confused about why they are stressing the professional standards of this society, without requiring a university degree?

Mr. Legal Advisor: I'm not in a position to answer that. Mr. Miller, who is due back today, might be in a position to answer it, but as I understand the position, the expression "accountant" covers a wide range of activities, and we're also given to understand that the people who are members of this particular society are, for the most part, not in private practice in a similar way to chartered accountants and incorporated accountants, but are mostly employed by business firms and by government. There would be very, very few of them in private practice in the accepted meaning of those particular expressions.

Mr. Chairman: Thank you. Anything further? Mr. Lang?

Mr. Lang: Mr. Chairman, supplementary to the Minister of Health and Welfare, I'm kind of curious, are they going to have courses here once this society is put in, or is this going to be correspondence courses from outside?

Mr. Legal Advisor: I honestly don't know, Mr. Chairman. The people here are already qualified, and are members outside, I don't know what the arrangements with respect to students are, if any. The brochure does refer to uniform national examinations, so the requirements, or at least the exams that have to be passed, are of a calibre that's recognized throughout the Dominion.

Mr. Lang: Mr. Chairman, that goes even for high school, at least when I was going through the education system, we wrote B.C. examinations. I don't know if that's the case now. I'm just curious. I think it's very pertinent that the public know whether or not they are going to be having courses available.

Mr. Chairman: Mr. Lang, I thought that Canada was much larger than just the province of British Columbia. Anything arising?

Mr. Lang: I sometimes wonder.

Hon. McKinnon: Mr. Chairman, if there are more questions on this Ordinance, I would suggest that we could report progress and ask these questions to the Assistant Commissioner, Administrative, Mr. Miller, who will be back today. This is his baby, this Ordinance, as I understand it. He's been trying to get it through for about four years, and we have finally succumbed to his pressures.

Mr. Miller, of course, is an industrial accountant. I don't think that the Ordinance at this time has anything to do with the Minister's statment that the administrative Assistant Commissioner will be out of a job on the Executive Committee within the lifetime of this Council.

Mr. Chairman: Is that the wish of the members, that we--

A clause by clause of Bill Number 18.

One (1):

(Reads Clause 1(1))

Mr. Chairman: Two (1):

(Reads Clause 2(1))

Mr. Speaker: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps at this point we could have just a general outline from the Honourable Minister of Local Government as to the actual purposes of the Bill?

Hon. Mr. McKinnon: I thought you were going to ask for the actual outline of the lands and I was just going to say the Takhini subdivision and the Valleyview subdivision.

Mr. Chairman, this goes back in history to the time that the city boundaries were extended. At that time, one of the offers of the Government of Canada to the city increasing its boundaries was that lands in Valleyview and Takhini would be turned over to the control of the Municipality of the City of Whitehorse.

However, under the Lands Act and the Territorial Lands Act, there could not be a direct transfer between the city and the Government of Canada, but it has to go through an intermediary, that intermediary being the Government of the Yukon Territory.

There was some problems in the reading of what constituted the beneficial use of the land. Did it mean that if any of the land was, after being transferred to the City of Whitehorse, and if that land was sold, did it mean that the money under the Territorial Lands Act had to return to the Commissioner of the Yukon Territory. So there's been great legal arguments centred in Ottawa and in Whitehorse and in the city on these various legal points over the number of years that it has taken for this Ordinance to come into effect.

The other major point of consideration was that the Government of the Yukon Territory, I think, has probably the best land policy of any area in the Dominion of Canada. And it's one which we've received kudos from all sections of society, including the City of Whitehorse on.

That is, that the Government of the Yukon Territory does not sell land for profit.

The government of the Yukon Territory develops land at cost. When people look at the cost of building lots in any of the major areas across Canada, in the 10 to 20 to 30 thousand dollar range, it almost becomes impossible for a family on a middle income salary to ever think of owning and building their own home. Hopefully this isn't going to come to pass in the Yukon in the near future.

The Government of the Yukon Territory believes so strongly in this policy of developing land for cost that they wanted assurances that this policy would be followed by the city government in the development of residential land in the Valleyview and Takhini subdivision when the transfer came about. This assurance has been received by the Territorial Government from the City of Whitehorse. If there are zoning developments planned in the Takhini and Valleyview area which seems unlikely for industrial or commercial land development, the Government of the Yukon Territory has no problems at all and hopes that the city could make a buck or two on the development of that type of property.

Mr. Speaker: Thank you Mr. McKinnon. Anything further?

Clear.

Three (1):

(Reads Clause 3(1))

Mr. Chairman: Four(1):

(Reads Clause 4(1))

Is it the wish of the Committee that I read out the schedule?

Hon. Mr. McKinnon: Mr. Chairman, could we report progress on this Bill because officers of the City of Whitehorse have not had a chance to examine it to this point.

Mr. Speaker: Is that agreed?

Some Members: Agreed.

Mr. Chairman: Might I ask Mr. Legal Advisor what the situation is with respect to Bill Number 8; there were several areas of that Bill that you were going to take under advisement? Are we going to be ready to proceed with that today?

Mr. Legal Advisor: We would hope to have that resolved by tomorrow, Mr. Chairman. The particular member of the public service who handles the details of this Ordinance, is away until today. They are returning today, and then --

Mr. Chairman: I see.

Mr. Legal Advisor: -- at that point we can consult.

Mr. Chairman: That would seem to leave the Bill Number 16 for a clause by clause. As you know, we have agreed that members from the Law Society will be requested to attend as witnesses on Tuesday or Wednesday. Is it the wish of Members that we do a clause by clause at this time of that Bill? Or would you rather wait until Wednesday or Tuesday for the society to be present?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I think that we should consider the duplicity aspect of the situation. If it would appear that we are going to have to virtually go through the Bill a second time, perhaps we could have someone from the Law Society perhaps today, to avoid reading the Bill today and then virtually reading say 50 percent of the Bill again on -- next week.

Mr. Chairman: There is another aspect to this, Mr. Taylor. I have spoken with Mr. Legal Advisor about this Bill, and it was stated that if we had any serious objections that could be possibly cured, that I would speak to him prior to reading it, reading the Bill in Committee, just in case there were large areas that might have to be changed, by agreement without debate.

I would rather, personally, go through it once, at one time, on Wednesday next.

However, I will leave that up to the Members.

Mr. Legal Advisor: Mr. Chairman, it's a very long Bill and a very boring Bill to read, because it's full of highly technical expressions. It will take considerable time of this House to actually read it through. If this Bill isn't dealt with today, it means the House will adjourn, then on Tuesday it will be occupied with the municipal officers and that will put it back to Wednesday. On Wednesday it will be read through; if there are any amendments to be made, it will be very difficult to make them within the framework of the time allotted, especially having lost two days of this Council's time on this.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: I think we should proceed with reading the Bill. In the meantime if the Legal Society of the Yukon Territory will have had a chance to study it, and we can take up the sections that they want to object to on Tuesday.

Some Members: Agreed.

Hon. Mr. McIntyre: In the meantime, there may -- you know, we can read it through and get some understanding of it ourselves.

Mr. Chairman: Very well. In that case, I will turn the chair over then to Mr. Lang.

(Mr. Lang Resumes Chair)

Mr. Chairman: Thank you, Mr. Phelps. I trust that you will not let your private life enter into this discussion.

Hon. Mr. McIntyre: Mr. Chairman? Mr. Chairman?

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Perhaps while we are reading it through, if there are any really controversial sections that the Honourable Member, Mr. Phelps could point them out to us, and we could stand them over until next week.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Number 1:
(Reads Clause 1)

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Section -- Number 2:
(Reads Clause 2)

Some Members: Clear.

Mr. Chairman: Number 3:
(Reads Clause 3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Four:
(Reads Clause 4)

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, we don't see Mr. Commissioner in the House that often, and all of a sudden on legislative programming this Bill became a priority where we had no indication that it was going to become a priority in the legislative session. Mr. Assistant Commissioner Gillespie was shepherding it through and I asked him at one time what was the big rush for this Bill at this time, and he said well it's Mr. Commissioner would like to see it come into effect as soon as possible, why don't you ask him?

And I haven't had the chance in--since that time of asking Mr. Commissioner. I wonder whether this wouldn't be an opportune time, Mr. Chairman.

Mr. Chairman: Mr. Commissioner? If you do so choose.

Mr. Commissioner: Well, Mr. Chairman, I appreciate the opportunity of having a word of explanation just before this Bill proceeds very much further. One of the real aggravations that I have within my administration that bothers me very, very much and I believe, and I have reason to believe that it bothers the people in my administration who are charged with their responsibilities under the present Legal Professions Ordinance, is the situation where one of my officers is charged in an Ordinance of being, in effect, the disciplining officer of those members of his profession, of which he himself is a member.

Now, I can well imagine that years ago when the Bar was very small here in the Yukon Territory, that the modus operandi of coping with this was looked upon as perfectly acceptable. I'm sure the Council of the day that passed this, and the Commissioner of the day that passed it, and likewise the members of the Bar themselves at that time, saw no real problems in putting this responsibility in the hands of an officer of the Territorial Government. Certainly, up to a certain point, I believe that these procedures have been quite satisfactory, but for the last several years, in my opinion, it has placed a burden upon what I consider to be -- or placed a responsibility in an area, which I consider to be, entirely inappropriate when it comes to disciplining the members of the Legal Profession, when this is being done by a public servant, and in effect, this public servant is required by the present Ordinance to be a policeman over the Bar.

And this, in my opinion, Mr. Chairman, is entirely wrong in the context of today in the Yukon Territory.

Now, the routing that is suggested to you in this paper, and I would like--in this Bill, and I would like to extract the matter of dealing with trust accounts, et cetera, I mean I think this is another matter entirely, but the suggestion of disciplining that is suggested to you here, is probably another half-way house. I'm quite confident that when the members of the Legal Profession have the opportunity of coming before you in your committee, that undoubtedly there will be suggestions that there should be a different kind of an Ordinance which would place the policing, or the policing function in the hands of the Bar entirely themselves. This would be the ultimate, as happens in provincial jurisdictions.

What we are suggesting to you at this time is a further halfway house that gets it out of the hands of the public servant but doesn't place it entirely in the hands of the Local Bar Association. Now whether this intermediate step is the one that meets with the approval of the Members of Council or whether they wish to go a further step, that is another question entirely.

I wouldn't want members to feel that there has not been requests made by the Bar themselves, both individually and collectively to see a change made, and likewise that there has not been requests from myself and my administration to the Bar to see that changes have been made. These requests have been flowing back and forth at various rates for a long number of years. I would suggest for at least the last four or five years.

I felt the matter had been brought to a head in June of 1974 when the president of the Canadian Bar visited, in my office, accompanied by the vice president of the British Columbia Bar and two members of the Yukon Bar. They asked at that time for a change in the Legal Professions Ordinance and the disciplining sections of it. I informed them that we were very much in favour of a change but that the proposal should come from the lawyers themselves and the question of the policy with regard to that change.

Now this policy in term would then go to the Executive Committee and would be translated into government policy brought forward here on the floor of this Legislature, but unfortunately, we have never had any formal proposal, notwithstanding many reminders that this was an outstanding matter.

Now, as far as I was concerned here a few months ago, it become abundantly clear to me that some kind of a move had to be made and that if the move was not going to be made by the Bar Association, as per the discussions that we had, what I considered to be fairly formal discussions in 1974, that a move would have to be made by the Government. That was why the matter was brought, as a priority matter, through the Executive Committee, to the legislative programming Committee, and found its place on the priority list of legislation here for this Council Session.

In my opinion, Mr. Chairman, the ultimate format that Council decides should be placed on the statute books concerning the disciplining procedures for the Bar. I am not going to pass any firm judgement as to whether the intermediate step, that we are suggesting here now was a proper one to proceed with, or whether the ultimate step should be proceeded with, but certainly this recommended stage, or the stage that we are recommending to you in this course of action now, I feel is the minimum step that has to be taken. It is a completely and totally untenable situation, as far as the Commissioner of the Day is concerned, to have his Legal Advisor placed or continue to be placed in the position of being the policeman of the legal profession within the Yukon Territory.

Thank you very much.

Mr. Chairman: Thank you Mr. Commissioner. Mr. Phelps.

Mr. Phelps: Thank you Mr. Chairman, and I appreciate the remarks of the Commissioner. I'd like to say a few things by way of background, not speaking for the Bar Association, though I am the president of that association. But just to give the members some idea of the concern that is felt by myself as a lawyer and now as a Member of this Honourable Assembly.

I agree that it is entirely untenable that a member of this government in the Yukon Territory ought to be the person who is responsible for disciplining lawyers. The main reason for this is the basic argument that time and time again, the public comes to a member of our Bar, to sue or to seek redress against this very government. And what are these people to think when a member of the government whom they're asking, a lawyer, to act against, is in charge of disciplining each and every lawyer in the Yukon. It doesn't look right, to the public, that the Bar should be under this kind of control, and from this government.

And this is why we, and I speak for most of the members in the Yukon, and most of the lawyers across Canada, this is why we would like to see our Bar Association become entirely independent of this government. This is the case throughout Canada. In every province the lawyers are responsible for disciplining their own members. In the Northwest Territories, there's a Bill that is about to be passed or has been passed, which gives the lawyers independence from the government.

I'm saying at this time that I agree, basically, with the provisions that are in this Bill that we are now going through on a clause by clause reading, and when you look at the provisions in there, they're very, very strict.

In fact, the average person who would be charged by the government, the average person who is charged criminally, has far, far -- a far easier time proving his innocence than does a lawyer under provisions such as this.

Lawyers agree that they have got to come under very, very strict disciplinary measures. One reason, of course, is that lawyers know more about the law than anybody else, that's their profession, and of course it's easy for the odd unscrupulous member of the bar to get away with murder, with very unsavoury things, unless the disciplinary provisions are very, very stringent, and they are, believe me, in every province that I'm aware of.

What I would like to say to the Honourable Members at this time, is that I'm very pleased that the Commissioner has stated the reasons behind this sudden emergence of Bill 16. In the discussions I've had with some of the lawyers in the Territory, we're in agreement with the basic principles of this Bill, but we feel it doesn't go far enough. We agree that Members of the Yukon Bar, ought to be disciplined ultimately by lawyers from another province, preferably B.C. Lawyers of high standing amongst the legal community in B.C.; laywers that may be appointed to a disciplinary board by the Chief Justice of the Supreme Court of B.C.; we agree with this.

We also agree that monies from trust accounts, held by lawyers, ought to be channelled into the government monies or the society's monies, so that the disciplinary body can be paid for so that investigations can be carried out against lawyers suspected of impropriety with their clients.

But my concern with this step is that it does not go far enough. I would like to see the government get together with a committee from the Yukon Bar Society, in order to go further than what this Bill is proposing, because I would like to see a Legal Profession Society created -- a statutory body wherein the lawyers have complete jurisdiction over their own affairs, where the disciplinary aspects, as set forth in Bill 16, are met; but where the public, when they seek redress against an improper action by this government, can go to a lawyer, knowing that that lawyer is

independent of the government, that that lawyer doesn't have to fear the government, that that lawyer will work for him, in order to try to obtain justice for him against this government or any government.

So Honourable Members, what I'm suggesting at this time, is that we consider setting this Bill aside in order that the Law Society of the Yukon can get together with the administration and do one job, do the whole thing and bring a proper Bill before this House in the fall.

Thank you.

Mr. Chairman: Thank you, Mr. Phelps. Do I take from what you've said that you would like to see this set aside as of now?

Mr. Phelps: Well, I was caught by surprise by the remarks of the Commissioner, and I would, I suppose, like to move at this time -- propose a Motion at this time, that --

Mr. Lang: Mr. Phelps, before you propose your Motion, could I ask you -- in order to get with the administration, would this Bill be ready to go through this coming week, or are you talking next Session?

Mr. Phelps: No, I think we are looking at the next session. The unfortunate thing about this particular Bill, that's before us right now, is that there would have to be an awful lot of amendments to get the final product. We could spend a lot of time on this particular Bill at this time, and then in the fall we would have to rewrite almost the whole thing anyway, in order to obtain an entirely independent Bar.

What I'm asking really is that from what I understand, the administration is in agreement; what I'm asking for really, is that the Yukon Bar end up in the same position as the Bar Associations across Canada.

This is why the president of the Canadian Bar Association and the vice president of the B.C. Bar Association came to the Yukon last June and met the Commissioner and met with the local members of the Bar. They're concerned as well. And their main concern is very simple. Justice must appear to be done. And this who have legitimate grievance against the government of the day have got to have somebody they can turn to, somebody who they are sure cannot be coerced by that government, somebody that they can go to who will fight the government and obtain justice for them.

Mr. Chairman: Thank you Mr. Phelps. Is there any questions relating to what Mr. Phelps has said?

Mrs. Whyard?

Hon. Mrs. Whyard: This has been a very interesting bit of background and the question that occurs to me, if we're approaching this matter from a philosophical point of view, it seems to me that this same situation could be extant in the Medical Profession, and I was going to ask the Honourable Member from Whitehorse South Centre if he could explain to the house how the medical profession handles the same situation. You have your own methods of policing your professional members, no?

Mr. Chairman: Mr. Hibberd?

Mr Hibberd: Yes, we do, Mr. Chairman. But the Medical Ordinance also requires considerable review along this line.

And I would hope that that would be forthcoming shortly.

Mr. Chairman: Mr. Phelps, I have one question that, it is almost a year has gone by and I'm kind of curious of why there has not been any action taken up till this time. You said last June. Mr. Phelps?

Mr. Phelps: Mr. Chairman, I don't want to get into any recriminations against the government, the administration. I don't want to take that position with the Bar Association. There has been a lot of dialogue between members of the Administration and members of the Bar Association. There has been problems as you know, with the present Legal Aid scheme in the Yukon, and the Bar had given a very top priority to see we did get a proper legal aid scheme in the Yukon.

It's a situation simply where the two parties really haven't got together and sat down and gone -- given careful study to the kind of legislation that would be amenable to both sides. I see this as a breakthrough, I think it's an important step, I think that there's no reason why a committee from the Bar Association couldn't sit down with the administration and work out a final product, of which all Yukoners could be proud of. I think that there is certainly, a lot of give and take, in the attitude of the Bar. I'm sure that there will be a lotof give and take in the attitude of the administration. But what is of concern and what makes this particular kind of legislation so important, so urgent, is that everyday we have clients who come in, with grievances, real or imagined against this government, and they're coming in to see a lawyer, who is under the thumb of this government. Who can be disciplined by this government, who can be harrassed by this government, under the terms of our present Legal Profession Ordinance. And what I'm suggesting really is lets put this off until the fall, let's come forward with a complete end product, so we can solve the problem in the minds of the non governmental employees at least in the Yukon, that they can go to independent people and get justice.

Mr. Chairman: Mr. Taylor was next.

Hon. Mr. Taylor: Mr. Chairman, there's two things that concern me at this point. I also might say that the remarks that have gone on in this debate have been most informative and most interesting. One, my first concern of course, as a legislater would be that whatever legislation that we do provide, respecting anything, in this case, of course, the Legal Profession that we provide legislation which reflects justice, and reflects sound policy. The other is of course, a matter in how we deal with this legislation.

In other words, are we going to go through an Ordinance only to find when we've concluded the Ordinance that we're going to do it again or we're going to make major revisions which will come back in the fall. I'm concerned with both facets of the thing. I have learned from the debate that has gone on before, that up to this point there has been no real getting together between the Yukon Law Society and the administration, in the preparation of the Bill and the

philosophies of the Bill. And naturally it occurs to me that the process is about to begin assumably on Tuesday. I don't know, I have a feeling that there is enough responsibility and maturity in our bar society, certainly there must at this point, that they could conceivably with the consent of the administration, sit together, over any period of time that may be desirable, to work out legislation which would be in keeping with the demands of both the administration and the Law Society.

I personally would have no problems in supporting such a move if the administration felt that they could live with that. I think at this point in time we certainly must make a decision as to which way we're going to go. If we're going to proceed with the dealing of the Bill now, and talk it out. It just seems odd to me that from this point on that we discuss this without having the Law Society here and have that meeting right in this Chambers over the next number of days, or whether we take the alternate that has been suggested by Mr. Phelps and say, well maybe the society and the administration could get together on the question over the course of the summer and bring in a Bill in the fall.

These are simply observations that I'm making, Mr. Chairman, for the consideration of the Committee.

Mr. Chairman: Mr. Hibberd, if you could wait for a minute, I think Mr. Legal Advisor has something to say to us.

Mr. Legal Advisor: The first approach that was made requesting the bar to come forward with a proposal was made, to my knowledge, in November, 1967. And the approach has been made at regular intervals since then, at annual general meetings and at functions. The matter crystallized, as the Commissioner said, in a formal special visit to the Territory on behalf of the British Columbia Law Society and the Chairman of the Canadian Bar Association, in a formal meeting called specifically for the purpose, which was attended by the Chairman of the Canadian Bar Association, the Vice-President of the B.C. Law Society, the former Chairman of the Yukon Law Society, the then Chairman of the Yukon Law Society, myself and the then assistant Commissioner.

And the Commissioner stated perfectly accurately, the understanding at that time. It was the crystallization of a long series of approaches made on both sides to try and get some formalization, and some new deal, and the emphasis at that time was placed on the independence of the bar from the government.

It was pointed out that this independence is a very necessary facet of Canadian life, that a person must be able to go to a lawyer, to make his pitch and to act on his behalf against any government, and have the lawyer not be afraid that in some way he might be harassed or pressured through disciplinary proceedings. The government accepted that and went away, and confirmed by at least two, maybe three letters, that the understanding at the meeting was that the Bar would come forward with a definite policy proposal, which would be put to the government and would then see its way, in the normal course of events, into legislation.

There have been many meetings since June of last year. I got the drafting instructions from the Commissioner's office in the routine way. My drafting instructions were to prepare a Bill which would crystallize the duties of the lawyer to the public, and the duties of the lawyer to each other, to the courts and the protection of the public, precisely in the same manner as that is done in every Province of Canada, and the hairline that I used for the purpose was the Province of Alberta, couple with the Province of B.C.

The way this Ordinance is set up, there is a Committee which will be a panel, which is equivalent to the Benchers of the Law Society of B.C. From that panel will be chosen, independently of the government, and all of these people will be appointed quite independently of the government, these people, which will consist of nine independent lawyers, hopefully resident all in either Vancouver or some other part of B.C. or Alberta, somewhere reasonably near at hand. They will choose the disciplinary committee of three, not the government. They themselves will be chosen on the recommendation of the Chief Justice of the Supreme Court of British Columbia, and there will be no input in regards to the appointments by this government. The design of the Ordinance is such that if at a future time, say in the fall, or say next spring, the Law Society is able to come forward with definite proposals for a policy, and if that policy is accepted, to create a statutory body which will govern itself, then these sections, with only a change in one sub-section, can be just a part 3 of a new Bill. And it's designed to save this House trouble and save the government House trouble. It's a code of conduct, first in relation to handling of trust accounts; second in relation to the discipline of the Bar and the ethics of the Bar, and it's designed to be a specific code which can be slotted in as a part 3 to any new Bill which is forthcoming in the fall or in the spring, and in that regard would not duplicate the work of this House.

Now, I do emphasize that it's intended to take the complete handling of the discipline of the profession out of the hands of government, and transferred, as Mr. Phelps said he would like to see it transferred, into the hands of an independent outside group of lawyers, far, far way.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman. I'm wondering from Mr. Phelps' remarks what he considers the end product to be which he wants. Does he want this end product to be that the Yukon Bar Society is going to function as its own disciplinary body, or are they going to function with the help of the B.C. Bar? Do you consider that the Yukon Bar is capable of disciplining itself? I mean, do you have enough members that you can do this?

Mr. Chairman: Mr. Phelps?

Mr. Phelps: In essence, Mr. Hibberd, we want something like what is proposed in this Bill. We would like to see Benchers from B.C. be the ultimate judges of the professional conduct of lawyers in the Yukon, because we are too small to have lawyers from firms, local firms, sitting in judgment on lawyers from other firms in Whitehorse.

So we are not really concerned about that part of Bill Number 16. What concerns us really is this: We want to be entirely independent of this government, we

want to have the same kind of society as they have in each and every province of Canada, and what bothers me about what Mr. Legal Advisor is saying is this: They have a situation right now where he is in charge of the disciplinary conduct on the part of the government towards lawyers in Yukon, and I suggest that one of the reasons that the administration wants to pass this Bill, is because the heat is too much for them.

I suggest that they are in the situation now where it's very difficult for them to carry on the functions as the disciplinary group over lawyers, and so I suspect, and I'll say it right here, that what the government is trying to do is get rid of the problem area, asfar as they are concerned, and yet retain jurisdiction over the lawyers, in a manner which is not done and is untenable to lawyers throughout Canada. I suspect that what we're being asked to do in this Council at this time, is to allow the government to really have control over lawyers and let them get rid of that aspect of the control which is bothering them and is troublesome to them at this time.

What bothers me about us going ahead and passing Bill Number 16 is that the heat is off the government, the administration, and they will not allow lawyers in Yukon to have the same rights and to be as independent from this government as lawyers are throughout Canada, and as even in the Northwest Territories, a Bill is in the process of going through that House, allowing lawyers in the Northwest Territories to be entirely unfettered by that Territorial Government. What bothers me about us going ahead with this particular Bill is I'm just very suspicious at this time.

I know that disciplining lawyers is difficult for this government. I know that it may be politically unfeasible in certain instances. And what I'm worried about is that when this is overcome by the passage of something like Bill Number 16, and when the government has managed to grab the interest, which will come from all the trust accounts in the Yukon, and this is money in the bank which lawyers are not allowed to collect interest on, when they've got what they want, when they've got the heat off them, when they've got the revenue from those trust accounts, that will be it, full stop. And we'll be looking at a policy decision as to whether or not lawyers in the Yukon are going to be completely independent, as they are throughout Canada.

And so I object very strongly to the Honourable Members considering this Bill and passing this Bill at this time. For that very reason. Because it's a stop gap measure, allowing the government to retain control over lawyers, allowing them to grab the trust account interest, allowing them to get rid of the politically untenable part of their duties under the present Legal Professions Ordinance. And allowing them to say okay, we've got rid of the problem area, we've got the money we need, now the legal profession can just sit where it is. We aren't going to give them the same kind of independence that has been granted to lawyers throughout Canada.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you Mr. Chairman.

I appreciate what the Honourable Member has just stated, but I'm still left with an area of confusion. I believe, in Committee yesterday, the Honourable member read a statement about requiring witnesses from the law society to appear in front of us next week. Now a statement has been made, this morning in the House, that we do not go through this Bill until the fall session. Now I'd like some clarification.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: It's with a good deal of pleasure that I rise to give you that clarification, Mr. McCall.

Really the situation boils down to this, that I was taking the position that the kind of representation that I'm making at this time might better come from the Law Society witnesses that would appear before this committee. What Mr. Commissioner had to say this morning caught me completely unaware. I was not aware that he was going to stand and speak to Bill Number 16. So I'm standing at this time really in reply. It seems to me that I can possibly save the Honourable Members a great deal of time and effort by putting forward the kinds of argument that I suspect will emanate from the Law Society as an Organization. I'm speaking as an individual at this time, and of course as a lawyer. And these are my personal feelings, I'm not speaking for the Bar Association. But I'm sure that the kind of representation they will make will fall in line with the kinds of things I've been saying today, to you, as a Member and not as a member of the Bar Association.

Mr. Chairman: Go ahead, Mr. McCall.

Mr. McCall: I appreciate what the Honourable Member has just stated, what I'm curious about is do you not wish witnesses to appear in this House next week on behalf of the Law Society?

Mr. Phelps: Well, Mr. McCall, not if we can agree that this Bill will be shelved and the administration can get together with the Committee from that Society and come forward with a complete package, that is similar in content to what they have in B.C., Alberta, Saskatchewan, Manitoba, Ontario, Newfoundland, what is about to come forward in the Northwest Territories.

Mr. Chairman: I'd like to ask one question, Mr. Legal Advisor. We talk about these trust funds and the revenue that will come from the interest of these trust funds. You make that -- it appears to me the way I interpret it, that there is a large amount of money coming from the interest of these trust funds. Am I not correct. I'd just like to know what area we're dealing in, as far as dollars and cents are concerned.

Mr. Phelps: Mr. Lang, this is an area that I can only guess at, but I suspect that if the banks were to pay interest on the trust funds that are held in the various law firms trust accounts, my guess is that there will be something in the order of $15,000 per annum or more, that will be generated and could go towards a proper disciplining of the members up here, it could go towards Legal Aid, it could go towards things that are important to the judicial system in Yukon. We're talking in terms of something, I think, in excess of $15,000 per year, which the banks will have to pay out.

What concerns me is I would hate to see this money grabbed by the government now and thrown into the old general revenues, and not be earmarked, or at least go either to a proper society, or go to the expenses that disciplinary measures will take, the expenses of having spot audits and trust accounts in the Yukon, the expenses of various kinds of legal programs that could be made available for the benefit of Yukoners. I hate to, at this time, allow the government to take that money and throw it into the general revenue and have it disappear, because I think there's a lot of very, very beneficial things that could be done with that money.

Mr. Lang: If I may, Mr. McCall, if I may ask one supplementary question. Is this your major objection to this Bill?

Mr. Phelps: No, my major objection to the Bill is that it's a, one small step towards a totally independent bar society, or bar association. It takes the pressure off the government as far as disciplinary measures go. It gives them the trust money to throw into the general revenues and not to be earmarked for legal purposes. I suspect that any attempt made by the Bar Association, if this Bill is passed, any attempt by them to attain the kind of independence that lawyers throughout the Dominion have, except in the Yukon, that they will say no. No, we don't have to now, we've got your money, we got rid of the hot potato, you know discipline, and we'll just let things ride.

Mr. Chairman: I believe Mr. McCall is next.

Mr. McCall: Thank you, Mr. Chairman. In view of the surprise I think the Members of the House have been moved into, I would like a further opinion of our Legal Advisor on the whole situation.

Mr. Legal Advisor: Mr. Chairman?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I'm somewhat taken by surprise at the suggestion that the government has any control over lawyers, because many people have tried to control lawyers in the last hundred years and nobody has yet succeeded in controlling any one of them.

But the main suggestion was, that we have a power of harassment as a government over lawyers, because we have the power to require them to answer for ethical conduct, and put them on a charge. We are trying to remove this, this was the main thrust of the suggestion of the President of the Canadian Bar Association. It's the step we can take now. It's up to the lawyers to come forward with the remaining steps and the policy they want followed and to satisfy this House. But this is the particular step that we wish to take.

Now, I can't understand how it can be suggested that any other section in the Legal Professions' Ordinance contains any power of the government to harass anybody. They are routine sections which require the lawyer to pay his business tax of $200.00 a year and such like things. That's about all there is. We don't have a law school, we don't have law professors; anybody who comes from outside the Territory can, provided he is qualified in the Canadian Bar, can come here and practice, with a certificate of good standing.

We don't have the power to deal with lawyers or control their actions in any way whatsoever, so far as I know. It may be hidden somewhere in the Ordinance unknown to me, but Mr. Phelps is right, there is some urgency in getting rid of the discipline power that the government has, and there is some urgency, and I say this, there is some urgency in getting rid of this power right now.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: To the Legal Advisor, are you saying that one of the reasons why the Bill has been brought out is because the lawyers in the Yukon Territory have been harassed?

Mr. Legal Advisor: No, Mr. Chairman. What I'm suggesting is that the government has reached a point in its constitutional development, where it considers that it should not be the policeman of lawyers, and no government official should be placed in the very, very awkward position. They want to hand this over to an independent body, and to be supervised by the courts in the carrying out of those duties. This is what they wish to do.

It is true, there is a section that allows money from trust accounts to flow in, but that money, although not be definitely be earmarked, is one method of recouping the expenditures of the government in carrying out the provisions of this Ordinance. And as you know, you passed an estimate of $7,000.00 right this morning for this purpose, and that's where it is expected that the contrary revenue will accrue from in order to meet this expenditure.

So it is hoped that the Ordinance can be carried out without any increase in taxation.

Mr. Chairman: Mrs. Whyard was next.

Hon. Mrs. Whyard: Mr. Chairman, it seems to me that we are already into the debate that we were looking forward to next week. I'm not a legal expert and I've had no more background on this Bill than any of the other Honourable Members, but it is before us. I can't see the logic in dumping it for six months and starting again.

I think if you have something to start with you can amend it as you go. We have already heard suggestions for amending what's before us, unofficially. If we are going to have witnesses here from the Law Society next week, they will be doing exactly what is happening here this morning. It seems to me that it is only common sense to continue working through this Bill, and hopefully arrive at some solution which is acceptable to both Members.

Mr. Chairman: Thank you Mrs. Whyard.
Mr. Phelps?

Mr. Phelps: Again, I'm simply saying that if this Bill is passed, even with amendments, that we will end up with a half-way step towards what is the goal of all members of the legal profession in Yukon, and really what was asked for by the Chairman, who is really the President of the Canadian Bar Association, and the

Vice-President of the B.C. Bar Association.

They really can't understand why we don't have a similar statute body, a similar society, to that in existence in each of the provinces across Canada.

Now, I wasn't present at the meeting they had with Mr. Commissioner, I'll admit that, but I talked to them in great detail and heard back about that meeting. I'm simply saying that I am very, very fearful that we might get something here that goes partway and have the administration say, "Well, we got what we want, we aren't going to give you the full package, the entire package".

Mr. Chairman: Mr. McKinnon is next.

Hon. Mr. McKinnon: Mr. Chairman, I might say what I thought was going to be an extremely dull morning has turned out to be a very interesting one.

If there's one thing that has crystallized is the belief that I've had for a long time that neither governments nor lawyers are really noted for their haste in resolving matters, Mr. Chairman, and -- but both sides, and this has been a common theme from the Honourable Member from Riverdale, and from Mr. Legal Advisor, that there is definite urgency and it is a priority item at this time, and that it should be treated on an urgent basis.

And I really, seeing the years that have gone by while this has been in hiatus, can't see that if we do work through the Bill, if we do have this halfway measure, that I just have this feeling, in the back of my mind, that we are finally going to be pressured and lobbied very ably by the members of the Legal Society to go the further step. That decision, no matter what the Honourable Member from Riverdale wants to tell you, is going to be made by the individuals in this House, not the administration. I think that every Member of Council realizes themselves responsible enough that if he feels that the members of the Yukon legal profession have the -- want to go further and want to go the whole step of disciplining themselves. that they will have the ability of bringing that case before this House. I think that is a step that they should go, that we should proceed with the Bill, we should go to the point of at least getting to this halfway step with the ultimate, and I'm sure that we'll be pressured into it in the very near future, of going the total route that both the members of the law society and the government wants to see take place.

Mr. Chairman: Mrs. Whyard, do you have something to say?

Hon. Mrs. Whyard: No that's fine, Mr. Chairman.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, Mr. Chairman. In view of what the Honourable Member from Riverdale suspects, am I correct in assuming that you feel that this Bill that is now before us, is just a band aid job presented by the administration of this government. The question I'm asking is, directed to the Honourable Member from Riverdale, and the Legal Advisor is this a band aid job that we are now debating?

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Well it is my submission to Council that it is a band aid job, that the administration did not get together with members from the Bar to discuss an Ordinance, that the Bar has taken the initiative and last June did go, with very senior lawyers, to see the Commissioner and his officers, and to make a pitch for a completely independent Bar in the Yukon and this is what we've got back.

We have not been encouraged to go to this administration with our own draft Ordinance. We put considerable pressure on the administration to have them discuss a complete job, a completely independent law society, and the kind of legislation that the lawyers of the Yukon want. We've put considerable pressure on them. I don't want to bring all this out, because it has been, some of it, in confidence.

But this Bill was not discussed with members of the legal fraternity in Yukon and it's an important Bill. And I suspect that we could quite conceivably have a committee sit down with the administration and come up with a Bill that might be quite different in form, from Bill 16.

I think myself that it's a waste of time to go through this Bill, and then try to amend and amend and amend and come up with something different. It's not true that we've been since 1967 trying to pass legislation that would give us the kind of independence that we're seeking. It's simply not true. This has been mentioned on various occasions, it was tied with pressure on the legal aid scheme, it was demanded on numerous occasions by members of the Bar and by the Bar Society.

The Bar Society has only been active since 1971 in the Yukon. It was formed in 1970. And our top priority was to try to convince this administration to invoke the same legal aid scheme that was invoked in 1970 or 71 in the Northwest Territories. And this was refused.

And it's been the feeling of some members of the Bar, I'm one of them, that this administration has really had an anti-lawyer outlook. There's been very, very poor communications between members of the Bar and this administration. I'm suggesting to you that surely, it would be of great benefit, if the society, if the committee struck by the society could sit down with the appropriate officials in the administration and come forward with a complete package. Why go through this, how many pages have we got here? 29 pages, and then have to amend and amend and amend until we get something that is similar to what they have in B.C. And that's what I'm really suggesting, that we end up with an end product very, very similar to what they now have in B.C.

So we can utilize their disciplinary functions, so we can utilize their spot auditing people when they come north in spring on lawyers in northern B.C. They could fly in here and do the same thing.

So we can have joint meetings with that Bar to improve the quality of legal representation in the Yukon. What I'm suggesting is, why go with this, which is something that has been sprung upon us, something that the members of the local bar have had almost no input into, aside from one or two private conversations I've had with Mr. O'Donahue without seeing what the legislation was going to be.

I'm suggesting why not insist that this administration put forward an entire package, for the fall. I just don't see what the delay, what harm can come from any delay, at this time. Except, of course,

that the government might have to do without interest on the trust accounts for four months for their general revenue.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, as the debate continues, it becomes clearer to me that the request being made by the Honourable Member from Whitehorse Riverdale are not in my opinion, too unreasonable. And while it has been stated that there is some urgency on both sides, it may be, that a Committee could be struck to view the situation at this session, that is the first part of the week. A Committee of the, I would suggest, the Committee of the Bar Association and a Committee of government sit down and see if within this Ordinance, there is indeed common ground, where with some--I'm not saying minor amendment, but neither am I saying major amendment, that the whole question could be resolved at this Session. I think at that point in time, we would then be able to make a rational decision in this House, or in this Committee of this House, as to whether we proceed with the Bill at this session or whether it is desirable to have the Bill put over to the next session for further consideration.

I would suggest that as a more reasonable course of action, to follow at this point in time, because it seems to me it would be a great waste of Committee's time to be pouring through this thing over and over and over again. I know in other Bills, in my experience in the House, for instance, the Education Ordinance, which was a very important Bill, that was laid out early in the ball game, so that at a following session it could be discussed, but it was tabled in order that everybody could determine what was in it, and bring forth recommendations upon it.

So perhaps that may be the course to follow here, I don't know, but I would recommend, Mr. Chairman, for the consideration of committee, that we set aside and report progress on the Bill, and ask that the Administration and the Bar Association get together and determine whether or not there is a possibility of bringing in amendments to this Bill at this session which would satisfy the demands of both.

Mr. Legal Advisor: One point on the Administration getting together. It's the custom in this government, that the government produces its own policy. It may consult and what have you, with other people, but it produces its own policy and this is the crystallization of the government policy in relation to one particular aspect of handling the Legal Profession. It doesn't deal with any other aspects, they will be a separate policy.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: I would just like to clarify one point and that's this, that presently the type of discipline that we have over the Bar is not satisfactory. I think the administration will agree that that's the case and certainly the lawyers do. I think that most of the lawyers in the Yukon want to see far more stringent laws, far more control over individual members. If you look at the kind of control that the B.C. Bar, for example, has over its members, it's amazingly tough. It's a very, very, very stringent hard line group of people, that rule on discipline in B.C. And it was our suggestion--the Bar's suggestion that we invoke that kind of committee to sit over the actions of lawyers in the Yukon.

We're not trying to duck the discipline. We want it, and want more control, we want spot audits of trust accounts, we want to have the people of the Yukon know that lawyers are being watched. But we also want the people of the Yukon to know that we're independent of the government. The thrust of this Ordinance, or at least part of the Ordinance, in asking that the Chief Justice of the court of B.C., appoint members to discipline--members of the bar down there, to discipline members here, was our suggestion. This is what we wanted. We're not trying to duck discipline. We're trying to ensure that the people in the Territory will have a fair shake in the future. That they can feel assured that the Bar is independent, that lawyers are going to be cracked down on. But all we're saying is, let's have a proper bill, let's have some input from the bar, let's get something we can live with, let's not waste our time on something like this. Thank you.

Mr. Chairman: I think the question now is whether it's the wish of the Committee to carry on clause by clause reading of the proposed Bill here. I'd like to know what the Committee would like? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I could propose a motion outlining the suggestion I have given that we report progress on this Bill, at this time, and ask that the Bar Association forthwith, at the very earliest convenience at least, get together with the legal people and administrative people and find out if there is an area of co-operation, or an area within this Bill, that they could resolve by amendment.

I would like to see that done because I think, I agree, from what I've heard this morning, that we're just going to be going over this, going over it again and again and again and getting nowhere and wasting time of the Committee.

I would think that if this could be done so that we would know very early in the coming week what the situation is, I think at that time we can make a decision whether we proceed with it or whether we don't.

Mr. Chairman: Mrs. Whyard is next.

Hon. Mrs. Whyard: Mr. Chairman, I can't understand that last statement of the Honourable Member. I don't want the Bar Association and the administration going off into a huddle to discuss what's going to happen to this Bill, I want to hear it at this table. It was my understanding that that was what was going to happen when members of the Bar Association came before us, to discuss this Bill. If they have objections, they say them to us, and I want to hear them. I can't possibly give an intelligent appraisal of what their comments are or anyone else's comments until I have gone through this Bill clause by clause.

And in the interests of all concerned, I would think it would be best to read it and get ready for the debate that obviously is going to be a very interesting one. But certainly that debate and that conference and that conference and that consultation should take place here, not in some private office somewhere.

Mr. Chairman: I have to agree with Mrs. Whyard.

Mr. McCall?

Mr. McCall: Mr. Chairman, thank you. I would like to concur my feelings with the Honourable Minister of Health and Welfare. I think it is only sensible that we progress and pursue the reading of this Bill at this time. It would also give the Law Society time, shall we say, get their heads together and present themselves as witnesses in this House.

I think this is what we are here for, and I think now is the time we should be doing this, and I also suggest at this particular time that we ask that the Members refrain from putting Motions forward, in order for us all, we are very ignorant in this particular field. The Honourable Member from Riverdale is a practicing lawyer, the rest of us are not.

He does know the consequences involved in this Bill. Let us hear the consequences of this Bill when we bring the witnesses here also, in order to debate this particular Bill.

Mr. Chairman: Mr. Fleming was next.

Mr. Fleming: Yes, Mr. Chairman. I would like to add in support of both Mr. McCall and Mrs. Whyard's statements, I feel the same way.

The government I don't trust. I must say I don't trust either party too much.

(Laughter)

Mr. Fleming: It seems as if the government wants to get some Bill on the table, and yet we don't get -- seem to get a complete clarification of it. I don't -- no, they won't say that it is a complete Bill, they say maybe it isn't, and Mr. Phelps says it definitely isn't. I would think that we should carry on with the Bill and get some clarification of it. I think they've had three or four years, apparently from some of the conversation, to get together, and so I wouldn't think this wouldn't be too hard in the next few days to bring up their proposal, the lawyers.

Mr. Chairman: Mr. Phelps was next.

Mr. Phelps: Far be it from me to act like the King who went down to the ocean and sat in the chair and commanded the tide to recede and not come forward, I can see what the feeling of the Members of this House is in respect to discussing Bill 16.

My point really is this, that whatever the Law Society and the Administration might come up with, it might be quite different in form than this Bill. No matter what it is, we are still going to have to debate that, in due course, if that was the route we take. To insist on going through this Bill at this time, to me, is really wasting the time of the Honourable Members and the money of the people of the Yukon. I'm not suggesting we don't do it because I'm afraid of what's in this Bill. I just don't want to see this Bill passed at this time, that's all.

(Laughter)

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I bow to the other members. I consider the function of the House, is that we're not here as a legislature to make good laws, that, as Mr. Legal Advisor pointed out is the duty of the Administration. It is our duty to ensure that the laws that we do enact through this House are not bad laws. They're not unjust or unconstitutional or anything else. I am saying this, that in the past number of years I've been in the House, we've reached this situation and two things occur, well three things occur. The first thing that happens is you wind up in a procedural debate which we are now involved in. The second thing is you wind up reading the Bill which we will be reading again and again, we're going no place, but we might just as well do it and get everybody used to how it works so that we can avoid doing it the next time.

And the third thing is, you usually wind up in a situation like this with major amendments and the things get chalked off at the next session anyway. So I'm game to go with anything you want to do. But just be very watchful about what's going to happen.

