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# The Yukon Legislative Assembly

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**Number 4**

**3rd Session**

**23rd Legislature**

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**Debates & Proceedings**

**Tuesday, May 13, 1975**

**Speaker: The Honourable Donald Taylor**

1977  
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The Yukon Legislative Assembly

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Volume 11, 1977

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(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 ground 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 Whitehorse 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  
assented 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 accurate 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 continuously 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 construct 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 youngsters 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 situation 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, and also 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 purpose, 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 transferred 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 re-drafting. 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. Chairman:** 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 forth.

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 existence 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 of 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 tfl 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 witnesses 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 unanimous 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 Rangunathan 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.

Rangunathan 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, Rangunathan 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 population 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. Rangunathan'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 prosecution. 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 themselves 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 it 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 entirety 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 ex-

perienced 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		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 is 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**





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