

Speaker's Ruling

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# The Yukon Legislative Assembly

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Debates & Proceedings

Wednesday, May 14, 1975

Speaker: The Honourable Donald Taylor



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Wednesday, May 14, 1975

Mr. Speaker reads daily prayer

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

**Madam Clerk:** There is, Mr. Speaker.

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

**Mr. Speaker:** Before dealing with the Order Paper this morning, and in the interests of all Members, and in the interests of continuity and proper procedures within the House. I have been giving consideration to the matter of evening adjournments and the procedures which facilitate those adjournments.

The question I have to determine is whether the adjournment of the House by the Chair without question being put and following a Motion proposing we now call it 5 o'clock is procedurally correct or incorrect.

Firstly, the Standing Orders of this House make no provision for adjournment at the closing of each sitting day as defined in our Standing Order Number 2. In this case, we must refer then to our Standing Order Number 1, which states that in all cases not provided for, hereafter or by Sessional or by other Orders, the usages and customs of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may be applicable to this House.

Beauchesne indicates in Standing Order Number 6 that Mr. Speaker shall adjourn the House without question put until the next sitting day. The amended Standing Orders of the House of Commons currently state that Mr. Speaker simply adjourns the House until the next sitting day.

In conclusion, I have determined that the current practice of the Chair first receiving a Motion to call it 5 o'clock, or 12 o'clock as the case may be, concurrent with the sitting hours of the House and followed by an adjournment by the Chair without question being put is quite in order and procedurally correct, and accordingly I would so rule.

We will now proceed with Orders of the Day.

### ROUTINE PROCEEDINGS

**Mr. Speaker:** Are there any tabling of documents or correspondence?

**Hon. Mr. McKinnon:** Mr. Speaker, I have for tabling today, Legislative Returns Number 4, 5 and 6. They are in response to written questions Number 2, Number 9 and Number 8 respectively.

**Mr. Speaker:** Is there any further correspondence or documentation for tabling?  
Are there any Reports of Committees?  
Introduction of Bills?

### Bill Number 18 Introduced

**Hon. Mr. McKinnon:** Mr. Speaker, I beg leave to move, seconded by the Honourable Member from Mayo, for leave to introduce Bill Number 18, entitled "Whitehorse, Takhini and Valleyview Lands Ordinance".

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled, -- could I have the title to the Bill again?

**Hon. Mr. McKinnon:** Bill Number 18, Mr. Speaker, Whitehorse, Takhini and Valleyview Lands Ordinance".

**Mr. Speaker:** I'll repeat the Motion. It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Mayo, for leave to introduce a Bill entitled "Whitehorse, Takhini and Valleyview Lands Ordinance". Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

### Motion Carried

Is there any further introduction of bills?  
Are there any notices of motion or resolutions?  
Are there any notices of motion for the production of papers?

We'll then proceed to the Order Paper. We have on the Order Paper Motion number 6. Mr. Lang, are you prepared to proceed with your motion?

### Motion Number 6

**Mr. Lang:** Yes, I am, Mr. Speaker. Motion Number 6 is moved by myself and seconded by the Honourable Member from Hootalinqua. I'll read it once again. "Be



it resolved that this House instructs the Honourable Member from Whitehorse Riverdale, Willard Phelps, to support the principles enunciated in this motion, when acting on behalf of this House as a member of the Advisory Committee to the Federal Negotiator of the Yukon Indian Land Claims:

- (a) That the rights of all owners of property in the Yukon held by title or lease, be honoured in any settlement arrived at or agreed upon;
- (b) That the usufructuary rights of all residents in the Territory be honoured;
- (c) That any settlement should contribute positively to the constitutional development of the Yukon;
- (d) That all residents of the Yukon be equally subject to the laws of the Territory and that special privileges assumed or otherwise be abolished as part of this settlement;
- (e) That all programs and services within the legal continents of the Territory as defined in Section 16 of the Yukon Act be delivered through the Government of the Territory in accordance with the legislation enacted by this House and in accordance with the appropriations voted by this House;
- (f) That all Crown land which does not become part of the Land Claims Settlement be immediately transferred to the control of the Commissioner in Council to be held for the beneficial use of the Territory.