Mr. Chairman: I see that it's nearing 12:00. Is it agreed by the Committee to carry on a clause by clause reading of this Bill this afternoon?

Some Members: Agreed.

Mr. Chairman: Could I have a show of hands for agreed?

Disagreed?

Okay, I'll call a recess until 2:00 this afternoon. Thank you.

Recess

Mr. Chairman: I will now call the Committee to order, and we'll begin once again with a clause by clause reading of Bill Number 16, I believe.

Accounting by Barristers and Solicitors, 27(1):

Mr. Phelps: Mr. Chairman, before --

Mr. Chairman: Mr. Phelps?

Mr. Phelps: -- before we proceed, I would like to say that I have discussed this matter with members of the Bar and they'll be prepared to appear as witnesses on Wednesday. I would propose as we go through is to try to point out the -- those sections which might be of concern to the bar as far as I can see, and let them carry the ball from there.

Mr. Chairman: Okay. Thank you, Mr. Phelps. Okay we will attempt to carry on again. 27(1):
(Reads Clause 27(1))

Mr. Chairman: (2):
(Reads Clause 27(2))

Mr. Chairman: (3):
(Reads Clause 27 (3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Seizure of Property. 28 (1):
(Reads Clause 28(1))

Mr. Chairman: (2):
(Reads Clause 28(2))

Mr. Chairman: (3):
(Reads Clause 28(3))

Mr. Chairman: (4):
(Reads Clause 28(4))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Custodian. 29(1) (a):
(Reads Clause 29 (1) (a))

Mr. Chairman: (b):
(Reads Clause 29 (1) (b))

Mr. Chairman: Do we have a question?

Hon. Mrs. Whyard: Mr. Chairman, who rules on whether they are mentally incapacitated?

Mr. Legal Advisor: A judge of the court, Mr. Chairman, at the end of that section, it says that.

Mr. Chairman: (d):
(Reads Clause 29(1) (d)

Mr. Chairman: (e):
(Reads Clause 29 (1) (e)

Mr. Chairman: (f):
(Reads Clause 29(1) (f)

Mr. Chairman: (g):
(Reads Clause 29 (1) (g)

Mr. Chairman: Two:
(Reads Clause 29(2))

Mr. Chairman: Three:
Reads Clause 29 (3))

Mr. Chairman: Four:(Reads Clause 29 (4))

Mr. Chairman: Five:
(Reads Clause 29(5))

Mr. Chairman: Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: 30(1):
Reads Clause 30 (1))

Mr. Chairman: Two:
(Reads Clause 30(2))

Mr. Chairman: Three:
(Reads Clause 30(3))

Mr. Chairman: Four:
(Reads Clause 30(4))

Mr. Chairman: Five:
(Reads Clause 30(5))

Mr. Chairman: Anything arising?
Clear?

Some Members: Clear.
Mr. Chairman: General. 31 (1):
(Reads Clause 31 (1)

Two:
(Reads Clause 31 (2))
Three:
(Reads Clause 31 (3))
Four:
(Reads Clause 31 (4))
Five:
(Reads Clause 31 (5))
Clear?
Part 3, Discipline.
32 (1):
(Reads Clause 32 (1))
Two:
(Reads Clause 32 (2))
Anything arising? Clear?
33 (1):
(Reads 33 (1))
Mr. Phelps?

Mr. Phelps: Possibly I could arise at this time. This is one of the areas of concern, namely what we're trying to do is establish a situation where the members of the bar are entirely independent from the government of the territory.

Now I suspect that the members from the Law Society would rather have the Discipline Committee appointed by the Executive of the Local Bar on the advice of the Chief Justice of the Supreme Court of B.C. the main reason for this is, our position, I'm sure will be , that we do not want the government to have any way of interfering with the rights of members of the Bar. And this same kind of concern is going to crop up when we start concerning ourselves with how complaints arising in the Yukon are brought before the Discipline Committee, the clearing house as it were. But I'll wait until we get to that area before I comment on it.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Two:
(Reads Clause 33 (2))

Mr. Phelps: Mr. Chairman, again, it might be better that we have members from B.C. only rather than any province. The point I think that will be made is that we're very close to the Bar Society of British Columbia, we have the same rules of court, we're attempting to utilize the same Canons of Ethics as them, so I question that it should be so broad as members in good standing in the law society of a province.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, if we changed that to just British Columbia this would disqualify some members of the Yukon Bar from serving on the Committee.

Mr. Phelps: That's correct, Mr. McIntyre. It possibly could be law society of a province or of the Yukon Territory or both . All I'm attempting to say is that we ought to wherever possible, bring these sections into the situation where we will have to rely upon B.C. and not any province across Canada.

Mr. Chairman: Well I think we can bring this up again when we have the witnesses.

Mr. Phelps: Yes.

Mr. Chairman: Three:
(Reads Clause 33 (3))
Four:
(Reads Clause 33 (4))
Five:
(Reads Clause 33 (5))
Six:
(Reads Clause 33 (6))

Mr. Phelps: Again, Mr. Chairman, wherever there is reference made to a government official in these sections, I'm sure that there may be comment by the members of the Bar.

Mr. Chairman: Thank you, Mr. Phelps.
Seven:
(Reads Clause 33(7))

Mr. Chairman: Eight:
(Reads Clause 33(8))

Mr. Chairman: Nine:
(Reads Clause 33(9))

Mr. Chairman: Ten:
(Reads Clause 33(10))

Mr. Chairman: Eleven:
(Reads Clause 33(11))

Mr. Chairman: Twelve:
(Reads Clause 33(12))

Mr. Chairman: Thirteen:
(Reads Clause 33(13))

Mr. Chairman: Fourteen:
(Reads Clause 33(14)

Mr. Chairman: Fifteen:
(Reads Clause 33(15))

Mr. Chairman: Sixteen:
(Reads Clause 33(16))

Mr. Phelps: Mr. Chairman, possibly I should rise at this point, going back to sub-section (14), and (15). This concept of a Discipline Secretary is one that's of grave concern. I'm not sure what the solution may be, but I would strongly suggest that the person who is going to carry on or the body of people that's going to carry on the functions of the Discipline Secretary not be connected in any way with the government.

Now, one possible solution that I throw out would be, there could be a board which would carry on these functions, consisting of the Executive, the Bar Association and possibly one or two people who are not legal, or not lawyers, who are not employed by the government, to be appointed by this body, the House.

But a very grave problem that's going to arise is this, that somebody complaining against a member of the Bar ought not to have to go to anybody that's a member of the government, or employed by the government. They should be able to go to either a senior lawyer in town, or, to some independent person who is acting in conjunction with the executive of the Bar, and lay this complaint.

Then what would happen is that the Committee that would take the place of a Discipline Secretary, could go through once a month, or whatever, go through the various complaints and any complaint that seemed to be valid, pass that on to the board down in B.C. I'm thinking of the cost involved, about one complaint in possibly nine might be worth looking into, and the cost of having the people in B.C., of course, looking into every complaint, would be tremendous.

But I would object very strongly to having one person employed by the government, and having people phone that person whenever they have a complaint, because right away we're back into the same situation we have now, where it appears that the Territorial Government, or a member of the Territorial Government staff, has these broad powers over lawyers and they are going to these lawyers for redress often against that government.

Mr. Legal Advisor: It's our intention to have this person, who is the Disipline Secretary either the Executive Secretary of the B.C. Law Society itself or a person -- a member of the staff in his office.

Mr. Phelps: Mr. Legal Advisor, the problem with this is that, the member of the public in the Yukon that is aggrieved has to go to B.C. to voice his complaint, is that not correct?

Mr. Legal Advisor: Not quite, Mr. Chairman.

What we would like to see is a compact body operating and have the use of the facilities of the B.C. Law Association, exactly, to a large extent,as if Whitehorse was in a similar relationship to Vancouver as Prince George itself is. And then the provisions of this Ordinance are not that the Commissioner hires this person, its the Committee hires a person, and that this person would have some local part time person to act as a receptionist for complaints, but maintain telephone and letter communication on a weekly day to day basis, or day to day basis as required with the main secretary in Vancouver who would come up here occasionally as necessity arose. There wouldn't be sufficient work to employ a full time person here. It's not really acceptable that a person who is making a complaint against firms in town, has to go to that firm to make the complaint, in relation to one of the partners, or go to firm B which is a rival firm, which might be alleged to foster a complaint which was rather needless against a rival firm. There's only three or four firms in town. And there's a certain amount of a shuffling, like playing a game of -- I wouldn't say poker, but a certain amount of shuffling goes on among the membership. It's hard to find out, except in my office, exactly who is living with who at any particular

time. So what we think is, there should be a permanent person appointed by the Discipline Committee and not by the government, paid by them but not by the government, who would be an independent person with a telephone number in the book, to which you can refer. This is what we're attempting to set up.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Well I think something like that might be workable.

Mr. Chairman: Seventeen:
(Reads Clause 33(17))
Eighteen:
(Reads Clause 33(18))
Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: 34(1):
(Reads Clause 34(1))
Clear?

Some Members: Clear.

Mr. Chairman: 35(1):
(Reads Clause 35(1))
Two:
(Reads Clause 35(2))
Three:
(Reads Clause 35(3))
Anything arising? Clear?

Some Members: Clear.

Mr. Chairman: 36(1):
Reads Clause 36(1))

Some Members: Clear

Mr. Chairman: 37(1):
(Reads Clause 37(1))
Clear?

Some Members: Clear.

Mr. Chairman: 38(1):
(Reads Clause 38(1))
Clear?

Some Members: Clear.

Mr. Chairman: 39(1):
(Reads Clause 39(1))
Two:
(Reads Clause 39(2))
Three:
(Reads Clause 39(3))
Clear?

Some Members: Clear.

Mr. Chairman: 40(1):
(Reads Clause 40(1))

Mr. Chairman: Two:
(Reads Clause 40(2))

Mr. Chairman: Three:
(Reads Clause 40(3))

Mr. Chairman: Four:
(Reads Clause 40(4))

Mr. Chairman: Five:
(Reads Clause 40(5))

Mr. Chairman: Six:
(Reads Clause 40(6))

Mr. Chairman: Seven:
(Reads Clause 40(7))

Mr. Chairman: Eight:
(Reads Clause 40(8))

Mr. Chairman: Anything arising?

Some Members: Clear.

Mr. Chairman: 41(1):
(Reads Clause 41(1))

Mr. Chairman: 41(2):
(Reads Clause 41(2))

Mr. Chairman: Three:
(Reads Clause 41(3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 42(1):
(Reads Clause 42(1))

Mr. Chairman: Two:
(Reads Clause 42(2))

Mr. Chairman: Three:
(Reads Clause 42(3))

Mr. Chairman: Anything arising? Clear?
43(1):
(Reads Clause 43(1))

Mr. Chairman: Two:
(Reads Clause 43(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 44(1):
(Reads Clause 44(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 45(1):
(Reads Clause 45(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 46(1):
(Reads Clause 46(1))

Mr. Chairman: Two:
(Reads Clause 46(2))

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: If I were a barrister and/ or solicitor, I think I would ask for the inclusion of another word in that section. "The Committee may also investigate any other matter concerning the professional conduct".

Mr. Chairman: You may have a point there, Mrs. Whyard.

Hon. Mrs. Whyard: No, no? Is that not so?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Conduct is just a euphemism for misconduct, Mr. Chairman.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Phelps: Mr. Chairman, I think Mrs. Whyard's point is well taken.

Mr. Legal Advisor: What we're talking about actually is an allegation of misconduct, so when you are investigating conduct you're investigating misconduct.

Hon. Mrs. Whyard: Really, Mr. Chairman?

Mr. Legal Advisor: It's an allegation of misconduct, not his good conduct, so this runs, as a whole, they are investigating conduct and all the other sections and sub-sections talk about pending the investigation of matters concerning his conduct, his conduct, his conduct,

It runs into -- what we are talking about is what we talked about at the beginning or the Ordinance, and that is conduct unbecoming a barrister and solicitor, or professional misconduct. There are two separate things, there's conduct unbecoming and there's misconduct.

Mr. Chairman: Mrs. Whyard?

Mrs. Whyard: Mr. Chairman, am I to understand then that professional covers all conduct of a barrister and solicitor? There is no such thing as personal or private conduct of a barrister and solicitor?

Mr. Legal Advisor: Not in relation to this Ordinance, no Mr. Chairman. It's all in relation to his profession or his status as being a barrister and solicitor.

Mr. Phelps: Mr. Chairman, I must say that from time to time when reading these bills, that I get the impression I'm reading sections from Alice in Wonderland, by Lewis Carroll

Mr. Chairman: Clear?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: 47 (1):
(Reads Clause 47 (1)):
Clear?

Some Members: Clear.

Mr. Chairman: 48 (1):
(Reads Clause 48 (1))
Clear?

Some Members: Clear.

Mrs. Whyard: Unclear Mr. Chairman. That seems to me that--well you have to have some confidence in people who are going to abide by these sections of course. But you could get into a star chamber under that section, it's not bound by the rules of law concerning evidence applicable to any judicial proceeding. They can have any kind of evidence brought forth by any means, apparently.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mrs. Whyard's point is well taken. The point is that the members of the profession are willing to subject themselves to this kind of stringent enforcement. Because I don't think the public is aware that in other jurisdictions, where we have the kind of independence that we're asking here, lawyers are subjected to Rules of Court and Rules of Evidence that no other citizen in the Commonwealth is subjected to.

Mr. Legal Advisor: It's not quite so severe as the cold reading to an unlettered person not familiar with the rules of evidence might think. With due respect.

What it says is the Rules of Law on Evidence are not applicable, and what it doesn't mean is any evidence is in, it means that for instance, if somebody wants to know what the date of an earthquake was in Alaska, they would say I read it in the paper the day after there was an earthquake in Alaska. You don't have to call a geologist to report to prove that date. It doesn't really mean any evidence goes. It doesn't mean that hearsay evidence goes, it has got to be proved directly, it is important, but it doesn mean that the ordinary insistence on absolute strictness of proof, which is insisted upon in a criminal court, applies. There was a case recently downstairs in the magistrates court where a person was tried on a charge of speeding. They queried the accuracy of the meter which said their car was doing 40 miles an hour. The police then produced a tuning fork which was used to test the meter. The accused queried the accuracy of the tuning fork, so witness was produced in evidence to prove that he has personally tested the tuning fork but when he was asked how he got the tuning fork to Whitehorse he had posted it and there was no proof that the same tuning fork that he had tested was the tuning fork which arrived in the mail to Whitehorse and therefore the case was dismissed.

Now in this kind of a case, if a tuning fork arose in a case involving a lawyer, the lawyer would be asked, isn't this the tuning fork, and he would be expected to say, yes.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Chairman, I don't intend to get into a debate with the Legal Advisor, because the Rules of Committee don't allow him to enter into debate with a Member, but I think that Mrs. Whyard's point is well taken throughout this disciplinary part of the proposed legislation are all kinds of things that can be done to a lawyer before he is proven guilty which could never be done in criminal court in Canada.

Mr. Chairman: Thank you Mr. Phelps. Clear?

Some Members: Clear.

Mr. Chairman: 49 (1):
(Reads Clause 49 (1))
Clear?

Some Members: Clear.

Mr. Chairman: 50 (1):
(Reads Clause 50 (1))
Two:
(Reads Clause 50 (2))
Three:
(Reads Clause 50 (3))
Four:

Mr. Phelps: Mr. Chairman?

Mr. Chairman: Mr. Phelps, could you wait until we're finished this section then bring them up.

Mr. Phelps: Mr. Chairman, the Act or the section?

Mr. Chairman: Four:
(Reads Clause 50 (4))
Five:
(Reads Clause 50 (5))
Six:
(Reads Clause 50 (6))
Seven:
(Reads Clause 50 (7))
Mr. Phelps?

Mr. Phelps: Thank you, Mr. Chairman. This particular Section, and of course especially the sub-section (3) and in various other parts of this part of the Bill, there is going to be, I think, some concern expressed about the solicitor-client privilege. That privilege, of course, is the client's privilege, not the lawyer's. I think that the language ought to be framed in such a way as to protect, wherever possible the client 's privilege, because this is a sacred privilege. This may infringe upon the client who comes and sees a lawyer and has all kinds of secretive documents in the file, and he doesn't wish -- not the lawyer, but the client may not wish this personal -- these personal papers, these personal conversations and notes of the conversations to be produced before any kind of tribunal.

Now , I understand, of course, that the intention here is that the barrister or solicitor can't say, "Well look, I can't produce this file because of privilege", but normally, I think it's clearly understood that this privilege is the client's privilege. Surely we ought to be very careful in our legislation to ensure that the client must freely allow his papers, his privileged communications, to go before the tribunal.

Now, normally, it would seem to me, that when there is a complaint lodged against a barrister or a solicitor, the person laying the complaint will be the client, or the client involved, and of course, he would freely allow his file to be used. What I'm concerned about is that we don't trample on the rights of clients.

Mr. Legal Advisor: Mr. Chairman I'm prepared to discuss the matter with Mr. Phelps, and it might be met by a Section similar to the medical sections which require secrecy on the part of those administering the Ordinance, which would include the Committee. Some such section like any person engaged in the administration of this Ordinance shall preserve secrecy with regard to anything coming to his knowlege in respect of which, pursuant to Section 3, the client has claimed privilege. That might satisfy him, but it's a question for discussion.

If the House would pass on to the next Section, I might think up some additional protective section for the client.

Mr. Chairman: Clear? Mr. Fleming?

Mr. Fleming: Mr. Chairman, I'm not quite clear--
--I would like Mr. Legal Advisor to more or less clarify Section Number 2 for me. I find that "a witness may be examined on oath on all matters relevent to the investigation and shall not be excused from answering any questions on the ground that the answer", and I find in (c), "might tend to establish his liability", and "(i) to a civil proceeding at the instance of the Crown or of any person, or (ii) to prosecution under any statute". I don't quite understand that bottom one. It's not quite clear to me and it looks to me like maybe he could be incriminated very badly.

Mr. Legal Advisor: Yes, a witness can be, but the law in Canada, Mr. Chairman, is different from the law in the United States. In that in the United States and in Britain, a witness can refuse to answer questions, and just put forward as a ground, that he genuinely believes that if he answers the question, and tells the truth in the answer, that he would be prosecuted for something else, like a murder.

Now this privilege does not exist in Canada. To the contrary, every witness, in a mornal proceeding, is required to answer every question that is put to him, but under Section4 of the Evidence Ordinance of the Territory, and Under Section 7 of the Canada Evidence, Act, a witness is entitled to say, "Yes, I am being forced to answer the question, but I claim one privilege, and that is that my answer should not be recorded and used against me to damn me in another proceedings in another case.

Now, it's a similar rewriting of the Canada Evidence Act, and the Evidence Act of the Territory was written into Section, sub-section (2).

Clear?

Some Members: Clear.

Mr. Chairman: 51(1):
(Reads Clause 51(1))
Two:
(Reads Clause 51(2))

Three:
(Reads Clause 51(3))
Mr. Phelps?

Mr. Phelps: Again, Mr. Chairman, the same problem arises. I can see that the intention of this is, that this be directed to the barrister and solicitor whose conduct is under investigation. But it says a witness. Now if it is the client again, surely this legislature doesn't want to force the client to come before the Committee and divulge privileged communications to any board or any person. If it's just the barrister and solicitor that can't hide behind his privilege fine. But surely the client, who is protected by that privilege, ought to be able to refuse to attend before any Board. Ought to be able to say no, I'm not going to answer any questions about what I said to my lawyer. I'm not going to allow you to look at this file because these are privileged communications.

Now it seems to me, Mr. Legal Advisor, that reading subsection 2 and 3, that what was in the minds of the drafters of the legislation was that the witness would in all cases be the barrister and solicitor under investigation. But my concern is that again, the innocent client should not have to expose his confidential communications.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, we're setting up a statutory body. We're setting it up in exactly the same way as the Discipline Committee of the B.C. Bar, the Alberta Bar, the Saskatchewan Bar and so on. We're merely giving it the same powers.

The power that is here is not saying to a witness, this is not the section that says he must answer. This says what happens to him if he fails to answer. He's a witness like any other witness is in a court and the remedies here are the same as what occur in the magistrate's court. He's got to answer or explain his reasons for not answering. It's as simple as that.

Mr. Phelps: Mr. Legal Advisor, surely isn't trying to tell this august body that solicitor client privilege is not recognized by courts of law.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, solicitor client privileges are recognized under certain circumstances, but if it's in the middle of a law case, and there's a crime being investigated, the witness cannot say, I refuse to say what I told my solicitor. What he is entitled to say is, "I am privileged from telling what advice my solicitor gave and what I told the solicitor in order to obtain that advice." Once it's narrowed down to solicitor and client privilege in that way, he can escape having to answer the question. Now, as I said to Mr. Phelps, I'm prepared to go a certain distance with him in attempting to draft a section which will protect that client from the consequences of disclosing something that happened. But we are dealing very intimately with the relationship here of a client and his solicitor. What this section sets out to do is to reproduce precisely what happens elsewhere in Canada, the same sections, virtually the same draftsmanship and with the same privilege to each person. I would like to go further and protect a person that when he does disclose, that he will not be proceeded against as a result of his answer. But this tribunal is investigating the relationship of a client and a solicitor. It needs to know these answers.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: I would submit, Mr. Legal Advisor, that there are terms of reference that can be used. I don't think we should permit it to go too far in such legislation, when you do destroy it, it becomes dangerous to a person's freedom. I think you have gone over the bounds in this area of legislation in this instance.

Mr. Chairman: Mr. McCall, did you have something to say?

Mr. McCall: Not at all, Mr. Chairman.

Mr. Chairman: I have one question, if I may, Mr. Legal Advisor. Could this be directed in the direction if say the client and the solicitor are in what I believe they term "collusion"? Is this -- maybe I am off the topic, but I'm kind of curious.

Mr. Legal Advisor: It could be, Mr. Chairman, but the particular thing we are trying to defend against, in the legislation, is that when the lawyer himself is being questioned in relation to the conduct of a particular client, that he can say, "I will not disclose the relationship or the conversations or the documents which passed between me and my client".

Now, it may be a conflict; it may be a question that client A is complaining about the lawyer's conduct because he is acting for client B, and he is stealing client A's money and paying it over to client B. And then the lawyer is able to say, "Oh, I can't tell you what happened, that's privileged between myself and Mr. B", and they ask Mr. B, and Mr. B says, "Oh, I can't tell you that because I was in my lawyer's office discussing something when that particular cheque was paid over. I won't tell you the amount of the cheque, I won't tell you anything about it". That's the situation that you are attempting to attack. You want the transaction out on the board, and nowhere in Canada, in this type of investigation, does a privileged solicitor/ client investigation allow a lawyer to rely on the solicitor/ client privilege.

There are areas where the solicitor and client privilege is about to be broken. In the area where a client is defrauding income tax or other people, a lawyer is entitled to say, "I invested that money on behalf of my client, and I will not disclose where he got it, and I will not show it on my books". The privilege attaches to that and he is not forced to disclose, and the client is not forced to disclose either what happens in the advice that he gets from the lawyer.

But in this particular form, it's rather like an officer in an army being questioned about something that happened. He has just got to tell all, or whatever they said in Watergate.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Well, Mr. Chairman, I'm, you know, quite satisfied that we've raised this problem. It's a

thorny problem and I think it's going to require some discussion between Mr. Legal Advisor and members of the bar.

Mr. Chairman: Thank you, Mr. Phelps. Clear?

Some Members: Clear.

Mr. Chairman: 52(1):
(Reads Clause 52(1))

Mr. Chairman: Two:
(Reads Clause 52(2))

Mr. Chairman: Three:
(Reads Clause 52(3))

Mr. Chairman: Four:
(Reads Clause 52(4))

Mr. Chairman: Five:
(Reads Clause 52(5))

Mr. Chairman: Six:
(Reads Clause 52(6))

Mr. Chairman: Seven:
(Reads Clause 52(7))

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Chairman, again in a place such as British Columbia, where they do have a proper statutory body, whenever a Member is disciplined, not only is the Chairman of the Committee and the Discipline Secretary or his counterpart notified, but every member of the Bar is. I think it's important that once a decision has been made against a member of the Bar in the Yukon Territory, that all members of the Bar in the Territory be advised, because it -- there's obvious reasons for this, they'll have continuing files with the lawyer in question, they may have negotiations pending, they may have all kinds of things underway, and they ought to know what that person's status is immediately.

Mr. Legal Advisor: I agree with that, Mr. Chairman. It's a section that deals with the notice to be given in the event of a person being suspended. Perhaps the appropriate time to deal with that is to check that section whether the notices which are required to be given in that section are sufficiently wide to cover the point taken by the Honourable Member.

Mr. Chairman: Thank you. Clear?

Mr. Chairman: 53(1):
(Reads Clause 53(1))
Two:
(Reads Clause 53(2))
Three:
(Reads Clause 53(3))
Clear?

Some Members: Clear.

Mr. Chairman: I'd like to call a brief ten minute recess.

Recess

Mr. Chairman: I'll call the Committee to order once again.

54(1):
(Reads Clause 54(1))
Two:
(Reads Clause 54(2))
Three:
(Reads Clause 54(3))
Four:
(Reads Clause 54(4))
Five:
(Reads Clause 54(5))
Clear?

Some Members: Clear.

Mr. Chairman: 55(1):

Mr. Phelps: Mr. Chairman?

Mr. Chairman: Mr. Phelps?

Mr. Phelps: I just wanted to get some clarification. As I read this, Mr. Legal Advisor, this concept of costs is entirely in the discretion of the Committee, is that correct?

Mr. Legal Advisor: Yes, Mr. Chairman.
But as the Honourable Member knows, the costs are liable to be heavy.

Mr. Phelps: I didn't --

Mr. Chairman: He said --

Mr. Legal Advisor: The costs are liable to be heavy.

Mr. Phelps: Yes, this was a point, Mr. Legal Advisor, I was making earlier during the week on costs. Never have I seen costs like these, which in effect pay for the court, pay the salary of the judges, all travel expenses, everything. But of course, lawyers being such as they are, the servants of the people, I certainly won't object to it.

Mr. Chairman: Thank you Mr. Phelps. We'll keep this in mind.
55(1):
(Reads Clause 55(1))
Two:
(Reads Clause 55(2))
Clear?

Some Members: Clear.

Mr. Chairman: 56(1):
(Reads Clause 56(1))
Two:
(Reads Clauuse 56(2))
Clear?

Some Members: Clear.

Mr. Chairman: Appeal to Appellate Division. 57(1):
(Reads Clause 57(1))
Two:
(Reads Clause 57(2))
Three:
(Reads Clause 57(3))
Four:
(Reads Clause 57(4))
Clear?

Some Members: Clear.

Mr. Chairman: 58(1):
(Reads Clause 58(1))
Two:
(Reads Clause 58(2))
Three:
(Reads Clause 58(3))
Clear?

Some Members: Clear.

Mr. Chairman: 59(1):
Mrs. Whyard?

Mrs. Whyard: Just a matter of information. Why not exceeding 9, why not 10?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: The Number of judges that are capable of sitting, and they each want their own copy, they dislike sharing Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 59(1):
(Reads Clause 59(1))
Clear?
Mr. McCall?

Mr. McCall: Could we have some clarification on subsection a of Section 1.

Mr. Legal Advisor: Mr. Chairman, this is a very viable section and in my respectful opinion, this whole group of sections will be incomplete without this. This permits a court to have a second look, in a wide way, at what has happened and depart from the original order, and make what, in their opinion, is an appropriate order. It's sometimes necessary that this happen. Sometimes feelings get heated and an Appeal Court, sticking strictly to the law may apply a very heavy penality for something which afterwards turned out to be lighter. And they can vary the order in any appropriate way. It's confirming the real power of the Court of Appeal to be a real Court of Appeal.

Mr. Chairman: Thank you. Mr. Phelps?

Mr. Phelps: I wonder if I might just comment, make a general comment about this disciplinary part of the Bill?

The main reason, one of the main reasons, that the Law Society wants to, again, have its own statutory body and have control over setting standards in the Yukon, setting professional conduct, which is not set out in this Ordinance, is that the individual lawyers, of course, are being subjected to extraordinary disciplinary power. I think it's only reasonable that they ought to have input into, firstly, the code of ethics to be utilized in the Territory, because there's special problems here in this Territory that are unique because of the size, because of the relationship of the government to the people here. There's a lot more government than people, the ratio is much larger than most areas in the world. And having been subjected to this kind of extraordinary power, what the law profession is really saying, is that they ought to have some input as to what the ethical conduct must be. What the special problems are up here, the kind of people they want disciplining them, the kind of people they want at this end receiving complaints from the public.

I think the quid pro quo is really that they be allowed to have their own society, that they be allowed to have complete jurisdiction over setting the standards in the Yukon.

Mr. Legal Advisor: Mr. Chairman, I don't want to comment at this time on the Honourable Member's remarks, because they have some validity, but perhaps the best time to make them is in consideration of Section 65, when we come to it.

Some Members: Clear?

Some Members: Clear.

Mr. Chairman: General. 60 (1):
(Reads Clause 60 (1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 61 (1):
(Reads Clause 61 (1))

Mr. Chairman: Two:
(Reads Clause 61 (2))

Mr. Chairman: Three:
(Reads Clause 61 (3))

Mr. Legal Advisor: Mr. Chairman, this is the section which I mentioned earlier when the Honourable Member was suggesting that notice be sent to the bar at large. If, after reading that Section, he still wishes to put in a paragraph saying that every member of the Yukon Bar shall be informed of this, then I would be agreeable to put it in.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Thank you, Mr. Legal Advisor.

Mr. Chairman: 62 (1):
(Reads Clause 62 (1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Legal Advisor: The Honourable Member hasn't said, you know, whether he wishes--it's the wish of the House really.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Chairman, I think that this is an area that will be explored in detail by the witnesses on Wednesday.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 62 (1):
(Reads Clause 62 (1))

Mr. Chairman: Two:
(Reads Clause 62 (2))

Mr. Chairman: Three:
(Reads Clause 62 (3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 63 (1):
(Reads Clause 63 (1))

Mr. Chairman: Two:
(Reads Clause 63 (2))

Mr. Chairman: Three:
(Reads Clause 63 (3))

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Chairman, this Section raises a whole area of problems. If we are going to have a proper statutory body, I think that it would be important that interest from trust accounts be funnelled into, either into that society or into a place where that money will be used to further justice in the Territory.

Now, I am sure that when the Committee appears before--the witnesses appear before this Committe, that they will be having quite a lot to say about this Section, and about the Sections in the present Legal Profession Ordinance where all lawyers are paying an annual fee, which is gobbled up by the government, and placed in the general bank account, or whatever it is called.

My concern is this, that if we were doing this properly, we'd be creating a proper statutory body, we'd be determining how they would be deriving revenue, to pay for discipline and so on, determining how the government could assist the statutory body in carrying out its function. This is backwards. We're creating certain arms of a body to be created. We're taking all the money that might be utilized by that body and throwing it into the general revenues of the territory. I'm just simply saying at this time that we're going at this in a backwards fashion.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Just to confirm what Mr. Phelps has said. The fees as far as the medical profession are concerned, are channeled into the Medical Library Fund and the monies are used to buy medical books for the use of the doctors of the Territory.

Mr. Chairman: Mr. Phelps, if I may ask a question, what would occur then if the government, which appears to have more money than anybody else, that I know, presently at this point. If you have the spot checks and what not, and it does come over the what I might term as a slush fund at the present time. If the amount is more than the say, the $15,000 per annum that you happen to have at the beginning, after a year, who is going to pay for it. Wouldn't it be beneficial to have the government taking this money, and if you go over the prescribed $15,000, the government would be liable for it, whereas if -- the way I see it, if the Bar Association says no, we want to take care of this, then they will be responsible for X amount of dollars over the money in the trust fund.

Isn't that corredt?

Mr. Phelps: Mr. Chairman, that's a good point, of course. What I'm saying is, that this ought to be an area of negotiation. It may be that the lawyers will be willing to pay more, contribute more, if they have their own statutory body. It may that cost sharing programs could be worked out between the government and the new statutory body. There is a lot of things that could happen here. There's a lot of programs that we don't have in the Yukon that might evolve. What I'm concerned about is that money is now being taken and thrown into the general pot, and I suspect, very strongly, as I've already said before, that the government is going to be reluctant to proceed on towards creating a statutory body and arriving at some kind of an understanding about cost sharing on programs and earmarking money from certain areas to go to certain programs.

In other words, Mr. Chairman, say that in ten years, the income from trust accounts is $100,000 a year. Do you think the government is going to be willing to give that up?

Mr. Chairman: You've got a point there, but then if the population goes down, it could go the other way.

Mr. Legal Advisor: Mr. Chairman, there's a point being forgotten here. And that is, who owns the money. Until about 15 years ago, when a client would deposit $100,000 with his lawyer, as earnings for buying a piece of land or a house, the lawyer, or say most lawyers, would deposit into their own bank account, which would be apportioned personal account and a trust account. Then a continuous flow of money would be going into the account and out of it, but there would be a balance of perhaps $50, or 100 thousand dollars continuously in that account. The bank would account to the lawyer who would personally take the interest and it would be part of his income.

As a result of a decision of the Supreme Court of Canada in one particular case, it was held that this interest was the client's money, not the lawyer's money, because it's the client's property that generated the interest.

It was found that because there was such a con-

tinuous flow in and out, especially in small sums, it was virtually impossible to organize your bookkeeping in such a way that each individual client was given each individual portion of interest on a day to day basis or a week to week basis. So because it was not the property of the lawyers, and could not be allocated fairly amongst the clients, it became dead money in the bank and the rule was insisted upon by law societies throughout Canada, that lawyers should not personally attempt to take any interest from monies which were deposited in their trust accounts. This left it idle and dead. So I would believe, myself, that the banks in fact would be able to lend that money out at interest and to gain a profit from the fact they would have three or four hundred dollars of trust monies in the various branches of the bank at any one time. And would probably be able to make a substantial profit.

What the government is attempting to do is, to make it permissible that the banks pay interest on this dead sum of three or four hundred thousand dollars, lying idle in the banks, and have it paid to the government. At the moment it cannot be paid to the lawyers; because of bookkeeping difficulties, it cannot be paid to the clients, therefore the government says, Pay the money to us.

But as it was explained to the House during debates in relation to the financial affairs of the territory. It is not the custom in this territory to debit or earmark particular funds to provide income for particular functions. The gasoline tax does not go directly to the roads and so on. But the government is funding some of the expenses that normally, if this place was a bigger place with more lawyers, would properly be paid by lawyers.

We provide a library to which the lawyers have got access, which cost about $11,000 per annum and other things like that are paid for and in turn the lawyers pay a business tax of two or three hundred dollars a year to the government. This is merely another expense that the government is incurring and the government hopes to be able to recoup some of this expense by means of a tax on trust accounts which is actually a tax, not on the client, and not on the lawyer, but is a tax on the bank.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: I appreciate all the comments of my learned friend, and I'm sure we are not in disagreement over the background he's given. The point is, that elsewhere what has happened is, that the banks are paying this interest to the separate foundations or to the Law Society, and those monies are being used for Legal Aid programs; they are being used for library programs; they are being used for scholarship programs and so on.

My concern is this, that it seems that in the Yukon, whenever there is a new source of revenue, and the government manages to glom onto it, and put it into its general bank account, we never see it again. I think this is borne out by what happened to the monies that were derived from liquor sales back in about 1960-61. I'm sure the Honourable Member from Watson Lake can bear me out on that, that these monies were to be used for sports programs, I believe, at one time, sports complexes and so on, and later as a compromise, each member was given a Slush Fund, and now we have nothing.

Now, what I'm simply saying is I just hate to see this source of revenue, which could enable a statutory body to remain independent from the Yukon, gobbled up by the government, and that statutory body will have to come back on bended knees to the government when the whole reason for having it separate, is that it not have to kow-tow to government officials.

Mr. Chairman: If I may, with the consent of the Committee, I would like to ask one more question.

You talk about an independent body, but it's the first time that it's been brought up that you are going to negotiate with the government if things don't go right, if I heard you out right a little earlier in debate here, that--cost sharing arrangements with the government, on behalf of the so-called foundation that apparently the bar wants to set up, is that correct?

Mr. Phelps: Well, Mr. Chairman, we are talking about justice in the Yukon Territory, and you know, throughout Canada law societies don't pay the salaries of judges, you know. Law societies don't build court houses; law societies and lawyers don't pay policemen to go their rounds.

The issue is really trying to maintain a portion of our judicial system. It's trying to keep it independent from the government, so that people will feel they can go to these members and attack the government, without having the government put the thumb on the person acting for them, that's all. It seems to me that wherever possible, we ought to be insuring that to the public it appears that lawyers are independent from the government, that's all.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 64 (1):
(Reads Clause 64 (1))

Mr. Chairman: Two:

(Reads Clause 64(2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 65(1):
(Reads Clause 65(1))

Mr. Chairman: I believe, Mr. Phelps, you had something to say on this Section?

Mr. Phelps: Yes, I personally feel most strongly that the words "the Commissioner" should be completely deleted from -- struck from this Section.

This is an area in which the local members of the bar should have input, and the area of setting the Canons of Ethics and so on. They are quite willing to subject themselves, as I have said before, to these police powers, as set up in this Act, and the quid pro quo is that they have input into conduct of professional members of the bar in the Territory.

Mr. Legal Advisor: Mr. Chairman--

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: -- there is great merit in what the Honourable Member says. It just so happens that it's not a real possibility at this time, but it will be possible in the future.

What the intention is, in regard to this Section, is to apply in the first instance, the Canadian Code of Ethics which has just been recommended for general adoption throughout Canada by the Canadian Bar Association, approximately two weeks ago, I think , a copy of this new code arrived in my office, but it's been approved by each Law Society in Canada for enactment or enforcement within their respective jurisdictions. So it's probable that the Committee would advise that.

Now, they would probably also advise, because they will mostly be coming from B.C., or all of them, that the Rules of Ethics in force in British Columbia in respect to barristers in practice there, would be brought into force here, paralleling any gaps left by the General Code of Ethics of the Canadian Bar.

Now , in addition to that, the Commissioner has to act on the recommendation of the Committee, and as the Honourable Members know from Section, I think it's 33, this group of people are an independent outside body, but presumably the local lawyers will have input to them, and will be able to make suggestions to them for the advice of the Commissioner. This Section is no different than the rules which apply in some of our other Ordinances, like the Labour Relations Ordinance or the sections dealing with teacher labour relations, when an outside body, that is, the Labour Relations Board of Canada has the power to make recommendations to the Commissioner and then the Commissioner must enact.

This is not a case of the Commissioner acting on his own, but we put the Commissioner in here because once the recommendation comes through, and the Commissioner is coerced to sign, and we can publish the rules and regulations in a convenient way and they are handy to have. Otherwise, we are in a little bit of a difficulty, but there's no question that the time must come when the local bar must have input and real input into the standard of Ethics to be enforced in the Territory.

Mr. Phelps: The point is, Mr. Chairman that nowhere in Canada, in any of the provinces at least, does the government make regulations with respect to the ethical conduct of lawyers.

Mr. Legal Advisor: Perhaps, Mr. Chairman, the government doesn't because the government is not in this situation. But where the government would do this, it would act on advice.

There was a resolution of the local bar, I think it was two years ago, that we have a Code of Ethics and they adopted the B.C. Code of Ethics, so I cannot think that they would object to a continuation of that position.

Mr. Chairman: Well I think we'll probably carry on this debate when we have our witnesses. Mr. Phelps?

Mr. Phelps: No doubt, Mr. Chairman.

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 66(1):
(Reads Clause 66(1))
Clear.

Some Members: Clear.

Mr. Phelps: Mr. Chairman, not clear but let's continue on.

Mr. Chairman: 67(1):
(Reads Clause 67(1))
Clear?

Some Members: Clear.

Hon. Mr. Taylor: Mr. Chairman, I would suggest that at this time we report progress on Bill Number 16.

Mr. Chairman: Is that agreed?

Some Members: Agreed.

Mr. Chairman: At this time I'd like to give the Chair back to the Honourable Member from Whitehorse Riverdale.

Mr. Phelps Resumes Chair.

Mr. Phelps: Thank you Mr. Lang. Is there any other business to be heard before this Committee today. I'll entertain a motion then.

Mr. Lang: Mr. Chairman, I move that Mr. Speaker do now resume the chair.

Mr. Phelps: Do we have a seconder.

Ms. Millard: I second it.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Ms. Millard that Mr. Speaker now resume the chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Speaker Resumed Chair

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

Mr. Phelps: Yes, Mr. Speaker. Committee convened at 10:15 a.m. to consider Bills, Papers and Motions. I can report progress on Bill Number 17, progress on Bill Number 18.

Committee recessed at 12 noon and reconvened at 2:05 this afternoon. I can report, rather unwillingly, report progress on Bill 16.

Upon motion made by Mr. Lang, seconded by Miss Millard and duly carried, Mr. Speaker resumed the chair.

A Member: You are allowed editorial comment?

Mr. Speaker: Order. You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: At this time I would like to advise the House that Mr. Commissioner has requested an opportunity to speak to the House.

Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have a regretful announcement to make at this time, but I appreciate the opportunity that you have to make this time available to me, Mr. Speaker.

Today I have received a letter of resignation from Mr. McIntyre as a Member of the Executive Committee and of the Advisory Committee on Finance. I'm very sorry that this has happened, but he has made a decision for personal reasons, with which I find myself in complete sympathy and agreement, and I respect the decisions that Gordon has made.

I personally want to thank him at this time for having contributed so much during his time on the Executive Committee. I'm sure that all Councillors are aware that Gordon has not only served on the Executive Committee during the time that he has been a member of the Council, but also during the period of September, 1972 until Mr. Fingland's appointment as the Assistant Commissioner, Executive, in May, 1973.

I'm sure that Gordon leaves with a personal feeling of satisfaction that he has participated and made a significant contribution to the development of the Executive Committee and all that it stands for in our progress towards responsible government. I, along with the other Executive Committee members, join in wishing Gordon well in his continuing service as the councillor from the Mayo district.

Mr. Speaker: Thank you, Mr. Commissioner.

May I have your further pleasure? The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, Mr. Speaker, I move that we do now call it five o'clock.

Mr. Speaker: Is there a seconder?

Mr. McCall: I second it, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Pelly River, that we now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I will declare that the Motion carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 7

MAY 13th, 1975

Mr. Speaker,
Members of Council

On May 12th, 1975, Councillor Fleming asked the following question:

"Mr. Commissioner, does the Government of the Yukon Territory comply with existing building regulations in the construction of its own buildings."

The answer is as follows:

"The Yukon Territorial Government designs and constructs new buildings in accordance with the National Building Code which is in effect for construction of buildings in the Yukon. This is reflected in all building contracts issued by the Department of Highways and Public Works."

Peter J. Gillespie,
Administrator.

LEGISLATIVE RETURN NO. 8
[1975 SECOND SESSION]

May 13th, 1975

Mr. Speaker
Members of Council

On Friday, May 9th, 1975, Councillor McCall asked the following question:

"How much rent does the Department of Education pay per year to Cyprus Anvil for the use of their gymnasium?"

The answer is as follows:

The Department of Education pays no rent to Cyprus Anvil for the use of their gymnasium.

The following excerpt is paragraph 8 of a memorandum from Commissioner Smith dated October 21st, 1971 to A-4, with a copy to R. Thurmond, Anvil Mining Corporation:

8. The original understanding of Anvil supplying gym facilities for school purposes and YTG supplying the library and other school facilities for community purposes is to continue with no inter-charges for the use of these facilities, once YTG supplies its own heat to the school.

G.A. McIntyre
Member, Executive Committee

LEGISLATIVE RETURN NO. 9
[1975 SECOND SESSION]
May 12th, 1975

Mr. Speaker,
Members of Council

On Friday, May 9th, 1975, Councillor Fleming asked the following question:

"Presently it is the custom to send swimming instructors to outlying communities and have them live in the teacherage. As this imposes on and inconveniences the teachers, is it intended to continue this practice?"

The answer is as follows:

Swimming instructors assigned to rural communities are housed in teacherages only when there is no other available accommodation.

G. A. McIntyre
Member, Executive Committee

LEGISLATIVE RETURN NO. 10
[1975 SECOND SESSION]
May 13th, 1975

Mr. Speaker
Members of Council

On Tuesday, May 13th, 1975, Councillor Berger asked the following question:

"In the last budget we had some items of preparing school grounds and so on in the various schools in the Yukon Territory. But just recently there was a construction performed in Dawson and the school ground is a real mess. I was wondering if there was any money set aside for the repair to the school grounds and the playground facilities?"

The answer is as follows:

Establishment 2911 includes provision of $12,600 to replace the wire mesh fence with a sturdy wooden fence similar to the front fence at the Federal Building in Dawson. This will be carried out in the summer of 1975.

The contractor has cleaned up construction debris, and the Territorial Government Maintenance Department will be requested to re-surface the yard with fine sand during the summer period.

The Department of Education is seeking to have the Welfare building which is located on school property moved, so as to facilitate development of a playground/ sports plan. When this is done, a backstop will be constructed and consideration given to the recommendations of the School Committee in the report to playground equipment.

G.A. McIntyre
Member, Executive Committee

LEGISLATIVE RETURN NO. 11
1975 SECOND SESSION]

May 13th, 1975

Mr. Speaker
Members of Council

On Tuesday, May 13, 1975, Councillor Millard asked the following question:

"Will the Minister detail for us the policy of the Department on boarding children away from home to attend school, especially the policy as to cost and how it is determined?"

The answer to the question is:

(1) Where a pupil is compelled to live away from his home in order to attend a designated Territorial school, the Commissioner may provide dormitory accommodation at the fees outlined below:

(a) for the first and only child of a family housed in a dormitory operated by the Commissioner, the monthly fee shall be $55.00;

(b) for the second child of a family housed in a dormitory operated by the Commissioner, during the same school year as another sibling, the monthly fee shall be $30.00;

(c) for the third and each subsequent child of a family housed in a dormitory operated by the Commissioner, during the same school year as other siblings, the monthly fee shall be $25.00.

(2) Where a pupil is compelled to live away from his home in order to attend a designated Territorial school, the Commissioner may pay a boarding allowance, in lieu of providing dormitory accommodation, in accordance with the schedule outlined below:

(a) for an elementary school pupil, the monthly boarding allowance shall be $65.00;

(b) for a secondary school pupil, the monthly boarding allowance shall be $80.00.

(3) Dormitory facilties operated by the Commissioner shall be utilized to their maximum before consideration will be given to the payment of a boarding allowance.

In the case of children boarding away from home, allowances paid are in accordance with those paid to Foster Parents by the Department of Welfare.

G. A McIntyre
Member, Executive Committee

LEGISLATIVE RETURN NO. 12
[1975 SECOND SESSION]

MAY 14th, 1975

Mr. Speaker
Members of Council

On Monday, May 12th, 1975, Councillor Fleming asked the following question:

"Is there any possibility of us getting the capital costs of one or any one of the swimming pools in the Territory?"

The answer to the question is:

The Beaver Creek pool (1973-74) capital costs amount to $17,614; $12,614 for materials for the building and $5,000 for the pool and liner. The building was constructed free of charge by students at the Vocational School.

G.A. McIntyre
Member, Executive Committee

The Yukon Legislative Assembly

Number 7 | 3rd Session | 23rd Legislature

Debates & Proceedings

Friday, May 16, 1975

Speaker: The Honourable Donald Taylor

ERRATA
Page 46, line 18, column 1: reference to StandingOrder to read 54.

Published under authority of the Speaker of the Council of the Yukon Territory by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Friday, May 16, 1975

Mr. Speaker Reads Daily Prayer

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

Madam Clerk: There is Mr. Speaker.

Mr. Speaker: I will now call the House to order.

ROUTINE PROCEEDINGS

Mr. Speaker: We will now proceed with the daily routine. Are there any documents or correspondence for tabling this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today Sessional Paper Number 4, Nominee to the Executive Committee and Legislative Returns 14 and 15.

Mr. Speaker: Are there any further documents or correspondence for tabling this morning?
Are there any reports of Committees?
Introduction of bills?
Are there any notices of motion or resolutions?
Are there any notices of motion for the production of papers?

ORDERS OF THE DAY

Mr. Speaker: We will than proceed to motions.
Starding on the Order Papers is Motion Number 7. The Honourable Member from Olgivie?

Motion Number 7

Ms Millard: Mr. Speaker, I regret that at this point I will have to allow this Motion to die, since it concerns the Department of Education and at the moment we do not have a Minister of Education.

Mr. Speaker: All right, then Motion Number 7 will be dropped from the Order Paper.
Motion Number 8. Mr. Phelps?

Motion Number 8

Mr. Phelps: Mr. Speaker, I'd like to adjourn this motion over until Tuesday. I understand we may have some people from the Consumers Association who wish to appear. I'd like an opportunity to speak with them.

Motion Number 9

Mr. Speaker: All right, Motion Number 8 then will stand over on the Order Paper. In respect of Motion Number 9, I've been informed by the Honourable Member from Whitehorse South Centre that he would also wish this Motion Number 9 to be stood over until Tuesday next. So we will proceed to the question period. Madam Clerk, could you ascertain if Mr. Commissioner could be with us this morning?

Madam Clerk Leaves the Chamber

I will declare a brief recess at this time.

Recess

Mr. Speaker: At this time, we will call the House to order, and we have with us Mr. Commissioner to assist us with the question period this morning. Have you any questions?

QUESTION PERIOD

Mr. Speaker: The Honourable Member from Ogilvie?

Question Re: Corrections Ordinance

Ms. Millard: Yes, Mr. Speaker, I have a written question to Mr. Commissioner, concerning the amendments to the regulations of the Corrections Ordinance which add Sections 93, 94, 95, 96, 97, and 98. In section 98 it states that:
"At the termination of the inquiry, the prisoner may be transferred prior to the delivery by the inspector of the written report mentioned in Section 96."
Since this appears only to negate the purpose of the amendments, what other purpose might it have?

Mr. Speaker: That is a written question?

Ms. Millard: Yes, it is.

Mr. Speaker: Are there any further questions?
The Honourable Member from Pelly River?

Mr. McCall: Yes, Mr. Speaker, I have a written question for the Commissioner.

Question Re: Cyprus Anvil Mining Corporation

Mr. McCall: What action is the government taking against Cyprus Anvil Mining Corporation in relation to the recent tailings pond spillage? If action has been taken, could we see the results?

Mr. Speaker: The Honourable Member from Klondike?

Question Re: Contracts For Third Party Work

Mr. Berger: Yes, Mr. Speaker. I have a written question for the Commissioner.

Why did the Yukon Territorial Government administration consider doing third party work for the R.C.M.P. and National Historic Sites, and in fact, did sign contracts to repair these federal government departments' vehicles, skidoos, and outboard motors, thereby going into direct competition with private Yukon enterprise, which never had a chance to submit any tenders?

Mr. Speaker: The Honourable Member from Hootalinqua?

Question Re: Tagish Lake Waterfront Street

Mr. Fleming: I have a written question to Mr. Commissioner.

There has been a few complaints in Carcross of the Tagish Lake blowing in on them, the waterfront street where it is gradually undermining the -- you know, going to undermine the homes they feel if something isn't being done. This is just a small area just above the railroad bridge. I was wondering if Mr. Commissioner would check with his departments of engineering and so forth and just look into the matter?

Mr. Speaker: The Honourable Member from Klondike?

Question Re: Third Party Work

Mr. Berger: I have another written question, Mr. Commissioner.

Why was this House not informed at Budget Session when one Member of this House queried budget item 905, third party work, of the pending contract and the one contract then already in existence since March 1st, 1975?

Mr. Speaker: The Honourable Member from Pelly River?

Question Re: Ross River Roads

Mr. McCall: Yes, Mr. Speaker. I have a written question for the Minister of Local Government.

I would like to know if the roads in the community of Ross River can be maintained in a better condition than at the present time?

Mr. Speaker: The Honourable Member from Klondike?

Question Re: Third Party Work

Mr. Berger: I have a further question of Mr. Commissioner, a written one.

When is the Yukon Territorial Government administration going to reconsider and try to seek relief from both these contracts?

Mr. Speaker: Are there any further questions? The Honourable Member from Klondike?

Question Re: Northern Affairs Department Vehicles

Mr. Berger: I have one more written question for Mr. Commissioner.

Is the servicing and repair of other Northern Affairs' Department vehicles also under consideration?

Mr. Speaker: Are there any further questions this morning?

Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I have answers to three oral questions that have been asked within the last few days.

Councillor Whyard asked about the commercial use of Yukon symbols, and what requirements are necessary to make commercial use of the Yukon Territorial Government's official Coat of Arms or crest or the new government logo. And the answer is that application for commercial use of the Yukon crest and of the Yukon flag are made to the Territorial Secretary. The statutory description and the colours of the flag and crest are described in Schedule 1 to the Flag Ordinance, 1967 Second Session, 3 Section (1).

And the logo of the three climbers may be used commercially upon authorization from the Tourism and Information Branch. The logo, which is protected by copyright is described in a pamphlet obtainable from the Tourism and Information Branch, and while there is no rigid policy on the commercial use of either crest, flag or logo, generally the prime concern is whether or not the proposed use would be of benefit in creating a better awareness of the Yukon and whether it would be in good taste.

A question was asked by Counsellor Lang about International Biological Program. The question, Mr. Speaker on May 12, Mr. Lang asked how the Government of the Yukon Territory is going to choose its representative to the working group on ecological sites, established by the Minister of Indian Affairs and Northern Development. On May 14 Mr. Lang also asked when representatives from the International Biological Program will be meeting with Council. The answer Mr. Speaker: I received a letter requesting that a territorial representative be appointed to the federal working group only this week. We are currently trying to get more information on this matter so that we may determine what our role should be and who would be an appropriate representative. We do not have any information concerning a meeting of the International Biological Program members and the Territorial Council.

Next Mr. Speaker a question from Councillor Whyard concerning a visit by Heritage Canada. When is this visit taking place. The answer, Mr. Speaker, the Board of Governors of Heritage Canada will hold its annual meeting in Dawson City June 1 and will be in the Territory from Thursday May 29 to Tuesday June 3. Final details of this visit are still being worked out

between Heritage Canada and the department of Tourism and Information, which is acting as the local coordinator. Council members have been invited to dinner with the Board on Thursday evening, May 29. Several presentations will be made to the Board in Dawson by groups concerned with Yukon historic resources, for example, the Klondike Visitors Association, the City of Dawson, National Historic sites, Department of Tourism and Information.

In addition, it is possible that a public meeting in Whitehorse will be arranged for Monday evening, June 2, when the Board members can explain the role of Heritage Canada and its potential involvement in the Yukon. That is the answers that I have available to oral questions at this time.

Mr. Speaker: Are there any further questions?

I would like to thank Mr. Commissioner for his assistance in question period this morning and as there are no public bills or orders, may I have your pleasure?

The Honourable Member from Whitehorse Porter Creek.

Mr. Lang: Mr. Speaker, since there is more business for today I would like to move that we call it 12:00.

Mr. Speaker: Is there a seconder?

Mr. McCall: I will second that Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that we now call it 12:00. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until Tuesday next.

Proceedings Adjourned

TABLED MAY 16, 1975

LEGISLATIVE RETURN NO. 15
[1975 SECOND SESSION]
May 14th, 1975

Mr. Speaker
Members of Council

On Friday, May 9th, 1975, Councillor McCall asked the following question:

"Why has the outside school recreation area not been completed at the Van Gorder School in Faro?" (i.e. no soccer pitch, no track or anything for outside sports, etc.)

The answer to the question is:

1. The original contract in 1970 provided a sum in excess of $10,000 to clear, level, and surface the playground area.

2. In 1972 no funds were allotted for ground improvements, except $5,000 to re-surface the field with crushed gravel, and to pave the parking lot.

3. No funds were allocated in 1973 for ground improvements.

4. No funds allocated in 1974 for ground improvements. The budgetary inputs had been completed at the time of Mrs. Watson's letter to Dr. Fast on March 22nd, 1974. Repairs were carried out to the North East corner and the area at the rear entrance of the school was re-faced. In addition, a major playground apparatus was purchased and installed at a cost of approximately $2,500.

5. The Engineering Department has been asked to construct a baseball diamond with backstop and erect soccer goals, during the dummer of 1975.

G.A. McIntyre
Member, Executive Committee

Tabled May 16, 1975

SESSIONAL PAPER NO. 4
[1975 SECOND SESSION]

EXECUTIVE COMMITTEE APPOINTMENT

Mr. Speaker
Members of Council

As Members are aware, Mr. McIntyre tendered his resignation as a Member of the Executive Committee yesterday, May 15, 1975. I regret this occurrence but realize that the responsibilities of Executive Committee place heavy demands upon its Members.

In respect of Mr. McIntyre's decision, Council is asked to recommend by separate Motions:

(a) a Member to be appointed to the Executive Committee; and

(b) the same Member to be appointed to the Advisory Committee on Finance.

James Smith
Commissioner

TABLED MAY 16, 1975

LEGISLATIVE RETURN NO. 14
May 15, 1975

Mr. Speaker
Members of Council

On May 9, 1975, Councillor Fleming asked the following question:

Is it possible to allow local governments (i.e. LID's) to control hours of opening for liquor outlets and to impose restrictions on drinking in various public places (e.g. porches, streets, etc.)?

The answer is as follows:

The operating hours for licenced establishments are set by the Liquor Ordinance. Any change in these hours would require an amendment to the Ordinance.

As to drinking in public places, the Territorial Council decided in 1970 not to cover this in the Territorial Liquor Ordinance. An amendment to the Municipal Ordinance would be required to give this power to local governments.

Peter J. Gillespie,
Member,
Executive Committee.

Tabled May, 1975

LEGISLATIVE RETURN NO. 13
[1975 SECOND SESSION]
May 14th, 1975

Mr. Speaker
Members of Council

On Monday, May 12th, 1975, Councillor Millard asked the following question:

"In places such as Old Crow where it's necessary for children to attend school away from home, should they want to complete their education, is there any provision in the Department of Education's budget for transport of these children home for the holidays, such as Christmas, as the Indian Affairs Branch provide for their own children?"

The answer to the question is:

In a letter dated July 8th, 1974 to Mr. Stephen Frost, Chairman of the Old Crow School Committee from Mrs. H. Watson former Executive Member in Charge of Education, the following Departmental commitment was made:

"In response to your request I am prepared to approve two return trips per year, at departmental expense, from Old Crow to Whitehorse for each secondary non-status Indian student attending Whitehorse schools. This complies completely with the request outlined in your letter."

Funds in the amount of $5,000 for this purpose are available in the current year's budget.

G.A. McIntyre
Member, Executive Committee

The Yukon Legislative Assembly

Number 8 | 3rd Session | 23rd Legislature

Debates & Proceedings

Tuesday, May 20, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

May 20, 1975

Mr. Speaker reads Daily Prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed to the Order Paper at this time. Are there any documents or correspondence for tabling this morning?

Are there any documents or correspondence for tabling?

Are there any Reports of Committees?

Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Yes, Mr. Speaker, I have Notice of Motion re Livestock Feed Assistance Act.

Mr. Speaker: The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: Mr. Speaker, I have Notice of Motion re Yukon Territorial Water Board.

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

The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: Mr. Speaker, I have Notice of Motion re regulation of Interprovincial trucking.

Mr. Speaker: Are there any Notices of Motion for the Production of Papers?

There being no Motion for the Production of Papers, we will now proceed under Orders of the Day to Motion Number 8. Is the Honourable Member from Whitehorse Riverdale prepared at this time to deal with Motion Number 8?

ORDERS OF THE DAY

Motion Number 8

Mr. Phelps: Yes I am, Mr. Speaker. It has been moved by myself, and seconded by the Honourable Member from Ogilvie, that it is the opinion of this House that the Consumers' Protection Ordinance should be repealed and replaced by a more workable and enforceable Ordinance.

Mr. Speaker, briefly the main concern I have with the present legislation is simply that the wording is at best tortuous, at least or best, at least confusing. It's very, very difficult for a lawyer to read this Bill and be able to readily understand the language, and I submit that it must be impossible for most lay people to understand their rights under this particular Consumers' Protection Ordinance.

Further, the consumer people in Yukon have expressed concern because there is no real teeth in the Ordinance. Their concern that there has been virtually no enforcement of the provisions protecting consumers in that Ordinance, and it's my respectful submission that we ought to have a new Ordinance which lay people can understand, and which has some real teeth in it.

I've had a look at some of the statutes in B.C., Alberta, and Saskatchewan, and it seems to me that this government ought to come forth with a new Ordinance which is fairly easy to understand and similar in content to the legislation presently in force in B.C.

Again, I take the stand that laws that can't be understood by the people are not desirable, and this is the main reason that I would like to see our present legislation repealed and replaced by new workable legislation.

Thank you, Mr. Speaker.

Mr. Speaker: Any further debate? The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Certainly a refreshing bit of candor from the Honourable Member from Whitehorse Riverdale, because generally when one is in debate at this table about the language of the Ordinances, we always find Mr. Legal Advisor, and if there happens to be any other legal minds present at the moment, stating that the reason why it can't be written in terms that everybody can understand, is that because it has a very distinct meaning under the law and this is the way that it has to be written. And over and over again, when Members interject that nobody can understand what is written, this is the answer that we get. if this is going to be the direction, not Members of the legal profession and Mr. Legal Advisor are going to take now, that we are actually going to make legislation that is readable and understandable, then I commend the Honourable Member from Whitehorse Riverdale for bringing this to our attention. I think the rest of us who just happen to be lay members will certainly appreciate this, if it in fact is the direction that legislation is going to take

from here on in.

Mr. Speaker, there are some problems with the amendments to the Consumers' Protection Ordinance that I think should be brought out. I would have no problem supporting the Motion as it reads at this time. The question is in the enforcement.

We found that most of the complaints from people who thought that they had been wrong under the Consumers' Protection Ordinance and wanted to bring some kind of action against the body who they felt had wronged them, fell into the area of where a person actually needed some redress along civil lines or some availability of legal advice along civil lines where they could go and receive such advice.

We were hopeful that with the early introduction of a civil legal aid scheme in the Yukon Territory, that most of these complaints against the Consumer Protection Ordinance would be resolved, as people would have legal advice and would be able to take legal action without suffering in the pocket book under areas of the Consumer Protection Ordinance where they felt they had been wronged.

The other problem is in the small jurisdiction of the Yukon. If we set up a separate enforcing agency under the Consumers' Protection Ordinance, then of course we are going into the area where we have to hire further inspectors and further legal people to be able to enforce the protection of the CoConsumers' Protection Ordinance.

It's my indication and my feeling from travelling around the Territory, that the Territory needs more enforcing officers and more inspectors at about this time in their evolution of government, as they need a lot more holes in their head. It's just an untenable position for a government responsible at this time, to put out the policy that we need further inspection staff and further enforcing officers on the employ of the Government of the Yukon Territory at this time.

So, if the Consumers' Protection Ordinance could be redrafted, (1) So that it would be understandable; (2) That it would be enforceable under officers that are presently in existence and on the employees' payroll of the Goverment of the Yukon Territory, then I think we could have the ideal situation. I think that with the introduction of a civil legal aid program, and with the Ordinance being brought up to date and put into language people could understand, then probably we could have an enforceable Ordinance without increasing the public service of the Territories, particularly in the inspectorial and enforcement area, without any added personnel, Mr. Speaker.

Mr. Speaker: Is there any further debate?

It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that it is the opinion of this House that the Consumers' Protection Ordinance should be repealed and replaced by a more workable and enforceable Ordinance.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion as carried.

Motion Carried

Motion Number 9

Mr. Speaker: Under Motion Number 9 would the Honourable Member from Whitehorse South Centre be prepared to discuss Motion Number 9 at this time?

Mr. Hibberd: Yes, Mr. Speaker. Moved by myself, seconded by the Honourable Member from Whitehorse West, that this Legislative Assembly express its support for the Yukon Nurses during their current negotiations and strike action.

Mr. Speaker, I am sure that the Members are aware of the present situation. The nurses were on strike for 10 days, and then elected to return to work until the final National vote is in, and at that time will likely proceed with further strike action.

Several members have already demonstrated their support for the nurses in terms of joining them on the picket line.

The primary demands that the nurses are after -- it is really very simple, and it sounds rather ludicrous that their basic demand is that they are trying to gain parity with nurses in B.C., which certainly doesn't allow for the increased cost of living that they have to face in the Yukon.

As the present negotiations have been taking place their increase for the first year of the suggested contract would bring them to parity with the B.C. nurses, but unfortunately the B.C. nurses are at this time about to enter negotiations for a new contract. Immediately the Yukon nurses are just as far behind again. They are requesting that they have parity with B.C. nurses for the duration of their contract.

These same nurses have been in a difficult position for many years as regards to salary. In view of their professional situation they have been very reluctant to strike, and they have taken this on with a good deal of difficulty.

Despite the problems that are now existant, they have certainly done a highly creditable job while the negotiations are going on. I had a good instance of this last night, Mr. Speaker, when I have to stay up all night working on a seriously ill patient and I have never known, in all my years of practice, such co-operation and such effort beyond what was necessary to accomplish what we all had to do, and doing it cheerfully.

There is one other point that should be considered, Mr. Speaker, the situation of a strike action of the Yukon nurses, and in particular with the Whitehorse Hospital, would put patients into the position where the facilities would not be considered available during a strike action.

It would, therefore, mean that these patients would have to be evacuated to the nearest centre, i.e. Vancouver or Edmonton. Mr. Speaker, this would mean a great number of patients would be so inconvenienced in that only emergency surgery would be done under those circumstances.

Urgent surgery, elective surgery would either be delayed or would have to go outside.

Now the evacuation program that we operate under, the Territorial Government has to foot the bill for

these evacuations if the facilities are not available here. It would mean a tremendously increased cost to the Medi-care program, and therefore to the Territorial Government, so indirectly, we as the Territorial Council, are involved in this strike action.

I would therefore urge the Council to support this motion, Mr. Speaker.

Mr. Speaker: Any further debate? It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Whitehorse West, that this Legislative Assembly express its support for the Yukon Nurses during their current negotiations and strike action.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as Carried.

Motion Carried

Mr. Speaker: This now brings us to the Question Period, and you will note on your Order Paper beginning at written Question 13, this should read 14, and all the numbering down through written number 20 should be 21, so you could probably change your Order Paper if you so choose.

Madam Clerk, could you see if Mr. Commissioner would be available to the House this morning?

(Madam Clerk leaves Chamber)

Mr. Speaker: At this time I will declare a brief recess.

Recess

QUESTION PERIOD

Mr. Speaker: At this time we will call the House to order, and we have with us Mr. Commissioner to assist us with our Question Period.

Any questions? The Honourable Member from Whitehorse Porter Creek?

Question Re: Fuel Oil Costs, Sessional Paper Number 6

Mr. Lang: Yes, Mr. Speaker. I have a question for Mr. Commissioner. It has to do with Sessional Paper Number 6, which is in relation to fuel oil costs and at the end of the Sessional Paper it stated, "In response to the conclusion expressed in the paper, I have asked Mr. A.D. Hunt to intiate discussions with officials of the Standard Oil Company of British Columbia, to determine what action can be taken to reduce the price of heating fuel in the Territory".

In other words, looking into the price at the source. Has there been any work done in that respect?

Mr. Commissioner: Mr. Speaker, the answer is yes. There has been no definitive report made to me yet by Mr. Hunt and his officials in connection with these discussions, but they are actively underway at the present time.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: Residential and Commercial Land in Watson Lake

Mr. Lang: Yes, Mr. Speaker. On behalf of the Member from Watson Lake, I have an oral question for the Minister of Local Government.

In view of the deep concern expressed by the residents of Watson Lake over the current lack of residential and commercial land within the subdivision, would the Honourable Minister of Local Government advise the House what steps are being taken to make such lots immediately available to the residents of Watson Lake, and could the Honourable Member assure the House that no capital costs in respect of sewer and water installation, other than those agreed upon by the Local Improvement District will be considered in lot pricing.

Hon. Mr. McKinnon: Mr. Speaker, there will be 55 single family residential lots placed on sale in Watson Lake on approximately June 15th, 1975. Mr. Speaker, we feel that in the area of single family residential lots that this will suffice for at least the current building year.

My offices are presently looking into areas available for further commercial lots in the Watson Lake area, and they are also looking at the area of the costing of the single family residential lots in the Watson Lake area.

Mr. Speaker: The Honourable Member from Whitehorse Porter Creek?

Question Re: Study Concerning Duel Oil Costs

Mr. Lang: Mr. Speaker, in relation to the question that I asked Mr. Commissioner, I would like to know, does he have any idea when we will have an answer to the study that is presently going on?

Mr. Commissioner: Well, Mr. Speaker, I'm sorry that I can't give you, you know, a firm answer to that, but I would like to assure Honourable Members that as a consequence of a Motion that was passed at a prior time -- I'm sorry, I don't know exactly when that is, probably one of the most exhaustive investigations ever undertaken on the actual basis of heating fuel costs and in fact all petroleum products here in the Territory, has been undertaken with the cooperation of the suppliers, I may say. They have been very cooperative in this. I'm very hopeful that once we have these things completed, at least we will know once and for all what the basis of the pricing is, what it costs at the suppliers' place of delivery, what the transportation factors are, what the local distribution costs are throughout the Yukon.

Very obviously we are dealing with private enterprise, and many of the things that we are seeking from these people are what would normally be looked upon as trade matters that are privy or confidential to

the parties involved. And the cooperation that we have had has been very good, Mr. Speaker, and while I can't give any date as to when we will be able to bring back something definitive to you, we are certainly an awful lot closer to that then we ever have been in the history of transportation or selling of petroleum products here in the Yukon.

Mr. Speaker: Are there any further questions?
I would like to thank Mr. Commissioner for assisting us in the Question Period this morning. As there are no Public Bills and Orders, may I have your further pleasure?
The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Yes, Mr. Speaker. I would like to move that Mr. Speaker do now leave the Chair and the House resolve in Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. MCall: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River, that Mr. Speaker do now leave the Chair and the House resolve in Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is Carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the chair in Committee of the Whole.
(Mr. Phelps takes Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call Committee to order and declare a 10 minute recess.

Recess

Mr. Chairman: I will now call Committee to order. I understand that Mr. Miller is available to attend as witness. Madam Clerk, could you --

(Madam Clerk leaves chambers)

When Mr. Miller arrives, we will be looking once again at Bill Number 12. There was some questions with respect to propane raised by Mr. Berger. My understanding is that it's a general type question, is that right, Mr. Berger?

Mr. Berger: Yes.

Mr. Chairman: While we are waiting, Mr. Legal Advisor, when can we expect Bill 8 to come back before this House?

Mr. Legal Advisor: Bill 8. The changes have been done on it, Mr. Chairman. There were a couple of points that arose during the reconsideration of the Bill, and one of them was raised by the Minister for Health, Welfare and Rehabilitation in her capacity as a private member as she then was, in relation to the word "person". That necessitated a re-examination, and about ten sections had to be changed by transferring the word -- or changing the word "resident" to the word "person", so that necessitated the retyping of a number of sections.
The other two points were resolved fairly easy by minor changes in drafting, so at the moment, it's in the clerk's office being retyped, and they estimated they could have it ready in approximately half an hour, but they can't be sure.

Mr. Chairman: So we might have it before us by this afternoon?

Mr. Legal Advisor: Yes, almost certainly this afternoon.

Mr. Chairman: Thank you.
I will declare a short recess while Mr. Miller --

Recess

Mr. Chairman: I will call Committee to order again. Mr. Miller is now with us.
Mr. Miller, we were doing a clause by clause on Bill Number 12, and some questions came up about propane, whether or not propane is covered under this Ordinance.
Mr. Berger, do you have some questions of the witness?

Mr. Gerger: Thank you, Mr. Chairman. I asked the question why it was specifically fuel oil. There are other fuels used for propelling engines and one of them I mentioned was propane.

Mr. Miller: Mr. Chairman, the definition of fuel oil contained in the current Ordinance is very broad and it covers what is normally referred to as gasoline or any product derived from fuel oil coming out of the ground in the crude state, plus derivitives of coal, which includes propane, butane, all of these types of things. So the intent is to tax propane except for certain purposes, and those purposes would apply to the same exemptions as all other fuel oils.

Mr. Chairman: Anything further, Mr. Berger?
Miss Millard?

Ms. Millard: Mr. Chairman, I would like to ask then, does the equalization plan for fuel oil, does that include propane?

Mr. Miller: Yes, Mr. Chairman, that would be the intent again. At the present time, maybe I can just give a little bit of history, when the original fuel oil tax ordinance was put to the Council at I guess this was

1972, we had agreed with the Council that we would not tax propane, because at that time there was very little use of it, other than for heating and cooking purposes.

We have not taxed, and we have not allowed the heating oil equalization plan to follow on propane users. The intent now is to tax it and also to let the heating fuel equalization plan carry through, so that the users get the benefit of it.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. If it is not intended that propane used for cooking purposes be taxed, how is this -- how does one differentiate when he buys, for instance, a 100 pound cylinder of propane?

My second question is, just how big a tax will now apply on propane?

Mr. Miller: Mr. Chairman, the tax on propane would be the same as would apply to all other fuel oils. If it's used for heating purposes, it would be one cent.

The question of how to segregate that which is used for cooking versus heating is one that we face with all types of fuel oil, because there are many houses in the Yukon that heat and cook using a common stove. The old oil burner stove, and it's a very difficult question and we have to rationalize each particular case. But without getting into any strong, hard formulas we are prepared to rationalize each and every case as it comes forward, and generally speaking, we would tend to favour the homeowner, his opinion on this.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Noting the way propane is dispensed, and more particularly I'm thinking in areas along the highway where many campers and this type of thing come along, and also for mining exploration companies, who aren't heating with the stuff, but they are cooking with it, and indeed running fridges; I'm just wondering if this isn't another method of collecting taxes with little hope of people getting a rebate.

It seems to me it would be so unworkable if someone goes and buys a 25 pound, or reloads a 25 pound tank of a cylinder of propane, or a hundred pound for that matter, having to, I assume, write letters to the government and try and get his tax back. I don't know, it just seems to me that people won't bother and it would be, in part, unfair to collect the tax in this manner.

Mr. Miller: Mr. Chairman, it's not our intention to try to be unfair in this thing. The 25 pound cylinder is like the quart of oil, we are probably not going to bother with it, because it's so small. What we are talking about is the commercial delivery vehicle that goes around and fills up a person's 500 pound tank or a thousand pound tank, that's the type of thing that we're dealing with.

The little, you know, today we don't impose a tax on two or three gallons of kerosene, because it's just too small to worry about, and yet we know a lot of people are heating or lighting with that type of thing. So it's not our intent to be overbearing on this. You know, we'll just use good common sense, if you will allow us to do that, and I think we won't really have any problems. The major reason for adding propane was because of Whitehorse Copper now using propane or butane to heat all of their facilities. They've converted from fuel oil to propane.

Mr. Chairman: Thank you. Miss Millard?

Ms. Millard: Mr. Miller has mentioned one cent, but he doesn't say if it's one cent per pound or gallon or what.

Mr. Miller: Mr. Chairman, it's one cent per gallon, and I don't have the conversion factors, but there is a method of converting from pounds to gallons of propane.

Mr. Chairman: Thank you. Anything further? Mr. Lang?

Mr. Lang: Who's going to be in charge of differentiating whether or not one has to pay the tax?

Mr. Miller: Well, Mr. Chairman, the same mechanism follows with this as follows with all other fuel oil. The normal purchaser will apply for a permit, if he wants it for an exempt purpose, otherwise he pays the tax.

The same thing applies now to somebody going in to buy fuel oil for generating of his own electricity. He applies for a permit. The thing is looked at in the Treasurer's Office; if there's need for inspection, there's an inspection done, but normally it's just based on the application for a permit.

A permit is issued, the guy goes in the next time to buy his fuel oil. He quotes the permit number and that's the end of the question.

Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Mr. Lang: I take it that the ordinary home owner would have to apply for a permit?

Mr. Miller: Only if he is using it for an exempt purpose.

Mr. Lang: Yes, well this --

Mr. Miller: If it's for a tax purpose regardless of what that purpose is, then he pays tax on it, there's no question, but if he's using it for an exempt purpose, he must apply for a permit once, and then he uses that permit number from then on.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I take it, Mr. Miller, then -- a few moments ago you said that, you know, you weren't bothering with the smaller quantities, but on the other hand, do you not feel that you may get into trouble due to the fact that most homeowners will probably ask for the permit, showing their number, and then feasibly they could go and buy a hundred bottle or a 25 pound bottle, and they would be eligible, would they not? If they were using it for cooking?

Mr. Miller: That's right, if they were just using it for cooking and you know, they used a small container to purchase it in, we wouldn't normally even hear about it, but if they wanted to come in and ask for a permit, fine, we would issue the permit and then they wouldn't have any problems from then on.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Just for further clarification, this would include the use of a fridge, cooking would expand into that, would it?

Mr. Miller: I would have to go back and check the Ordinance, Mr. Chairman. But I think that's correct, I think it extends to refrigeration and it's not our intent also to charge for heating of domestic water, anybody that is using fuel for that purpose.

Now, I am not talking about a heating system, I am talking about domestic water.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would more or less like to have some clarification between residents -- in other words residents and people which are in the business, let's say restaurant business and motel business and such as this, they are still exempt under the Ordinance, are they not?

Mr. Miller: They would still be exempt if it was used for cooking.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, I would just like to comment that it seems to me that the fuel equalization plan is working only then for Whitehorse Copper, because they seem to be the only ones who are going to be eligible for propane anyway. In Dawson, we are paying an exorbitant amount for propane. If we are using it for any domestic use we can't get any -- because there's no tax, we can't get any equalization. I can't see the point in including propane unless it's helping the small individual.

Mr. Miller: Mr. Chairman, at the moment, the people -- there's three people in Dawson using propane to heat their houses. They are not subject to the tax, they are not eligible under the heating fuel equalization plan to recover the excess costs of the propane over and above the Whitehorse price, so they are the people who are going to benefit by this.

That's all there is, there's three people in the Territory heating their houses by propane. Now, you know, that's -- I have to qualify that, that's the best information I can get, but to my knowledge there are only the three families in Dawson that are heating their house using propane.

Mr. Chairman: Thank you. Anything further?

Ms. Millard:; Yes, Mr. Chairman. That just emphasizes my point, as far as I am concerned.

Mr. Chairman: Thank you. Any further questions of the witness on this Bill?

Some Members: Clear.

Mr. Chairman: I'll read the Preamble.

(Reads Preamble)

Mr. Chairman: The title, "An Ordinance to Amend the Fuel Oil Tax Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a Motion.

Hon. Mr. McKinnon: Mr. Chairman, I would move, seconded by the Honourable Member from Whitehorse West, that Bill Number 12 be reported out of Committee without amendment.

Mr. Chairman: Do we have a seconder?

Hon. Mrs. Whyard: Mr. Chairman, I second that motion.

Mr. Chairman: Thank you. It's been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 12, entitled "An Ordinance to Amend The Fuel Oil Tax Ordinance", be reported out of Committee without amendment. Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Next, we come to Bill Number 17, the "Society of Industrial Accountants Ordinance", and some of the Honourable Members wished a background explanation of this proposed Ordinance. I believe it was Dr. Hibberd. Did you have some questions of Mr. Miller?

Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I was inquiring if we were going to pass this Ordinance, what the actual standard would be for these Industrial Accountants.

Mr. Chairman: Thank you. Mr. Miller?

Mr. Miller: Mr. Chairman, maybe for all members' benefit, I could just give you a little bit of background general knowledge about the society.

Generally speaking, the Society is incorporated in each province in Canada, primarily because of the educational qualifications, and the granting of degrees that goes on.

The Society does maintain, in Hamilton, Ontario, a national office which has a fairly large staff -- I don't know what the actual numbers are now, probably something in the neighbourhood of 60 or 70 staff members, who deal with such things as the content of accounting courses, the degree of proficiency required and the general administration of the society in Canada.

By agreement all provinces, for all the provincial societies, have come to the realization over the years, I suppose is the way to put it, that they are better to have a national standard and that is what has been adopted. There is a national standard. All of the prospective members in the society, the students have to write an examination, which is set on a national scale. It is marked on a national scale, so the proficiency is transferable and the degrees are transferrable from province to province without any problem at all. Much like the surgeons and physicians, if I can put it that way, with some minor changes.

The Chairman: Mr. Hibberd?

Mr. Hibberd: Except in Quebec, Mr. Chairman.

Mr. Chairman: Any further questions?

Hon. Mrs. Whyard? Mr. Chairman I am just wondering what the particular point was of having a separate Ordinance rather than registering under the Societies Ordinance.

Mr. Miller: Mr. Chairman, the Societies Ordinance prohibits an organization from issuing a degree of proficiency, an educational degree of proficiency, and that is the same prohibition in every province in Canada.

Normally these Bills incorporating organizations of this nature in the provinces are handled as Private Members' Bills. Because this government, over the years, has not encouraged Private Members' Bills the government undertook to present this as a government Bill.

The Chairman: Anything arising ?

I have already read the preamble and the title. I will now entertain a motion.

Hon. Mr. McKinnon: Having already made an agreement, Mr. Chairman, with the Assistant Commissioner, it gives me great pleasure to move Bill Number 17--report Bill Number 17 out of Committee without amendment.

The Chairman: thank you. Is there a seconder?

Hon. Mrs. Whyard: Mr. Chairman I will second that motion.

The Chairman: It has been moved by Mr. McKinnon, seconded by Mrs. Whyard that Bill Number 17 entitled Society of Industrial Accountants Ordinance be reported out of committee without amendments. Question?

Some Members: Question.

The Chairman: Are we agreed?

Some Members: Agreed.

The Chairman: I decalre the motion carried.

Motion Carried

The Chairman: Thank you, Mr. Miller, for attending.

I understand this afternoon at two o'clock we will be having witnesses from the Municipalities with respect to Bills 13, 14 and 15.

We have no business that we can deal with at this time so I will declare a recess until two o'clock this aafternoon.

Recess

Mr. Chairman: I will now call Committee to Order, and we have with us today, as witnesses, the Mayors of our three cities, Lucier, Mayes and Mitchell, and we have four Bills that these witnesses can give us assistance on. They are Bills 13, 14, 15 and 18. It seems to me that possibly we could deal with 18 first of all, Mr. McKinnon.

The understanding with respect to Bill Number 18 was that Mr. McKinnon had asked that we wait until -- waited until the City of Whitehorse saw the legal description of the lands in the schedule to that Bill.

Is there any questions that you would like to ask of Mr. Lucier?

Hon. Mr. McKinnon: Mr. Chairman, I think it would probably be vice-versa.

Mr. Chairman: Mr. Lucier, have you got a copy of that Bill?

Mayor Lucier: Yes I have, Mr. Chairman. We've gone through the Bill and quite frankly, we're satisfied that it does what it set out to do, concerning Takhini and Valleyview. You know, we might be requiring the same type of legislation in the future for different areas, but for the area that the Bill is dealing with, we're satisfied with it as it's written.

Mr. Chairman: Thank you. Are there any questions?

Some Members: Clear.

Mr. Chairman: I will read the Preamble:
(Reads Preamble)

Mr. Chairman: The title to Bill Number 18, "Whitehorse (Takhini and Valleyview) Lands Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion then.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 18 be reported out of Committee without amendment.

Perhaps, Mr. Chairman, His Worship, the Mayor of Whitehorse, could second the Motion.

Mr. Chairman: It's been moved by Mr. McKinnon, seconded by Mr. McCall that Bill Number 18 entitled "Whitehorse (Takhini and Valleyview) Lands Ordinance" be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I will declare the Motion carried.

Motion Carried

Mr. Chairman: It seems to me that going back to the other three Bills, we might best look at Bill Number 14 at this time, and leave -- then 15 and leave Bill Number 13 to the end.

Bill Number 14 is an Ordinance to Amend the Taxation Ordinance. Any questions of these witnesses with repect to that Bill ? Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, perhaps, the Municipalities have had an opportunity now to review the Bill, perhaps we could ask the spokesmen of the Municipalities to give us their impressions and their thoughts in respect of it.

Mr. Chairman: Very well.

Mayor Mitchell: Mr. Chairman, we're generally agreed with the Bill, with the exception of one point, which the Mayor of Dawson would like to speak on.

Mr. Chairman: Thank you. Mr. Mayes?

Mayor Mayes: Yes, Section 55 of the said Ordinance is repealed and the following substituted therefor:

Number 1: It states, except as provided in this Section where the taxes payable in any year in respect of real property on which there are improvements. Why the word "improvements"? If you have an empty lot with a shack on it, and the total taxes payable is less than $25.00, still it's actually an empty lot, it's got an outhouse on it or a shack or something, why put the word "improvements"? Why not just leave it as in Section 2, and this –

Mr. Chairman: As in sub-section 2?

Mayor Mayes: Yes, sub-section 2, where it states there are no improvements, to leave the words "no improvements" out and have the minimum as determined by the municipality and not less than twenty-five dollars.

I think this was the resolution by the Association and it was just re-worded, and I was wondering what the reason for the rewording was.

Mr. Chairman: Thank you. This has to do with Section 5 of this Bill. Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I defer to Mr. Legal Advisor on that point.

Mr. Legal Advisor: Mr. Chairman, as I understand it, the instructions which were given to me to draft it are reproduced here, and that is one deal for lots with improvements, and another deal for lots without improvements, and this is what has been done.

Now , it's a new ball game to start talking about what kind of improvements are wanted to be covered, it's a separate ball game.

Mayor Mayes: Mr. Chairman--

Mr. Chairman: Mr. Mayes?

Mayor Mayes: -- we are looking at the minimum tax, rather than the fact that there is a building on it or that it's empty. It didn't make much difference, the fact was that the minimum tax was $25.00 and the Association, to my understanding, that -- thought that that wasn't enough.

To my knowledge, I don't think we differentiated between the improvements on the lot or no improvements on the lot minimum tax. This was by Local Government.

I had no knowledge, is that not right?

Hon. Mr. McKinnon: Mr. Chairman, I wonder if to satisfy the witnesses, the Taxation Ordinance -- it is Mr. Miller's Ordinance, and I would have no objection at all if we wanted to go onto the Municipal and the Municipal Employees' benefits, which are Ordinances which are sponsored by myself, and ask Mr. Miller if he is available for questions from the witnesses on the Taxation Ordinance.

Mr. Chairman: Thank you. Is that agreed?

Some Members: Agreed.

Mr. Chairman: I'm just wondering, in looking at the two sub-sections, it seems to me that sub-section (1) of 5 doesn't apply to municipalities, that's the difference. Is that not right?

Mr. Legal Advisor: It does, yes, Mr. Chairman.

Basically, Mr. Chairman, the word "improvement" is intended to be as all-encompassing as possible, so that anything which is put on a lot which can be deemed to be permanent, or attached to soil in any way is taxable. What the Municipalities were attempting to do was, as I understand it, to get the power to deal with vacant lots. A vacant lot is a lot with no improvements on it.

Now, the minimum tax payable on respect of land on which there is anything, is $25.00, but as I think may have been explained earlier, the land assessor goes and he assesses the land as land, and then assesses the value of the improvements which are on it, and they carry a taxation rate equivalent to what other property in that area carries.

So if there's a shack on it, the --he will in his mind assess the lot at a certain price, having regard to the value of land in the area, and then assess the improvement, having regard to the cost of the improvement as it was put there.

Now, then what the municipalities asked for was, notwithstanding that there are no improvements on a lot, the vacant lot, they should have the right to assess any rate they like in respect to the land, and go above the minimum to any level, and that's what this Section does.

Mr. Chairman: Well just for my clarification then, I

take it then, Mr. Mayes, that the Municipalities would like to have the same power to set a fairly high tax in a situation where there was an empty property, except there was a chicken coop or something on it, but that should apply to the same--the same law should apply to a property with minimal improvements on it as to property with nothing on it--

Mayor Mayes: That's right, yes.

Mr. Chairman: --and you're just worried that if somebody puts a garden on his lot, you can't do anything to him, whereas you can if there's nothing at all under sub-section (2)?

Mayor Mayes: That's right.

Mr. Chairman: I understand.
Anything arising from that?

Mr. Legal Advisor: Mr. Chairman, that particular thing is not possible, because what this Section says is, in effect, if the assessor goes to a lot in Dawson and finds a shack on it, and he was going to assess that lot with the shack at $20.00, he must bring that assessment up to $25.00, That's what the Section says. It doesn't give the power to the assessor to arbitrarily put a thousand dollars on it. He has to do it having regard to the value of it and the value of the improvements.

Now, what this does is, it tells the assessor that there must be a minimum tax of $25.00 on the plot, regardless of what's on it. It says nothing about the power to impose a minimum by the Municipality or by the assessor at all.

Mr. Chairman: Well perhaps we then, Mr. Legal Advisor, the quarrel is really with the wording in sub-section (2). To my mind, what I can see is this, that there's an empty--a vacant lot really somewhere in the city, but there is some kind of improvement on it. Sub-section (2) doesn't allow the city to deal with a property with a small garden or any kind of improvement, a fence on it, as they would if it were totally vacant. I think that's the gist of what the complaint is.

Mr. Legal Advisor: Yes, that's the gist of it, Mr. Chairman.