And the House further resolves that the said member should report on progress of negotiations from time to time to this House.

Mr. Speaker, if I may give a little background to this Motion. When I ran for office, one of the key issues was land. What we termed was the land policy. I believe land is the key to responsible government. If we do not have control of the land we will never have responsible government.

There was a meeting last Sunday and a few of the Members around this table were unable to attend and I would certainly like to go over to impress upon them what is happening to the Yukon via the federal government.

If I may, point here, in the green we have the territorial parks. There is no constraints on this as yet, where they refer to them as multipurpose parks, but we really do not know which direction that is going.

The striped areas are what you call ecological areas. It was brought down by the International Biological Program. This area also has no constraints. They apparently think that each area will be unique and they will go along accordingly and do what they see fit in the area outlined.

For example, in this area here, we have the Snake River. There is an iron deposit in this area and they are proposing an ecological site for this area.

Down to your left we have what they call the Kluane National Park, 8500 square miles.

Now they are asking for an ecological site up in this area. This site down here as well is moderately to high as far as mining activity is concerned and I believe it is very important for the development of the Yukon.

Now we are facing an issue which the Territorial Government is in a very unenviable position in the negotiating for Indian Land Claims.

Take this area at the present time, the proposal that was brought out by the federal government, double it, you have an area like that. And it gives you an idea of

the importance of the issue that we face today. I believe that it's a very important issue and I believe that we, within this chambers, must make every attempt to become involved before its too late and we start calling wolf.

This is why I brought forth this motion, Mr. Speaker, because I believe that it is something that is very important to the Yukon.

The principles outlined in this Motion, Mr. Speaker, I believe are very straightforward, and I do not think that they constraint our Member from the Legislature who is in the position, the unenviable position, if I may add, in the negotiations.

If I may go through it point by point and explain what that point is, to clarify it to any Member that may not interpret it the way I interpret it, I'll go through it (a), (b), (c).

"(a) that the rights of all owners of property in the Yukon, held by title or lease, be honoured in any settlement arrived at or agreed upon;"

In other words, it is saying what the people who have put their lives in the Yukon and who have managed to make a prosperous living for themselves and helped develop the Yukon, these rights will be honoured. I think that's very straightforward.

"(b) that the usufructuary rights of all residents of the Territory be honoured;"

This is in relation, for example, of outfitters who have put their lives in this Territory, and have attempted to become a part of the community here, and it means, in other words, that if they are infringed upon, there should be full compensation in that direction.

"(c) that any settlement should contribute positively to the constitutional development of the Yukon;"

In other words, in any settlement that is brought forth by the Federal Government, that it works within the political structure of the Yukon.

"(d) and (e) that all residents of the Yukon be equally subject to the laws of the Territory, and that special privileges assumed or otherwise be abolished as part of the settlement;"

and

"(e) that all programmes and services within the legal competence of the Territory as defined in Section 16 of the Yukon Act be delivered through the government of the Territory in accordance with legislation enacted by this House and in accordance with the appropriations voted by this House;"

In effect, when this settlement is through, I feel personally, and I know there's other lot of people feel the same way, that we'll all be Canadians once and for all.

And (f), and I feel this is a very important Section of this Motion,

"that all Crown land which does not become part of the land claims settlement be immediately transferred to the control of the Commissioner in Council to be held for the beneficial use of the Territory."

I believe this will be a step towards responsible government, one which everyone around this table asked for when they ran for office six months ago.

And the other point, and probably the most im-



portant at this time is:

"That the House further resolves that the said Member should report on progress of negotiations from time to time to this House".

I believe it's imperative that he comes back to this House, even if it has to be in confidence, to report the progress of the negotiations, it may be preferably his discretion, that we in the Yukon become involved in this.

I realize, and I would like to say at this time, that we are very fortunate to have a man of Mr. Phelps' education representing us, and I believe he has the confidence of this House, but I also feel that when he does go to the negotiation table, he should have an idea of what the Members around this table are talking about, and attempt to do what he can and how he sees fit, to see if he can help the development of the Yukon.