Mr. Chairman: I guess we should wait then for Mr. Miller, and I'll declare a short recess.

Recess

Mr. Chairman: I'll call the committee back to order. Mr. Miller is now joined our august body.

Mr. Miller, we're discussing the amendments to the Taxation Ordinance, and some questions have been raised with respect to Section 5, sub-section (2), and the gist of the problem seems to be that in a municipality where there is vacant property, if the Municipality decides that they want to enforce the minimum tax of more than $25.00 in order to I gather, encourage development, then the way around that, because of the wording of that Section would be to grow a garden., or put a fence or put a shack on the property, and then you wouldn't come within the ambit of sub-section (2).

The problem words are starting with the second line after "property", "On which there are no improvements", and the question has been raised, why are those words in that section?

Mr. Miller: Mr. Chairman, the basic principle that we try to follow in our Taxation Ordinance is that you have an assessment manual, which is followed on a consistent basis.

Now, certainly you can change this and say "no improvements", or delete the "no improvements"; you can do anything you like in the senior law, but the basic principle of taxation is based on an assessment manual, where everybody pays an equal amount equated to that manual, in other words, to the improvements or the value of the property.

In this particular case, what we are trying to do is to relieve a situation in some Municipalities, where there are large blocks of vacant property, that the Municipalities want to get back on the market.

Now, you can go to the nth degree you know, you can take that "no improvements" out, and destroy your whole taxation system, if you want to. My suggestion is don't do it, let's attack this problem no, if the other problem continues into the future, then let's look at it in the future.

Mr. Chairman: But Mr. Miller, the problem, as I see it anyway, is that you're protected--yor point is protected because they can only do this in respect of real property where the taxes are less than $25.00. The problem really is that if the municipality raises the minimum tax payable on property with no improvements, then the owners of the real property can simply put a fence on the property or grow a garden on the property and get around the law.

Hon. Mr. McKinnon: Mr. Chairman, I remember where this ties in with the Municipal Ordinance and there was some problem prior, which was met, particularly in the Faro Hotel section where Section 120 really allows the City to move, if there were unsightly buildings, or buildings that were a public hazard, or buildings that were not safe.

Now under the new Section 120 in the Municipal Ordinance, the Municipal authorities has it absolutely clear that they have the authority, under the section, if any building is a nuisance, in the Council's opinion, if it dangerous to the public safety or health, if it starts to depreciate the value of other property in the vicinity, or is substantially detrimental to the amenities of the neighbourhood, the municipality may order that building be demolished, or removed, fill in the open spaces of the excavation.

I am saying is that it is double pronged tie in with the Taxation and the Municipal Ordinance because if that situation does exist now, the City, very clearly, the municipal authority, very clearly, has the right to get rid of that unsightly chicken-coop, out-house, or whatever it is, from the property and then start taxing whatever they feel is the tax on vacant property, to the owner of that property.

They also have the Building Permit availability and strength under the amended sections of the Municipal Ordinance to make sure that no one can circumvent the law by putting that kind of an improvement up to be able to get around the minimum, or the tax minimums

that are set by the municipalities on vacant property.

Mr. Chairman: With respect, the only problem with that, Mr. McKinnon, is that somebody with vacant property, to circumvent the law could put up something quite sightly and quite nice but only costing about $25 or $30 and there is an improvement on the property.

Hon. Mr. McKinnon: The Municipal Council has full control over that through their building permit whether they want, or consider that to be an improvement that they will accept.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I would like to know where do the gardens fit in under the Municipal Ordinance in this respect?

Mr. Miller: Mr. Chairman, the garden, if it is vacant property, the garden isn't an improvement, it is a use of vacant property. If the person wants to operate a garden they pay the minimum tax that the City has levied. It is just vacant property, that is all it is.

Mr. Legal Advisor: Mr. Chairman, the definition of improvement says, buildings, fixtures, machinery, structures and similar things, affixed to the land. It includes fixtures and machinery and similar things of a commercial or industrial nature and affixed to the land as mentioned and includes trailers or mobile homes. At first glance this doesn't appear to include a garden. A garden fountain, maybe, a statue, but not a garden.

Mr. Chairman: Well what is to prevent a person from putting a nice statue on his property then and circumvent the law.

Mr. Miller: Only the building permit. If the city wants him -- allows him, under a building permit, to put a statue on it, I guess, they will allow him to put a statue on it.

My point is this, Mr. Chairman. In the Taxation Ordinance you should not destroy the basic principles of taxation, which is, assessment based on a standard and a common mill rate applied to the improvement. You shouldn't destroy that. In this case, we are prepared to destroy that a little bit to capture this vacant land and get that back into useable form, in some way or another.

That is all we are prepared to do at this point in time.

Mr. Chairman: Mr. Mayes?

Mayor Mayes: Mr. Chairman, do you think you are not doubling up your enforcement problems where you have to look at the enforcement of your building applications, whereas if it was stipulated in the Taxation Ordinance where there was a minimum tax on properties, then you wouldn't have to worry about it -- making sure that nobody puts an unsightly building on there. They wouldn't do it unless they were serious, they were going to put something serious on the property.

I can't see where it breaks down the structure of the way assessment is done right now. That is all we are asking for is a minimum tax on property. The minimum tax has nothing to do with the assessment, as far as I can see. The assessment is taken and the City is not assessing, they are setting the tax. We are setting the mill rate on the assessment and we want a minimum. We don't tell the Tax Assessor he can only assess a building and then set a minimum of what the assessment should be. The City is doing that, as far as I understand it. This is not correct?

Mr. Chairman: Mr. Miller?

Mr. Miller: It is correct, Mr. Chairman, the Tax Assessor, the Territorial Tax Assessor assess every property in the Yukon based on common assessment manual, which is accepted, and that is it.

As I say, if you want to go beyond that, the City sets the mill rate, we are now giving the City the opportunity to set the minimum tax on vacant property. I don't think you want to destroy, as I say, the basis of taxation.

That is what I think you would be doing if you allowed the City to set a minimum tax, with no ceiling, on all properties, including those vacant and those with improvements.

Mr. Chairman: Mr. Lucier?

Mayor Lucier: Mr. Chairman, could you not in effect here have two lots side by side, one vacant, where you are charging him $150.00, and I'm just using figures, $150.00 taxes under the minimum, this could be set by the City of Dawson, and the lot next to it could have a building on it and his taxes could be $35.00?

Mr. Legal Advisor: Yes, Mr. Chairman, that's possible. That's what the Section is designed to do.

Mayor Mayes: Do you think you wouldn't be taken to court for discriminating against a vacant lot?

Mr. Miller: No, because it's in the law.

Mr. Chairman: But I can't understand why, if a lot has a fixture, which isn't worth very much on it, why that lot shouldn't be treated just like a --

Mr. Miller: That lot may have a fixture which doesn't mean very much to you or to I, but it may mean a lot to the individual living on it. Everybody doesn't want to live in a $50,000.00 mansion, some people are quite prepared to live in smaller, you know, if you want to call them "shacks" fine, whatever you want to attach to it.

Some people are quite happy to live in them. Now, the only object of this whole exercise was to get the vacant property back on the market, not force people who are living in houses, however inadequate in our minds those houses might be. We don't want to force them out of the Yukon, we don't want to force them out of the city.

Mr. Chairman: Well, Mr. Miller, I'd just like one question answered, and that is that a person with a

$10.00 improvement on his lot does not come under sub-section (2), is that correct?

Mr. Miller: Well, I doubt that you would get a case with a $10.00 improvement, but if you could, that's correct, he would not come under it, because an improvement has to be some type of a building in the normal sense, or machinery on the land or whatever.

Mr. Chairman: Or a fence?

Mr. Miller: No, a fence is not an improvement. It's got to be something other than a fence.

Hon. Mr. McKinnon: Mr. Chairman, I'm curious to know and I would like his Worship, Mr. Mayes, to let me know; how much real property is there in Dawson City on which there are improvements that are paying the $25.00 minimum? I am just trying to put out my thinking cap on the City of Whitehorse, and I can't think offhand of where a property would have improvements that would be less than $25.00 minimum.

Mayor Mayes: I can't give you a figure right now. I don't suppose it would amount to over 25 that I could think of at the moment.

Something that springs to mind is the fact, as Mr. Miller has stated, that one person would be paying $150.00 minimum tax on a vacant lot, and another one would be paying $35.00 with an improvement on it. The cost of servicing that lot is the same, those two lots, and to decide, you know that one is paying more for the service than the one that has the improvement on it, which I think that you're discriminating. Laws are made to be tested in courts, and if that was tested in court, I think that it would be discriminating against the vacant lot owner.

Mr. Legal Advisor: Mr. Chairman, the basic position is that so far as I understand it, this particular section, as the Honourable Minister said, doesn't particularly reproduce the policy of the government of the Territory. It's produced here in response to a request from the Association of Municipalities.

It's hard in an afternoon, to draft a new section or revise policy and to do it in time to allow the Council to finish their business. So perhaps the thing might be to come back again and discuss it and arrive at another stab at producing a policy in response to a further request from the Association of Municipalities. Because it's hard sitting in open forum here to discuss the legal details of this, that or the other thing.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I see this section as a safeguard to present property owners in Dawson. I think it is a safeguard to the legal assessor assessing a piece of property, say at a tax rate of $50.00. It is a safeguard to the title-holder that the City wouldn't get out of hand and tax that property away above the assessed value. I think that is all it is.

I think it is up to the City, to the municipality to use common sense and not let it get out of hand to have a difference like Mr. Lucier says, of one property only assessed at $50.00 and a piece of property with nothing on it is paying $150.00. I think it is up to the municipality to use common sense in this.

Mr. Chairman: Thank you.

Hon. Mr. McKinnon: I wonder if I could just add that when we were looking at these Taxation and Municipal Ordinances, that I went through the Minutes of the meetings I attended, both with the Executive and the general meeting of the Yukon Association of Municipalities, and there's no doubt in my mind that we were attacking one thing at that time. We were attacking vacant property.

I have no objection at all if the Yukon Association of Municipalities wants to go a step further and come up with an attack on property with minimal improvements, that they think that there should be some form of minimum taxation or some other system developed where the municipalities have the right or the prerogative to set some sort of minimum taxation on improvements which are minimal on that property.

But I think that -- I know that we can't do it now, at this Session, and I would be prepared if they wanted to seek further amendments to the Taxation Ordinance, that we would be prepared to look at those amendments, that they would see fit to bring to our attention.

Mr. Chairman: Thank you. Any response to that, gentlemen?

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I would like to ask the Municipalities what they would feel. I think first I should say that I think this Ordinance is, and especially (2) is very much needed in the Territory, and I might give you a real example today, and -- it wasn't me in this case, but, where you have a property that is a hundred by two hundred in your city now, and it is being taxed say $150,00, $200.00. You have another area where you have maybe 10 or 12, or 13, 14, 15, any amount of acres somewhere that is property that is titled property, before this city was made, this gives you the opportunity to say that property with no buildings on it is now worth, in taxes to us, a hundred dollars instead of $25.00. I don't think, up until now, there has been an Ordinance to allow you to do this, and you'll find maybe right in your City of Whitehorse in the outlying, or some places, where there is large tracts of land which you are receiving $25.00 for today. I hope they don't receive any more on one or two of them, but this is why I feel that this (2) especially is needed in the Ordinance.

And the only thing -- I myself don't quite understand is the 5(1). "Unless the -- are less than $25.00, the amount payable in respect thereof for that year shall be $25.00."

Now, I'm a little confused as to that one, due to the fact that if you go now into the country or not into the country, but into your outlying districts somewhere and you find where you haven't taxed somebody the right amount, which has happened in the Yukon, and I think I can show you a few places. They should be taxed more for their improvements and they aren't today. Under this Section here is sounds like for that year, the best they can be charged is $25.00, even though they maybe should be charged more. I'm not quite clear on that one.

Mr. Miller: Mr. Chairman, this sub-section (1) deals with the basic premise of minimum tax being

$25.00 on all property throughout the Yukon, except in municipalities where they want to levy a higher rate of minimum tax on, only land, which has no improvements.

But throughout the rest of the Yukon, the minimum tax will be $25.00. That's what (1) is saying.

Mr. Chairman: Thank you, Mr. Miller. Anything further? Are there any other sections in this Ordinance that are of concern?

Mayor Mitchell: No, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Mitchell.

Mr. Chairman: Preamble:

(Reads Preamble)

Mr. Chairman: The title of Bill Number 14, "An Ordinance to Amend the Taxation Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I'll entertain a Motion.

Hon. Mr. McKinnon: Mr. Chairman, I move Bill Number 14 be reported out of Committee without amendment.

Mr. Chairman: Seconder?

Hon. Mrs. Whyard: Mr. Chairman, I'll second it.

Mr. Chairman: It's been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 14, entitled "An Ordinance to Amend the Taxation Ordinance", be reported out of Committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I will declare the Motion carried.

Motion Carried

Mr. Chairman: Next --

Hon. Mr. McKinnon: Mr. Chairman, I wonder if Mr. Assistant Commissioner could be excused?

Mr. Chairman: Are we going to require Mr. Miller for Bill Number 15? No? If not, certainly.

Thank you, Mr. Miller.

With respect to Bill Number 15, perhaps we could invite comments from the witnesses?

Mayor Mitchell: We are in agreement with this Bill, Mr. Chairman, but with the exception of under Item 7, we would request representation of the A.Y.M. on this Municipal Employee Benefits' Board.

Mr. Chairman: Thank you. Any questions about -- Mr. McKinnon? Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, I would just like to point out that the representation on the board is not described in the Ordinance. It just gives the power to the Commissioner to set up a board, and it's basically a matter for discussion between the administration, the Minister and the Association, whether or not representation would or would not be required or whether it would be helpful. Because there's a risk in discussing a thing like this that if the employers wanted representation, common justice dictates that there are other people who might require representation as well, and you might be getting a board which is bigger and bigger and bigger, and it might be possible to agree that this board should only meet once or twice a year, to keep it small and cheap, but effective.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I question the last remarks of the Legal Advisor, about the employer. Are you saying he should not be on a board like this?

Mr. Legal Advisor: No, Mr. Chairman, it's a specialist board which will be headed by a technician. There will be representation from each Territory. It has not been finally decided who or what that representation will be. All that Section 8 will do is it will set up a Chairman appointed by both Commissioners, and a board which will consist of representatives from each Territory.

Now, as part of the normal on-going putting into force of the Ordinance, discussions will be had with the parties concerned as to who shall form that representation. It's not part of the actual legislation itself, it's merely the power of the Commissioner to make the appointment.

Mr. Chairman: Thank you.

Hon. Mr. McKinnon: Mr. Chairman, we would like to get away, if at all possible, with a board of three members with the technician who is managing the plan being the chairman and then one from the Yukon and one from the Northwest Territories.

If it happens that that can't be agreed upon by the employees of the plan who are supposedly benefitting and the employer, that they can't come up with a name which they can agree on, then perhaps the representation of the Board may have to be increased. We would like to see this as being as efficient and as small a board as possible, so that monies which should be going to the Employees' Benefits under the plan will not be going to administration.

That is why there is great flexibility, which I questioned, when this was brought back from the meeting with the Northwest Territories and the Yukon Territory in Edmonton, and questions which have been raised in this House also. The only answer that I've been using is saying "Let's try it out. We think that it can work, we know that there's a great degree of discretion given to the Commissioners in both

Territories, the reason being that it is the first piece of legislation which has a commonality between the Yukon and the Northwest Territories, and people who devised the Ordinance from both the Northwest Territories and the Yukon, thought that there had to be this flexibility to get the thing working.

As has been stated before in the House, also the governments of the Yukon, and we have stated this as positively as possible, and we think that it's the feeling of the Government of the Northwest Territories, that we don't want involvement where it seems that the Commissioner comes over and over again. The Commissioner has indicated that he doesn't want involvement of the plan. All we want to do is act as the umbrella to get the plan in effect, and a class of employees who have never had benefits through the Yukon Territory and the Northwest Territories come under the protection of a plan finally. If there are items under this type of--maybe you could call it "Lucy Goosey" legislation, that has to be tightened up in the future, there's no doubt that we will be willing to tighten that up.

Mr. Chairman: Let's not call if "Lucy goosey" legislation.

Anything further?

Mr. Lang: Mr. Chairman?

Mr. Lang: Yes, I have a question here in relation to the people that are going to partake of this plan. I haven't it clear in my mind, are they going to have a say whether or not they are going to become a part of the plan, or is it up to the city fathers to decide that?

Mr. Chairman: Mr. Lucier?

Mayor Lucier: Mr. Chairman, I think the Bill--it is not compulsory, that the Municipality either can or cannot participate. I think it's up to the minicipalities, not up to the--and as far as we're concerned, that will have to be done after polling the employees.

It's a very expensive plan for the Municipalities, Mr. Chairman. We are certainly not going to be trying to give them something that they don't want and paying a great deal of money for it.

Mr. Lang: So I --

Mr. Chairman: Mr. Lang?

Mr. Lang: -- take it that we are going to -- you will have a small plebiscite amongst your employees to see whether or not, because I noticed that reading the regulations that a member contributes seven percent of his salary, that's in combination with Canadian -- Canada Pension Plan, 7 percent. I personally believe that the individual should have the right to say whether or not he wants to become a member of that plan.

And another hypothetical case is what if you have a majority vote that want to go under this plan, what if you have some members that feel they do not want to go under. Would they have the option to stay out?

Mayor Lucier: That's when you get into democracy, Mr. Chairman, and if you go for the plan, everybody's going for it. I will say that much, at least for the City of Whitehorse, as long as I'm involved in it. If the majority of the employees don't want it, it won't go in, but if the majority of them do want it, then it would go in.

Mr. Chairman: Thank you. Anything arising? Mr. Lang?

Mr. Lang: Well, all I would like to say is I am glad to hear that, because I know a few people that aren't really taken with the plan, and I feel that they should have the opportunity to speak out and say whether or not they are for or against.

Thank you.

Mr. Chairman: Thanks. Any further questions? Mr. Fleming?

Mr. Gleming: Yes, Mr. Chairman. Further to Mr. Lang's remarks on 9 (f), it gives the Commissioner the power of rejecting any employer, employee, class of employee, municipality or other persons affected by the regulations from the regulations, or any part thereof.

If it is not a compulsory plan, I fail to see what this is all about in here. It if is a compulsory plan, I fail to see it again, because if he can exempt anybody from it, it's not a compulsory plan. I just don't -- I would like to get that clarified.

Hon. Mr. McKinnon: It's not going to be compulsory from the terms of the Territorial Government. We're not here under this plan to impose the will of the Territorial Assembiles of the Northwest Territories -- I believe they are still a council -- or the Assembly of the Yukon Territory down the throats of the municipalities, so we've left it open, so that 3 (2) says that any municipality may apply to the Commissioner to bring its employees or any class of its employees under the benefits.

If the Municipality of the City of Whitehorse applies that they want certain members of their public service under the Ordinance and certain members excluded, we have to have the flexibility of allowing for that, which 9(f) does, which allows certain classes to be exempted under it. There is no possible method, that I know of, that we should be under this Municipal Employees' Benefits plan imposing what we may think is right upon the municipalities or the L.I.D.'s or any of the other areas in the Northwest Territories or the Yukon, so both sections are necessary as a part of this Ordinance. How the Municipality goes about applying it, whether they want to make it compulsory or not, is their prerogative and rightfully so, not ours.

Mr. Chairman: Thank you. Anything further?

Mr. Lang: Mr. Chairman?

Mr. Chairman: Mr. Lang?

Mr. Lang: I would like to ask another question that I don't have clear in my mind, is this money goes go towards a trust fund, is that correct?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Lang: Could I have just a brief --

Mr. Chairman: Mr. Lang?

Mr. Lang: -- explanation of how it works? Like, this money goes into the trust fund and who gets the interest from that plan?

Mr. Legal Advisor: Mr. Chairman, the plan gets all the interest, profits or anything else, and has to bear the burden of any expenses in connection with it.

Basically, the contribution by both the Municipalities and the employees goes into a trust fund. A portion of the monies is used for buying insurance for certain insurable benefits, which are part of the package deal. The balance goes into the pension fund, it's invested. The money is accumulated, and eventually, those who are asking for pensions, you know, when they hit the right age, they get pensions. That's basically what it is.

Mr. Chairman: Thank you. Anything arising? Mr. Lang?

Mr. Lang: Mr. Chairman, reading the regulations once again, I realize that of course the Minister of Local Government, I realize that this is going to be the responsibility of the Municipalities, but I'm curious, like, for an example in (b), Section 8(b) in the regulations, "Who has attained the age of 45 years and who has either 10 years of continuous service or 10 years of membership in the plan may not receive a refund of his account, but shall be considered to be a member of the plan and entitled to receive the benefits accrued to him under the plan".

Does this mean, in effect, that he will have to wait until he reaches the age of retirement? I can't understand why he can't get that refund if he wants it, because he's paid into it.

This is in the regulations.

Mr. Legal Advisor: It appears to say that, yes, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Mr. Lang: Well, I would like to ask why he can't get the money if he wants it. Maybe he doesn't think he's going to attain the age of sixty-five.

Mr. Legal Advisor: This is a detailed question. This is not written to restrict a person getting his money back until he reaches the age of 45 years, it's primarily entitled to give him an option, and there are options available to him at the point of time when he resigns or retires, and this is one of the options. There are option clauses in a number of them in the plan. This is giving him an entitlement, not giving him a compulsory thing, as far as I understand it, but if you want to ask detailed questions about the regulations, we would have to have them all in front of us because they all interlap and have a series of related clauses of one as against the other, and of course you would need the administration manual which isn't part of this.

Mr. Chairman: Mr. Lang?

Mr. Lang: Okay, Mr. Chairman, maybe I will confer with my Honourable Member.

Mr. Chairman: Anything further? Preamble -- oh sorry, Mr. Berger?

Mr. Berger: Just an explanation for the Honourable Member. I think this is exactly the same lines used in the Superannuation Ordinance.

Mr. Lang: I beg your pardon? I never quite heard that.

Mr. Berger: No, what I am saying is is this is exactly the same regulation that's used right now in the Federal Superannuation Ordinance.

Mr. Chairman: Anything arising?

Some Members: Clear.

Mr. Chairman: Preamble:
(Reads Preamble)

Mr. Chairman: The title is the "Municipal Employees' Benefits Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will entertain a motion.

Hon. Mr. McKinnon: Mr. Chairman, I move that Bill Number 15 be reported out of Committee without amendment.

Mr. Chairman: Thank you. Is there a seconder?

Hon. Mrs. Whyard: Mr. Chairman, I will second that Motion.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 15, entitled "Municipal Employees' Benefits Ordinance" be reported out of committee without amendment. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: This leaves us with possibly the most controversial of the Bills, Bill Number 13. I wonder is it the desire of the Members to break now for coffee and then get into this?

I will declare a 10 minute recess.

Recess

Mr. Chairman: I shall now call the Committee to order. We are now looking at Bill Number 13 and I wonder if the witnesses could give us their comments, if any, on that Bill?

Mayor Mitchell: Mr. Chairman, we have several comments. The first one of which is number 2. I might say that we are here, Mr. Chairman, to be counted.

In view of the fact, Mr. CChairman, that none of the three Municipalities have experienced any problems in the past with sub-section 29 (2) of the Ordinance as it now reads, and we can see no instance in the changes where it would reflect a better service to the people, therefore we are quite content to leave the Ordinance as it now stands.

Mr. Chairman: Thank you. Anything arising? Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. As you will recall when this subject arose in our first go over the Ordinance, it was my feeling as well that this was not necessary that members be forced to vote in a Municipal Council, and I would accordingly, Mr. Chairman, like to move at this time that Section 2 of Bill Number 13 be deleted.

Mr. Chairman: Do we have a seconder?

Mr. Lang: Could we, Mr. Chariman, would it be all right to have a little bit more discussion on this point?

Mr. Chairman: Well, we can't go ahead without a seconder.

Mr. McKinnon?

Hon. Mr. McKinnon; Mr. Chairman, there is no Motion because there is no seconder. I understand that, I think probably the Motion was premature because we didn't have any discussion prior to the Motion being put.

The administration has no hard and fast rule on this amendment as I said before, that it was put in because there had been much discussion on it in the original amendments to the Municipal Ordinance. I happen to be one of those who still think that it should be part of the Ordinance, but I don't have such strong feelings about it that I would say that it was a matter of government policy that this should be.

I'm a little surprised at the way that the Municipalities have rejected the concept, because if the theory is that they have had no problems the way it is, are we supposed to go from that they would have problems if the Mayors were all of a sudden required to vote on all matters before the Council?

I've been in attendance at the Municipal Council of the City of Whitehorse on many occasions, and watch it, and you know, if there were a vote by His Worship's actions and statements prior to it, I don't think there would be any doubt about it that we would know the way that he was voting, and I dare say that this is probably the way it is in the Municipality of Dawson and in the Town of Faro also, so I was surprised that there would be objections to it being included in the Ordinance, but that theywould be required to give their "yea" or "nay" on every question, and as I say, with a rather dull ordinance prior to something - political being put into it, and I'm sure that we had a good discussion here and you did too, and I just don't feel that strongly about the point that I'd be willing to lose the amendments on this point.

Mr. Chairman: Mr. Lucier?

Mayor Lucier: Mr. Chairman, I think that when we talk about the problem, it's not really the problem of voting, and I don't think any of us are really concerned with voting, other than we feel that we would lose some effectiveness as Chairman, and one of the things that we really gave some consideration to was the fact that every Council is made up presently with the Mayor being the person who can break a tie.

And as you know, in communities such as ours, it's very easy to have one member, in fact, you know, almost every Council meeting you have at least one member missing, and if that's the situation, you are now putting us in the position that you have a potential tie every time there is an alderman missing, and three people, or four and three are against, or two and two such as the other two councils, and the Motion is lost.

Now, you know you can have two people defeating something that presently just can't happen, and you know, we really feel it would be very difficult from that point of view, as far as voting. I don't think any one of the three of us were concerned at all about having to vote, you know, as Mr. McKinnon has stated, that we are not famous for sitting there keeping quiet and running meetings the way we should without giving opinions. We always seem to manage to do it one way or another anyhow.

Mr. Chairman: Thank you, Mr. Lucier. I myself am concerned about the aspect of the Mayor sitting as Chairman of the meetings, and in this House, the Chairman or the Speaker doesn't vote unless there's a tie and I think there is good reason for that.

I might add that if Mr. Taylor decides to attempt the Motion again, I'll be quite happy to turn the chair over to Mr. Lang and second it.

Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I see no point in carrying on any further, if you have already said it.

I object to any exclusion of this particular part of the Ordinance for a simple reason; that the man that runs for any office, whether it is for Mayor, whether it's for any Council whatsoever, should stand up and be counted. I question the Mayor's thinking on this particular section, because they talk about tie votes and anything pertaining to this.

I myself am chairman of many, many committees, and I also have the opportunity to put in my vote at any opportunity. I question their thinking and their wisdom, because I don't think we are acting very mature when we look at the provinces and the municipalities in the provinces and as to their voting situation, I think they should investigate that before they stand up and say they should not be included in this Ordinance.

Mr. Chairman: Well there has been the statement made about what happens in the provinces. Mr. Legal Advisor, can you tell us what the situation is with respect to municipalities in B.C.?

Mr. Legal Advisor: Mr. Chairman, it's hard to give a general picture. It goes from province to province as to what the situation is in -- the particular province from which we took this model requires councillors to vote, and sometimes they do, sometimes they don't.

Mr. Chairman: Which province did we take this model from, Mr. Legal Advisor?

Mr. Legal Advisor: Without being sure, I think the Saskatchewan-Manitoba that we happened to use for this.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in addition to some of the comments that have been made in respect of this, I frankly quite find this section -- it offends what I think and what I personally feel is a civil and political right of a person who is elected by the people to serve people, and it's just another aspect, and that's probably the one I feel the strongest on, and I feel that to accept this premise, as now provided in Section 2, that you are infringing in at least one small way in the civil and political rights of an elected person. And for that very reason, I would again try my Motion that Section 2 of Bill Number 13 be deleted.

Mr. Chairman: Thank you, Mr. Taylor. I would like to turn the chair at this time over to Mr. Lang.

(Mr. Lang takes chair)

Mr. Phelps: Having done so, I rise to second that motion.

Mr. Chairman: It has been moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Riverdale, that Section 2 of Bill Number 13 be deleted.

Is there any discussion on this? Mr. Phelps?

Mr. Phelps: Mr. Chairman, I would like to add to what I have already said. I feel that I had to, I felt I had to second this Motion so that the Members here could stand up and be counted.

Mr. Chairman: Thank you, Mr. Phelps.

Hon. Mr. McKinnon: As it is, the three Members at the end of the table as witnesses do not have the right to vote on this as Mayors of the Municipalities.

I would just like to answer the query of the Honourable Member from Watson Lake. It would seem to me that it's rather the other way around, that the people who are denied the civil and political rights at this time, are the people of the Yukon Territory, who happen to live in Municipalities. Because under the present terms of the Municipal Ordinance, their elected representatives as the chief executive office of that municipality, namely the Mayor, is refused by law, the chance to vote unless it is in a tie position.

Now, I think that that's where the denial of civil and political rights come in, that this person, even if he wants to express his opinion, a "yea" or "nay" on any question, is absolutely forbidden by statutes that this government creates, to be able to do that, and I think that that's a major denial of the civil and political rights of the constituents which he is supposedly representing at that Mayor's table.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just in answer to the Honourable Member, this same would hold true of any legislative body, in fact anywhere in the British Commonwealth. It's a fact, that you're not -- nowhere in the British Commonwealth that I know of, certainly in a legislature are you imposing by law any insistence that a Member must vote. A member has a right to abstain, and this is just the way it is and this is the way it's flowed down through the centuries, and I find that to deny this form would be a denial of a civil and political right.

Hon. Mr. McKinnon: Mr. Chairman, to add to that if I may --

Mr. Chairman: Mr. McKinnon.

Hon. Mr. McKinnon: -- that's exactly the reason why sub (4) of Section 2 was put in. "A member of the Council is not required to vote where he is disqualified from voting by reason of interest or otherwise", and the otherwise was put in at my insistence to exactly take care of the objection that the Honourable Member from Watson Lake raises.

Mr. Chairman: Ms. Millard?

Ms. Millard: Mr. Chairman, this is beginning to sound like a tape recording of the last time we went through this very same arguments, and I'll bring forth my very same argument that I did last time also.

I think the whole thing could be solved by changing, "including the Mayor shall vote", to say, "including the Mayor may vote", so that each city council can decide for itself whether they want their Mayor to vote. If there wasn't a motion before the floor, I would move that.

Mr. Chairman: Thank you, Miss Millard. Mr. McCall, you had something to say, I understand?

Mr. McCall: Thank you, Mr. Chairman.

In view of what the Honourable minister has stated and the Motion that is on the floor, I object to the Motion for a simple reason. I think we are defeating democracy in this line of thinking because if you look at the Election Ordinance, this man is duly elected as an individual to the council. I suggest we may take one step backwards by appointing him. It would solve your problem as far as this motion is concerned.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, what you're saying then is that in (2) that they must vote, and then you are saying in 4 that they don't really have to vote, so why do you need the section anyway?

Hon. Mr. McKinnon: They may abstain if they are chicken.

Mr. Chairman: I would like to give the Chair back to Mr. Phelps if I may.

Mr. Phelps --

Mr. Phelps: No , Mr. Lang, I think we had better --

Mr. Lang: I have something to say.

Mr. Phelps: I think possibly you can have your say and retain the chair for this important question.

Mr. Chairman: Okay, thank you, Mr. Phelps, I will retain the chair.

I would like to ask in relation to, Mayor Lucier brought up the point that if it's three and two and they vote, and he votes there could quite conceivably be a tie and be thrown out as far as the Motion is concerned.

Now, what happens in the case that the Mayor feels very strongly that it should be thrown out and he can't vote? You know, I think this is -- the other side of looking at it is that if he's a duly elected person as has been stated earlier, that he should have the right to vote if he feels the Motion isn't what the people need.

Go ahead, Mr. Lucier?

Mayor Lucier: Mr. Chairman, I feel very strongly on a lot of things that I can't vote on, and you know, that's perfectly acceptable. That's why I'm the Chairman. I'm not allowed to vote and I have no problem with that. I can express an opinion, but they vote against what I want continuously, and that's their choice, that's why we have--that's why you have seven men on the Council. If you just wanted my opinion, you would have it, you know, without the rest of the council.

Mr. Chairman: Mr. McCall?

Mr. McCall: Mr. Chairman, maybe we should, in regard to what the Mayor has just said, maybe we could include restricting the opinion of a Mayor also.

Mr. Chairman: Mr. Mayes?

Mayor Mayes: Mr. Chairman, I think that we are getting fouled up with the duties of the Mayor. A Mayor is not supposed to express his opinions, he's supposed to report to Council and if he wishes to express his opinions, he leaves the Chair as you do when you do in your committee meetings, and I think the Mayor is the Chief Executive Officer, not a politician, and I think that it is a hard position to be in, and it is most often left to the discretion of the Mayor, but it would be like giving the Commissioner of the Yukon Territory, which is your chief administrative officer, the right to vote in your Legislative Assembly.

Hon. Mr. McKinnon: If he's elected we will, Mr. Chairman. No problem at all.

Mr. Chairman: Mr. Phelps, you had --

Mr. Phelps: Well I must harken back to the one problem, and that is that the Mayor must act as Chairman during the city council meetings, and I feel that for him to have to vote each time, opens the whole process to abuse by him. I think it's important that the members sitting at the council meeting feel that the mayor at all times, will act in an impartial and fair way, when he's deciding who's going to speak, when the question should be called and things of that nature, and I think that' there's a very good reason why a speaker of any House of Parliament in the Commonwealth doesn't vote unless there's a tie, and there's a very good reason why Chairman of Committees never votes unless there's a tie, and I think that the same kind of reasoning must apply to the meetings of the City Council; that the function of the Mayor as Chairman, is very, very important.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this is probably an academic question, but I was wondering if their Worships could assist me in estimating how many times this would actually change any situation which appeared before council. The Mayor is going to vote if it's a tie, as things are now, correct? If the Mayor votes on all questions from now on, and there is a tie, it's lost, correct? How much difference is it actually going to make to the outcome of those votes? How much unacceptance would there be? I'm just wondering.

Mr. Chairman: Mr. Lucier?

Mayor Lucier: Mr. Chairman, I think it would be a fantastic difference on the basis of each Council lacking one Member. You put yourself into a tie situation. Every time there's a Member of Council missing from any meeting you have set up a potential tie. For the whole meeting, Mr. Chairman, for the whole meeting. Every question that comes up at that meeting from that point on, you have set up the potential for a tie.

Hon. Mrs. Whyard: Unless the Mayor votes, Mr. Chairman?

Mayor Lucier: If the Mayor votes. If the Mayor votes -- every time you have an --

Hon. Mrs. Whyard: If there is an absent member, Mr. Chairman?

Mayor Lucier: Yes.

Mr. Chairman: If I may ask a question, how do your council members, the city fathers, feel about it?

Mayor Lucier: We are reflecting the Association's views, Mr. Chairman, not the Mayors' views, and the Association agreed with the stand.

Mr. Chairman, I would just like to make sure that we don't leave the impression here that we are afraid to vote, because this isn't the case. We discussed this amongst ourselves, and we are just not at all concerned, contrary to what Mr. -- it just isn't the case.

Hon. Mrs. Whyard: I am quite prepared to accept that statement, because it's tougher to have to stick your neck out when there is a tie and make this decision, than it is just to vote along with the majority on every question.

Mayor Lucier: That, Mr. Chairman, is a very good statement. When we do vote now, we decide the issue.

Mr. Chairman: Mr. Mayes, do you have something to say?

Mayor Mayes: No.

Mr. Chairman: Okay. Is there anything else arising?

Some Members: Question.

Mr. Chairman: Question? Agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: Could we have a show of hands please? Agreed? What is it, one, two, three -- six to four. The Motion is carried.

Motion Carried

Mr. Chairman: I will give the chair back to Mr. Phelps.

(Mr. Phelps resumes Chair)

Mr. Chairman: Thank you, Mr. Lang. I'm pleased that you took the chair, because I fear your sentiments weren't the same as mine.

For the record, -- I wonder if we could have a reading of the Motion for the record?

Mr. Lang: It was moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse Riverdale, that Section 2 of Bill Number 13 be deleted.

Mr. Chairman: Very well. Witnesses, we will move on to your other comments on other parts of this Bill.

Mayor Mitchell: Section 3, Mr. Chairman. In order for the Municipalities to attract quality people to local government, and in order for those people, be they quality of otherwise, in order for them to perform to the best of their ability, we submit a change to the rate structure.

And really, the only ones that really concern us at this time are the first and last lines. For the first line, we would suggest a change of $2,250.00 for an alderman, $4,500.00 for a Mayor.

Now, in the case of Dawson City, $3,000.00 certainly isn't enough. They do not have a city manager. The work load for the Mayor in Dawson is a great deal more than it is for the Mayor in Faro. The $3,000.00 for the Mayor in Faro is sufficient, so the problem is more with Dawson than with Faro.

Now, the last line, we would suggest aldermen $6,500.00, mayor $12,000.00.

Hon. Mr. McKinnon: Mr. Chairman, am I to take it then the recommendation would be that up to $4,000.00 it would be $2,250.00 and $4,500.00, so there would three categories?

Mr. Chairman: That might be the neat way of amending. Any further discussion on these points?

Hon. Mr. McKinnon: Mr. Chairman, I would add that the government has absolutely no objection to the recommendation of the Yukon Association of Municipalities. We try to reflect their wishes by increasing to a much greater degree, the salaries at the lower end of the lower population scale, and I think that all members realize that these monies have to be found out of the municipal budget, the very maximum that they can work up to and if the aldermen and mayors think they are worth that much, the municipalities will let them prove it to the people who vote them in.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask His Worship, Mayor Mitchell, the top line; are you suggesting that there be a floater there to $2,250.00 for aldermen, and a floater as far as $3,000.00 to $4,500.00 for Mayor?

Mayor Mitchell: Yes, yes.

Mr. McCall: Is this what you are suggesting, or is it just two straight figures?

Mayor Mitchell: That's maximum figures.

Mr. McCall: Up to $4,500.00?

Mayor Mitchell: Up to that amount, yes.

Mr. McCall: Okay. Thank you.

Mr. Chairman: Any further discussion? Are we to take it that the administration is treating this as a typographical error?

Hon. Mr. McKinnon: No, Mr. Chairman, there are amendments that are quite substantial to the Bill already, and I think that that's stretching the point a bit, --

Mr. Chairman: Very well.

Hon. Mr. McKinnon: -- taking them as typographical errors.

Mr. Legal Advisor: There has to be precision on these figures, you know, so that the amendment can be precise because we are dealing with dollars.

Is it that aldermen outside Whitehorse get $2,250.00, is it?

Hon. Mr. McKinnon: Aldermen up to a population of 4,000.

Mr. Chairman: Mr. Legal Advisor, I could just possibly read back what I've got. The amendment would delete the first line at the top.

Mr. Legal Advisor: Okay.

Mr. Chairman: And then going down one, would read "Up to 4,000", and leave the figures off that, $2,250.00 and $4,500.00.

Mr. Legal Advisor: And $4,500.00?

Mr. Chairman: Yes, and then over 8,000, the $4,000.00 figure would be deleted and $6,500.00 would be

inserted in its place. The figure $10,000.00 would be deleted and the figure $12,000.00 inserted in its place.

Any discussion on that point? Mr. Fleming?

Mr. Fleming: Mr. Chairman, whatever the aldermen and the mayors think is fair is fair. I would like to ask this question. If you were dealing with 4,000 people and your alderman is worth $5,000.00 and your mayor is worth $10,000.00 and then you go up and you deal with twice that many people, does the mayor have more responsibilities than the aldermen all of a sudden. I fail to see why wages can't be raised accordingly. In other words, the mayor's wages went up $5000.00 because there is so many more people, why don't the alderman's wages also go up $5000.00 because there is that many people. In other words, an even scale. I don't know why--I find this so much in all negotiations the bigger the job the more money all of a sudden for the same job.

In other words you are evaluating the person, you know, to be worth more money, not the job.

I don't know whether I can get myself clear. If you start out at $5.00 and $10.00, then I think it should stay--I think the $5.00 difference should stay there between the two people, if the job remains the same for both people. If the job gets to be worth more they both go up more.

I see here the same thing again, all of a sudden the mayor is getting twelve something, he is almost getting double what the alderman is?

The Chairman: Are there any comments from the witnesses? Mr. Lucier?

Mayor Lucier: Mr. Chairman, according to your proposal he was getting more than double, now he is getting double. I think it is just the straight case of the more--the larger group you have to work with you just end up putting more hours in and it is worth more time. I think that Whitehorse is proving--you know--up to eight thousand, I think, is a pretty good example, up to eight thousand it was a very part time job, and now it is getting to be to reaching the point where is not very part time. It is very difficult to get an alderman--I am not speaking of the mayor now, I am speaking of aldermen. It is becoming very very difficult. There is very seldom a day goes by that the aldermen aren't there for either a noon meeting, or an evening meeting, or there isn't some function that they have to attend.

It is becoming very time consuming.

Mr. Chairman: Thank you, Mr. Lucier. Mr. Fleming?

Mr. Fleming: This is exactly my point. I feel any of these jobs, everybody should go up equal. You say he is getting double now but in the meantime the mayor's wages is going up actually more than his, right?

Mr. Chairman: Mr. Lucier?

Mayor Lucier: Mr. Chairman in a meeting like that--you know, the more meetings that you have, the aldermen sit there and they say okay here is what we want done. The mayor is the person who has to see that that happens. Everytime they create work they create a lot more for the mayor than they do for themselves. If you have a couple of meetings extra that the aldermen have to attend--I think these figures, you will find, Mr. Chairman, are very acceptable to the aldermen.

I think the split is fairly good.

Mr. Chairman: Thank you. Mr. Mayes?

Mayor Mayes: Mr. Chairman, I think if you read the Municipal Ordinance it spells out the duties of a mayor and it doesn't spell out the duties of each alderman. I think the mayor is an over looker of what the aldermen do. If they do not do their job it is up to the mayor to take up the slack.

I am not saying that there is any alderman that I have found that haven't done their job, but it is up to the mayor to overlook to make sure that he does do his job. He has to follow the aldermen to make sure they do their job, plus the administrative staff that he has working for him.

I think that it is a little more demanding than--especially with more people to say that the mayor of Dawson, because they don't have a City Manager, that the mayor of Dawson should be worth more. I understand that we have smaller problems than Whitehorse has because they have more problems. they have a larger population. Really I think that the mayor does spend more time, more hours in running a municipality than does an alderman, in most cases.

Mr. Chariman: Thank you, Mr. Mayes. Any further on that issue? Mr. Fleming?

Mr. Fleming: Yes I would have to agree that the mayor is worth more money. I hope you do get my point though in--let's say, the wages I like to keep them equal, but on the other hand possibly there is more work, the more people you get the more work the mayor gets.

Mr. Chairman: Thank you, Mr. Fleming. Is there anything further? Are there any further problems with the Bill as put forth?

Mayor Mayes: Mr. Chairman, if I am not mistaken, I don't know if the Association presented the problem properly. It was item 7, number 1 was to clarify the taxable assessment to read either that it was for the assessment on government property, which is not taxable, it is a grant in lieu of taxes that we receive.

The levy of five mills where it used to be three mills be changed. I think the problem with Dawson was the fact that if you exempted the government property, Territorial and Federal, that you would leave us with no tax base. Even a five mill rate on a taxable assessment leaves us with a very small sum. I think it was suggested at the Association meeting that this be set to a minimum amount, so that in the case of Dawson, if you set the minimum amount of twenty-five thousand dollars that we wouldn't have to go to plebliscite to buy a new pick-up truck.

This is what I understood would be printed into the Ordinance and as I read it now it doesn't really alleviate the problem of Dawson because the five mills, is, I think, one mill is seven hundred dollars in Dawson, on all property. It doesn't really make that much

difference, the two extra mills. What we are looking for is a minimum.

Mr. Chairman: Thaank you.

Hon. Mr. McKinnon: We have recognized the problem, Mr. Chairman, and the figures that I have as of April the 7th from my officers, were that one mill in Dawson will raise $970.34; that the existing three mills would only raise $2,911.00, but the proposed five mills will raise $4,852.00, which is almost a $2,000.00 increase, so the problem of Dawson, which we recognize, of not being able to buy a pick-up, would hopefully be solved.

We do have problems in applying specific terms to the different municipalities within the Ordinance, if it can be lived with for an amount of time to see what the five mills do, and this is what we are given indication it will do. If that can't be lived with, then we will just have to approach it from another angle, Mr. Chairman.

Mr. Chairman: Mr. Mayes?

Mayor Mayes: Well, Mr. Chairman, I think this would maybe cause hardships with the Capital Assistance Program, because 10 per cent of some sort of project in Dawson, we'd have to vote on almost any capital projects that we wished to participate in on the Capital Assistance Program.

I think that if there was a minimum we wouldn't have to go to a plebiscite; now we will have to almost go to a plebiscite to relocate our dump, which could run up to $50,000.00 or so, which would be over the $4,000.00 mark.

Mr. Chairman: I was just going to comment that not very many pick-ups cost less than $5,000.00 these days.

Mayor Lucier: Mr. Chairman, couldn't this be solved by just setting a figure of 15 or $25,000.00 in there, you know, the lesser of the two, or -- ?

Mr. Chairman: The greater of the two, you mean?

Mayor Lucier: Or the greater of the two? It wouldn't affect the other municipalities and it would certainly alleviate Dawson's problem.

Mr. Chairman: Mr. Berger?

Mr. Gerger: I just want to suggest, why couldn't we do it the same way as we just set the per diem rates? Why couldn't we do that on a population basis, like some place up to 4,000 people, the rate would be maybe set at 15 or $20,000.00, and so forth?

Mr. Chairman: Does the administration wish to --

Hon. Mr. McKinnon: We are prepared to look again at Dawson as an exception, because we have heard it, over and over again, you know, the problem with the three mills was that they could not even buy a pick-up without going to plebiscite. We thought that the proposal of the five mills would at least get it up into the $5,000.00 area, which seemed to be a lot more sensible than the $2,900.00 or $3,000.00 area that it was before.

But if there was a minimum that Dawson asked for and that is $20,000.00 I'm hearing now, is that the area that we're looking at?

Mayor Mayes: Really, Mr. Chairman, I haven't set a figure. You know, that's what I have suggested here.

Mr. Chairman: We take it then that the administration will come back with more legislation on that point?

Hon. Mr. McKinnon: Well, we said we were prepared to look at it, Mr. Chairman. I don't think the Honourable Chairman would try to put words in my mouth, would he?

Mr. Chairman: Only a few. Can we then pass on to any further comments of the witnesses?

Mayor Mitchell: Item 11, Mr. Lucier.

Mayor Lucier: Mr. Chairman, Item 11, 121, Section 1 says, "In this Section, building includes any fence, scaffolding, structure, or erection and owner means the person in whose name the title to the property is registered and includes the person whose name appears as owner in the Assessment Records of the Municipality".

Could we put as "owner of the building"? Would that be acceptable in there?

Because you now have people who own buildings on property that they don't own.

Mr. Legal Advisor: Could I have time to look at it, and if it's possible to do it without destroying the Section, we will try and do it Mr. Chairman.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Berger?

Mr. Berger: Mr. Chairman, just a question to Mr. Legal Advisor. We just discussed the minimum Tax Ordinance a little while ago, and as I see under this Section here, a fence is also included as a building in assessment in this particular section. Wouldn't it affect also the minimum Tax Ordinance?

Mr. Legal Advisor: No, Mr. Chairman, because this is a special definition for a particular section.

Mr. Chairman: Thank you. Any further debate? Any further comments, gentlemen?

Mayor Mitchell. Item -- did you want us to proceed, Mr. Chairman?

Mr. Chairman: Yes, please.

Mayor Mitchell: Item 13, we would like to delete at 13 (6) (a), we would like to delete (a). "...has no currently valid licence plates attached thereto".

Mr. Chairman, this would allow the owner of a piece of junk to slap a licence plate on it and keep it on the property, or he would be required to licence, say a skidoo in order to not have it classed as a piece of junk.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: I just wanted to take objection to taking this section out because again I think we come into that the municipality has the right to sort of set a certain standard of vehicle. If I am quite satisfied to have an old piece of clunker running around in, I mean, it should be my rightful means of running the thing and the municipality is going to tell me it is too old.

Mr. Chairman: Mr. McCall?

Mr. McCall: I would take exception to what the Honourable Member just stated. His Worship just mentioned, we can give you prime instances of examples, of literal junk lying around people's homes, and what His Worship the Mayor just pointed out could very much take place in the Town of Faro where we have junk vehicles around and if this was enforced with this sort of wording in there, all it would mean is spending a few dollars by individuals who have the junk, slap on the plates and there is no way that Council can touch it.

This is why I think the suggestion was brought up.

Mr. Chairman: Mr. Lang?

Mr. Lang: Yes, I question this because especially in the area that I represent, and some of the other Members, is that there's a lot of people, as we know in this inflationary times, that are trying to feed a family and what not, and maybe on a salary of $12,000.00 to $14,000.00 a year, and are trying to make some extra money by doing a little moonlighting as far as fixing vehicles is concerned.

I think that if this is an eyesore, these junk vehicles, I think that it should be mandatory -- I don't want to advise the municipalities what to do -- but I think that if a fence is brought up, what a person does in their own back yard is their own damn business. I mean, nobody -- whoever said that everybody needed a law? This is an accepted practice now, and I don't think that we should infringe upon people like that. I think people, if it's in a residential area like we've had a case some months back, if he wants to pursue that, I think that -- I realize it could be considered an eyesore, then the Municipality or whatever should take action as far as making him put a fence so that maybe people can't see it. But I think it's his titled property, he's got the right to do whatever he likes to it.

Mr. Chairman: Thank you. Mr. --

Mr. Lang: I know Mr. Lucier is not going to agree with me, but --

Mayor Lucier: Mr. Chairman, I take great exception to anyone saying that because it's a titled piece of property he can do anything he wants with it.

We have laws that regulate what you can do with your property, and you know, these laws have to be followed. You already have given us in Sections (b) and (c), the rights, if it is a wrecked or partly wrecked or dismantled or partly dismantled vehicle. I don't think that anyone has a right to turn their yard into a junk yard. There's no one that has to put up with that from their neighbours, and I think that this is a very acceptable practice in any community. There's not a municipality in Canada that allows this.

And what we are saying here simply is that Section A is something that licence plates should be the responsibility of the Motor Vehicles Ordinance. If (a) is left in, a person with a skidoo would have to have that skidoo licenced all summer to store it in his yard.

And what we are saying is that a licence plate should not be one of the -- should not, in any way be associated with junk vehicles or partly wrecked vehicles or whatever. We don't feel that whether it has a licence on it or does not have a licence, has anything to do with it. It's either a piece of junk or it isn't, and whether it's junk or not, is defined in the next two sections, and we just feel that the licence is not one of the criteria.

Mr. Chairman: Thank you. Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I am prepared to explain that to my colleagues.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. I'm wondering if possibly this couldn't be dealt with with the word "and" in there. I see you have it in (b) and (c), and I see no reason why it couldn't be in (a) too.

Yes, Mr. Chairman, just say has "no currently valid licence plates attached thereto". That's all it says there, that's finished, but if it was "and", "and is either in a rusted wrecked or partly wrecked condition", and carries on from there, wouldn't it cover it?

Mr. Legal Advisor: The solution isn't as easy as that. I think either Section -- paragraph (a) must come out or it must stay in, and it depends on Mr. McKinnon's explaining it to his colleagues and overnight, looking to see is there any -- especially the reason why it has to have a licence for protection or not? If there's not, then it comes out. If it has, it remains in.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. In that case, I would definitely say it must come out.

Mr. Chairman: Thank you, Mr. Fleming.

I would just like to raise one point. I'm wondering whether the word "rusted" in (b) is necessary? A rusted vehicle.

Hon. Mr. McKinnon: I will take the out too. (Laughter)

Mr. Legal Advisor: Mr. Chairman, this section isn't really being amended, and it's not up really for detailed discussion. It's because someone was picky about the Section as it was, and wants to put in the word "either" in the middle of the Section. That's the reason why it comes for discussion, not because it was a rusted wreck or whatever.

Mr. Chairman: I thought it came up for discussion, Mr. Legal Advisor, because it was before us.

Anything arising from the -- any of the comments on that clause?

Hon. Mr. Taylor: Yes, Mr. Chairman. What decision is Committee going to make in the matter? I think that we should determine that.

Hon. Mrs. Whyard: Mr. Chairman, what was the original request of the people before us?

Mayor Lucier: That Section (a) be deleted -- paragraph (a) be deleted, Mr. Chairman.

Hon. Mrs. Whyard: Thank you.

Mr. Chairman: I take it the administration is going to come back on that one, is that situation?

Hon. Mr. McKinnon: Yes, Mr. Chairman.

Mr. Chairman: Thank you. Are there any comments on any other parts of this Bill, gentlemen?

Mayor Mitchell: Item 14, Mr. Chairman.

Mayor Lucier: Mr. Chairman, at the bottom -- well, "the Council may by either a by-law authorize the Municipality to acquire land within the Municipality for resale or lease for residential, industrial, commercial or any other purposes, and may, prior to disposing of the land, or any part thereof, subdivide the land", and then you have added "for building purposes".

Now, we might want to subdivide the land for any number of reasons. Why the restriction for building purposes?

Mr. Legal Advisor: This isn't, Mr. Chairman, meant to deal with the verb "subdivide", just as dividing a piece of land. We are talking about creating a subdivision for building purposes. It's the whole phrase, not just the word.

Mayor Lucier: But still, Mr. Chairman, why the restrictions for building purpose?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I think, Mr. Chairman, the two sections combined together are a whole. What we are talking about there is to create a subdivision, and a subdivision is to create a subdivision by servicing it and getting it ready for sale in building lots, and that's what that phrase is trying to do.

They are subdividing the land for building purposes. It's an extra power on subdivisions which is not normally found in the expression "subdivision".

Mr. Chairman: Does that clarify, Mr. Lucier?

Mayor Lucier: I'm afraid not, Mr. Chairman.

If we were just dealing with some parts of this, now the industrial for instance. That assumes then that it has to be, if you subdivide for industrial purposes, it has to be for building purposes? Do you have to build on it after you have subdivided it for industrial? Can you not have an industrial area that you wouldn't have any building?

Mr. Legal Advisor: This isn't a question of the municipalities, Mr. Chairman, building its own buildings. This is a question of what the Territorial Government, they take a block of land, subdivides it, services it and then puts it up for sale. That's creating a subdivision. That's what it is intended to do.

Mayor Lucier: Yes. But my point, Mr. Chairman, again is that once you have reached that stage, as Mr. Legal Advisor has discussed, this then commits you to doing that for building purposes.

Now, maybe as an industrial subdivision, for instance, you don't want any buildings on it. You might want it as a parking area for trucks or something, where there are no buildings. Why the restriction of "for building purposes"? I think that you would accomplish what the Bill set out to do before you added those three words.

Mr. Legal Advisor: I would have to think of it, Mr. Chairman so as to create a new phrase, if necessary.

Hon. Mr. McKinnon: Mr. Chairman, I think the point that is being attempted to make is, does for building purposes include recreational ground does it include parking area? If that is included in the words "for building purposes" which I thought it did, then the question is satisfied.

Mr. Legal Advisor: I would have thought so, Mr. Chairman, but what we are talking about is, they may, prior to disposing of the land, do something, that is create a subdivision. There is a whole raft of things that is involved in creating a sub-division. I don't want to lose the wideness of the phrase by merely saying "may subdivide it". To Subdivide it may not be the same as to sub-divide it for building purposes. They may lose some power in the transferring. I prefer, if what we are thinking is changing other sections to have time to discuss this with the administrative people to find out exactly how to create a phrase which will meet the objection raised by Mr. Lucier.

Mr. Chairman: Thank you, Mr. Legal Advisor. Is that agreed?

Some Member: Agreed.

Mr. Chairman: Mr. Mayes will you carry on please? Mr. Lucier?

Mayor Bucier: Mr. Chairman, the next, 129. "The Council may by bylaw authorize the municipality to acquire and hold any real or personal property within the municipality for pleasure, recreation or community uses of the public, including but not restricted to public library, art gallery, museum, arenas, community halls, exhibition buildings, parking.." could we have protection of persons and property included in that? I am thinking specifically right now of the escarpment. Under this regulation, I don't believe, we would be able to hold that property. It certainly isn't for recreation or pleasure or community use.

If we could add the words, "for the protection of persons and property" If you have a dangerous

situation anywhere in town that you want to take over to protect it, You should be allowed to do so.

Mr. Chairman: Thank you Mr. Lucier.

Mr. Legal Advisor: Mr. Chairman, it would need a slightly wider change than that to reproduce that thought. We would need time to think of it. What is thought of in this section is to create something which the public will actually use.

What Mr. Lucier is talking about is to create something which the public would not use at all, they would be forbidden to walk in there, so we are on a different track when we are talking about that.

Mr. Chairman: Is it agreed that the administration take that under advisement.

Hon. Mr. McKinnon: Agreed.

Mr. Chairman: Is there anything further gentlemen?

Mayor Lucier: Number 2 of that on page 9 Mr. Chairman. "No real property acquired and held for any of the uses described in subsection (1) shall be disposed of without the assent of the taxpayers thereto". Which means that we have to go to the taxpayers to dispose of a piece of property. We agree with this clause as far as it goes, but we feel that there should be a clause in there allowing us to dispose of this land to the Commissioner without going to a referedum.

we were just caught with a piece of property behind City Hall where wanted to turn it over to the museum and we couldn't do so because we can't turn property over to them. It could create quite a problem. If we could just--I am sure that the public would still be protected if we can dispose back to the Commissioner.

Hon. Mr. McKinnon: Yes, Mr. Lucier, it is a good point.

Mr. Chairman: Anything further?

I would like to thank the witnesses for attending and assisting us with these Bills.

That leaves the infamous Bill 16, and Bill number 8, which we have been handed amendments for. I understand that the witnesses from the Bar Association will be prepared to appear before Committee at two o'clock tomorrow afternoon. That would leave Bill Number 8 for discussion in the morning. If it is agreeable to the Members I will entertain a Motion. Mr. Lang?

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

Mr. Chairman: Seconder to that motion?

Mr. McCall: I will second that Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Lang, seconded by Mr. McCall that Mr. Speaker now resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed?

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Speaker Resumes the Chair.

Mr. Speaker: At this time I will call the House to order.

May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker. The Committee convened at ten thirty a.m. to consider Bills, Papers and Motions.

We had for a witness in the morning, Mr. Miller.

It was moved by Mr. McKinnon, seconded by Mrs. Whyard that Bill Number 12, entitled An Ordinance to Amend the Fuel Oil Tax Ordinance be reported out of Committee without amendment and that Motion was carried.

It was moved by Mr. McKinnon, seconded by Mrs. Whyard that Bill Number 17, entitled Society of Industrial Accountants Ordinance be reported out of Committee without amendment and that was duly carried.

The Committee recessed at eleven ten a.m. and reconvened at two p.m.

We had as witnesses Mr. Lucier, Mr. Mayes, Mr. Mitchell and Mr. Miller.

It was moved by Mr. McKinnon, seconded by Mr. McCall and duly carried that Bill Number 18 entitled Whitehorse (Takhini and Valleyview) Lands Ordinance be reported out of Committee without amendment.

It was moved by Mr. McKinnon, seconded by Mrs. Whyard, and duly carried that Bill Number 14, entitled an Ordinance to Amend the Taxation Ordinance be reported out of Committee without amendment.

It was moved by Mr. McKinnon, seconded by Mrs. Whyard, and duly carried, that Bill Number 15, entitled Municipal Employees Benefits Ordinance be reported out of Committee without amendment.

I can report progress on Bill Number 13, Mr. Speaker.

It was moved by Mr. Lang, seconded by Mr. McCall and duly carried that Mr. Speaker do now resume the Chair.

Mr. Speaker: You have heard the report of the Chairman of Committees, are you agreed?

Some Members: Agreed.

Mr. Speaker: Prior to adjournment tonight I would like to advise the House, for the record, that I have received, today, a letter of resignation from our Deputy Chairman of Committees. I would just like on behalf of the House and from the Chair to thank the Honourable Member for the services that he has provided to the House and the very capable way he has handled those duties.

Perhaps Honourable Members may wish to con-

sider this question under Motions tomorrow. That is the question of re-appointment.

May I have your further pleasure?

Mr. Fleming: Mr. Speaker, I move that we call it five o'clock.

Ms. Millard: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie that we now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the motion is carried

Motion Carried

Mr. Speaker: The House now stands adjourned until ten o'clock tomorrow morning.

Adjourned

LEGISLATIVE RETURN NO. 16
[1975 Third Session]

May 15, 1975

Mr. Speaker
Members of Council

On May 13, 1975, Mr. Lang asked the following questions:

"I understand Parks Canada is doing a survey of the southern portion of Yukon.

What is the purpose of this study?

Is there a possibility of another National Park?"

THE ANSWERS ARE AS FOLLOWS:

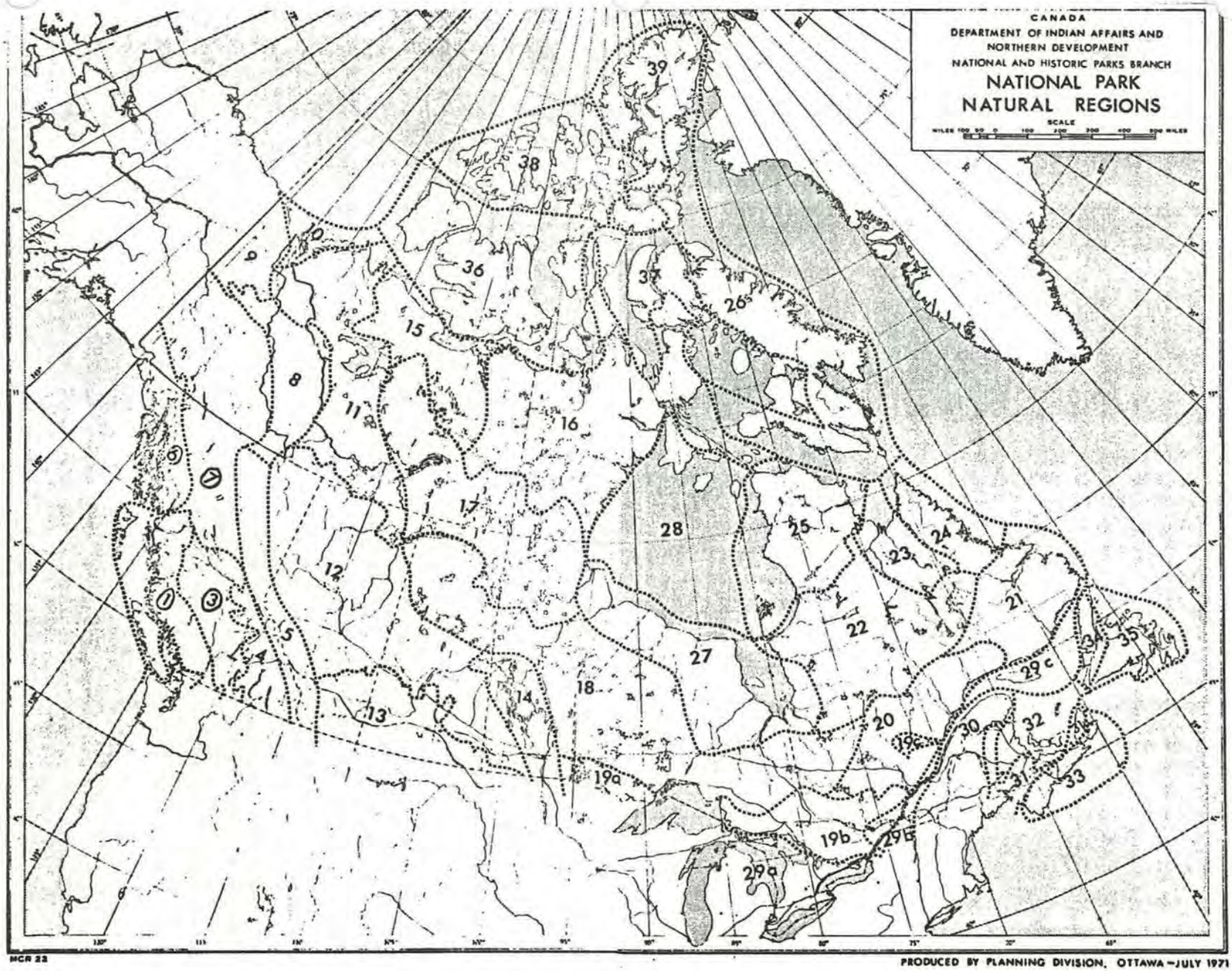
The Parks System Planning Division of Parks Canada (Ottawa) will be conducting an examination of the National Park Natural Regions 1, 3, 6 and 7 in northern B.C. and Yukon this summer (refer to attached map). This examination is part of a nation-wide survey by Parks Canada to establish an inventory of features or areas having National Parks potential for systems planning purposes.

Mr. Ron Malis, Director, Prairie Region, Parks Canada has indicated that other than the Gold Rush Historic Park, which will commemorate the Gold Rush activities from Seattle to Dawson, there are no plans at this time for another Federal park in the Yukon.

Mr. Malis will be in Whitehorse near the end of May and will hold a press conference to outline planning and research that has taken place so far relative to National Parks and Historic Sites in the Yukon. At the same time he will indicate in some detail, the steps that are now planned as a result of these activities.

Parks Canada and the Tourism and Information Branch of the YTG are currently conducting a joint visitor exit survey to gather information about tourists visiting the Yukon. This information will be used by both agencies in planning parks, historic sites and tourism development and promotion programs. Parks Canada is funding the survey with the Tourism and Information Branch providing field supervision for the project.

Peter J. Gillespie,
Member, Executive Committee



MCR 22

PRODUCED BY PLANNING DIVISION, OTTAWA—JULY 1971

The Yukon Legislative Assembly

Number 9 | 3rd Session | 23rd Legislature

Debates & Proceedings

Wednesday, May 21, 1975

Speaker: The Honourable Donald Taylor

Published under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

May 21, 1975

(Mr. Speaker reads Daily Prayer)

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

ROUTINE PROCEEDINGS

Mr. Speaker: Prior to calling Daily Routine this morning, I would like to remind the House of the resignation of the Deputy Chairman of Committees of the Whole House, and I wonder if I could have your pleasure in this matter?

The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Mr. Speaker, moved by myself, seconded by the Honourable Member from Riverdale, that Stu McCall, the Honourable Member from Pelly River be appointed Deputy Chairman of Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse Riverdale that Stu McCall, the Honourable Member from Pelly River, be appointed Deputy Chairman of Committees of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are there any documents or correspondence for tabling this morning?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Sessional Paper Number 5, Television to Yukon Communities. I also have for tabling today, Legislative Returns Number 18 and Number 17.

Mr. Speaker: The Honourable Member for Whitehorse West?

Hon. Mrs. Whyard: I have for tabling today, Legislative Return Number 19.

Mr. Speaker: Are there any further documents for tabling or correspondence this morning?

Are there any Reports of Committees?

Introduction of Bills?

Are there any Notices of Motion or Resolution? The Honourable Member from Pelly River? Notice of Motion re Executive Committee.

Mr. McCall: Yes, Mr. Speaker, I would like to give Notice of Motion in respect of the Executive Committee.

Mr. Speaker: Are there any further Notices of Motión? The Honourable Member from Klondike.

Notice of Motion Re Appointment To Advisory Committee On Finance

Mr. Berger: Yes, Mr. Speaker, I would like to give Notice of Motion in respect of the appointment to the Advisory Committee on Finance.

Mr. Speaker: Are there any further Notices of Motion? The Honourable Member from Ogilvie?

Notice Of Motion Re Sessional Paper Number 5

Ms. Millard: Yes, Mr. Speaker, I would like to give Notice of Motion concerning Sessional Paper Number 5.

Mr. Speaker: In respect of these Motions, several Members have indicated to the Chair prior to our sitting today, that they wished to suspend Standing Order 41 in order to proceed with these Motions. Would the House agree?

Some Members: Agreed.

Mr. Speaker: Are there any disagreed?

We will then proceed with the three Motions which have just been stated. The Honourable Member from Pelly River?

Mr. McCall: Thank you, Mr. Speaker. I move, seconded by the Honourable Member from Klondike, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory, Dan Lang, Honourable Member for Whitehorse Porter Creek.

Mr. Speaker: Is there any debate?

It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member

from Klondike, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Executive Committee of the Government of the Yukon Territory, Dan Lang, the Honourable Member for Whitehorse Porter Creek. are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: The Honourable Member from Klondike?

Mr. Berger: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Pelly River, that this House respectfully request the Commissioner that the Yukon Territory appoint to the Advisory Committee on Finances, Dan Lang, the Honourable Member from Whitehorse Porter Creek.

Mr. Speaker: Is there any debate?

It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Pelly River, that this House respectfully request that the Commissioner of the Yukon Territory appoint to the Advisory Committee on Finance, Dan Lang, the Honourable Member for Porter Creek. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: The Honourable Member from Ogilvie?

Ms. Millard: Mr. Speaker, I beg to move, seconded by the Honourable Member from Hootalinqua, that Sessional Paper Number 5 entitled "Television to Yukon Communities" be referred to Committee of the Whole for discussion.

Mr. Speaker: It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Hootalinqua, that Sessional Paper Number 5 be discussed in Committee of the Whole. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

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

Are there any Notices of Motion for the production of papers?

We will then proceed to Orders of the Day. Motion Number 10, the Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Mr. Speaker, I have Motion Number 10, moved by myself and seconded by the Honourable Member from Whitehorse Riverdale, that the Honourable Judd Buchanan, Minister of Northern Affairs, be respectfully requested to consult with the Minister for Agriculture for the purpose of introducing amendments to the Livestock Feed Assistance Act, 1966 to '67, c.52, S.1, for the purpose of including the Yukon Territory in the appropriate definition so that the grain subsidies provided for in that Act may be granted in respect of the purchase of feed grain by livestock farmers in the Yukon Territory.

I have some notes here, Mr. Speaker, and if I may read them, I think it maybe it best that I do, so that I do not miss anything, with your permission, thank you.

The governing body dealing with grain subsidy is a corporation established under the Livestock Feed Assistance Act called the Canadian Livestock Feed Board. Basically, except for the Northwest Territories and Yukon which are not mentioned in the Act, Canada is divided into two portions. The designated area, which includes Manitoba, Saskatchewan, Alberta and the Peace River and the Creston-Wynndel areas of Western Canada.

The Board arranges for subsidies to be paid to grain which is shipped from the designated areas to either eastern Canada or British Columbia. This subsidy is approximately half of the cost of transportation and handling charges including elevator storage.

For an example, on average in eastern Canada, it amounts to $7.30 per ton on all grain exported to eastern Canada, including eastern Quebec, the Maritimes and Newfoundland. Specific examples are that the subsidy rises to a high of $17.48 per ton in Newfoundland and is lowest in Ontario at $4.57. The subsidy in British Columbia at present, outside of the Peace River area, is $8.81 per ton.

Here in the Yukon at the present time, I was speaking to some people here over the last couple of days that are involved in the freight charges of grain, and apparently on a back-haul it costs approximately $50.00 per ton, so if the Yukon is taken under this Act they would save approximately $25.00 per ton as far as their freight charges are concerned, or what the Livestock Board comes to agreement with.

It is understood in the scheme that the livestock feeders are able to recoup a proportion only of these charges. The balance of costs on average in this regard being paid by feeders in eastern Canada, varies from place to place and in 1974 varied from $5.00 or $6.00 a ton to $8.00 a ton. And maybe when the Act was introduced in 1966, no one thought there were any people feeding livestock north of the 60th. This is not true

Motion # 11
Water

today, as everyone is well aware, with the Peake Report and what not, and the people becoming interested in farming in the Yukon.

The nearest grain area from which feed can be economically brought to the North is from the Peace River area, included as a designated area for the purpose of fixing point of origin costs as a designated area. Effectively, if the Act was amended to provide for parity of treatment by livestock feeders, as by defining livestock feeder as a person who raises livestock in eastern Canada, British Columbia or the Yukon Territory, a feeder here would be able to purchase grain at the elevator price in Peace River plus transport and handling costs from Peace River.

Of this cost, he would, on the Canadian average, only be required to pay $7.00 per ton, and any excess above that would be paid by the Canadian Livestock Feed Board.

After consulting appropriate officials, it's been my understanding that there is no particular objection, philosophically or economically, to including the changed definitions in the Act to provide for assistance of this nature and the cost, especially having regard to the subsidy of $17.48 being paid to Newfoundland, we would well be within the compass of the operations of the Board, and I think it would be well for this House to pass this Motion so we can encourage farming in the Yukon, because it's a reality now and I think it's going to get much greater once we do come up with a firm agricultural policy.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further discussion? The Honourable Member from Hootalinqua?

Mr. Fleming: Yes, I would like to support the Honourable Member's motion as far as myself is concerned. I have had letters from many, many people in the Yukon in the last few months, especially since I have been in Council here, and they have all indicated to me that to bring a little feed into the country is one of their main costs if they are trying to farm up here.

I don't have any of those letters here today with me, I left them at home because I didn't realize that we were going to bring this up. There is no doubt, if they could get some assistance, it matters not what, any assistance at all is going to help them, so therefore I am prepared to go along with the Motion.

Mr. Speaker: Is there any further discussion? The Honourable Member from Whitehorse West?

Hon. Mrs. Whyard: Mr. Speaker, I think this is just one more example of omission of northern areas of Canada from Federal Statutes, which provide benefits for other parts of the country. I commend the Honourable Member fro bringing for this omission at this time, and sincerely hope that it is going to be remedied. It might be worth while, Mr. Speaker to suggest that some research student could apply himself to such Federal Statutues with the hope that they would come up with further loop holes that we can fill.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Whitehorse Riverdale that the Honourable Judd Buchanan, Minister of Northern Affairs be respectfully requested to consult with the Minister for Agriculture for the purpose of introducing amendments to the Livestock Feed Assistance Act, 1966-67, Chapter 52, Section 1, for the purpose of including the Yukon Territory in the appropriate definition so that the grain subsidies provided for in that Act may be granted in respect of the purchase of feed grain by livestock farmers in the Yukon Territory.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I declare that the motion is carried.

Motion Carried

Motion Number 11

Mr. Speaker: Next call, Motion Number 11. The Honourable Member from Whitehorse Riverdale.

Mr. Phelps: Thank you, Mr. Speaker. I move, seconded by the Honourable Member from Mayo, that the Minister be requested to impliment provisions for tenure of office with respect to membership of the Yukon Territory Water Board to provide for continuity of membership on the Board as follows:

1. That Mr. Cliff Geddes be appointed to hold office for a period of three years and be eligible for reappointment.
2. That Mr. H.E. Boyd be continued in office for a period of two years and be eligible for reappointment.
3. That Mr. A. Wright be continued in office for a period of one year and be eligible for reappointment.
4. That in the event of the resignation or termination of the office of any member that his successor be appointed in the first instance for the unexpired term of his predecessor but be elibible on the expiry thereof for a three year appointment.
5. That the person to be appointed on the recommendation of the Commissioner-in-Council consult and report to this House through the Executive Committee of the Territory.
6. That the Annual Report of the Yukon Territory Water Board be furnished to this House annually within a reasonable time after the report is made to the Minister.

Thank you.

Mr. Speaker: Is there any discussion?

It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Mayo, that the Minister be requested to impliment provisions for tenure of office with respect to membership of the Yukon Territory Water Board to provide for continuity of membership on the Board as follows:

1. That Mr. Cliff Geddes be appointed to hold office for a period of three years and be eligible for reappointment.
2. That Mr. H.E. Boyd be continued in office for a period of two years and be eligible for reappointment
3. That Mr. A. Wright be continued in office for a

period of one year and be eligible for reappointment.

4. That in the event of the resignation or termination of the office of any member that his successor be appointed in the first instance for the unexpired term of his predecessor but be eligible on the expiry thereof for a three year appointment.

5. That the persons to be appointed on the recommendation of the Commissioner-in-Council consult and report to this House through the Executive Committee of the Territory.

6. That the Annual Report of the Yukon Territory Water Board be furnished to this House annually within a reasonable time after the report is made to the Minister.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: I shall declare that the motion is carried.

Motion Carried

This now brings us to the Question Period. Madam Clerk, could you ascertain if Mr. Commissioner could join with us this morning?

(Madam Clerk leaves Chamber)

Mr. Speaker: At this time I will declare a brief recess.

Recess

QUESTION PERIOD

Mr. Speaker: At this time I will call the House to order, and we have arrived at the Question Period, and we have with us Mr. Commissioner to assist us in this endeavour this morning. Any questions? The Honourable Member from Klondike?

Question Re Maintenance Of Federal Buildings

Mr. Berger: Thank you, Mr. Speaker. I have a written question to Mr. Commissioner. When is the Federal Government going to take over the maintenance of R.C.M.P. and other Federal buildings? When this is the case, what will happen to the present maintenance personnel?

Mr. Speaker: Are there any further questions? Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I understand that council have nominated Councillor Lang to be a Member of the Advisory Committee on Finance and of the Executive Committee, and I would like to extend an invitation to yourself and all Members of Council to attend the swearing in of Mr. Lang to these positions in my office at 1:15 today, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Commissioner.

Are there any further questions? Well, we would like to thank Mr. Commissioner for his attendance this morning, and we'll now proceed to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse North Centre?

Bill Numbe 12, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 12 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 12 be now read a third time. Are you prepared for the Question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the Title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 12 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 12 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Bill number 12 has passed this house.

Bill Number 17, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 17 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 17 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the Title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West that Bill Number 17 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 17 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Bill number 17 has passed this House.

Bill Number 18, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 18 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 18 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West that Bill Number 18 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 18 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Question.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Bill Number 14, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 14 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 14 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried. Are you prepared to adopt the Title to the Bill?

Motion Carried

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 14 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 14 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and that Bill Number 14 has passed this house.

Motion Carried

Bill Number 15, Third Reading

Hon. Mr. McKinnon: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 15 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 15 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 15 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill Number 15 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the motion is carried and that Bill Number 15 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure?

Mr. Lang: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. McCall: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse Porter Creek seconded by the Honourable Member from Pelly River, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion is Carried.

Motion Carried

Mr. Speaker: The Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

Mr. Speaker Leaves Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I now call the Committee to order. We will probably need Mr. Fleming as a witness for Sessional Paper -- pardon me, Mr. Miller, for Sessional Paper Number 5. Madam Clerk, could you arrange that?

I will now declare a 10 minute recess.

Recess

Mr. Chairman: I will now call Committee to order, and is it the wish of committee that we start off with Sessional Paper Number 5 and Mr. Miller?

Some Members: Agreed.

Mr. Chairman: Mr. Miller, we are about to discuss Sessional Paper Number 5, and I understand that the person who wishes to ask the first question is Miss Millard.

Ms. Millard: Thank you, Mr. Chairman.

As I understand Sessional Paper Number 5, it says that the Territorial Government has been doing a lot of research on television and they came up with a system which sounded pretty good. It was investigated and was found to cost too much, and presumably it's supposed to be costing $19,000.00 per annum to have Telesat install it and maintain it, I presume.

I wonder if Mr. Miller could give us more details on what's happened?

Mr. Miller: Yes, Mr. Chairman, I'll be glad to go back into a little bit of the history just so all Members can refresh their minds.

Back in the Spring Session in 1974, there was a proposal for a terrestrial mountain top repeater system put to one of the Councillors. From that proposal, there was a Motion of the Council of the day, asking the Administration to undertake to do what they could to install this television system.

We had the original proposal evaluated. We determined that it would work, there's no question about it working. It's a question of how well it works , because it's subject to the elements more so than the other method that we subsequently found, and the maintenance cost could be considerable, to run the terrestrial type system.

We then entered into a contract with Lopianowski & Associates to design, assemble, test an earth receiving station, a low cost earth receiver. This was done, the tests were completed in December, in Ottawa, or just outside of Ottawa.

Now , this package is not unique in itself. It's basically using hardware that was available at that time, either on the shelf that people could buy. There was some lab equipment involved in it, stuff that was still in various companies' labs, primarily in Northern Electric labs.

We put the thing together, tested it under the watchful eye of C.B.C. and Telesat who were party to the test. All of the tests indicated a quality of service superior to that which we had anticipated.

It appeared to us then that there was no point, our original concept was to bring the thing to the Yukon to test it here, there was no point in doing that, it would have just cost us extra money to prove nothing. We knew the thing worked. The engineers tell me they can adjust the antenna for angle and this type of thing, so that we would get the same quality here as they got in Ottawa.

Subsequent to that we started talking to Telesat and C.B.C. about putting this service into the Yukon. The initial problems, of course, were in getting licences from C.R.T.C. and D.O.C., for both the initial earth receiving station and the subsequent rebroadcast station, that would tie into it. C.B.C. finally relented and said they would allow us to use their programming, without any hang-ups at all. In fact, they would support us in a hearing before C.R.T.C. that we could use their programming and that they really didn't want to be party to this at all, except in the sense of agreement to allow us to use the programming that they put on the air.

Telesat have, under the Telesat Canada Act, apparently the exclusive right in Canada, for satellite communications systems, which includes, by definition, the earth receiving station.

We have been dealing with Telesat since December 6th and we have had a number of meetings. We have got all the agreements in principle worked out to an addendum to the original Telesat-C.B.C. agreement. We have got the principles worked out regarding an agreement regarding Telesat and ourselves.

The Telesat people indicated that they would give us a price of April 11th, after they had gone to the suppliers for various quotations. They did that, not on April 11th, but shortly thereafter. The original price they quoted was $22,500.00 per station per annum. Now we are taling roughly eight stations in the Yukon.

Since that time we have managed to convince Telesat that that is too high. They have come up with a fixed cost now of $19,000.00 per station per annum. On my trip last week to Ottawa I had, what I considered to be my final shot at Telesat I couldn't get them to budge from that position. They feel that they can support to themselves and to their Board of Directors nineteen thousand per station per annum.

So that is where we are at. I don't think that we can afford that. I don't think the communities can afford it, and that is why this paper is here.

Mr. Chairman: Ms. Millard.

Ms. Milalrd: Mr. Chairman, I would like to ask Mr. Miller if any consideration has been made of the old northern package system where smaller communities had their own system. It was canned television, but it was still T.V.

Mr. Miller: - Well the old canned system, I think what you are referring to is probably the old C.B.C. system of 4 hours per day. C.B.C., of course, will not provide that type of service any longer. We have not investigated all the things that would have to take place to even get the tapes. I don't know that C.B.C. is providing that type of service anywhere in Canada today.

The biggest problem you have got with canned T.V. is getting programs, getting taped programs.

Mr. Chairman: Thank you. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I would first like to say that I am extremely annoyed and disturbed by the results that the Administration have presented to us today. I would also, at the outset, like to say, and pay compliment to the Executive Committee Member who is with us as witness today, Mr. Miller. I know that he has worked very, very hard, put in many hours, much time, much concern and lost a lot of sleep over this one. I know he has worked very, very strenuously on our behalf.

I think that we have reached a point though, where as suggested in the Sessional Paper, where the luxury of the program and the basis of the cost could not be afforded by the Yukon. Certainly this program, we can not afford. There is no question about that.

I don't think that we stop it there. The Sessional Paper, which we are now discussing, suggests that we relieve the Administration of any further responsibility in relation to this question of television. That I don't agree with. I think that we should, as a Legislature, attempt to add more weight more support, to possibly an alternate program.

As you are aware, last year, the old Council endeavoured and passed two Motions, of which I have copies here, asking the Adminstration through the Minister of Northern Affairs, to investigate programs to see what they could find in order to give us television. At that time we were looking more specifically, as Mr. Miller has pointed out, at a mountain top relay system using tranlaters on mountain tops and conveying the signals to some Yukon communities where it was practical and feasible to do so, and economically feasible to do so on this basis, and this is what we call timber-line television. This concept was first put into use at Ross River in the Yukon, and C.B.C. will come and they'll tell you, "Well that signal isn't worth a hoot, it shouldn't even work," but I can guarantee you, and I'm sure all Members that have visited the community and seen the picture, you will find that it may not be good enough for C.B.C., but it's certainly a swell, clear colour picture that I can't see beat anywhere else in the Yukon Territory anywhere, and I live right underneath the tower in Watson Lake, and the signal is just as good there at Ross River as it is there.

Now, it seems to me, we've got a very limited amount of funds to work with in terms of implementing this program. It seems to me that Telesat Canada have come up with a figure of approximately between 45 and $50,000.00 as a capital, actual capital cost for this equipment involved in their program. Now they are coming back to us with, as I understand, an exclusive right or franchise on earth receiving stations or their use in Canada or in the north or wherever this is, and they're saying to us, "We'll recover from you good people in the Yukon Territory, in order that you can have television, we will recover our captial cost in three years and the rest is gravy and you folks, you want the facility, you just keep paying us". Well that, I certainly don't agree with, and I condemn personally,

Telesat Canada for this approach, and for their inflexibility in negotiations, because there is no earthly reason why they should recover their captial costs of say $48,000.00 in less than three years.

I think very, very strongly, that some representation should be made to the C.R.T.C., possibly the Honourable Gerard Pelletier, the Minister of Communications in this regard, and I think that franchise in Canada should be broken.

It also occurs to me that somewhere there must be an alternate system. I have personally heard of one, which could provide on an earth receiving station basis, these facilities to Yukon communities at a more reasonable lease fee basis, and I really feel strongly about this, and if that is not possible, then I feel that we have no alternative but to immediately embark, where possible, and where feasible and economically feasible, on a program of mountain top relay television transmission.

Just to start off the debate, Mr. Chairman, those are my remarks, and perhaps, I know that when I embarked on the Timberline Television Program, I was working in very close conjuction with the technicians of Total North Communications, and I see in the public gallery a representative of that Total North people, who I'm sure could enlighten us on the further practicalities--it's been a year now, of course, since I have been that deeply involved in it, but I would perhaps ask at some point in this debate that we ask Mr. Dunn to come in and answer questions in relation to that program, or any other alternate program he may be able to offer.

But let us not drop this subject at this time. Let's do war with these people and straighten this mess out, including Telesat.

Mr. Chairman: Thank you, Mr. Taylor. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I have a very short question, but I consider it a very important question. Could we possibly have a breakdown of who Telesat is? How much government involvement is in there, and how much private involvement is in there?

Mr. Miller: Mr. Chairman, as I understand the thing, Telesat Canada was created by the Parliament of Canada, to offer or to provide satellite communication systems, primarily for the north. It is presently owned on a share basis, and these are approximate figures, 50 per cent of the shares are held by Canada, with the other 50 per cent held by Members of the Trans-Canada Telephone System. They have not gone public in the sense of listing on the exchange.

Mr. Chairman: Any further questions? Is it the wish--Mr. Fleming?

Mr. Fleming: Yes, Mr. Chariman, I would like to ask, is the captial cost of the situation still the same as it was when you started to look into it?

Mr. Miller: Mr. Chairman, as I understand it, Telesat Canada have a firm, fixed bid offered to them of $37,000.00per station, which does capital cost of a station, f.o.b. site in the Yukon. Now, that does not include Federal Sales Tax which would have to be added to that, it does not include spare parts which they would have to carry, a certain number of spares, or test gear. That's just the basic station.

Mr. Chairman: Mr. Miller, do you have a breakdown of this $19,000.00 per station per annum? How much of that goes to capital, how much of that is maintenance?

Mr. Miller: Mr. Chairman, communication companies don't give breakdowns of annual lease costs. As a general rule of thumb, the normal communication company uses, at least for budgetary purposes, one third of the capital cost as being an annual charge. Now, that's a general rule of thumb.

The annual charge is calculated on the basis of one-third of their captital investmment.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I would like to ask Mr. Miller one question here. Northwest Territories, are they having the same difficulties with Telesat as we are?

Mr. Miller: Mr. Chairman, to my knowledge, this is the first time that any government has approached Telesat Canada for this type of service. Telesat's prime customer at the moment is C.B.C., their secondary customer is Bell Canada, and the Trans-Canada Telephone System.

Very few governments or individuals deal with Telesat, they are just entering into that market now.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, it's interesting to note in the Revised Statutes of Canada, 1970, that Chapter T-4 which is the act cited as the Telesat Canada Act, comes just before T-5, which is the Canada Temperance Act. I wish that they were in reverse, Mr. Chairman, because possibly the Members of Telesat would have had a guilty conscience if they had of have had their decision to make coming after the terms and recommendations of the Canada Temperance Act.

I'm a little, you know, disturbed, particularly as a person who has made his living in the communications industry as a private broadcaster, and when one thinks of the rules and the regulations that a private broadcaster comes under, the access of the public in every area of broadcasting if they disagree or take exception to any charge or anything that is stated in anything that a private broadcaster does, they have access to, in prices through every consumer group, access through the C.R.T.C., access through the C.R.T.C. on any statement that is made on any television channel or any radio airwave that private broadcasting has, and here we have, by legislation, the Parliament of Canada has created what I would think is a legalized age of the new robber baron to prey upon the people of Canada.