That's about all I have to say at the present time, Mr. Speaker, except for the fact that we have a petition in our midst that's asking for the Territorial Legislature's position, and they are also asking for the Territorial Position Paper. As far as the Position Paper, I raised this question last Session, Mr. Speaker, and it was because I felt that the Yukon public should know that there was a Position Paper made by the Yukon Government. As far as making it public, I feel that we should leave it up to Mr. Phelps and the rest of the Administration to see when they should release it as they see fit, because if they feel it is going to jeopardize negotiations, it's up to their prerogative, but I feel that the public has the right to know that the Government of the Yukon Territory is working on this, and working for the benefit of all Yukoners.

Thank you, Mr. Speaker.

**Mr. Speaker:** The Honourable Member from Hootalinqua:

**Mr. Fleming:** Yes, Mr. Speaker. In seconding this motion, I felt very, very strongly towards the attitude that is in this Motion. I wish the people of the Yukon to know that we are here and we are working for them and not for just one of them but for all of them. Native and white people. And on that paper, as Mr. Lang has said, rights to be honoured for the Yukon people, I think this is not a harsh thing, I think this should be considered in any negotiation for any type of thing in the Yukon. We are merely asking now that our representatives there, we're not actually asking, we are saying that we would like that representative to know exactly how we feel. I realize he does know already, but the public doesn't know that we have given any instructions whatsoever, and I think it's their right to know that we have some instructions that we wish him intend to carry out.

I don't expect him to go against the negotiations if they are fair and square at all but I expect him to stand up for the people, white people and the native people. And as for all of the other items in there, I think Mr. Lang has explained them fairly well. I won't take up your time, except for the one, about equal rights for all people. I again, hold very strongly with this. That any settlement that is made by the government, and is not made with equal rights to the people is going to jeopardize this country and also the native people very much in the future. Maybe more so than the whites. It will jeopardize all of us. Anything that is not made with equal rights.

Therefore, as I say, I second this Motion and I'll stand behind it.

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I must thank the Honourable Member from Whitehorse Porter Creek for delineating, I think, for one of the first times, before Council the land alienation that is now presented in the Yukon Territory. I have a map in my office which is even a little bit thicker than that one and that shows that out of the 207,000 square miles of the Yukon Territory, the land under the direction and control of the Yukon Territory and this Council amounts to some 300 square miles. It consists of the lands around the municipalities, around the local improvement districts, and around the unorganized areas.

I agree with the Honourable Member that land is the key. I agree with the Honourable Member that we are not going to have a responsible government until at least the surface rights of unalienated Crown land is turned over to the direction and control of the people who live here.

The fact, however, Mr. Speaker, remains that outside of that 300 square miles, every other square mile of the Yukon Territory is owned outright, lock, stock and barrel by the Government of Canada, The Federal Government.

Mr. Speaker, I further submit that it is unfair, and that it's irresponsible of this body to try and fool the people of the Yukon that anything else is the truth.

We can pass all the motherhood motions on land that we want to, I feel that that's not in the best interest of the people because they should realize the truth, they should know the truth and they should be willing to accept it.

I disagree with bodies passing Resolutions over which they have no jurisdictional and no constitutional control, in an attempt to try and relieve the hard facts of reality from the people of the Yukon, just as to where the Government of the Yukon and the people of the Yukon Territory stand. And we can do this in so many areas, and I think that that's one of the great problems of democracies and the politics of expectations, where people make political promises and put into effect motions which they know that they have no effect, no constitutional jurisdiction over and which are, in effect, ultra vires of their rights and privileges.

I think that we should be responsible enough and sensible enough to know that the reasons why the Indian people of the Yukon are negotiating with the Federal Government, and not with the government of the provinces as they are, or the Territory as they are in other parts of Canada, is because the Government of Canada is the only body that have anything that they want, which in essence, is the land. To try to think that this body has any input into land policies or land use or land control of the Government of Canada is simply not the case, and any Member who has been around this House for more than one Session, knows full well that every input on land policy directed towards the Federal Government, has up to this point in time, not been acceptable to the Federal authorities, and to try to think that a Motion of Council at this time is going to just move away those 90 years of indifference to the



people of the Yukon, where land is concerned, is an attempt to fool this Council and to fool the Members of the public of the Yukon Territory.