Imagine a person in private communication having the gall to ask that his capital cost be amortized over two and a half years and everything else be gravy perpetuity. Can you imagine the hue and the cry of the consumers and the public of Canada if that was to come about?

Can you imagine the involvement, the interventions filed with C.R.T.C., and the total community plus every government agency coming down on the head of anybody in private industry who has so intemperate to ask for this kind of deal. Yet, Telesat Canada can do it, protected by Statute of Canada without any interference, without any intervention, by anybody. And we originally put in $96,000.00 in the estimates. We thought eight probably with ground receiving stations at $12,000.00 a year maximum, which would give the capital cost of the ground receiving stations back, in four years, to the person who owned it, and everything else being gravy. We even thought that that would be so generous that we would have money left over in the estimates. And what do we find, that they are not even willing to come down to that level where they would recoup the cost of their capital investments in a four year basis, and then have the gravy train for the rest of the time. What do the people of the Yukon do? These great Wise Men from the East come down, none of them -- I hear there's one of them in the public gallery. Really, we should take the old Yukon law in our hands, and should capture him and have him going around from month to month to Old Crow, to Burwash Landing, to Teslin, to Haines Junction, just keep him , on the move for the next year, you know. That guy, when he got back to Foggy Bottom there in Ottawa, he would know what northern alienation is, not western alienation, northern alienation, where the people from Eastern Canada come up and constantly rip us off in every way, shape and form, our resources, then try by Statute to disallow us to have the ability of the Northern residents who make their homes here, of having a little bit of the same amenities that the rest of the people of Canada take for granted.

I think there is only one way for this Assembly to go, and that's a unanimous Motion to go to the Minister of Communications, who was approached when he was here on his two day swing through the north. He would be an instant expert on everything in Northern Canada, like the rest of them who come. At least ask him if there is any chance that the poor yokels in the Yukon getting ripped off once again by the Wise Men in the East, if he could possibly intervene and bring this down to some rationale and some common sense. Mr. Chairman, what a farce to put this kind of cost and charge upon the people of the Government of the Yukon Territory, and to do it legally and do it by Statute, where nobody can have any input into what they are attempting to do. How ridiculous!

Mr. Chairman: Thank you. Any further questions of Mr. Miller?

Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I'm still concerned, and I must say I wholeheartedly agree with the comments that have just been made by the Honourable Member from Whitehorse North Centre. And I again concur that we should compose a very, very strongly worded Motion which would have the effect of communicating these philosophies to, directly and immediately, to the Minister of Communications.

My next concern, of course, is alternate systems, alternate programs, probably that we should be looking at. I woould like to know if Committee would agree, if we could for a moment, if I could ask some questions of Mr. Dunn.

Mr. Chairman: Is that agreed?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, would you invite Mr. Dunn into Chambers?

Hon. Mr. Taylor: Thanks, Mr. Chairman. I thank the Chair and thank Mr. Dunn for joining with us.

I would just first off like to ask, Mr. Chairman, in relation to Timberline Television, the original concept, there was a great amount of study done by Mr. Dunn's company, Mr. Chairman, last spring, in conjunction with some Members of the House. I'm wondering, have there been any changes to that program in terms of costs or in terms of the basic engineering? Is that program still feasible?

Mr. Dunn: I don't -- I can't answer that a hundred percent, since there has been discussion of C.B.C. moving its present location, transmitter location from Grey Mountain over to Echo Hill, and this is to give better coverage in the Porter Creek area and out towards the Hot Springs, where the transmit facility is shaded due to its location.

Now, if they moved that facility, there would have to be a re-engineering process gone through. I think you would have to check first with C.B.C. what the permanent location of their transmitter is going to be in Whitehorse. To answer the second part of your question, costs would probably have to be re-evaluated, but I don't think there would be any substantial increases in the cost, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Dunn. Mr. Taylor?

Hon. Mr. Taylor: The other question is, it was pointed out this morning that Telesat Canada have exclusive rights to earth receiving stations. Is anyone else in Canada in the business of earth receiving stations, were they to, for instance, if they -- if the Minister of Communications were, in his wisdom, to break any franchise that existed in terms of earth receiving stations, as far as Telesat are concerned, are there suppliers of this type of system or potential suppliers of this type of system available that we could participate in?

Mr. Dunn: Yes, Mr. Chairman. Assuming that the communities were licenced to go ahead on their own, in other words, without going through the Telesat arrangement. We were the bidder that offered to supply these stations at approximately $37,000.00 to the Territorial Government directly. I believe there is a letter on file to that, and we could lease them to the communities, approximately $10,000.00 a year, and they would own them after five years.

Now , however, that's if you did not have to work through the Telesat arrangement, but I think you asked me two questions there. I don't think anybody has yet applied to own a station of their own at this point in time. So if you did send an application in to the Minister, it would be a first in Canada, and how he would deal with that, of course, I have no way of knowing.

Mr. Chairman: thank you. Mr. Taylor?

Hon. Mr. Taylor: This just raises one question in terms of, you say, Mr. Chairman, Mr. Dunn suggested that no stations had been applied for licencing, I presume. This franchise, I am just wondering what the relationship is between this franchise that Telesat Canada would have and the ability of someone else to licence?

Mr. Dunn: Well, Mr. Chairman, I would think that an application would be in the name of a community, which is the way it is done under C.R.T.C., now. In other words you would have to fulfill D.O.C. and C.R.T.C. requirements. I believe the Minister is the authority that governs, that is his responsibility, Telesat, so he would be the person that would have to make up his mind as to whether or not he would allow communities to own stations independently of Telesat. This is a receive function only, so it might be a possibility.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well that just gives rise to another question. The facility that you are speaking of, or that Mr. Dunn is speaking of Mr. Chairman, is this only a receive facility or does this re-transmit 5 watts of 1 watt or something like that.

Mr. Dunn: As far as the satellite itself is concerned, no, it just receives. It doesn't transmit back into a satellite. It just receives and then it re-transmits the signal around the local community.

Hon. Mr. Taylor: Right, that is what I was getting at.

Mr. Chairman: Mr. Dunn, you have mentioned $10,000.00 a year as a lease and purchase after approximately 5 years, what would the maintenance costs be?

Mr. Dunn: A lot lower than the repeater system since -- they would probably be about $500.00 per station per year, maximum.

Mr. Chairman: Anything arising?

Mr. Miller: Mr. Chairman, just for a point of clarification, if I might. When we are talking earth receivers here at ten thousand per annum, that is what we are talking about. In addition to that we would have to find the money to put in the transmit facilities, and that is another capital costs of somewhere between four and seven thousand dollars in the average community.

So they are two distinct things. I just wanted to make that clear so that everybody understands.

Mr. Dunn: The Telesat offer does not include the transmitter, is this correct, Mr. Miller?

Mr. Miller: That is correct.

Mr. Chairman: The Telesat offer does not include the --

Mr. Miller: Does not include the transmitter it only includes the receiver.

Mr. Chairman: For nineteen thousand a year they can't afford the -- to give us the transmitter as well, eh?

Mr. Miller: They have no mandate to provide transmitters.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well I am again confused Mr. Chairman. The package that Mr. Dunn was referring to, does this include the transmit facilities?

Mr. Dunn: No it is the same offer that we made to Telesat. They just provide the receiving facility in that community and it can be distributed either by rebroadcasting through a transmitter or it can be put on a cable. Their function is just strictly to provide a signal at the community level.

Mr. Chairman: So, Mr. Dunn, we are looking at possibly an additional two thousand a year for five years for the transmission facilities?

Mr. Dunn: I would estimate off the top of my head, in talking of terms of lease, for five years, Mr. Chairman, that you would probably, with a fully operating station transmitting, maybe twelve thousand dollars per annum would be a reasonable figure to look at, yes.

Mr. Chairman: Would that include the maintenance costs?

Mr. Dunn: Very likely, I would think it would include an annual maintenance cost as well.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Dunn, I think that you have been working some in the Yukon on one station that has already been put in at Ross River?

Mr. Dunn: Yes.

Mr. Fleming: I wonder if you could remember just approximately what that cost at that time? Which I know was a few years back so it will be definitely more now, but would you remember any of those figures now?

Mr. Dunn: Yes, I do remember the figures. You must remember there was a lot of input from the local community there. They build their own building. In terms of hardware, setting it up and providing the licencing, I think the figure was between seven and eight thousand dollars.

Mr. Chairman: Mr. McCall?

Mr. McCall: Yes, I would like to ask Mr. Dunn one question. What is the life span of one of those receivers like we have in Ross River?

Mr. Dunn: Well, I would think at least five to seven years in terms of -- would be a good figure to look at.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, would it be feasible to having small communities to adopt that particular system, the one you use at Ross?

Mr. Dunn: No there is snags in using the repeater system, this is why the satellite system is much more advisable. You have to repeat and as you repeat the program it degenerates and you can only maybe do three hops. To maintain a quality that you would have at Ross you wouldn't maybe -- by the time you got to Destruction Bay with a signal, which would be a three hop arrangement, you would have lost quality.

Mr. Chairman: Mr. Dunn how many hops would be required to service Carcross?

Mr. Dunn: If the C.B.C. leave their station where it is, then one hop would service Carcross adequately.

Mr. Chairman: Anything arising? Mr. Fleming?

Mr. Fleming: Would you have an idea of just about what it would be for that one hop just to Carcross?

Mr. Dunn: Maybe five to six thousand dollars, assuming that there was some input by the Carcross residents in supplying power, the building and so on and so forth.

Mr. Chairman: Mr. Miller, have you received any communication from the residents of Carcross with respect to television?

Mr. Miller: Yes, Mr. Chairman. There was a letter in from the secretary or the president of the community club which we responded that we were still looking at this system as being the advantageous system, but in view of this, I will have to now respond in another manner.

Mr. Chairman: What manner do you anticipate responding in, Mr. Miller?

Mr. Miller: Well, Number 1, we have got to find out where C.B.C's going to locate that transmitter, because if they move it, any investment we put into the thing is shot. It's got to be recycled, the whole thing, so we have got to find that out, before we can do anything with any other type of system.

Mr. Chairman: I'm confused, Mr. Miller. You say you responded saying that the other system would be more advantageous to the residents of Carcross, and yet the other system would cost $19,000.00 per annum.

Mr. Miller: Well, that was before we found out what it was going to cost.

Mr. Chairman: That's the only reason, is it?

Mr. Miller: Oh yes. There's no question, you know, the repeater system works with limitations. If you get a heavy snowfall you get problems. You get a maintenance problem. If your translator isn't located where you get power, you are going to have problems, or you get easy access, you can have problems.

The ideal situation is the earth receiving station, there's no question about it. The big question that's got to be solved there is money.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a couple of questions, one I would like to ask Mr. Miller. It's a budgetary question. We have allocated for, in the community development fund, I believe it's $96,000.00, something in that amount this year. If that amount is not expended, does it suddenly just drop into general revenues or can it be ongoing and join an equal amount the following year?

Mr. Miller: Well, Mr. Chairman, the same thing would happen to that as happens with all lapsing balances. It ends up in the consolidated revenue fund. That doesn't mean that we can't come back and revote it for another year.

Hon. Mr. Taylor: Well, Mr. Chairman, it seems to me that our pathway is becoming fairly clear. First of all, I'd say again and repeat that we must make a presentation by resolution to the Minister of Communications, and I think that having had a moment or two to consider the discussions that have gone on here this morning, that we should offer some instruction to the administration to look into the various possibilities, for instance, the program that Mr. Dunn has suggested, to take a look at that and see how economically feasible that would be in relation to how many communities could be served this year. And working within the budget we have of $96,000.00, and that seems the only course that I could see to follow at this time.

Mr. Miller: Mr. Chairman, I think I must caution all members on the question of the exclusive right of Telesat to own earth receiving stations in Canada. That's a very sound principle that's accepted in the total communication field, and unless somebody's prepared to spend a lot of money to test that principle in the courts, I'm just caustioning you that I think you are running up a blind alley.

Hon. Mr. McKinnon: Well, Mr. Chariman, its a very sound principle unless when somebody is holding a loaded gun to your head but I would like to suggest, Mr. Chairman, that perhaps if we went and tried to have the Minister of Communication intervene on our behalf and that process didn't work, that if we purchase the ground receiving equipment and put it in Old Crow to receive the ground receiving satellite, I would like to see Telesat Canada go to Old Crow and move it out, Mr. Chairman.

Some Members: Hear, hear.

Mr. Chairman: Are there any further questions of these witnesses?
Mr. Lang?

Mr. Lang: Mr. Chairman, we have been talking about the C.B.C. moving their station. Is this planned for this coming summer, or?

Mr. Dunn: Mr. Chairman, I think it was two years ago we had a C.B.C engineer up here to look at the Ross River situation, and at the same time I took him out

and showed him the problem of why television wasn't received out in the corners, certain corners of Porter Creek and the Hot Springs, and this was two years ago. I was told at that time that they were going to relocate the transmitter over on the opposite side of the valley so it would look into--now, that's been going on for two years.

When they may do it, I don't know, it may be two years from now or it may be next week, I have no idea.

Mr. Chairman: Or possibly never.
Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I was going to give the representative from Telesat an opportunity to reply on his own behalf. I know that he is here in the Territory on other official business, but it would be interesting to have a few words with him if it's possible.

Mr. Chairman: Is that the wish of the Members?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, would you invite the official from Telesat?

Mr. Dunn: Am I relieved, Mr. Chairman?

Mr. Chairman: Yes. I think we can excuse these witnesses. Thank you for attending.
Yes, Mr. John Underhill, am I correct?

Mr. Underhill: That's correct.

Mr. Chairman: I guess you've heard the discussion thus far on Telesat and T.V. in the Yukon, Mr. Underhill. I would like to thank you for attending.
Are there any questions of Mr. Underhill?

Mr. Underhill: Maybe I could start off with a couple of comments. We are not really the bad guys that some might believe we are. I guess when we look at these earth stations, we can simulate them to a telephone. You can go out probably and buy a telephone, you can dig around for it, I guess, you can go to Vancouver and find a pawn shop and buy one maybe for 40 bucks, I don't know, 30, $40.00 I guess it's worth, and you can take it on home, and it can sit there and maybe you've got your money's worth, but it's no good unless you connect it up with something.

So really, when you're talking about buying a satellite earth station, you are talking about doing just that, really. You are talking about buying an earth station and paying for that earth station, and that's the extent of it.

But to make it work, it's got to be connected to something, so if that telephone you bought, if you want to get your money out of it, you would have to connect it up to the telephone system. So, -- and therein lies all the cost. The cost is not just with that one earth station, that one piece of hardware, but it's the whole complex behind it.

For instance, we just launched our third Satellite, Anik 3; it was launched on the 7th, and we're just nursing it into position right now, and it should be in position by Thursday, this coming Thursday in geostationary orbit over the Equator. That costs us about roughly 20 million dollars which we could have lost, because as you may have heard, the International Satellite that was launched just before us, it went in the ocean, and that was a big bang, it was an expensive bang, it was 20 million dollars. When we look at this earth station business, we've got to look at it in the overall context. Maybe the piece of hardware is worth,I think I heard a figure of $37,000.00, less spare parts, less the engineering that we would normally do. For instance, we have an engineering staff that go in there as the thing is being built, and examine each stage of its construction, and when it comes off we test it again, and then when it comes onto site, we send people up and test it again.

And then we maintain it, or we have an agent -- we contract with an agent to maintain it.

So, okay, you can go out and buy an earth station, and you may be able to challenge the regulatory authorities on this point, because maybe it does need challenging. Maybe there should be various ways of doing things, and certainly that is your prerogative and maybe you should exercise it, but don't look at the cost in isolation, because it's just not realistic. The earth station sitting there by itself won't work. It needs the rest of the costly complex behind it to make it work, and you know, in a telephone system it's illegal to buy your own telephone system and hook it up to the cable, that runs near your house.

But in this instance, we can't prevent you from picking a signal off the air, because it's in the air and available to anybody that aims an antenna up there and picks it off, so we are at a disadvantage in that regard. But I'm not saying that you shouldn't own your own earth station, I'm just saying that existing policies are that all earth stations should be owned by Telesat, because the whole thing should be within their control. Maybe you should debate that issue; maybe there's reason for considering other alternatives, but that's our position at this moment.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, I appreciate the remarks of Mr. Underhill, but I would like to have clarification on one point first. When C.B.C. lease the Telesat facilities for transmission of signal, who does that signal belong to? What are they paying for it? Does that belong to C.B.C. or does that belong exclusively to Telesat Canada, that's my first question?

Mr. Underhill: We're contracted to transport the C.B.C. signal from one point to another point, so the signal really does belong to us and we are providing a service for C.B.C., so the signal is ours until such time as it is delivered to C.B.C.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, Mr. Underhill used a couple of key words there, "isolated" and "unrealistic", and that's what we are, I guess in the Yukon.

The point that concerns me as an old WASP type, is that the people of Canada own 50 percent of Telesat. I cannot understand why 20 million Canadians, who own half of Telesat, can't dump a little bit of that for 20,000

northerners who need the services of Telesat. I cannot understand, for example, why a resident of Alaska could quite legally pick the signal out of the sky, whereas it's illegal to do this in the Yukon.

Mr. Underhill: I don't know if it's quite legal for them to do so.

Hon. Mrs. Whyard: There are no international regulations, I understand.

Mr. Underhill: Well, there's nothing on the books that allows them to receive that kind of information across international borders.

Hon. Mrs. Whyard: But, Mr. Chairman, there's nothing on the books that says they can't.

Mr. Underhill: There is, though. Yes. There's two types of signals that we're concerned with here, one is off-air and the other is directed by a microwave. Like it's illegal for you to go to a microwave system such as C.N. run and stick something up in the middle of two towers so you can get all the signals. That would be illegal.

But if a radio station is transmitting from some point in Alaska and it's splashing over into Canada, certainly you can pick that up because that's the retailing end of it, that's the consumer consumption end of it, and it's free for anybody that wants to use it. But the microwave signal is just like a telephone line, it's private, and it's classified as that, and unless it's -- unless it goes through C.O.T.C. or some international body, it can't be used internationally.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: If I could just pursue this a little further, I'm not a technician and there's a great deal about this I don't understand. What I do understand is that Telesat apparently has projects and project money for experiments in medical fields, for example, which is great, which is fine, and the whole of Canada will probably benefit from this eventually. But as I understand it at this particular stage, this kind of project is available to the north.

Now, if you want to go into the world of fantasy a little farther with me, I would state strongly that it's just as important to the medical health and mental health factor of many northern residents to have the everyday services of Telesat for television, rather than going into possible medical, scientific future use of such services.

If there is money available in one area for the north from Telesat, why couldn't these same funds be applied to our present day needs in the north from Telesat?

Mr. Chairman: Thank you, Mrs. Whyard. I must caution the Honourable Members, I don't want the Members to enter into a debate with the witness. We are sort of getting into that situation. If you have a response, feel free to give it, but --

Mr. Underhill: I think that is an excellent point, one that we hadn't, I don't believe considered, and I think that's an excellent point, and you know, maybe we should try and do something with it.

But there's a few other things too that we should look at and that is, I don't know if you have approached the C.B.C. about -- you know, they have a cut-off point, and they say, as I understand it, that a community with less than 500 don't get television, and above that they do. I don't know if you've discussed that point in special considerations around that point, and if they are reluctant to provide television service for smaller communities, I wonder if you've talked to them about investing whatever money you previously planned to invest with C.B.C. to encourage them to do it, or defray their costs.

In other words, if you are going to put out $10,000.00 a year for your own equipment, have you talked to C.B.C. about instead forming some arrangement where that money would be spent with them to provide the whole ball of wax?

I don't know. I think there's a few things that need to be kicked around yet, but I think your point that you earlier made is excellent.

Mr. Chairman: Thank you --

Mr. Underhill: I will carry that back.

Mr. Chairman: -- Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, the interesting part of this is that the witness, Mr. Underhill, has said, "No, we're not the bad guys at Telesat, certainly not". Well I say they still are the bad guys at Telesat, because you are making suggestions now that we should throw our money, perhaps, into -- with C.B.C. and that C.B.C. should change their policy, so instead of 2,000 people they will put stations in for 200 people, which is all irrelevant. It means that Telesat Canada are still going to have to rent the earth receiving station, and they are still looking for the profits, possibly even greater profits than what they are prepared to offer the Government of the Yukon Territory.

I don't consider that Telesat Canada is a good guy, on this basis.

The other question that occurs to me, is that the satellite, and we have talked about the great costs, the 20 million dollar launch and this type of thing. This is all well and good, but the addition of say eight satellite earth receiving stations, Mr. Chairman, is going to put no more stress or strain on the electronic components in that satellite than anything. It occures to me that there is no rational reason yet given by Telesat Canada or anybody else, for that matter, on why they must recover their capital investment on this type of equipment in two and a half years. It's just got to be feasible to provide each earth station with a signal for somewhere in the area of $5,000.00 a year on a lease fee of 5 to $10,000.00 a year, and until Telesat Canada can agree to that, they are the bad guys, and they remain as such.

Mr. Chairman: Thank you, Mr. Taylor. Any questions of the witness? Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I met Mr. Underhill's boss, Mr. Golden. I was very impressed with him as a hard nosed businessman who tried to run

Telesat as a private corporation. I didn't quite realize how hardnosed he was until we received an answer back from Telesat Canada. With his background in private industry, I'm sure that he wouldn't go for the launching of the third satellite unless Telesat Canada was proving to be a successful business venture, and that there were many channels in demand, so that they could be rented with the three satellites now up in the sky.

As far as I understand, and I think that this is a positive statement, that the government of the Yukon will not require the renting of any of those extra channels through receiving the C.B.C. signal, which is already going to rented channels. It would seem to me that whatever they could get from the Government of the Yukon in these earth receiving stations would be just a little bit of extra gravy for Mr. Golden and the people at Telesat Canada, without any of the extra channels, through the three satellites now available, being directly assigned to the Government of the Yukon.

I wonder if this is a factual statement, Mr. Chairman.

Mr. Chairman: Thank you. Mr. Underhill?

Mr. Underhill: Well, you know, I heard the word "rip-off" here earlier, and I really take exception to that, and I think if anybody looked at our financial statement, they would realize that we are not ripping anybody off. You know, we havn't been in the black very long, and our return on investment is much, much smaller than a comparable industry. We are just a new company, relatively small in the field of giant communications organizations.

Look at our financial statement, we are not ripping anybody off. The point of the fact is that, if you want to have service provided, it's hard for us to understand how you can pay for just part of that service and not your share of the whole thing. Like, for instance, when somebody -- when C.N. goes and installs a telephone at a remote community --

Hon. Mrs. Whyard: They are taking them out, Mr. Chairman.

Mr. Underhill: --no, but when C.N. Does put in a new service, that service may cost them considerable, but that one community doesn't bear the brunt of the whole thing. It gets spread out over the whole tariff base, so that everybody helps pay for it. And the same thing goes here, the amount in annual charges for an earth station is not just a capital, but rather it's to help run the whole company to provide the whole service.

So when you're saying that you just want to pay for the hardware, you're not supporting the service behind it to make it possible in the first place.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I have a question to direct to the bad guys. I would like to ask them if all this is so wonderful would Telesat Canada agree, if we set up our own earth receiving system, to allow us the use of their communications just like C.N. and Bell Telephone and all these people that we have referred to for a nominal fee per receiver station, say five hundred dollars a year or a thousand dollars a year, just for the use of the signal, gravy, is that possible?

Mr. Chairman: Mr. Underhill?

Mr. Underhill: Well we assume some responsibilities for the quality of whatever signal is delivered from our satellites, and I guess we would have to break that policy--you are asking us to break that policy down so that we transmit and have no responsibility for what is coming out at the other end. You know that is---

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, this is a field that is all new to me, so I hope you will excuse my asking this question. Where else in Canada, are there such earth stations being used for small communities, or are there any anywhere else in Canada?

Mr. Underhill: There is about fifty--we have about fifty earth stations scattered throughout the whole of the country. Yes, we have--we call them RTV stations, remote television stations, golly, I don't know, thirty roughly throughout the north, throughout the northern part of the provinces and the territories. I guess we have about that.

Hon. Mrs. Whyard: Mr. Chairman, are they paying the same amount?

Mr. Underhill: These earth stations are leased to the C.B.C.

Hon. Mrs. Whyard: So, Mr. Chairman, the C.B.C is paying the cost for the residents of those communities? Say that again Mr. Chariman, please?

Mr. Chairman: I didn't say anything Mrs. Whyard.

Hon. Mrs. Whyard: There are similar stations in small communities throughout Canada where the residents of those communities do not have to pay nineteen thousand dollars a year for it?

Mr. Underhill: Oh absolutely, but I don't know what population they have to reach before they are eligible for that service. You would have to ask C.B.C. about that, and really should ask them about the number of earth stations. Ijust haven't got the figure at the top of my head.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, perhaps I could give a bit of background for Members who weren't here when this whole thing started.

The C.B.C. had a policy of providing an earth receiving station to communities over five hundred. The problem is that we are looking at about eight communities under five hundred in the Yukon Territory. If the C.B.C. were to change their policy as it applies everywhere north of 60, in the Northwest Territories they would be looking at, I would dare say, hundreds of communities under five hundred where they should receive the same benefits as all the people in the Northwest Territories over five hundred if the policy was changed.

We had seen over the years that earth receiving stations were available to communities over five hundred in the Yukon, but there was a very marked increase in both the social and mental well being of the residents of the Yukon Territory in those communities where earth receiving stations were supplied.

We felt that it was a responsibility of government, this government, if we could supply the funds in any way, shape or form, to bring the same social well being, particularly towards the very long winter months in the Yukon to all the residents of the Yukon, so embarked on a plan of our own, which we thought was feasible and that we would get the co-operation from all elements of the Crown, C.B.C. and Telesat Canada to be able to bring to all residents of the Yukon Territory.

That is why we embarked on this venture. We still think it is sound. We still, I think should hope that probably through intervention or through some other methods of getting around what seems an impase now, to see this policy that this government has made, and has agreed to by passage of the budget, initiated in the Yukon Territory.

That is a short background of where we come to now in our deliberations.

Mr.Chairman: Thank you, Mr. McKinnon.
Any further questions of this witness?

Hon. Mr. Taylor: Mr. Chairman, just to finally again sum up and say the course seems clear with one addition. I think in addition to having the Honourable Gerard Pelletier talk to Telesat as not only a government investor, but as the Minister in terms of policy, I think that also the C.R.T.C. should be communicated, Mr. Pierre Juneau, as the regulatory body, and I think we should attempt to licence one--get a licence for one community in the Yukon Territory and throw the fat right into the fire and see what happens.

Mr. Chairman: Mr. Taylor I will excuse the witness. Thank you for attending.

I propose that we adjourn for five minutes to see whether or not you can come up with a motion.

Agreed?

Some Members: Agreed.

Mr. Chairman: I declare a five minute recess.

Recess

Mr. Chairman: I call Committee back to order and declare a recess until two o'clock this afternoon in order to give Members more time to consider a motion.

Recess

Mr. Chairman: I will now call Committee to Order. We've been discussing Sessional Paper Number 5. I understand that there may be a Motion forthcoming. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. Over the noon recess and considering the subject of debate this morning, I would like to propose two Motions, which I think in part, at least, embody the -- what I felt to be or what I hoped to be a consensus of the House. I would therefore, at this time, Mr. Chairman, like to move, seconded by the Honourable Member from Hootalinqua, that this House respectfully request the Honourable Gerard Pelletier, Minister of Communications, to intervene with Telesat Canada:

(1) To obtain a modification to the lease proposal for miniature earth receiving stations serving rural communities in the Yukon Territory, with the intent that the lease charges be arranged so as to repay to Telesat Canada, the capital cost of their installations over a minimum period of eight years, and so bring the expenditure within the reach of the communities concerned; or,

(2) That the necessary authority be granted to the Territory to use the C.B.C. television signals and distribute such signals by the use of alternate equipment, acceptable to C.R.T.C. and under their control.

Mr. Chairman, it occurs to me at this point that with all this hard work having been done, and all this research having shown that indeed these facilities are within our grasp, it only remains that an intervention must take place between the Minister of Communication, who led me to believe, on his last visit to the Yukon, that he was very much interested in the Yukon and very concerned with problems related to communications.

I think that acceptance, hopefully with unanimity, by this House, and the presentation of the content of this Motion to the Minister, in Ottawa, I am confident that he will intervene with Telesat Canada and make it possible for us to have this signal and have these facilities within the smaller communities within the framework of a budget that the people of the Yukon Territory can afford. I would ask for full support by all Members of the House, Mr. Chairman, for this Motion.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

Mr. Chairman, I concur with the Honourable Member, but there is one question that I would like to ask at this time. Under the sub-section (1) of this Motion, he mentioned cost of installations over a minimum period of eight years. Have you worked out the cost per year on this?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yes, I should have explained that. The reason I said eight years is that it allows the flexibility of negotiations. Telesat Canada are currently in their proposals, trying -- attempting, in the price they've offered the Government of the Yukon Territory, to recover their capital costs over a period of two and a half years. It was explained to us by I believe, Mr. Dunn this morning, that with his equipment, that it should function for a minimum of five years, and so I used the arbitrary figure of eight years in order to give latitude to the Minister in his negotiations with Telesat Canada.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I don't think you quite answered my question. The question I asked, is have you worked out the cost per year, over an eight year period?

Hon. Mr. Taylor: Not really, Mr. Chairman, because of the fact that I cannot put together, at this time, the actual cost, because I haven't got the actual figures of cost and maintenance, plus I'm also considering the provision of the transmitter facility in addition to these costs.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I am in favour of this Motion, but I wonder if it would not be also useful to make direct representation to the C.B.C., or to the appropriate Minister.

If it would be possible for them to alter their own regulations in terms of what type of community can be serviced by them. The arbitrary figure that is used is 500 people, I believe there are other requirements as well as that, but Ithink these are within the jurisdiction of the C.B.C. itself, without external reference, and they themselves might be amenable to alterations to the needs we have here in the Territory.

But that would be a different representation, and I'm wondering if we should have a Motion to that effect, rather than through Telesat? Or rather, not even the Minister of Communications in this instance, it should be through the Secretary of State and C.B.C.

Mr. Chairman: Thank you, Mr. Hibberd. Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, I had considered that question and it was indicated to the House this morning that C.B.C. are quite amenable to allowing us the use of their signal. It's Telesat Canada that we are having the problem with.

However, you will notice in Part (2) of the Motion, that we are stating that the necessary authority be granted to the Territory to use the C.B.C. signals and distribute such signals by the use of alternate equipment, acceptable to the Canadan Radio Television Commission, and under their control, and what I'm attempting to infer in the Motion is that the Minister be granted that authority to go to C.B.C....to go to see C.R.T.C. to go to C.B.C., using C.R.T.C. as the controlling body and negotiating the whole thing.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I think that's a good presentation, but I don't think our negotiations should necessarily entirely have to go through Telesat. I don't think we have to involve ourselves in that direction, merely in that direction. I think that we should make representation to the Secretary of State regarding C.B.C. to alter their regulations.

Now, we don't have to involve--that could be an additional presentation that we could make. It's a different Ministry.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Perhaps my second Motion, Mr. Chairman, only concerns a direction to the administration. Perhaps the Honourable Member has a very wise idea in mind, and perhaps we could have a third Motion along that line.

Mr. Chairman: Thank you. Mr. Lang?

Hon. Mr. Lang: As you know, I was late. The thing that I question here is the minimum period of eight years. How did we come to the conclusion of eight years? Maybe this answer has been asked, maybe it's been answered already, but I was late so...

Hon. Mr. Taylor: Mr. Chairman, just to re-explain, it's a matter of giving the Minister some latitude, rather than binding ourselves to a specific time and giving them eight years, some latitude in which to negotiate.

Mr. Chairman: Thank you. Mr. McCall is next.

Mr. McCall: No, no.

Mr. Chairman: Mr. McIntyre?

Hon. Mr. McIntyre: Mr. Chairman, pinning down even a minimum period to eight years seems to me to be something that we may tie ourselves into, and I would prefer to see the phrase "over an extended period", and so bring the expenditure, because it may take seven years, it might take ten years, and I don't think that we should pin ourselves down, even to suggesting eight years. If we just say over an extended period, this could be anything, anything that's suitable to us, of course.

Mr. Chairman: Thank you, Mr. McIntyre. Mr. Taylor?

Hon. Mr. Taylor: I'm certainly agreeable if I could restate the Motion embodying those words without requiring an amendment.

Some Members: Agreed.

Hon. Mr. Taylor: Perhaps the Chair in reading the Motion then from the Chair could make that correction.

Mr. Chairman: yes. Any further debate?

Hon. Mr. McKinnon: Mr. Chairman, I would just like to make one further point, and I would hope that all Members of this Assembly would take into account.

After quite a few years at the table, one really wonders at the strength and the extent that these Motions have once they leave the Commissioner's office on telex or however they are delivered to the appropriate authorities, and I would like, in this instance, because I think it is such an important matter, I think that it's one that all Members of the Assembly are very involved in. I would think that each one of us would communicate with the Minister of Communications, the Honourable Gerard Pelletier, and put into our own words and thoughts, as to why we really feel that this service is necessary in the smaller communities.

I know, having talked to many Honourable Members, that many of the reasons why we feel that this is such a priority program, are reasons that really can't be expounded and debated and communicated on the

floor of this Assembly, and I think that it is encumbent upon each one of us who really believes that this program has some priority to the well being of all Yukon citizens, that we take the time and put those thoughts into writing, and really barrage the Minister of Communications with a carbon copy to the Minister of Indian Affairs and Northern Development, of why we feel that we just have to get the price of Telesat Canada down into a reasonable ball park, so the Territorial Government can embark on this program, which we all know is so very necessary, and believe me, fellows, they just don't know in Eastern Canada the problems that are faced in every one of these communities over a Yukon winter, and we have a program here which is feasible, one that we shouldn't give up on now because we just have to see it go into effect, the sooner the better, and I think that we should use all weapons in our arsenal to really try and get the Minister of Communications, who said that he was willing to go to bat for us if we reached an impasse with Telesat Canada. Well, let's get him to fulfill that promise now, Mr. Chairman.

Some Members: Hear, hear.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would like to rise as a seconder of this Motion. I would like to also support Mr. McKinnon in his idea that we should try to write to the Ministers ourselves, do everything we possibly could. After a period of, I would say at least 10 years now of trying to get some sort of television to the outside communities, I find it very frustrating, and I think there's probably 6 or 7,000 other people in the Yukon who found it very frustrating this morning, when they hear the news, that we are no farther ahead than we were ten years ago.

And the Territorial Government itself has spent a lot of money and many of us here have probably spent some travelling throughout the Territory, I know myself I have, in checking at Ross River to see how that community's television was working, and by the way, I find that it is working fairly good, and I think that there is no other way but to go this way now and try to make some other arrangements if Telesat won't go along with us, which they have indicated they will not definitely. So, as I say, I will be supporting the Motion as it stands.

Mr. Chairman: Thank you. Any further debate? Mrs. Whyard?

Hon .Mrs. Whyard: Mr. Chairman, it's not debate, I just want to underline what my associates have been saying, and as I see it, this is a communications problem, and our problem is trying to communicate with the people who are not communicating.

I think if you give the Minister an out on this one, if you open the door in a new direction which he can take and everybody can save face on this thing, and we can end up with what we want, I would recommend following up the lead we got this morning and proposing it as a mental health requisite. There are funds for things like that, where there may not be funds for television as entertainment.

I think any child in a small community has every right to all the background they would receive on the C.B.C. programs, and they should not be handicapped when they are competing later on with students from large centres, who have all that educational background, aside from mental health. It's a matter of education, it's a matter of all kinds of factors which are going to affect them for years and years.

You cannot expect to penalize those people and have them continue to stay in the small settlements which are the backbone of the Territory. They are naturally going to say "Okay, if we haven't got these things for our children, we are going to leave", and none of us want to see that happen. This is a particularly valuable way of life, which people in the south say they yearn for. They envy us because we have freedom to make a choice of this kind. At the same time that they are stacking the cards against the probabilitiy of anyone being able to accept that choice. It's just one more log in the structure we are trying to build here for our own way of life, and we are trying to build it -- the people who are trying to build it are the people who know what they want and what's valuable here. I feel that the Honourable Member's suggestion that each one should write an individual letter to the Minister is another good approach.

I think it's also important, as I said, to provide a suggestion for a new course of action, so that they don't have to go back down the same lane again and in fact they won't, of course, because it's just a waste of time for everyone concerned. Give them a new opening, open a gate to a new avenue and see if they won't try that.

Mr. Chairman: Thank you. Anything further? Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I hope nobody gets me wrong here. I am rising in full support, but I do have to object to a certain educational value, and I'm going to have to be the devil's advocate and --

Hon. Mrs. Whyard: What station are you watching?

Mr. Berger: -- because I personally have a feeling that small communities don't know what they don't miss -- what they get, because the small community without television, I think, is a much better community life than with television, but I think it's the wish of the people, and I'm not saying that I'm going to talk against it, but I do object to the educational value and all sorts of things, but one thing I'm thinking in particular of, there was a movie on about a year ago about kidnapping, bank people's employees, exactly the same thing is happening right now in Quebec, where a gang of thieves kidnapping banker's wives and children, and having an extortion plan going. This comes directly from television as far as I can see.

Mr. Chairman: Thank you, Mr. Berger. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

In view of what Mr. Berger just said, without disrespect for the Honourable Minister, I also on the other side of it, I would not like to see our children in the outlying districts subjected to political brainwashing by C.B.C.

Mr. Chairman: Mr. Lang, did you have --

Hon. Mr. Lang: Yes, Mr. Chairman, I have to agree to a certain extent that there are some of the programs that could be left out, there is no two ways about this, but on the other hand, there is many programs that are valuable to the children, I think more in relation to children in, say, Sesame Street in this respect, because for example, a lot of the people are in different financial straits and their environment at home isn't as good as in other homes, and the thing is that a program like Sesame Street teaches them a lot of things, like, for an example, if you have read any books -- it's okay, Mr. McKinnon -- if you have read any books like the Ghetto in New York, the child doesn't know what a bathtub is, because all he knows is the basin, so when he gets into Grade 1, he has that much more area to catch up in to the child that is in the middle class.

I think this is the valuable asset to it, I think a person could shut off the T.V., say during Police Story and that's up to the prerogative of the parent.

Mr. Chairman: Thank you. Anybody else want to speak on this can of worms?

Hon. Mrs. Whyard: Mr. Chairman --

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: -- I'm not going to go into the content or programming of the C.B.C., but we've all heard intimations recently, you know, that it is the ultimate hope that there will be material beamed back from this country some day, and there will be northern content.

As the Minister of Education, my Honourable friend should be looking ahead to the day when we can utilize this kind of service. I'm certainly not going to start any poll around this table about your favourite late night movie, but --

Hon. Mr. Lang: You don't have a choice.

Hon. Mrs. Whyard: -- but I certainly feel that it's greatly valuable to me to watch programs beamed to the north in other dialects of the north. All this is part of our fabric, and I just think that everybody in the north should have access to it.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mrs. Whyard.

It has been moved by Mr. Taylor, seconded by Mr. Fleming, that this House respectfully request the Honourable Gerard Pelletier, Minister of Communications to intervene with Telsat Canada;

1. to obtain a modification to the lease proposal for minature earth receiving stations serving rural communities in the Yukon Territory with the intent that the lease charges be arranged so as to repay to Telsat Canada the capital cost of their installations over an extended period and so to bring the expenditure within reach of the communities concerned, or;

2. that the necessary authority be granted to the Territory to use the C.B.C. television signals and distribute such signals by the use of alternate equipment, acceptable to C.R.T.C. and under their control.

Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, my second Motion arises out of the recommendation found on page 2 of Sessional Paper Number 5. More specifically it states, "I would therefore recommend that my Administration be relieved of any further obligations in regard to the Motion passed by the Territorial Council in 1974", which bears reference to the Motion that put this whole matter into gear a year ago.

It seems to me that during our discussions this morning, Mr. Chairman, that we were made aware that there are, at least, two alternatives to Telsat, if this doesn't work out.

One being an earth receiving system by someone other than Telsat, and the other being the mountain top type television. I don't think that we should lose sight on any of this.

I think it is encumbent upon the House, if we are going to keep this ball rolling, to offer some direction to the Adminstration.

I would therefor, Mr. Chairman, like to move that this House, and this is seconded by the Honourable Member from Hootalinqua, that this House requests the Commissioner of the Yukon Territory to continue research and investigation into current and alternate systems for the provision of television services to Yukon communities.

Mr. Chairman: Thank you, Mr. Taylor. Any discussion?

It has been moved by Mr. Taylor, seconded by Mr. Fleming that this House request the Commissioner of the Yukon Territory to continue research and investigation into current and alternate systems for the provision of television services to Yukon communities.

Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Anything further on Sessional Paper Number 5?

Mr. Hibberd?

Mr. Hibberd: I would like to make a further

resolution, but it is not ready at this time. May I have a few minutes to get it ready.

Mr. Chairman: I will declare a ten minute recess.

Recess

Mr. Chairman: I will now call Committee to order.
I understand that Mr. Hibberd would like to move something?

Mr. Hibberd: Mr. Chairman, moved by myself, seconded by the Honourable Member from Klondike, that this House request the Commissioner to make representation to the C.B.C. to make adjustments to its regulations so that all communities within the Yukon can obtain a benefit of their television earth receiving facilities.

Mr. Chairman: Thank you, is there any discussion on this Motion -- pardon me, is there a seconder?

Mr. Berger: I second that Motion, Mr. Chairman.

Mr. Chairman: Is there any discussion on the Motion.
Question?

Some Members: Question.

Mr. Chairman: It has been moved by Mr. Hibberd, seconded by Mr. Berger, that this House request the Commissioner to make representation to the C.B.C. to make adjustments to its regulations so that all communities within the Yukon can obtain the benefits of their television earth receiving facilities.
Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: That would seem to end the discussion of Sessional Paper Number 5.
Next, we will be once again looking at Bill Number 16.
We have some witnesses that are ready to appear.
Madam Clerk will you invite the witnesses in?

Madam Clerk Leaves the Chamber

Mr. Chairman: We have with us, Mr. Nielsen, the senior member of the Yukon Bar, and the senior partner of Nielsen Anton and McBride. Mr. Veale, who is a senior partner in the firm Cable, Veale and Kosky. Mr. Christensen, of Messrs, Regehr and Christensen, and Mr. Walters of Phelps, Ewart and Walters.
I will now turn the Chair over to Mr. McCall.

Mr. McCall Resumes the Chair

Mr. Chairman: I don't know if any of the witnesses wish to say anything at this point to start off before we enter into debate on this particular Ordinance.

Mr. Nielsen: Yes, we do, Mr. Chairman.

Hon. Mr. Taylor: Before wesstart, it is going to be extremely difficult to the stenographic staff to identify the names and voices. Perhaps we can have the witnesses identified before they speak.

Mr. Chairman: If that is the wish of the House, yes. Please identify yourselves before you speak.

Mr. Nielsen: I, with my colleagues, are appearing on behalf of the Yukon Law Society to make representations to you with respect to Bill 16.
May I first, on behalf of my colleagues, extend our thanks for this opportunity of appearing before you and exposing the views of the Society to you. Views, which I might say, are held unanimously in the Yukon Bar. We believe that the legislation before you, in the form of Bill 16, is a very important piece of legislation to begin with, and has very far reaching implications.
Neither myself, nor indeed, any members of the Yukon Law Society, have had the opportunity of providing any in depth study to the legislation, simply because it came upon us so suddenly. From a personal point of view, the first that I heard of it, was reading about it in one of the local newspapers, last Friday. Immediately after the week-end obtained a copy of the Bill, which I have now completed reading and a copy of your proceedings for last Thursday, May 15th.
The Bar has been active since the introduction of Bill 16 in communicating with the Law Society and the officials of that Society in the Province of British Columbia. It is our understanding that the ultimate intention of the Council is to be making the request of the British Columbia Law Society to undertake the responsibility for implementing one of the more important features of the Bill, namely, the administration of discipline of members within the Yukon Law Society.

Because of the far reaching consequences, and rather than dealing with those piece-meal, which we could well do, but we feel that it would be wasting your time so to do, we believe, and we are making the suggestion to you in the form of a request, that perhaps you might under your rules suspend further consideration of the Bill until such time as the Yukon Law Society can get together with Members of the British Columbia Law Society, and provide you with legislative proposals which might accomplish what we feel to be the objective of the Council. The British Columbia Law Society and their officials, have indicated their willingness to embark immediately upon the discussions with us. They have also indicated their willingness to particpate fully in assuming the responsibilities that you, as the Legislative Assembly in the Yukon, want to ask them to assume, but they don't even have a copy of the Bill in front of them. They had no foreknowledge of the introduction of the legislation or the requests that were likely to be made of them in the form in which they appear in Bill 16. They would like the opportunity of examining the legislation more closely, and to co-operate with the Yukon Law Society in bringing forward some concrete proposals to you in your fall session.
We are also, as a Society, authorized to undertake now to, if it be your desire, to have before you this fall, if you agree to the suggesition that the legislation be put over to your fall session, to have before you an

official or officials of the British Columbia Law Society, should you wish to have their views and to first hand have their acquiescence with respect to the responsibilities you're going to be asking them to assume with respect to the administration of discipline.

We are also authorized to undertake to have before you, if it be your wish, a representative of the Canadian Bar Association, to give you first hand views as to how the National Association views the legislation that you are being asked to consider.

Now, it would be unreasonable to expect within the time that this Bill was introduced and now, to have these individuals before the Council forthwith. Indeed, if we can get away without having to pay the expenses, as a society, of the representative of the Canadian Bar Association who would have to travel here from the East, we would prefer it. But because of the importance of the legislation and its far reaching implications, we are prepared to assume that expense so that members of the Legislature will be fully informed as to the manner in which disciplinary matters are treated, informed first hand I might say, as to how disciplinary matters are treated elsewhere in the various jurisdictions in Canada. And more importantly, how they are treated in the Province of British Columbia, whose law society, the Council will be asking to assume the responsibility of administering discipline with the Bar.

So, having made those preliminary remarks, we are prepared, as a Society, to discuss and to take the time to do so with you, each of the clauses of the Bill and our observations which wewe hope will be constructive relative thereto. We think, and we sincerely suggest to you, that it really would be a waste of your time to do it now, for if you accede to our suggestion that it's reasonable to expect that the Members of the B.C. Law Society and the Canadian Bar Association, as well as ourselves, should appear before you in the fall with concrete proposals as to the form of legislation which we feel you should be adopting, then it would be superfluous embarking on such a discussion at this time.

So, in a nutshell, what we are proposing to you, I don't know what Section it is under your Rules, but in effect, what I'm proposing to you is that you give this Bill the hoist until the fall, on our undertaking as a Society, and on the undertaking, which we are authorized to give you of the officials of the B.C. Law Society, that we will in concert, place before you for your consideration at your fall session, a complete and comprehensive legislative proposal, which will be acceptable to the British Columbia Law Society, who are after all being asked to assume a large portion of the responsibility with respect to the administration of the legislation, and acceptable to ourselves, and we would hope, acceptable to you as a Legislative Council.

So that, in effect, is our proposal to you.

Thank you very much, Mr. Chairman. If I have omitted anything, and if it meets with your approval, Mr. Chairman, perhaps my colleagues might be asked to contribute.

Mr. Chairman: Thank you, Mr. Nielsen. Do any of the other witnesses wish to add to Mr. Neilsen's statement? Have you a question, Mr. Berger?

Mr. Berger: Yes, thank you, Mr. Chairman. I find it curious that the Law Society asked us to shelve this Bill again. If I may quote from the Hansard May 15th, page 115, and Mr. Legal Advisor stated to us "the first approach that was made requesting the Bar to come forward with a proposal was made to my knowledge, in November, 1967." And surely it wouldn't take eight years to come up with a proposal, a Bill like this. I mean, could I have -- could we have the reason why it took that long in getting here before us?

Mr. Nielsen: Yes, Mr. Chairman. With respect to the views that have been advanced by your Legal Advisor, I can inform you that in my experience, which has been just short of 24 years at the Bar in the Yukon in active practice, that it is by far the first request that has been made by the Bar in the Yukon for legislation of this kind.

Indeed, requests have been made as far back as 20 years ago for legislation of this nature, but more recently there have been -- there have been consultations between the Bar in the Yukon, and the Bar in B.C., and it was as a result of those efforts last year that the British Columbia Law Society finally agreed, and willingly, to accept the responsibilities for discipline, which is an extremely difficult problem in administration of the Law Society in the Yukon.

They at that time had a discussion, the representative of the B.C. Law Society and the Canadian Bar Association, with the Commissioner in his office, and at that time they indicated their willingness, but since that time there has been no communication with the B.C. Law Society, notwithstanding their willingness to participate. So we have reached a stage now, and perhaps with this prodding, it will come to a complete and final head, we hope this fall, when the combined Bars will make their submission to you.

I hope that answers your question. If not, perhaps an indication could be had and I'll try to be more specific.

Mr. Chairman: Thank you, Mr. Nielsen. Do you have a supplementary, Mr. Berger?

Mr. Berger: Yes, I would like to get Mr. Legal Advisor to comment on the same subject, if possible.

Mr. Legal Advisor: Mr. Chairman, I checked back after informing the House that the first knowledge of an approach that was made was in November of 1967. The first approach that we have on file was an approach made by Mr. Neilsen by correspondence with the Commissioner in the summer of 1967.

Now, the matter was kicked around and back and forward; basically it was a question of the administration asking the Bar for proposals. In June of 1974, that's a year ago, there was an interview in the Commissioner's office with the Chairman of the Canadian Bar Association, the Vice-President of the B.C. Benchers, and the Commissioner, and at that time they asked for two things. They wanted a transfer of the disciplinary procedures, and they wanted statutory recognition for the Law Society itself. And the Commissioner's answer, which was confirmed by correspondence, both to Mr. McAlvey, and Mr. Barry Vogel, and was repeated to the Law Society in Whitehorse itself, was to the effect that he would foster

any move made for a transfer of disciplinary procedures or statutory provisions for the Law Society itself, but the proposal must come from the Law Society in the first instance.

It would then come to the government, the government would consider it and introduce the appropriate legislation to make this law, but this was subject to the wishes of this particular House, because all the government can do is introduce legislation.

There was correspondence between the Law Society and me in my capacity as Director of Legal Affairs, and we wrote to the Bar on this and other matters, and we've had no proposal. I have had knowledge that Mr. Christensen was appointed to the drafting committee. He informed me about two weeks ago to prepare some form of legislation, but as I say, that's the factual position.

Mr. Chairman: Thank you, Mr. Legal Advisor. Mr. Hibberd?

Mr. Hibberd: Thank you, Mr. Chairman. I don't think that it is our responsibility to enter into recriminations onto which side is responsible for delays, et cetera. I think we have before us legislation which we are supposed to make some judgement on now, so at this time, and with review to the witnesses' remarks, would it not be possible, as a suggestion, that the members of the Yukon Bar, as well as representations from the B.C. Bar get together with the legislators in the Yukon and over the summer draw up legislation which is acceptable to all parties concerned, and then at that time, in the fall session, we can again approach the matter and perhaps have the witnesses there at that as well. But I think if the legislation were to meet the needs of all the people involved, this could be done over the summer, and then we could judge on it at that time.

Mr. Chairman: Thank you, Mr. Hibberd.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, due to the fact that we are here just to either pass or not pass this legislation, I would like to ask the witnesses, or any one of the witnesses, do you have specific reasons for objecting to this Ordinance now, as the government has gone to a lot of trouble to make it and everything, and without knowing just exactly why you are against it, it's a little hard to vote yes or no.

I would like to have you say if you have had some specific parts of this document that you don't agree with?

Mr. Nielsen: Well, Mr. Chairman, if I might answer Mr. Fleming, let me say first that the legislation was prepared without any consultation with the Yukon Law Society.

Let me say also that it was prepared without any consultation with the B.C. Law Society, which is being expected to assume the full responsibilities of the administration of discipline of the Bar. If we get into specific criticisms which we believe would be constructive of the various parts of the Bill, which we are prepared to do, I don't think that it would help at this stage. I think that our case must rest on the reasonableness of convincing you of the reasonableness of the request that consultations should be had between the profession vitally affected here in the Yukon, and between the profession in B.C. which is going to be expected to assume the major portion of the responsibilities of the legislation before the vital decision -- any decision is reached by this legislature.

If that position is not acceptable by Council and if you wish us to go into the nitty-gritty of our criticisms of the legislation, it's going to take some time, and we believe wasteful time, if you accept our suggestion that you delay the passage now on our undertaking, and that has a special meaning in the profession at law, on our undertaking on behalf of our own Society, on behalf of the B.C. Society, and on behalf of the National Law Society, that we will place before you positive legislative proposals this fall for your consideration.

Mr. Chairman: Thank you, Mr. Nielsen. Supplementary, Mr. Berger? Mr. Fleming? Mr. Lang?

Hon. Mr. Lang: Yes, Mr. Chairman. I would like to ask the, I think the main point in this legislation to me is the discipline. I would like to ask the Legal Advisor, it has been said that there is a backlog of lawyers in the Yukon that are up for discipline, what is the number of the lawyers in town that are up for discipline? The reason I ask this is that I think that we have to keep in mind that we are representing the public, and I think this is a very important part of the legislation, and I would like to know how many lawyers are actually up for discipline.

Mr. Chairman: Mr. Lang, I don't see where this has any bearing on Bill 16.

Hon. Mr. Lang: Well, I think it does, because if there is a back-log--a so-called back-log of discipline in the Yukon Territory here, it's going to be offset another six months, seven, eight months maybe.

Mr. Nielsen: Mr. Chairman, if I might help there, of course I don't have access to the government files, but as far as I'm aware, there is no urgent request for disciplinary measure. I may be wrong on that, but if there is some urgent matters before the Legal Advisor who is responsible for discipline now, I'm unaware of them.

Mr. Chairman: Mr. Legal Advisor, do you wish to answer the question?

Mr. Legal Advisor: It's not a question of wishing to answer, Mr. Chairman. When you talk about discipline, you're talking about a very wide range. You are talking about things which are, in the opinion of the person who makes the complaint, or comes into see me and makes a complaint, he thinks it's important, but it may not be an ethical problem. It may be that a lawyer has not taken advantage of an appeal process, but on telephoning the lawyer concerned, to will find out what happened, it may be that the individual was asked to deposit a fee of $100.00 in the lawyer's office to cover the cost of the appeal and had not done so. That would not be an ethical matter.

It might be that a person dies in an accident, and his widow wishes to take an action, and goes in and consults the lawyer and the laywer agrees to take the action, but doesn't take it until two or three years after

the event, and then does not take it, and the widow feels that she has been ethically wronged, when in fact it's a question of negligence, and an action would lie against the lawyer for it.

It may be that a person is involved in a law case, and finds in the middle of the law case, that the lawyer whom he has consulted and is acting for him, has acted on the other side of that law case at an earlier stage of the proceedings. So we get a large number of cases, but taking the big and the small at one time, I would say about 50 per cent of the lawyers.

Mr. Chairman: Thankyou, Mr. Legal Advisor. Mrs. Whyard, do you have a question.

Hon. Mrs. Whyard: Yes, Mr. Chairman. I've had an opportunity to scan very quickly the submission by the Yukon Law Society, which was provided all Members earlier, and I may be misunderstanding the submissions in the summary on page 7, but to me it looks like a question of the chicken and the egg.

Mr. Chairman, we have here the Yukon Bar Society saying, "Our past discussions with British Columbia have been favourably received, but inconclusive due to our inability to make any commitments, or even to know exactly what we were requesting. If we are able to indicate to British Columbia that an Association having legal status will be formed, we are sure that all the details can be worked out", et cetera, etcetera.

Well now, Mr. Chairman, we've just heard a proposal that we should wait until fall when after they have become part of the British Columbia Association, they will provide the backbones of an Ordinance. It seems to me that we are saying here, you've got to have an Ordinance to establish the Association before you can become part of B.C. Could we have clarification on that, please, Mr. Chairman?

Mr. Nielsen: Mr. Chairman the paper before Council is, perhaps more properly described as a discussion paper, which was prepared for the purpose of seeing whether or not there could be a consensus among the members of the Yukon Law Society.

In explanation of the portion that has been read by Councillor Whyard, the Law Society was unaware, until they saw the legislation that was introduced in this Assembly, as to what direction the government wanted to take. In effect, the Council has been advised, on page 119 of your proceedings last Thursday that it is the government that sets the policy. Until this legislation was introduced, we had no idea, as a Society, what policy lines the government wanted to follow.

We have some indication now in the form of the Bill that is before the Assembly. Having that guideline, now, we are in a much more capable position of sitting down with the officials of the B.C. Law Society and trying to design legislation that conforms to what is indicated as government policy. As well, legislation that will work in so far as the B.C. Law Society and our own is concerned.

I hope that answers the question, if not, I would be happy to expand.

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: I don't often have the opportunity to ask you a free question. I just want to do a little nit picking here, Mr. Chairman. Mr. Nielsen has said that until they saw the Ordinance last week they were not aware of the policy, but in this Position Paper, and I quote, "We now find there seems to be no major difference between the suggestions of the Bar and the Executive's Policy". If there is no major difference, what is it that we are worrying about today?

Mr. Nielsen: Well, the fundamental approach with respect to discipline. There is no quarrel between the Law Society and what appears to be the government intention, at all. It is a question of mechanics and the question of application of Rules and the question of the design of those Rules, the design of the Regulations which must be invoked in order to implement any kind of policy. With respect, surely, it would be the height of folly to pass in a vacuum legislation contemplating rules and regulations having no reference whatsoever to the body which this Assembly hopes will assume the responsibility of implementing them. That is what we mean by being on common ground. It is a question of working out the mechanics on that part of it.

There are other omissions in the legislation itself, for instance, I don't like getting into specifics, but one very glaring one is that there is no precedural method spelled out in the Bill for a lawyer, once disbarred, becoming reinstated.

When you take the livelihood away from any worker he is entitled to have some procedure to get back on the bread line.

Mr. Chairman: Thank you, Mr. Nielsen.

Hon. Mrs. Whyard: I won't prolong this, Mr. Chairman, but, when you say there is no major difference between your philosophies and the policy of the Executive input into the Ordinance, this is not exactly what we inferred from earlier remarks, from a Member of this Assembly, who felt that there was serious policy differences and informed us. For example, the matter of interest on trusts and so on, were serious differences between the Bar Association's concept and this Ordinance.

Mr. Nielsen: This is a serious difference, but the main thrust of the government, what appears to be government policy is in keeping with the thoughts of the Law Society. We believe that what is not ethical for a lawyer to do now, could be made legislatively ethical, as has been the case in other jurisdictions.

The mechanics of achieving that we are miles apart on. With respect to the provisions in this Bill concerning interest of Trust accounts accruing to the government, we can't agree with that. I don't think the Canadian Bar or the B.C. Bar would agree with that. So we want the opportunity of placing before the Members of this Assembly our combined proposals as to how those trust monies should be treated.

I think it will be found, contrary, perhaps, to the impression that has been left when this Bill was discussed last Thursday, that on closer examination, that it is unethical, and against the Canons of Legal Ethics for a lawyer to place trust funds at interest bearing deposits, and to keep those interest monies. That is unethical.

In all of my experience at practice in the Yukon it has not been done by any lawyer in the Yukon. I have heard rumors, but they have been unsubstantiated rumors, as far as I am concerned, that any lawyer in the Yukon has made money at the expense of his client by depositing money to trust in a bank. That is unethical and it is not done, and we do not do it.

What is unethical now, could and should be made ethical, I submit, on behalf of the Law Society, by allowing lawyers to deposit funds so that they will earn interest, the same as any other deposit, but with certain restrictions on how those revenues raised by interest bearing accounts should be spent.

We disagree, fundamentally with those revenues flowing into government coffers. We hope to be able to convince you that -- to accept that point of view, in the fall, if you will delay the legislation that long, and to bolster that conviction with submissions made by officials of the Canadian Bar Association and the B.C. Law Society.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think that my record bears me out in the House since I've been here, that I believe in the consultative process, I believe in having the various interest groups before Committee, so that we end up with hopefully enforceable legislation, beeter legislation.

One thing that did disturb me, I think the record will bear me out, that there were terms, such as the Law Society of British Columbia and the Yukon Bar Association would design legislation. They would place before you positive legislative proposals. Perhaps I'm still rather naive in government, after being here for quite a few years, but I always understood that the right order of things, that the representatives of the people, in a duly elected democratic government designed the legislation and not the particular interest group. It seems to me that it's a rather "bass-ackwards". If that's the way the Law Society of Canada or the B.C. Law Society and the Yukon Bar Association thinks that we are so different in this part of Canada than other parts of Canada, I would like to think that with the development of responsible government, and hopefully, the elected representatives of the people taking more responsibility, that we, like other legislatures, will be designing the legislation, but hopefully that we will be responsible enough to listen to the various representative groups and the interest groups and come up with better legislation as a result of it.

I think that also it should be pointed out from the submission by the Yukon Law Society, that what I consider to be the three major points seem pretty well agreed upon; the disciplinary body to be the British Columbia Law Society. The Yukon Law Society agrees that that is the best alternative, so does the Government of the Yukon.

The other very important point with respect to interest on trust accounts, we agree with the government's position that it should be used to defray the expense of the new system, which I consider one of the most important points of the proposed legislation which we seem to be in agreement on. There seems to be no major difference between the suggestions of the Bar and the executive policy. So I don't think further, Mr. Chairman, the Legal Advisor says at page 122, Votes and Proceedings for Thursday, the 15th of May, 1975, that the practical effect of the Bill before you is to allow a similar type of co-operation and that the Disciplinary Secretary position contained in the Bill before you would be the Executive Secretary of the British Columbia Law Society, or a member of the staff. This idea is enthusiastically endorsed.

It appears that all the main points between the government and the Yukon Law Society are pretty well in agreement. I have no objection at all, and I don't think that the government would, it being this close on agreement, that we would have any difficulty having had a very firm commitment from the Yukon Law Society, that they would be willing to bring their ideas to this Assembly in the fall session, and hopefully out of such a meeting with the government's proposal, and their reaction to it, that we would come up with a very sound piece of legislation.

I learned an old trick from my colleague, Mr. Neilsen, and this isn't in the legal end of things, it's in the political end of things, and that was when you do have an idea, or do have a concept, and you want to find out the reaction of the public, that you even go to a phone book and just pick out names at random and phone people up and find out what they think about it. I employed this political manoeuvre after this was introduced. I spent the entire weekend either phoning or talking to everybody I met over the weekend, asking what they thought about a disciplinary committee for the Yukon Law society. I have to tell you, without exception, that this was the first time I have ever conducted one of these polls where it was absolutely unanimous. There wasn't one vote in opposition, that they thought that this was one hell of a good thing, and that's your problem, of course, not mine, that the public does seem to have this reaction towards a legal disciplining committee, they think that one is needed.

So with those remarks, Mr. Chariman, that I think it would be irresponsible for this government not to be making the legislation, with all the input that we can possibly get, from the various affected groups concerned, that I don't think there would be any objection in the hope that we would have strong and good and workable legislation, also that we have a commitment that this, after all these years, will come to fruition this fall. Hopefully we could see fit to give this a six month hoist until that time period. Mr. Chairman.

Mr. Chairman: Thank you, Mr. McKinnon. Have you anything to add?

Mr. Nielsen: Yes, before making a decision and hopefully it will be in favour of our request, I would ask the Members of the Assembly to also indicate whether they would like, in the fall, to have, in addition to representatives of the Yukon Law Society, representatives from the B.C. Law Society and/ or the Canadian Bar Association before you.

Mr. Chairman: Thank you, Mr. Nielsen. Mr. Taylor?

Hon. Mr. Taylor: Well, Mr. Chairman, I don't know that it would be wise for us to make that decision. I think that's a decision that the Bar Association is going to have to make, is what type of presentation that they

may wish to give before Committee. I would hope that with the suggestion and accepting the suggestion that the witnesses have made today, Mr. Chairman, and if the House so agreed, to defer this matter and let the Bill die in Committee until the fall, that not only would this just be a dead on confrontation in the fall again, but that somewhere during the course of the summer, that consultation would go on between the two agencies.

But be that as it will, I don't think that we could or should properly decide who we want, I think it's up to the Bar Association to bring in their guns and make their point.

Mr. Chairman: I think you are quite correct, Mr. Taylor. Any further questions to the witnesses?

Hon. Mrs. Whyard: Mr. Chairman, not a question, but just for the record, I think it should be observed that the word is "undertaking", not "commitment".

Mr. Nielsen: It was the full implication of that term in the professional way, Mr. Chairman.

Mr. Chairman: Were you requesting a legal explanation of that word, Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, it's just that I've been accused of being unlettered and I am trying to learn.

Mr. Chairman: Any further questions?
I would like to thank the witnesses for appearing.

Mr. Nielsen: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in view of the remarks made from the Administration side of government, and as it would appear that it is the wish of, I would suggest, a majority of the Committee, perhaps a motion to allow Bill Number 16 to die in Committee would be in order at this time.

Mr. Chairman: Is that the wish?

Mr. Fleming: If that is a Motion, Mr. Chairman, I would second it. Is that a Motion, Mr. Taylor?

Mr. Chairman: Would you state that Motion again, Mr. Taylor?
Hon. Mr. Taylor: That Bill Number 16 be left to die in Committee.

Mr. Chairman: Yes, Mrs. Whyard?

Hon. Mrs. Whyard: I am not perfectly clear in my own mind whether the proposal we have had from Bar Association is that they will, in consultation with those who are preparing a substitute Ordinance, have legislation ready for our fall Sessiion, or whether they are going to appear at a Fall Session with a view towards legislation being prepared?

Mr. Chairman: Well Mrs. Whyard, you are aware that the witnesses are now out of the House and you had the opportunity to ask the question at that time.

Hon. Mr. Lang: Well, Mr. Chairman, I think it is a very pertinent question and I think maybe you could call one witness back, if you wanted. I notice that they haven't left.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, that was my original proposal at the time the witnesses were here, that the various Law Societies do approach the government with a view to what amendments they might want to see and they present it as a fait accompli in the fall that we can deal with at that time.

I think this is what should happen over the -- rather than merely appearing in the fall and starting the ball rolling again, something should be done in the meantime. If they want to appear at that time, that is fine, but I think their representations could be made before then.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Chairman, I think that is their understanding that the witnesses appear.

Mr. Chairman: Thank you, Mr. Phelps.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: There is a Motion on the floor. If I may, I will read out the Motion. It has been moved by Mr. Taylor, seconded by Mr. Fleming, that Bill Number 16 be left to die in Committee.

Hon. Mr. McKinnon: Well, Mr. Chairman, with respect, I am not going to accept that Motion. I am going to vote against that Motion because I think the Motion should be giving this Bill the six month's hoist. I think that the Motion should read that Bill Number 16 be discussed at the next session of the Yukon Legislative Assembly. I think we have finally come so close between what the Yukon Law Society has prepared and brought before this Assembly and the Bill that we have now introduced that we shouldn't just let it die without any -- without the reality upon the commitment that we have received today from the Yukon Law Association that it is going to come up again for discussion at the Fall session.

As I say, I think that we are going about it in the right order. The government has presented their side of the story, the legislation along the broad outlines of policy that they would like introduced, it appears that when we have representation that we can make better legislation out of it, though the Bar Society agrees on the broad policy commitments.

I think that we should be going on the premises that we are going to have Bill Number 16 discussed at the next sitting of this Assembly. That should be the Motion rather than just allowing the Bill to die in Committee.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, that was my concern. I understood, and I think the record would show that this is an understanding, but, my concern was not to give it the six months' hoist, in case we don't

sit. We don't know when our next sitting is going to be and it is pretty hard to strike a day certain. The normal procedure, I only submitted it in that light, with that understanding that the normal procedure is simply to allow the Bill to die in Committee, but I am amenable to anything that you want to add to it.

Mr. Chairman: Mr. Taylor, would you consider the change as Mr. McKinnon has suggested in your original Motion?

Hon. Mr. Taylor: Yes, I would add the words, "and that the Bill be discussed at the next sitting of this House," "further discussed."

Mr. Chairman: Well, Mr. Taylor there is a slight discrepency in your original Motion. Do you wish to let this go through or ask for an amendment or what, consider an amendment?

Hon. Mr. Taylor: Well, Mr. Chairman we are just going to get hung up on another procedural thing. If we can't let it die in Committee I will withdraw my Motion, and you can do anything you want, but let us not get bound up into another procedural situation.

Some Members: Agreed.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 16 be discussed at the next sitting of this House.

Mr. Chairman: Who seconded the Motion?

Mr. Berger: I did.

Mr. Chairman: I take the original Motion has now died in Committee, Mr. Taylor, and Mr. McKinnon has now put a Motion on the floor?

Hon. Mr. Taylor: I have withdrawn my motion.

Mr. Chairman: Just for the record.

Mr. Fleming: Mr. Chairman?

Mr. Chairman: Yes.

Mr. Fleming: In all respect, could I withdraw my second too, or does this automatically happen?

Mr. Chairman: By all means, Mr. Fleming.
It has been moved by Mr. McKinnon, that Bill Number 16 be discussed in the next sitting of the House, seconded by Mr. Berger. Is this correct, Mr. McKinnon?

Hon. Mr. McKinnon: Thank you, Mr. Chairman.

Hon. Mr. McKinnon: The next session, Mr. Chairman.

Mr. Chairman: I heard you say "next sitting of the House."

Hon. Mr. McKinnon: I think it should be Session, Mr. Chairman, I am sorry.

Mr. Chairman: Question?

Some Members: Question.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: The motion is carried.

Motion Carried

Mr. Chairman: I am going to hand the chair over to Mr. Phelps.
(Mr. Phelps resumes Chair)

Mr. Chairman: Thank you, Mr. McCall. I think--it's now 3:30, I guess we have time to recess for 10 minutes and then have a look at the amendments, the proposed Amendments to Bill Number 8, is that agreeable?

Some Members: Agreed.

Mr. Chairman: I will declare a 10 minute recess.

Recess

Mr. Chairman: I will now call Committee back to order.

Amendments to Bill Number 8

We are now going to look at the proposed Amendments to Bill Number 8, and each Member has been provided with copies thereof. My proposal to the Members is that we proceed through the clauses as amended, and if we're in agreement with them, we'll entertain a Motion having gone through the entire package as presented.
So what I would propose is that we go throught the individual clauses and clear them, and then entertain a Motion for the amendments at the end. Mr. Taylor, do you feel that's in order?
Is that agreed by the Members?

Some Members: Agreed.

Mr. Chairman: Clause 2, sub-section (2) (b)
(Reads Clause 2 (2) (b)

Mr. Chairman: Any questions or comments?

Some Members: Clear.

Mr. Chairman: Oh, I'm sorry, Miss Millard?

Ms. Millard: I don't think this really answers the question that was raised, whether a newborn child is being covered by Medicare or not. It seems to me that a person could come up to the Territory with a newborn child a few hours old, and as that child would be covered although the parents wouldn't be for three months under this consideration.

I would think that it should be further amended to read "other than a newborn child of Territorial residence."

Mr. Chairman: Thank you. Any further discussion?

Hon. Mr. McKinnon: Mr. Chairman, I think the point is correct that if parents, who are not residents, come up with a child within the first three months, that newborn child is eligible for medical evacuation, where the parents are not, I wonder whether something like other than a newborn child of residents or something of that nature could have been added to make the protection complete, or is it important enough to be worried about?

Mr. Legal Advisor: Mr. Chairman, I'm not sure that it's important enough to worry about. The design of the Section is that a resident means (a) a certain kind of person. People under (b) are excluded, but the exclusion is taken away from a newborn child, that's the way the section is designed. We can limit it further by saying a newborn child of a person who is covered by paragraph (a). We can make it more specific if it's thought to be important.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: I'm not sure whether it's necessary, in order for the legislation to accomplish its purpose, but the definition of a newborn child in medical terminology, only refers to the first month of life, and it therefore creates further difficulties in the second and third months of life.

Hon. Mr. McKinnon: of three months of a resident.

Mr. Legal Advisor: Maybe the question is who is covered by paragraph ((a). That is a person lawfully entitled to be in Canada, who will make his home here and who is ordinarily present here, that inlcudes a baby. But paragraph (b) excludes certain people, and they are people who have not completed three months of residence, and the only people who will be excluded, that want to include, are newborn children.

Mr. Chairman: I'm certainly in agreement with what the Legal Advisor has to say. I think that covers it pretty well. Any other further discussion? Clear?

Some Members: Clear.

Mr. Chairman: Seven, sub-section (2) to be amended as follows:

(Reads Clause 7(2))

Some Members: Clear

Mr. Chairman: Eight (1) as amended:
(Reads Clause 8(1))

Mr. Chairman: Clear?
Nine, sub-section (2) (c) (iii), amended as follows:
(Reads Clause 9(2) (c) (iii))

Mr. Legal Advisor: Mr. Chairman the particular point here is not immediately visible on the draft here. The introductory words are, "where specially authorized by the Chief Medical Officer of Health", so and so and so and so and so and so, and "an ambulance may be used to transport..." to an airport or hospital or vice-versa, so it's still subject to the qualification that you must get the authority of the Medical Officer to use an ambulance instead of a cab.

Mr. Chairman: Thank you. Clear?

Some Members: Clear.

Mr. Chairman: Thirteen, sub-section (1) to be amended as follows:
(Reads Clause 13(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Fourteen, to be amended as follows:

One:
(Reads Clause 14 (1))

Mr. Chairman: Sub-section (2):
(Reads Clause 14 (2))

Mr. Chairman: Sub-section (3):
(Reads Clause 14 (3))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Fifteen (1) to be amended to read as follows:
(Reads Clause 15(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Sixteen (2), amended to read as follows:
(Reads Clause 16 (2))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Seventeen (1) to be amended to read as follows:
(Reads Clause 17(1))

Mr. Chairman Clear?

Some Members: Clear.

Mr. Chairman: Yes, Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, if there is no further discussion, I would at this time move that the Amendments to Bill Number 8 as read from the Chair be now agreed to.

Mr. Chairman: Do we have a seconder?

Mr. Hibberd: I second the Motion, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Taylor, seconded by Mr. Hibberd, that amendments -- that the Amendments to Bill Number 8 as read from the Chair be now agreed to. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Preamble to Bill Number 8:
(Reads Preamble)

Mr. Chairman: I don't believe we read Clause 1. I will read that first, of this Bill. Clause 1, sub-section (1):
(Reads Clause 1(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Preamble:
(Reads Preamble)

Mr. Chairman: And the title to Bill Number 8, "Travel for Medical Treatment Ordinance". Clear?

Some Members: Clear. I will entertain a motion.

Hon. Mrs. Whyard: Mr. Chairman, I would move that Bill Number 8 be moved out of Committee as amended.

Mr. Chairman: Thank you. A seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mrs. Whyard, seconded by Mr. McCall, that Bill Number 8, entitled "Travel for Medical Treatment Ordinance," be reported out of Committee as amended. Question?

Some Members: Quuestion.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: That appears to be all the business before this Committee at this time. I will entertain a motion.

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

Ms. Millard: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mill Millard that Mr. Speaker do now resume the Chair. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

(Mr. Speaker resumes Chair)

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

Mr. Phelps: Thank you, Mr. Speaker.

Committee convened at 10:30 a.m. to consider Bills, Papers and Motions. In the morning we had as witnesses, Mr. Miller, Mr. Dunn and Mr. Underhill. Committee recessed at 11:50 a.m. and reconvened at 2:10 p.m.

In the afternoon we had as witnesses, Mr. Veale, Mr. Christensen, Mr. Nielsen and Mr. Walters. It was moved by Mr. Taylor, seconded by Mr. Fleming and duly carried, that this House respectfully request the Honourable Gerard Pelletier, Minister of Communications, to intervene with Telesat Canada, (1) To obtain a modification to the lease proposal for miniature earth receiving stations serving rural communities in the Yukon Territory, with the intent that the lease charges be arranged so as to repay to Telesat Canada, the capital costs of their installations over an extended period, and so to bring the expenditure within reach of communities concerned, or (2) That the necessary authority be granted to the Territory to use the C.B.C. television signals and distribute such signals by the use of alternate equipment acceptable to C.R.T.C. and under their control.

It was moved by Mr. Taylor, seconded by Mr. Fleming, and duly carried, that this House request the Commissioner of the Yukon Territory to continue research and investigation into current and alternate systems for the provisions of television services to Yukon communities.

It was moved by Mr. Hibberd, seconded by Mr. Berger and duly carried, that this House request the Commissioner to make representations to the C.B.C. to make adjustments to its regulations so that all communities within the Yukon can obtain the benefits of their television earth receiving facilities.

It was moved by Mr. McKinnon, seconded by Mr. Berger and duly carried, that Bill Number 16 be discussed at the next session of this House.

I can report progress on Bill Number 16.

It was moved by Mr. Taylor, seconded by Mr. Hibberd and duly carried, that the amendments to Bill Number 8 as read from the Chair be now agreed to.

It was moved by Mrs. Whyard, seconded by Mr. McCall, that Bill Number 8, entitled "Travel for Medical Treatment Ordinance" be reported out of

Committee as amended.

It was moved by Mr. McCall, seconded by Miss Millard and duly carried, that Mr. Speaker do now resume the chair.

Thank you.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: What is your further pleasure?

Mr. Fleming: Mr. Speaker, I move that we call it five o'clock.

Ms. Millard: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Ogilvie, that we now call it five o'clock. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: This House now stands adjourned until 10:00 a.m. tomorrow morning.

Adjourned

SESSIONAL PAPER NO. 5
[1975 SECOND SESSION]
Television to Yukon Communities

Mr. Speaker
Members of Council

As all members of Council are aware, my administration has been working for the past year in attempting to provide television to Yukon Communities, which do not come under the C.B.C. accelerated coverage plan, i.e. communities with populations of less than 500.

This project started with a motion of Council emanating from a terrestrial repeater proposal which would have provided television to communities within a 100-mile radius of Whitehorse.

A detailed examination of the original proposal determined that the service quality could not be assured and that annual maintenance costs would be considerable. It was recommended by our consultant that a low-cost earth receiver complemented by a low-power transmitter could be developed. The cost estimated at that time for a receiver transmitter package was approximately $48,000 with annual maintenance costs of $600 per year.

In September 1974, a contract was entered into between this government and N.M. Lopianowski & Associates Ltd. for the design, assembly, testing and integrating into a community of a satelite earth receiving station.

In December 1974, tests were carried out at Lucerne, P.Q., of the earth receiver. These tests proved to be an unqualified success for the qualify of service we had anticipated. Consistent with these tests, a series of meetings was started with Telesat, C.B.C. and Y.T.G. representation. These meetings have culminated with agreement in principle being reached whereby -

a) C.B.C. would allow any community under this system to be licensed using C.B.C. programming.

b) Telesat would provide the earth receiving stations and would be responsible for the licensing thereof.

c) Telesat would deal directly with Y.T.G. with regard to annual lease costs and the payment thereof.

In April 1975, Telesat advised this government that the annual lease cost for the earth receiving stations would be $22,500 per station per annum. Since that time, negotiations have resulted in Telesat reducing their cost to $19,000 per station per annum.

Mr. Speaker, it is my contention that the Yukon cannot afford the luxury of this program on the basis of the costs now presented to us by Telesat Canada. I would therefore, recommend that my administration be relieved of any further obligations in regard to the motion passed by the Territorial Council in 1974. We will, of course, continue to monitor the development of this service which we have pioneered and, should it become economically feasible to the citizens of the Yukon at some time in the future, we will again present to this Council appropriate measures whereby our citizens can benefit from our pioneering work.

J. Smith,
Commissioner.

LEGISLATIVE RETURN NO. 17
[1975 SECOND SESSION]
May 16, 1975

Mr. Speaker
Members of Council

On May 16, 1975, Mr. McCall asked the following question:

"What action is the Government taking against Cypress-Anvil Mining Corporation in relation to the recent tailings pond spillage? If action has been taken, could we see the results?"

The answer is as follows:

The tailings pond spillage at Cypress-Anvil Mine has been fully investigated by the Department of Environment and Department of Indian Affairs and Northern Development. This investigation is now completed and results are being examined with regard to the provisions of the Fisheries Act and the Northern Inland Waters Act.

Further information cannot be released at this time since such a release would jeopardize the government's position, should this case come before the courts.

J. Smith,
Commissioner.

LEGISLATIVE RETURN NO. 18
[1975 SECOND SESSION]
May 15, 1975

Mr. Speaker,
Members of Council

On Friday, May 9th, 1975, Mr. McCall asked the following question:

Are the people in the community of Ross River going to pay higher rates than other communities for the use of electricity?

Is it because Yukon Electrical Company has a franchise covering the community?

The answer to this question is as follows:

The Yukon Electrical Company Limited has submitted nine proposed franchise agreements for Yukon communities including Ross River. The Electrical Public Utilities Board is reviewing these proposals. A franchise agreement is not presently in existence for the community of Ross River.

The rates for the supply of electrical energy in Yukon communities, as proposed by the Yukon Electrical Company Limited, do vary; however, the rates for residential service requested for Ross River are the same as those which would apply in Stewart Crossing, Beaver Creek, Destruction Bay, Burwash Landing, Pelly Crossing and Swift River.

James Smith,
Commissioner.

LEGISLATIVE RETURN NO. 19
[1975 SECOND SESSION]
May 20th, 1975

Mr. Speaker,
Members of Council

On Friday, May 16th, Councillor Millard asked the following question:

"Concerning the amendments to the regulations on the Corrections Ordinance, which add sections 93, 94, 95, 96, 97 and 98: in section 98 it states that 'at the termination of the enquiry the prisoner may be transferred prior to delivery by the inspector of the written report mentioned in section 96'. Since this appears only to negate the purpose of the amendments, what other purpose might it have?"

The answer is as follows:

The sole intent of section 98 is to authorize the Director of Corrections, in circumstances where there is a degree of urgency, to effect the transfer until such time as he, the Director of Corrections, is in physical possession of the institutional inspector's written report.

Flo Whyard,
Member,
Executive Committee.

The Yukon Legislative Assembly

Number 10 | 3rd Session | 23rd Legislature

Debates & Proceedings

Thursday, May 22, 1975

Speaker: The Honourable Donald Taylor

Pulbished under authority of the Speaker of the Yukon Legislative Assembly by the Queen's Printer for Yukon

The Yukon Legislative Assembly

Thursday, May 22, 1975

Mr. Speaker reads Daily Prayer

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

Madam Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call the House to order.

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed to the Order Paper. Are there any documents or correspondence for tabling this morning? The Honourable Member from Whitehorse North Centre?

Hon. Mr. McKinnon: Mr. Speaker, I have for tabling today, Legislative Returns Number 20 to 24 inclusive, and also a report entitled "The Community Plan for Dawson City" prepared by Synergy West Limited.

Mr. Speaker: Is there any further documents or correspondence for tabling this morning?

Are there any reports of committees? Introduction of Bills? Notices of Motion or Resolution? Notices of Motion for the Production of Papers?

We will then proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: Madam Clerk, could you ascertain if Mr. Commissioner would be available to the House for Question Period this morning?

(Madam Clerk leaves Chambers)

Mr. Speaker: I will at this time declare a very brief recess.

Recess

QUESTION PERIOD

Mr. Speaker: At this time we will call the House back to order and we have with us this morning, Mr. Commissioner, to assist us with Question Period.

Would you proceed with your questions please?

Mr. Commissioner, did you have anything this morning?

Mr. Commissioner: No, Mr. Speaker.

Mr. Speaker: Are there any questions?

Then we would thank Mr. Commissioner for his attendance this morning and proceed on the Order Paper to Public Bills.

PUBLIC BILLS

Mr. Speaker: The Honourable Member from Whitehorse West?

Amendments to Bill Number 8, First Reading

Hon. Mrs. Whyard: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Amendments to Bill Number 8 be now read a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse North Centre, that the Amendments to Bill Number 8 be now read a first time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: When shall the Amendments be read for the second time?

Amendments to Bill Number 8, Second Reading

Hon. Mrs. Whyard: Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that the Amendments to Bill Number 8 be now read for the second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse North Centre, that the Amendments to Bill Number 8 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Amendments to Bill Number 8, Third Reading

Hon. Mrs. Whyard: Mr. Speaker, I move that Bill Number 8 be now read for the third time.

Mr. Speaker: Is this seconded?

Hon. Mrs. Whyard: Seconded by the Honourable Member from Whitehorse North Centre, Mr. Speaker.

Mr. Speaker: I thank the Honourable Member.
It has been moved by the Honourable Member for Whitehorse West, and seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 be now read a third time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. Whyard: Yes, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 8 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion has carried and that Bill Number 8 has passed this House.

Motion Carried

Mr. Speaker: May I have your further pleasure?

Mr. McCall: Yes, Mr. Speaker. I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Mr. Speaker: Is there a seconder?

Mr. Fleming: I second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole for the purpose of discussing Bills, Sessional Papers and Motions. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried and the Honourable Member from Whitehorse Riverdale will take the Chair in Committee of the Whole.

(Mr. Speaker leaves Chair)

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call Committee to order. We have just received, minutes ago, proposed amendments to the Municipal Ordinance. My feeling is we ought to adjourn for sufficient time or recess for a sufficient time for Members to be able to read through these amendments and consider them.

Hon. Mr. McKinnon: I think only probably only a short recess is necessary. All of the amendments, save -- all of the amentments before Committee were discussed in Committee of the Whole when the representative of the Yukon Association of Municipalities were present, and every one of them has been acceded to, Mr. Chairman, save one, and I don't think there should be in any difficulty in members being able to recognize the amendments.

Mr. Chairman: Well, my concern, with respect, Mr. McKinnon, is that Members may wish to have some time to consider them anyway. What is the wish of the Members?

Some Members: Agreed.

Mr. Chairman: I propose a 15 minute recess, and so call.

Recess

Mr. Chairman: I will now call Committee to order, and the first item on the agenda is to look at the amendments as proposed by the administration, to Bill 13. What I intend to do is to read through the proposed amendments and then entertain a Motion as we did with Bill Number 8 yesterday.
Clause 2 is deleted. Clear?

Some Members: Clear.

Mr. Chairman: Three is amended to read:

(Reads Clause 3(30)(1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Seven, there is no change recommended in these amendments.

Hon. Mr. McKinnon: Mr. Chairman, if I could rise to question, sub-section 82(1) of the Municipal Ordinance, there was a suggestion, particularly from the Municipality of the City of Dawson, that there be a fixed sum included in the Municipal Ordinance above which the public had to go to plebiscite and below which they didn't.

Mr. Chairman, this means a major change in the philosophy behind the Municipal Ordinance where the mill rate on taxable assessment has always been used to judge whether a community had to go to plebiscite or not. The change to the five mills on taxable assessment rather than three mills puts the Dawson City up to approximately $6,000.00 of expenditure prior to having to go to plebiscite from 4,000 which it was prior to that, 10 percent was to be $60,000.00, Mr. Chairman.

We would like to see this in operation for approximately -- well for a time period, because even with the three mills on assessment, there weren't that many plebiscites on monetary expenditures in Dawson City. We think with the increase up to five mills that probably it could work out and if it doesn't, we're prepared to look at the philosophy of changing it to a fixed rate, rather than a mill rate which has been the experience with the Municipal Ordinance in the past.

Mr. Chairman: Thank you. Any further discussion?

Eleven, amended to read as follows:

(Reads 11 (120.1 (1)

Mr. Chairman: Anything arising?

Some Members: Clear.

Mr. Chairman: Thirteen is amended by eliminating paragraph (a) and changing (b) and (c) to (a) and (b) respectively. Are there any questions on the amendments? Miss Millard?

Ms. Millard: Yes, Mr. Charirman. I argued about this when it was first before us quite awhile ago, that the restrictions were very narrow and that someone who might be just trying to fix their own car in the back yard might have some problems, and it's even been further changed now to substitute "or" for "and" after section (a) and (b), which is in the old one, (b) and (c), which means that a car which is partly dismantled or a car that is not located in a building, and I find that very--narrowing down the whole thing so much that there is no real definition.

Mr. Chairman: Thank you, Miss Millard. Perhaps we could have an explanation from Mr. Legal Advisor as to--

Mr. Legal Advisor: Mr. Chairman, this is a misprint, it should have been "and".

Mr. Chairman: So we will substitute "and" for "or" there. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. It's a good thing it's not a partly misprint. I don't agree with the word "partly" in any case. In anything that you're going to have--if it's a wrecked vehicle, it's a wrecked vehicle; if it's a dismantled vehicle, it would be, I think a dismantled vehicle. I don't agree that "partly wrecked" gives them a chance to come in and say, "look, your headlight's out, you're got a partly wrecked yehicle". I don't agree, I believe it gives them a little too much authority to walk in and just anything at all that has something wrong with it, all of a sudden the vehicle must be towed away.

Not necessarily if they are good people, which is not always the case, and as for a rusted vehicle, I don't know, but you will find if they continue to put the stuff on our roads they are today, that we will all have rusty vehicles, and they will still only have a very few miles on them. We will be running them for a long time. It's the same as the salt water, if you have a car in Vancouver anywhere, you'll find the bottom is rusted out but it's still a good car, but it is a rusted vehicle, in many, many cases.