Mr. Speaker, because the Federal Government owns the land, all the aspects of this Motion are negotiable between the Federal Government and the Indian people of the Yukon Territory, and the Federal Government knows it, the Indian people of the Yukon Territory know it, and those of us who are big enough to accept realities, in the Yukon Territory, know it.

Our input, Mr. Speaker, on the negotiations, have to be in the area that following a settlement, and we all know, we may as well not try and portray an ostrich role, that a settlement is not going to take place, that the Indian people of the Yukon and the other people of the Yukon are going to be able to move together to a better society for all of us and for our children tomorrow in the Yukon.

That is the realization that we should all be accepting, and we should all be moving towards. Our input, Mr. Speaker, which has been effective, at this time, on the federal negotiation scheme, is to put exactly that proposition to the Federal people who own the land and are negotiating with the Indian people on the land.

I can't agree more with the Honourable Member from Porter Creek, that the biggest problem, I think that's the way that he put it, or the most important point, is that the people of the Yukon, through their elected representatives, have to have the knowledge of what is happening on the negotiations if the ultimate, which I have mentioned before, can ever come to pass.

Mr. Speaker, the Members of Council know that we have been trying to make that point with the Minister of Indian Affairs and with the negotiating team, the Executive Committee has been trying to make that point, the Member from Whitehorse Riverdale, Mr. Phelps, has been willing to make that point, so far with no success.

Mr. Speaker, I think that any fair minded person in the Yukon has to agree that it's patently discriminatory and I disagree with the discrimination in any form, that a certain segment of the negotiators have the ability to report back to their people on what is happening and another segment of the negotiators do not have the ability to report back to the people who have elected them, on what is happening. I find that just discriminatory and I do not agree with it.

Mr. Speaker, because I feel personally that for us to pretend that we have any ability of setting land policies with the federal government is naive, and I think it's rather irresponsible to the people of the Yukon and they should know and should be involved in the cold hard facts of reality. Because I believe that we shouldn't lose, what the Honourable Member has stated was the most important point of his Resolution, that I would like to move an amendment to the Motion Number 6, Mr. Speaker.

Mr. Lang: On a Point of Order, before there is any amendments done to this Motion, I would like to speak to this Motion for the last time.

Mr. Speaker: I would caution the Honourable Member that if the Member is to now speak, he would have the effect of closing the debate. The amendment

as being proposed is quite in order. I just caution the Member if he now speaks he will close debate on the Motion. So on the point of order, I must rule that the Member has a right at this time to introduce an amendment.

Mr. Lang: Well Mr. Speaker, I'll wait for that amendment then.

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

Hon. Mr. McKinnon: Mr. Speaker, I would move an amendment to Motion Number 6 that all the words after "House" in line number one be replaced by the following words, "request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a member of the Advisory Committee to the federal negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House."

Mr. Speaker, I feel that this is the most important point that can be made at this time, the point that members of the Executive Committee have been making, that Mr. Phelps has been making, that this total house has been making to the Minister. I don't think that you can get everything that you want overnight. It's been my experience in politics that you go for one thing at a time. When the original land claims negotiations was struck, there was no membership on behalf of the people of the Yukon Territory. Because of the interest of this House and because of their involvement, there are now three members on that team, one of them the Member from Whitehorse Riverdale, Mr. Phelps.

I believe, Mr. Speaker, that with the support of this House, that we may have the opportunity of going one step further and having the ability to have our elected representative on that negotiating Committee to report back to the House. This is possible, and this is feasible, and this is practical.

The attempt to pass Motion Number 6 as it is, with all those areas over which the Yukon Territorial Government has no control, will find its way so quickly into file 30 of the federal government that it will be as if the Motion was never before this House or was never passed or never defeated.

I feel that the amendment can probably meet with the unanimity of this House; I believe that it is a policy that should be accepted by the Minister of Indian Affairs and Northern Development, and I would believe that it would be the biggest single advance in the negotiations that can practically and possibly take place at this time in the area of the negotiations of the Indian Land Claims in the Yukon Territory.