Mr. Chairman: Thank you, Mr. Fleming. Any response to that from the--

Mr. Legal Advisor: No, Mr. Chairman. The definition has not been changed from what it was, other than by the elimination of paragraph (a), and it's what the Municipalities asked for and it's what they are satisfied with, and they will be operating the Section by means of by-laws. This is an enabling section, enabling them to make by-laws dealing with this particular subject. This is merely the definition for that purpose.

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. Well I have the same objection as I had before, as giving to much power to the Municipalities in this respect of setting standards of what vehicle should be on the road and what shouldn't be on the road, and I think we already have the standard in our Motor Vehicle Ordinance, and I would have to object to the same thing as the Honourable Member from Hootalinqua, especially in the rusted thing. I don't think it should be in there.

I think we had a good thing before when it says in paragraph (a) that have not current licence plates and so on, I think we should have left that in there.

Mr. Chairman: Anything arising?

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it occurs to me that perhaps some Members may wish to obviously oppose this amendment, perhaps you could have by show of hands an acceptance or rejection of this particular amendment.

Mr. Chairman: Is that agreed?

Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Chairman, I think that we shouldn't get away from the philosphy of the Municipal Ordinances as I see it. All of the municipalities in the Yukon are duly elected bodies that are supposed to, under certain powers granted to them by the senior

government, conduct the affairs in the municipality as an independent and responsible duly elected body.

The Yukon Association of Municipalities representing approximately eighty percent of the people of the Yukon who live in municipalities have stated that they would like restrictions that were even more stringent than were in the last Municipal Ordinance in an effort to be able to control and clean up their municipalities.

Their mandate, Mr. Chairman, as far as I am concerned, comes from the people who elect them. If they feel that it is the people's wishes that these are the policies that they want to be enabled to put into effect, then I find it rather repugnant for this body, under the terms of the Municipal Ordinance to restrict those powers.

I think the restriction of those powers should come from the people of the municipalities who vote them out of office at the next election, if they don't like the way they are, by by-law, exercising those powers that the senior government gives them.

I have always found it rather hypocritical in this body for us, who are always crying and demanding from the senior government, the responsibilities that I think are due to the people of the Yukon Territory, through its territorial representatives to be restricting those powers under the Municipal Ordinance that most municipalities have as duly elected bodies throughout the Dominion of Canada.

They are going to, if they apply this enabling legislation in such a restrictive manner that it makes it impossible for a person to be able to fix a vehicle in his back yard. They are going to hear from the public. Let me tell you, municipal governments react to public opinion and to public pressure very quickly.

Mr. Chairman: Thank you. Mr. Lang?

Hon. Mr. Lang: Mr. Chairman, as you know, I have very strong feelings on this section, but I have to agree with the Honourable Minister from Local Government, it is going to be up to the City fathers to see how they enforce it. We will have a chance to say, next December, to say decide whether or not we can do it properly.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I may just add a word in answer to the Honourable Member for the Local Government. It is very fine to say that people can, if you don't make proper regulations, vote you out of office in four years. In four years time many people can have a lot of problems and if you do make legislation that can leave loop-holes for problems you are going to find them in there.

Mr. Chairman: Thank you.

Is it the wish of the two Members concerned to vote on the amendment? I think possibly the best way to handle it would be for a Motion of some sort. I think we are looking at an amendment to the section, the proposed section. I think part of their concern isn't over the amendment, as such, but the parent section, or the original section itself.

Is it the wish of those Members to propose a Motion?

Mr. Fleming: Mr. Chairman, I only have a couple of things I didn't like was the partly wrecked, something that is not definite is the only thing I am opposed to, and I am quite willing for it to go to a vote and accept the majority.

Mr. Chairman: No, my difficulty, Mr. Fleming, with respect, is that we ought to have your Motion, so we know exactly what we are going about. Are you opposed to this amendment, is it that simple, or is it something else you are looking for.

Mr. Fleming: Yes, Mr. Chairman, I'm opposed to the wording, and if I may make a Motion, I suppose to remove that word, I am not too good at this type of thing, and I don't want to cause any problems one way or the other, and it can be decided, I suppose, quickly anyway, but--I just don't like the word "partly".

Mr. Chairman: Maybe--

Mr. Fleming: In this place, I don't agree with the word "partly".

Mr. Chairman: Thank you, Mr. Fleming. Possibly we should adjourn for five minutes and you can consider what you want us to vote on. Is that agreed?

Some Members: Agreed.

Mr. Chairman: I will declare a 5 minute recess.

Recess

Mr. Chairman: I will now call Committee to order, and I understand that Mr. Fleming has a motion.

Mr. Fleming: Yes, I move that the words "rusted", "partly wrecked" and "partly dismantled" be deleted from Section 13 (121) (6) of Bill Number 13, seconded by Miss Millard.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman.

I would like to ask the Honourable Member why the work "wrecked" is being deleted.

Mr. Fleming: Due to the fact that it is "partly" wrecked. A wreck is definitely a wreck there, I don't think you would need that for the Municipality to know that a wreck is a wreck when they go up there. But "partly wrecked" means nothing at all, possibly a broken headlight, and that's why I propose to delete it.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: I would like to ask Mr. Fleming, in particular "partly wrecked", I would agree with you, but to delete both the wordings here is defeating the purpose. I would suggest you leave the "wrecked" in.

Mr. Chairman: With respect, Mr. McCall--

Mr. Fleming: Yes, Mr. Chairman--

Mr. Chairman:--the word "wrecked" is left in.

Mr. McCall: It is?

Mr. Chairman: It's the Motion--I'll read it again. It's moved by Mr. Fleming, seconded by Miss Millard, that the words "rusted", "partly" wrecked, and "partly" dismantled be deleted from Section 13.

Mr. McCall: Thank you.

Mr. Chairman: Any further debate?

Some Members: Question.

Mr. Chairman: Question. It has been moved by Mr. Fleming, seconded by Miss Millard, that the words "rusted", "partly" wrecked and "partly" dismantled be deleted from Section 13 of Bill 13. Agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Chairman: May I have a show of hands. Those agreed please raise your hands? And disagreed? I declare the Motion defeated.

Any further discussion on this amendment?

Section 14 in the Bill is proposed it be amended to read as follows: Fourteen:

(Reads 14 (129.1 (1))

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Mr. McCall?

Mr. McCall: I was under the distinct impression that the witnesses wished "for building purposes" to be deleted. Am I correct in that?

Hon. Mr. McKinnon: If you recall, Mr. Chairman, the witnesses were concerned that perhaps if they wanted to subdivide the land for recreational purposes or for other purposes, then just express "building", that they felt 129.1 (1) was a bit narrow, so to clarify it for sure, we put in the words "subdivide and develop the land" and took out "subdivide the land for building purposes."

Mr. Chairman: Thank you, Mr. McKinnon. Mr. Fleming?

Mr. Fleming: Yes, I would like to -- I wonder if Mr. Legal Advisor could clarify this. If they buy or any way acquire a large section of land and they have to subdivide that land, do they in this case, have to return one-third of it back to the Crown as individuals usually do?

Mr. Legal Advisor: I don't really know, they're not a railway company so they're not covered by the railway provisions. I don't know what power would require them to return one-third to the Crown.

Mr. Chairman: Thank you. Anything further?

Some Members: Clear.

Mr. Chairman: Sub-section (2)(1) of 129, proposed amendment as follows:

(Reads 129.2(1))

Mr. Chairman: Anything arising?

Mr. Legal Advisor: Yes, Mr. Chairman.

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There's a typing error here. It should have read in the final phrase, "...the disposition is to the Commissioner or the Crown".

Hon. Mr. McKinnon: We are not up to that yet, Mr. Legal Advisor.

Mr. Legal Advisor: I'm sorry.

Hon. Mr. McKinnon: You went ahead of us.

Mr. Legal Advisor: I beg your pardon.

Mr. Chairman: Any discussion about this proposed amendment?

The proposed amendment to 129.2, sub-section (2):

(Reads Clause 129.2(2))

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: Mr. Chairman, the words "or the Crown" were in the original typing, and they have been omitted in the transfer to this particular typing.

Mr. Chairman: Crown instead of Commissioner, Mr. Legal Advisor?

Mr. Legal Advisor: No, the Commissioner or the Crown should be the way the last line reads, Mr. Chairman.

Hon. Mr. McKinnon: Mr. Chairman, the City wanted land to be able to be turned back to the Commissioner without going to plebiscite. We thought that perhaps it should go one step further, say in the case of a Historic Site the City wanted to turn over, that they should be able to do that through the Crown.

Mr. Chairman: Thank you. Any discussion? Clear?

Some Members: Clear.

Mr. Chairman: I have one question of the administration, and that is, I was concerned when we did the clause by clause about Section 6(2). It was my opinion that the words "or suing on behalf of himself and all other electors of the Municipality" ought to be

deleted, and Mr. Legal Advisor said he would think about.

Mr. Legal Advisor: Yes, Mr. Chairman, I've discussed this and it appears to be a standard phrase which is used in the circumstances of this particular sub-section.

Mr. Chairman: But does it not, Mr. Legal Advisor, entitle citizens to recover damages directly from an alderman, even though the city has gone ahead and spent large sums because of the ultra vires use of their powers?

Mr. Legal Advisor: The phrase reads, "any sums due to the Municipality under this Section may be recovered by the Municipality or by the elector". It's a sum due by the Municipality, accrued to the Municipality, rather, so he cannot collect it for himself. It's a sum which is due to the Municipality, the opening phrase controls the balance of the Section, Mr. Chairman.

Mr. Chairman: Thank you. Anything arising?

Some Members: Clear.

Mr. Chairman: I will entertain a Motion on the amendments as read.

Hon. Mr. Taylor: Mr. Chairman, I would move that the amendments to Bill Number 13 as read from the Chair be now agreed to.

Mr. Chairman: Thank you. A seconder?

Mr. McCall: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Mr. Taylor, seconded by Mr. McCall, that the amendments to Bill Number 13 as read from the Chair be now agreed to. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Preamble:

(Reads Preamble)

Mr. Chairman: And the title of Bill Number 13, "An Ordinance to Amend the Municipal Ordinance". Clear?

Some Members: Clear.

Mr. Chairman: I will now entertain a Motion.

Hon. Mr. McKinnon: Mr. Chairman, I would move that Bill Number 13 be reported out of Committee as amended.

Mr. Chairman: Thank you. A seconder?

Hon. Mrs. Whyard: Mr. Chairman, I will second that.

Mr. Chairman: It has been moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill Number 13 entitled "An Ordinance to Amend the Municipal Ordinance", be reported out of Committee as amended. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, yesterday we had some difficulty in dealing with Bill Number 16 and it would be necessary for the House to report -- for the Committee, I should say, to report back to the House with respect to the Bill.

Perhpas, I would like to propose at this time that Bill Number 16 be left to die in Committee.

Mr. Chairman: Do we have a seconder?

Mr. Hibberd: I second that.

Mr. Chairman: Any discussion?

It has been moved by Mr. Taylor, seconded by Mr. Hibberd that Bill Number 16 be allowed to die in Committee. Question?

Some Members: Question.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, am I to understand that this also implies that it to be brought forward at the next session?

Hon. Mr. Taylor: Mr. Chairman?

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Perhaps I could explain. There was a Motion in Committee yesterday, with respect of Bill Number 16, which moved that the Bill be discussed again at the next Session. It is still necessary to report back to the House the status of the Bill.

The Committee must deal with all submitted to it and report back to the House what they have done with them.

The Motion now, to allow it to die in Committee would simply allow us to report that we have done something with it, we have carried it, we have moved it

out of Committee, or we have left it die in Committee.

It has no effect in nullifying the Motion that it was made yesterday that it will be discussed at the next sitting.

Mr. Chairman: Thank you, Mr. Taylor. Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Chairman: Any further business? Mr. Berger?

Mr. Berger: Thank you Mr. Chairman. I don't know if my request would be in order now to ask this Committee to, if it is possible to discuss Legislative Return Number 22.

Mr. Chairman: Is it agreed by the Honourable Members that Legislative Return Number 22 be now discussed in Committee?

Some Members: Agreed.

Hon. Mr. McKinnon: Mr. Chairman, I wonder, I am just worried about the procedure.

I have no difficulty at all in acceding to the Honourable Member's request, but I would like some direction whether or not we are actually waiving a Standing Order in this instance, and that direction has to come from the House rather than the Committee.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, in truth this is correct. Legislative Return Number 22, I don't believe, has been tabled in the House as yet.

Hon. Mr. McKinnon: It was tabled this morning, Mr. Chairman.

Hon. Mr. Taylor: In any event, Mr. Chairman, although it has not been referred to the House it could only be that the general subject matter could be discussed, I would say, in Committee, but only with the concurrance of all Members. If there is one dissenter, it would not be possible.

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: That is the procedure that we can use to get around the Rules. Mr. Chairman, I certainly won't be dissenting.

Mr. Chairman: Thank you.

Is it agreed by all Members then that we discuss Legislative Return Number 22?

All Members: Agreed.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you Mr. Chairman. As all members are aware I brought four questions about the contracts in existance between the RCMP and Historic Sites at present. I strongly object to those contracts because they are directly competing with private enterprise, and private enterprise never had a chance to bid on any of those contracts.

The other concern I have, especially in smaller outlying communities, is what will happen to existing facilities, like garages in the winter time? The main business in those communities is federal government business, like RCMP and like in Dawson, especially Historic Sites.

I can see it possibly coming where there is no service stations available for local residents. Will the Territorial government consider also servicing my vehicle and everybody else's vehicle in Dawson City?

I find it very curious to see the answer I received that one of the basic policies which this government has always followed is to cooperate with all federal government. I think this co-operation should be first to all citizens of this Territory.

I think it should be the concern of all members here that this government is definitely not cooperating with its people in this Territory.

Mr. Chairman: Thank you, Mr. Berger.
Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I agree with what Mr. Berger has just stated, considering we live in the 20th Century and we are trying to encourage secondary industry to come into the Yukon, in many, many aspects and here we are once again, the government is sticking its big foot in its own mouth by encouraging this sort of procedure. I disagree with the intended attitude of policy of the government in allowing this to go on, and I would strongly suggest we consider encouraging the government to change its policy.

Mr. Chairman: Thank you, Mr. McCall. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I have to agree with the Honourable Members. It is our intention to reconsider our basic policy, unless we therefore will not attempt to cancel these agreements unless we are forced to by the Federal Department, which means they won't do anything.

But on the other hand here when they say, "When discussing third party services as part of 1975-76 estimates, the explanation given was that this included work done for private individuals, federal agencies and municipalities".

Now private individuals, I will agree with the wording because of what they say here, to a certain extent, that if there is no other facilities in that area, even the Department of Public Works will help in some cases by renting machinery which we have spoken about here before in this legislation, and so forth, but only if there are no other facilities, or no other machinery to rent, so forth and so on. So that private individuals is just something that if it's a necessity, yes, and I can see in some cases where the RCMP may be a necessity if there is not any other services

available to them, but if there is other services and people that are paying licences in this Territory, then I see no need for them to go anywhere except for their major repairs, which they do now at any time.

As for Historical Sites, I don't think they are an emergency very often, and when they start taking over this type of thing, I think they are going just a little bit too far, and they are imposing upon the business people who are paying licences in this Territory just a little too far.

Mr. Chairman: Miss Millard?

Ms. Millard: Yes, I must rise in support of the other Members who object very strongly to this legislative decision, and I'm wondering if Mr. Miller can come to us and try to explain it in some way. It certainly doesn't make sense to me. I've always heard that the Territorial Government will not interfere with private enterprise, and that there was a definite policy to support private enterprise, where at all possible.

I would certainly like some answer to this question.

Mr. Chairman: Is it agreed by Members that we invite Mr. Miller as a witness?

Some Members: Agreed.

Mr. Chairman: Madam Clerk, would you --

(Madam Clerk leaves Chambers)

Mr. Chairman: I will declare a 5 minute recess at this time.

Recess

Mr. Chairman: I will now call Committee to order, and we have with us as a witness, Mr. Miller, and Mr. Miller, we are discussing legislative Return Number 22. Are there any questions of the witness? Mr. McCall?

Mr. McCall: Yes, thank you, Mr. Chairman. The first question I would like to ask Mr. Miller is an explanation to this paragraph, "It is not our intention to reconsider our basic policy and we, therefor, will not attempt to cancel these agreements unless requested to do so by the originating federal department".

Would you mind explaining that paragraph to me, please?

Mr. Miller: Mr. Chairman, we don't find anything wrong with our basic policy. Maybe just for a bit more background information, the Treasury Board in Ottawa some number of years ago, and if my memory serves me correct, it's about eight or ten, signed a Minute which indicated that all Federal Departments would follow the basic principle that if there was a service available by one department in a community, that all other departments would take advantage of that same service, and not create duplicate type services. We still have to live with that basic principle, because we still get a lot of our money from the Treasury Board.

So we adopted the policy of cooperation and of providing these services, wherever possible, providing it doesn't cost us any additional money, to federal agencies, and we intend to continue that.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. In view of what Mr. Miller has stated, in accepting and living with the policies of a federal government, don't you feel that it's a direct insult to private enterprise in the Yukon?

Mr. Miller: Mr. Chairman, it's not our intention to interfere with private enterprise. We didn't ask the R.C.M.P. or National Historic Sites for this work, they asked us to do it for them.

Now, I won't try to answer for either of those parties as to why they asked us. I know the reasons, but I won't answer for them, they can answer for themselves, but having been asked, and having the capability to fulfill that service, I think we have an obligation to do so.

Mr. Chairman: Miss Millard?

Ms. Millard: Mr. Chairman, am I to understand Mr. Miller to say that the federal government was intending to have their own garage to look after their own vehicles, when you said not to create duplication of services; was this their intention, rather than to go to small garages in the towns?

Mr. Miller: No, Mr. Chairman, I don't believe that was the intention in these particular cases, but one of the basic principles as I've expounded, is that where there is a facility operated by government, for servicing vehicles in Whitehorse, for example, going back to when D.P.W. ran the Alsaka Highway here in Whitehorse, they maintained all federal government vehicles in that garage.

Ms. Millard: Mr. Chairman?

Mr. Chairman: Miss Millard?

Ms. Millard: Excuse me, I'm still not quite clear on what Mr. Miller means by duplication of services then?

Mr. Chairman: Mr. Miller?

Mr. Miller: Well I'm suggesting that we operate garages in these communities, for example, in Dawson, we operate a garage for our cwn equipment. The federal government have approached us to maintain their equipment in our garage. I believe that we are obligated to do just that.

Mr. Chairman: Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. In view of what Mr. Miller is saying, I am being left with the distinct impression that we are looking at a fantastically federally owned Crown corporation here. This is the first step at getting it off the ground, as far as I'm concerned.

The other impression I'm being left with is

private enterprise might just as well pack their bags and leave, because they are not being considered at all by our government, and I think this is a very selfish attitude, to have an administration here in the Yukon allowing the federal government to just move in like this, and do their thing. I totally think this is out of order and out of line.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman. It appears to me, due to the bottom paragraph here, "We will continue to apply our policy towards the servicing and repair of any federal government departments' vehicles providing that it does not increase our costs".

Now, there is no way in this world that it is not going to increase the Territorial Government's costs. There's an explanation, I'm sure, that's right, because at any time that there is more work, there is going to be more cost, and I would like to ask Mr. Miller, do we get paid for any of these extra costs? Are they willing to pay for it to the Territorial government, for the work that's done?

Mr. Chairman: Mr. Miller?

Mr. Miller: Mr. Chairman, I believe there was tabled in Council the other day, the agreements with respect to vehicle equipment repairs for both Parks Canada and the RCMP, which lay out the costs that they are paying us any time we service their vehicles.

Mr. Chairman: Miss Millard?

Ms. Millard: Just to continue on that question, are the costs different from what they would be for an individual citizen of the town? Are they different for the federal government, are they less?

Mr. Miller: Well number 1, we don't service individual vehicles, individuals' vehicles, we only service government vehicles, but as I understand it, the costs that we charge back to the federal government are less than what the federal government would pay if they went out and tried to arrange to get this done by a private garage. But these are our total out-of-pocket costs that we are charging back.

Mr. Chairman: Mr. Miller, in your opinion, is this kind of agreement harmful to private enterprise?

Mr. Miller: Mr. Chairman, I would suggest that private enterprise might be suffering in certain communities as a result of this.

Mr. Chairman: Thank you. Any further questions?

Hon. Mr. McKinnon: Mr. Chairman, the impression that I get from this whole discussion, and the impression I get an awful lot around this table, is that it's another little piece of political blackmail, the Treasury Board holds the purse strings, Treasury Board has said now, "Look it fellows, you better come along and provide service to our federal government vehicles or perhaps the pot won't be as little bit as sweet as it was the last time around", and how do you answer this type of demand -- I guess I shouldn't go into the stronger term from the federal government, without having the rights and responsibilities of an independent legislature, has been the age old problem around this table. Where the resolution isn't, comes a revolution. I just don't really know the answer.

Mr. Chairman: Thank you Mr. McKinnon. Any further questions of Mr. Miller? Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, it's not actually a question. I think that I would like to say that I sympathize with Mr. Miller too in his position, but I also feel as the Honourable Members did, and as I spoke before, and I think it's just a straight automatic rip-off, is what you could call it, because there's no need of them imposing that upon the Territorial Government, and I see no reason why we shouldn't request something done about it.

Mr. Chairman: Thank you, Mr. Fleming. Any further Questions? Mr. Berger?

Mr. Berger: Yes, Mr. Chairman, I understand then that on the tabled contracts that the rate charged by the Y.T. government is going to be $14.00 an hour, and I believe most of the rates in private enterprise is around 16, $18.00 an hour, and I understand from what Mr. Miller says that the RCMP and Historic Sites considered those rates too high, and what I'm wondering now, is that lots of times there is so-called emergency work especially RCMP vehicles, did they ever consider that most of the work is going to be done on overtime rates and the rates are going to be way higher than private enterprise would ever charge?

Mr. Chairman: Thank you. Mr. Miller?

Mr. Miller: Mr. Chairman, if you read the agreement, it says "Rates, $14.00 per hour straight time, overtime rates subject to change, 30 days' notice in writing".

I'm not suggesting, I did not suggest, Mr. Chairman, that these rates were any lower. I said I believed that they would, to my knowledge, the result -- this did not result from the costs that the RCMP or Parks Canada were having to pay private enterprise. This resulted from the fact that they couldn't get the service that they wanted from private enterprise.

Mr. Chairman: Order. Mr. McCall?

Mr. McCall: Thank you, Mr. Chairman. I find that interesting, what Mr. Miller just stated. Thirty days' notice in case of emergency, how is that possible?

Mr. Chairman: Thank you. Mr. Berger?

Mr. Berger: I find it curious on the last statement that Mr. Miller made, that he couldn't get the vehicles serviced. I mean there never was an attempt made by the RCMP or Historic Sites to try to get contract work done by the local garage, the garage owners were never approached by RCMP or Historic Sites that they would like to go into a contract.

I find it very curious to say that they -- I realize some of the things that were behind this thing but to come up and say that they couldn't get the work done.

Mr. Chairman: Thank you, Mr. Berger. I don't think that Mr. Miller can answer for those--

Mr. Berger: I was merely interested.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I have a Motion to propose.

Mr. Chairman: Mr. Hibbered, perhaps we could have the witness excused and then we can enter into that field. If there is any other questions of Mr. Miller--

Hon. Mrs. Whyard: Mr. Chairman?

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I must admit that I'm not familiar with the terms of this contract, and I was prepared--and everyone here around this table has had opportunity to see it?

Some Members: Yes.

Mr. Miller: Yes, it was tabled the other day.

Hon. Mrs. Whyard: I apologize for not recalling the terms of this contract. My question is, does this contract apply anywhere except in Dawson City?

Mr. Chairman: Mr. Miller?

Mr. Miller: Except in Dawson City? No, the contract with the R.C.M.P., repairs and services will be effected at Whitehorse, Dawson and Watson Lake. Tune-ups and minor repairs at other locations in the Territory, where highway maintenance camps exist. Outboard motors to be repaired only in Whitehorse. In the case of Historic Sites, repairs and services will be effected at Whitehorse and Dawson City; tune-ups and minor repairs will be performed at Haines Junction.

Hon. Mrs. Whyard: Thank you, Mr. Chairman.

Mr. Chairman: Thank you. Any further questions? Thank you for attending, Mr. Miller.

Mr. Chairman: Mr. Hibberd did you have a written Motion?

Mr. Hibberd: Yes, Mr. Chairman.
My motion is that the Territorial Government be encouraged to support private enterprise, whenever possible, by submitting any projects for bid by private industry when such facilities are available in the private sector.

Mr. Chairman: Is there a seconder of that Motion?

Mr. Berger: I second that Mr. Chairman.

Mr. Chairman: Mr. Berger has seconded it. Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman, I am not sure where this can be found, but it seems to me that that is the policy of government. This is a detraction, of course, from that policy, perhaps, at the insistance of the federal government. I understand, and it has always has been my understandingit it is the policy, under either the Financial Administration Ordinance or some Ordinance to support private enterprise.
Perhaps Mr. Legal Advisor can enlighten as to whether this is stated policy of not?

Mr. Legal Advisor: I don't know whether it is the policy or not, Mr. Chairman.

Mr. Chairman: Thank you. Is it the wish of the Members that we recess for five minutes to--no.

Hon. Mr. McKinnon: Mr. Chairman, I don't think that is necessary. I think this is a re affirmation of the thinking of this Assembly. What do we care about the Administrative policy, we are worried about the policy as reflected by the elected Members of this Assembly.
I am here to tell you I am standing as an elected Member of this Assembly on this point. Go ahead with it.

Mr. Chairman: Very well, could I have a copy of your Motion?

Hon. Mrs. Whyard: Mr. Chairman, while you are waiting the Motion, if I could just say it seems to me we have a very strong indication of how we could approach this federal department on this question because of their recent financing of a Task Force which travelled all across the north, at their invitation, and met in every community of any size to find out how the government could provide more work for private enterprise. How private enterprise could tool up, supply train, employees, whatever in order to have more access to government contracts, is that not your understanding Mr. Chairman?
Having done so, now we find with the other hand the federal department is saying we will use the Territorial Government's facilities rather then give this business to private enterprise.
You are either going to have it one way or the other. It seems to me that there is only one obvious way to go on this one. I would certainly suggest that this Council urge the federal department which sponsored that Task Force to take note that this is one way that private enterprise can become a little more thriving in the north.

Mr. Chairman: Thank you. Mr. Fleming?

Mr. Fleming: Mr. Chairman, I am thinking of one of the remarks in the contract. It states, for one thing, outboard motors may be fixed only in Whitehorse. I think this is very discriminating because there is no way that there isn't people than can do it just as good as Whitehorse ever did it, and at a lot less cost. Just as good, I am not saying better.
Also I find it very very strange that they have vehicles, you know, all these things can be done at Haines Junction but not in many of the other little centres. I think the answer to that is probably because they do have the Historic Park up there. I think this is very discriminating too, to pick out some little town

just because they have a few more vehicles running around there, and let them have the business, or even take the business away just because more or vice versa, it don't matter. They are definitely not even being fair with the communities in this case at all in any ways.

They are not playing fair with one or the other. I think they should have a guilty expression on their face.

Mr. Chairman: I would like to say that I am fully in support of this motion. My only reason for asking if the recess was required was to ensure that the wording be effective. I am quite with the wording now that I have had a chance to read it.

Anv more debate?

It has been moved by Mr. Hibberd, seconded by Mr. Berger, that the Territorial Government be encouraged to support private enterprise, whenever possible, by submitting any projects for bid by private industry when such facilities are available in the private sector.

Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried, unanimously.

Motion Carried

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman. I have a further Motion. It is moved by myself that this House advises the Yukon Territorial Government Administration not to consider any new RCMP and Historic Sites contracts in the next fiscal year.

Mr. Chairman: Perhaps, Mr. Berger, you could get me a copy of that Motion. I didn't write it down.

The Motion reads, "That this House advises the Yukon Territorial Government administration not to consider any new RCMP and Parks Canada Historic Sites contracts in the next fiscal year". Clear?

Some Members: Clear.

Hon. Mr. Taylor: Mr. Chairman, while I agree with the philosophy that is contained in the Motion, I certainly couldn't vote for it, because it's too broad. I don't think in this particular instance I would lend my support to a Motion which would disallow the government of the Yukon Territory to consider anything, and that's in fact what this Motion proposes, and it is not specific to any particular subjects. The Motion says that the government can't consider any contracts with them in any respect, and consequently I could not support the Motion.

Mr. McCall: Mr. Chairman?

Mr. Chairman: Mr. McCall?

Mr. McCall: In view of what the Honourable Member has just stated, I second that Motion.

Mr. Chairman: Mr. Berger?

Mr. Berger: Mr. Chairman, I was in full agreement with a five minute recess before this. I'm quite willing to amend the Motion to just to specifically state repair work and third party work contracts.

Mr. Chairman: Well is it your wish, Mr. Berger, for a short recess to consider the wording of your Motion? Is that agreeable to Members?

Some Members: Agreed.

Mr. Chairman: I declare a short recess.

Recess

Mr. Chairman: I will now call Committee back to order, and I understand that Mr. Berger wishes to withdraw his Motion, and has a Motion to put forth in its place. Is that correct, Mr. Berger?

Mr. Berger: That is correct, Mr. Chairman.

Mr. Chairman: And Mr. McCall?

Mr. Berger: If Mr. McCall is willing.

Mr. Chairman: Mr. McCall, you agree, do you?

Mr. McCall: Yes, Mr. Chairman.

Mr. Chairman: Very well, is that agreed?

Some Members: Agreed.

Mr. Chairman: Mr. Berger, have you a Motion?

Mr. Berger: You have my copy now.

Mr. Chairman: The Motion I have here, moved by Mr. Berger, that this House recommends that Yukon Territorial Government Administration change their policy in the next fiscal year concerning third party repair on vehicles' contracts with the RCMP and Parks Canada (Historic Sites). Do we have a seconder?

Mr. McCall: Yes, I will second that.

Mr. Chairman: Any discussion?
Mr. McKinnon?

Hon. Mr. McKinnon: I don't like the word "change", because they could change it to be even harsher, according to private enterprise. I would like the word "review" considered in that Motion, so that we could have the ability of going into the background and the debate could ensue at the fiscal agreement, come spring, where I think it should, as to whether there are reasons, after review, that the policy should be changed.

I'm not at all aware of the background and the reasons, other than that given by Mr. Assistant Commissioner Miller for the policy. I was wondering

whether while Mr. Commissioner was here, who must have knowledge of the total background of the contract, whether he would be prepared to shed any light on this subject for us?

Mr. Chairman: Before we hear from Mr. Commissioner, Mr. Berger, do you wish to accept that?

Mr. Berger: I would be willing to accept the change.

Mr. Chairman: You're saying your Motion will now read "review"?

Mr. Berger: Will now read "review".

Mr. Chairman: Thank you.

Mr. McCall: I have no objections, Mr. Chairman.

Mr. Chairman: Thank you, Mr. McCall. Mr. Commissioner?

Mr. Commissioner: Well, Mr. Chairman, I wasn't present when Mr. Miller was speaking to you, and I'm sure that he gave you a considerable amount of background on this. But the basic premise that is involved here, is a provision of services to government agencies on a common basis, wherever it is practical and possible to do so. This is a policy which I personally am very, very involved in as the senior federal government representative here, and through the Federal Interdepartmental Co-ordinating Committee.

We have struggled for many years, and this is as a result of many recommendations and many Motions that have come from this House to endeavour, wherever it is practical and possible, to avoid the duplication of government services.

Now, you have happened to pick out one particular one here that you are suggesting that the policy should be reviewed on, but actually what is involved here is the total policy of the federal agencies that are represented here in the Yukon, in this particular instance, the Territorial Government is an agency of the Federal Government, and I want to make that very, very clear.

The Engineering Services' Agreement is the basic proviso of the facilities that are involved here, and are funded on an operating basis to the tune of 85 per cent federal government money and 15 per cent Territorial government money.

Now, one of the major complaints that has arisen over the years in this House, is where a Canadian National Telecommunications, the Ministry of Transport and the Territorial Government, all have a tradesman, or several tradesmen, in a community in the Territory on any one day, any given day in the week. Each one of those people having travelled from their base here in Whitehorse to a community, let us say Haines Junction or Mayo, where none of them have tradesmen present. Each one of these people is on travel status, goes to do, in most instances, less than a total day's work, and the taxpayers of Canada who would ultimately pay the bill for the whole thing, wind up paying for three tradesmen being present in a community at any given day.

Now, the same applies to the provision of say, office space or housing. At the behest of Council, and I think a proper behest, we have done everything that we can to bring about one building in a community in which all government agencies will be tenants of that agency.

Now, as you know, the Federal Department of Public Works is the basic agency for that in the Territory, but by agreement with them, the Territorial Government has been able to go ahead and say build a government building in Watson Lake, and other federal agencies, such as the Post Office and other people such as this, participate in that building.

The same thing applies here--a question was raised at the last session of Council about the provision of public washrooms in government buildings at border crossing points. Now this matter has been taken care of in the new Customs Building that will be built at Beaver Creek, and other federal agencies will get into that building. For example, I believe the R.C.M.P. will be able to find quarters in that new Customs Building. There will be public washrooms provided in it. All I am saying to Honourable Members at this time, Mr. Chairman, is that this is a very, very fundamental policy of government here in the Yukon Territory at this time, which I think is absolutely vital as far as the taxpayers are concerned, that wherever possible, that one government agency, where they have a facility that can accommodate the needs of other government agencies, should be prepared to go ahead and obey the Treasury Board directive and provide that service.

For example, in this third floor of this building, we have a telex operation here. This is provided on a co-operative basis to all agencies of the Federal Government, or the Territorial Government, who wish to use it. The Telex itself is paid for by the Department of Indian Affairs and Northern Development. The Yukon Territorial Government provides the telex operator.

This commonality, this provision of commonality of services is something that we have striven for very, very hard over the years and is starting to bear some fruit. Certainly, there is nothing the matter with taking a review of the situation, but at the same time, there is an awful lot that is involved here and is a very, very deep rooted situation.

For example, you have the ability under this type of thing as a consequence of the facility provided by the federal government that Y.T.G. is the contrator that maintains the Alaska Highway within the Yukon Territory. It is the same basic policy and the same basic principle.

You wish to take over Health Services, it will be that same basic principle that is involved there. The Y.T.G. has got the ability and will be, hopefully, will contract with the federal governments responsibilities now carried on by Northern Health.

I simply, with those words to you, Mr. Chairman, I would just want to bring to Council's attention this is a very very deep seated policy that is being talked about here and one of which we have striven for very hard, at the Territorial level for a long number of years and now it is starting to bear some fruit.

Mr. Chairman: Thank you, Mr. Commissioner. Any further debate?

Some Members: Question.

Mr. Chairman: It has been moved by Mr. Berger,

seconded by Mr. McCall, that this House recommend that Yukon Territorial Government Administration review their policy in the next fiscal year concerning third party repair on vehicles contracts with the R.C.M.P. and Parks Canada Historic Sites.

Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the Motion carried.

Motion Carried

Mr. Chairman: Anything further on Legislative Return Number 22?

Any further business before Committee?

I will entertain a Motion.

Mr. McCall: Mr. Chairman.

Mr. Chairman: Mr. McCall?

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

Mr. Chairman: Is there a seconder?

Ms. Millard: I second that.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Ms. Millard that Mr. Speaker do now resume the Chair.

Question?

Some Members: Question.

Mr. Chairman: Are we agreed?

Some Members: Agreed.

Mr. Chairman: I declare the motion carried.

Motion Carried

Mr. Speaker resumes the Chair.

Mr. Speaker: I will call the House to order.

May we have a report from the Chairman of Committees?

Mr. Phelps: Yes, Mr. Speaker. The Committee convened at 10:15 a.m. to consider Bills, Papers and Motions. We had as a witness, Mr. Miller.

It was moved by Mr. Taylor, seconded by Mr. McCall and duly carried, that the Amendments to Bill number 13 as read from the Chair be now agreed to.

It was moved by Mr. McKinnon, seconded by Mrs. Whyard, that Bill number 13 entitled An Ordinance to Amend the Municipal Ordinance be reported out of Committee as amended. That was carried.

It was moved by Mr. Taylor, seconded by Mr. Hibberd, and carried that Bill Number 16 be allowed to die in Committee.

It was moved by Mr. Hibberd, seconded by Mr. Berger, that the Territorial Government be encouraged to support private enterprise wherever possible by submitting any projects for bid by private industry when such facilities are available in the private sector. That motion was carried.

It was moved by Mr. Berger, seconded by Mr. McCall that this House recommends that Yukon Territorial Government Administration review their policy in the next fiscal year concerning third party repair on vehicles contracts with the RCMP and Parks Canada Historic Sites. That motion was duly carried.

It was moved by Mr. McCall seconded by Ms. Millard and duly carried that Mr. Speaker do now resume the Chair.

Thank you.

Mr. Speaker: You have heard the report of the Chairman of Committees, are you agreed?

Some Members: Agreed.

Mr. Speaker: I believe now it is the intention of the House to revert to Public Bills. What is your pleasure?

Amendments to Bill Number 13: First Reading

Hon. Mr. McKinnon: Mr. Speaker I move seconded by the Honourable Member from Whitehorse West that the Amendments to Bill Number 13 be now read for a first time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that the Amendments to Bill Number 13 be now read a first time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed.

Some Members: Agreed.

Mr. Speaker: I declare the motion as carried.

Motion Carried

Mr. Speaker: When shall the Amendment be read for a second time?

Amendments to Bill Number 13, Second reading.

Hon. Mr. McKinnon: Now, Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West that the Amendments to Bill Number 13 be now read a second time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that the Amendments to Bill Number 13 be now read a second time. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion as carried.

Motion Carried

Bill Number 13, Third Reading

Hon. Mr. McKinnon: Mr. Speaker I move seconded by the Honourable Member from Whitehorse West that Bill Number 13 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West that Bill Number 13 be now read a third time.

Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare the Motion carried.

Motion Carried

Mr. Speaker: When are you prepared to adopt the title to the Bill?

Hon. Mr. McKinnon: Yes, Mr. Speaker, I move seconded by the Honourable Member from Whitehorse West that Bill Number 13 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill number 13 do now pass and the title be as on the Order Paper. Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

Mr. Speaker: I shall declare that the Motion is carried.

Motion Carried

Mr. Speaker: Bill Number 13 has passed this House.

This completes the Order Paper for the day and brings us to prorogation proceedings. Are there any Members who wish to, at this time make a reply to the Speech from the Throne?

We will than proceed with prorogation proceedings.

Mr. Commissioner, the House has, at its present sitting thereof passed a number of Bills to which, in the name and on behalf of the said House I respectfully request you assent.

Madam Clerk: Bill Number 1, An Ordinance to Amend the Credit Unions' Ordinance; Bill 2, An Ordinance to Amend the Game Ordinance; Bill 3, An Ordinance to Amend the Cooperative Associations' Ordinance; Bill 4, An Ordinance to Amend the Housing Development Ordinance; Bill 5, An Ordinance to Amend the Territorial Employees' Superannuation Ordinance; Bill 6, An Ordinance to Amend the Judicature Ordinance; Bill 7, an Ordinance to Amend the Historic sites and Monuments Ordinance; Bill 8, Travel for Medical Treatment Ordinance; Bill 9, Travel Industry Development Agreement Ordinance; Bill 10, An Ordinance to Repeal the Students' Grants' Ordinance; Bill 11, Students' Financial Assistance Ordinance; Bill 12, An Ordinance to Amend the Fuel Oil Tax Ordinance; Bill 13, An Ordinance to Amend the Municipal Ordinance; Bill 14, An Ordinance to Amend the Taxation Ordinance; Bill 15, Municipal Employees' Benefits' Ordinance; Bill 17, Society of Industrial Accountants' Ordinance; Bill 18, Whitehorse (Takhini and Valleyview) Land Ordinance; Bill 19, Second Appropriation Ordinance 1975-76.

Mr. Commissioner: Mr. Speaker I am pleased to give my assent, at this time, to the Bills as enumerated by the Clerk.

I would simply say in closing Mr. Speaker, I thank you, and all Members of the House for the consideration shown to myself and my staff during this Session of your deliberations, and wish yourself and all Members of Council a pleasant summer.

For those that have to work, I hope they find lots of it. For those who can vacation, I hope that they have good weather to enjoy their vacation.

As to a future Session of Council, Mr. Speaker, as per our custom, we will give as much notice to all Members as we possibly can.

Mr. Speaker: Thank you, Mr. Commissioner.

On behalf of the House I would like to express to you, and your officers and staff, as well as to, more particulary the staff of the House, our appreciation for the courtesies and the way in which they have assisted this Session, and wish all members of your administration, as well as all Members of the House, my personal wishes for a rewarding and enjoyable summer.

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

LEGISLATIVE RETURN NO. 20

May 20th, 1975

Mr. Speaker,
Members of Council

On May 16th, 1975, Councillor McCall asked the following question:

"Mr. McKinnon, I would like to know if the roads in the Community of Ross River can be maintained in a better condition than at the present time?"

The answer is as follows:

"Due to the Spring Breakup, certain raods in Ross River were in poor condition, however, since that time, reasonably extensive road improvements were undertaken, and now all raods are in a satisfactory state."

J.K. McKinnon,
Minister of Local Government.

LEGISLATIVE RETURN NO. 21
]1975 SECOND SESSION]

MAY 21, 1975

Mr. Speaker,
Members of Council

On Monday, May 12, Councillor Lang asked the following question:

"How much land has been set aside for natives, and where are these lands located?"

The answer is as follows:

A map prepared by the Department of IAND showing crown lands designated for the use of Indians is availalbe through the Clerk of Council. If individual members wish a copy, it will be made available upon request.

M.E. Miller,
Member, Executive Committee

LEGISLATIVE RETURN NO. 22
[1975 SECOND SESSION]
May 21, 1975

Mr. Speaker,
Members of Council

On Friday, May 16, 1975, Councillor Berger asked the following question:

"Why did the Yukon Territorial Government Administration consider doing Third Party work for the RCMP and National Historic Sites, and in fact did sign contracts to repair these Federal Government Departments' vehicles, skidoos and outboard motors, thereby going into direct competition with private Yukon Enterprise which never had a chance to submit any tenders?"

"Why was this house not informed at Budget Session, when one member of this house queried budget item 905, Third Party Work of the pending contract and the one contract then already in existence since March 1, 1975?"

"When is the Yukon Territorial Government administration going to reconsider and try to seek release from both these contracts?"

"Is the servicing and repair of other Northern Affairs Departments' vehicles also under consideration?"

The answer is as follows:

One of the basic policies which this government has always followed is to cooperate with all Federal Departments in the provision of services to the public of the Yukon and, particularly, when requested to do so by a specific government department. Consistent with this basic policy, when we were approached by the RCMP and National Historic Sites for assistance in maintaining their equipment, we first endeavoured to ascertain whether this would require additional staff and space and failing that need, we then accepted the undertaking to do their equipment repairs.

When discussing Third Party Services as part of the 1975-76 estimates, the explanation given was that this included work done for private individuals, federal agencies and municipalities.

It is not our intention to reconsider our basic policy and we, therefore, will not attempt to cancel these agreements unless requested to do so by the originating federal department.

We will continue to apply our policy towards the servicing and repair of any federal government deparments' vehicles providing that it does not increase our costs.

M.E. Miller,
Member, Executive Committee

LEGISLATIVE RETURN NO. 23
(1975 SECOND SESSION]

MAY 21, 1975

Mr. Speaker,
Members of Council

On Friday, May 16, Councillor Fleming asked the following question:

"Lake water is washing on to the waterfront street in Carcross. Would the Commissioner look into this matter with Engineering?"

The answer is as follows:

An inspection of the waterfront street at Carcross took place on May 20. There was evidence found that lake waters were causing erosion. However, it may have been possible that the spring snow melt caused some erosion but little evidence of this was noticed.

M.E. Miller,
Member, Executive Committee.

LEGISLATIVE RETURN NO. 24
(1975 SECOND SESSION)

MAY 21, 1975

Mr. Speaker,
Members of Council

On Wednesday, May 21, Councillor Berger asked the following question?

"When is the Territorial Government going to take over the maintenance of R.C.M.P. and other federal buildings?"

"When this is the case what will happen to the present maintenance personnel?"

The answer is as follows:

We were requested by the R.C.M.P. to takeover their building maintenance functions. We have agreed to do so wherever we have permanent building maintenance employees located in the communities. In those communities where we do not have permanent employees, we will undertake the work using Whitehorse staff as and when they are in these communities.

M.E. Miller,
Member, Executive Committee.