Mr. Speaker, the motion would now read that "Be it resolved that this House request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a member of the Advisory Committee to the Federal Negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House."

Thank you Mr. Speaker.



**Mr. Speaker:** Is there a seconder for this motion, or this amendment?

**Mr. Berger:** Yes, Mr. Speaker, I just would like to second the amendment. I have actually nothing further to add than to say that I think to allow the Motion which the Honourable Member from Porter Creek made, to let it go through the way it was, I think, would be irresponsible of us.

**Mr. Speaker:** I will read the amendment.

"It has been moved that all the words after 'House' in line 1 be replaced by the following words: This is moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike.

"Request the Minister of Indian Affairs and Northern Development to allow the Honourable Member from Whitehorse Riverdale, Willard Phelps, who acts on behalf of this House as a Member of the Advisory Committee to the Federal Negotiator of the Indian Land Claims, to report on the progress of negotiations from time to time to this House."

Is there any debate? I might, inasmuch as this is an amendment, I would like to advise the Honourable Member from Whitehorse Porter Creek that he now does not close the debate in speaking at this time to this amendment.

The Honourable Member from Whitehorse Porter Creek?

**Mr. Lang:** There's a lot of things that the Honourable Minister has said that I agree with, Mr. Speaker. I believe, and I thoroughly believe that if the Territorial Legislative Assembly does not want to get involved in an issue such as this, or an issue of parks as far as land is concerned, and it is classed as irresponsible, then we have no business in this House.

I believe strongly, very strongly, as a Yukon citizen, as a man who was raised in the Yukon, took my education in the Yukon, I have as much right as anyone else in the Yukon or in Canada, for that matter, and for the Honourable Minister to say that a person is irresponsible for attempting to get involved in Federal legislation and attempt to at least giving some direction, Mr. Speaker, then therefore maybe we should leave these Chambers to the Administration and leave it to the Administration to save approximately \$180,000.00 in wages.

Because I don't believe, Mr. Speaker, that this House is acting responsible if we are not about to state to the Federal Government what we, in the Yukon want, and I believe it's high time that we in the Yukon did state what we wanted. I realize, in this issue everybody realizes how involved I have been, it's partially the reason I am in this House today, and if there is no example of support, there was a meeting Sunday night where there was a hundred and fifty people at that meeting, and other meetings for different organizations it's a tough time to get a quorum to vote an executive, so it just shows you how the people of the Yukon feel about this, this shroud of secrecy that is involved in the negotiations at the present time.

I realize that there has to be some secrecy, but at the present time, nobody knows what's going on. I believe it's up to this House to become involved, or else

it's going to be to the detriment of the Yukon and forty years from now, if I live that long and am a Member of this House that long, we will still be legislating on the dog catcher.

Thank you.

**Hon. Mr. McKinnon:** Mr. Speaker, just rising on a Point of Order, I didn't want to interrupt the Honourable Member when he was speaking. I think the remarks that I made will show me out, I tried to be very careful of them, that it would be irresponsible to the people of the Yukon for them to think that a Motion of this type would settle the land situation in the Yukon. If that's not what I did say that is certainly what I intended, because I think it is extremely responsible for people to be involved and the Honourable Member knows full well my total involvement in the land in many of the areas in which the Motion speaks, Mr. Speaker.

**Mr. Speaker:** Any further debate on the amendment?

Are you prepared then for question on the amendment?

Are you agreed?

Some Members: Agreed.

**Mr. Speaker:** Are there any disagreed?

Madam Clerk, would you poll the House, please?

Madam Clerk: The Honourable Member from Klondike?

Mr. Berger: Agreed.

Madam Clerk: The Honourable Member from Hootalinqua?

Mr. Fleming: Disagreed.

Madam Clerk: The Honourable Member from Whitehorse Porter Creek?

Mr. Lang: Disagreed.

Madam Clerk: The Honourable Member for Ogilvie?

Ms. Millard: I agree.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Phelps: I Agree.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: I agree.

Madam Clerk: The Honourable Member from Mayo?

Hon. Mr. McIntyre: I agree.



**Madam Clerk:** The Honourable Member from Whitehorse West?

**Hon. Mrs. Whyard:** Agreed.

**Madam Clerk:** The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Agreed.

**Madam Clerk:** Mr. Speaker, the vote is seven "yeah", two "nay".

**Mr. Speaker:** The yeahs have it, the amendment than I declare carried.

**Amendment Carried**

**Mr. Speaker:** Have you anything further on the Motion? Motion number 6 as amended. Are you prepared for the question and the Motion?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** Any disagreed?

**Mr. Lang:** Disagreed.

**Mr. Fleming:** Disagreed

**Mr. Speaker:** Is it your wish to have the House polled?

**Mr. Fleming:** No Mr. Speaker, I don't think it would do any good, I still disagree.

**Mr. Speaker:** I shall declare that Motion Number 6 as amended as carried.

**Motion Carried**

**ORDERS OF THE DAY**

**Mr. Speaker:** We'll proceed with the Orders of the Day. We have a Motion for the production of papers Number 1. Would you care to read your Motion, the Honourable Member from Klondike?

**Motion for the Production of Papers No. 1**

**Mr. Berger:** Yes, Mr. Speaker. Moved by myself, and seconded by the Honourable Member from Pelly River, that the Government Administration table the contract papers concerning the third party work to be done on R.C.M.P. and Historic Sites vehicles for Y.T.G.

**Mr. Speaker:** It has been moved by the Honourable Member from Klondike, seconded by the Honourable Member from Pelly River, that the Government Administration table the contract papers concerning third party work to be done on RCMP and Historic

Sites vehicles, by YTG. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

**Motion Carried**

**QUESTION PERIOD**

**Mr. Speaker:** We will now proceed to the question period. Madam Clerk, would you ascertain if Mr. Commissioner would be available to the House this morning?

Madam Clerk leaves the Chamber

**Mr. Speaker:** At this time I will declare a brief Recess.

**Recess**

**Mr. Speaker:** I will call the House to order, and proceed with the question period. We have with us this morning Mr. Commissioner to assist us in this endeavour.

**Mr. Commissioner?**

**Mr. Commissioner:** Mr. Speaker, if I may, a question was asked on May 13 by Councillor Millard concerning the Forestry House at Old Crow. The question being a forestry house and outbuildings were built at Old Crow which are now standing empty, what is the contemplated use of these buildings. The answer Mr. Speaker, the house, office and garage built by Forestry at Old Crow were intended to accommodate a Forest Ranger after suitable native personnel from Old Crow were trained for this position. Presently a native from Haines Junction is the Official Assistant Ranger posted to Old Crow. However Mr. Allan is single and since there is not enough officials work for him in Old Crow, he lives in forestry quarters in Dawson and covers the Old Crow area from there. There are no permanent plans for this building, but it will be used this summer by water resources personnel and is available to accommodate other northern development staff working in the Old Crow area.

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

**Question Re: Porter Creek Industrial Area**

**Mr. Lang:** Yes, Mr. Speaker. I have a question for the Minister of Local Government, if I may.

On May 9 I asked a question concerning the Porter Creek industrial area. Now apparently there is -- they have surveyed the area that was tentatively proposed for an extension to the Porter Creek industrial area, and they have come up with a area that will yield ap-



proximately five to six servicable lots, probably at a cost of \$5,000.

Now these people in Porter Creek and I'm not necessarily talking Porter Creek, I'm talking Whitehorse, there's a lot of people that are looking in the industrial area for lots in order to carry on their business.

**Mr. Speaker:** Order please. Perhaps it is not competent in question period to bring matters up in the form of debate. Perhaps the member could simply ask his question.

**Mr. Lang:** I'm sorry, Mr. Speaker, I got carried away.

The question is, that they are looking in Porter Creek for a site that will yield approximately 15 to 20 lots. What I would like to know, is the government prepared to get this done within the next month and a half so that these people can build within the building season.

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I think it's impossible in this day and age to get lots serviced, surveyed, the plan of survey registered in a month and a half. There will be 16 lots of varying acreage going on sale in the McCrae industrial subdivision, we hope somewhere around the middle of June, depending upon the survey and the registration of same.

We feel that it would be uneconomic for those people who want to purchase industrial lots in Porter Creek, with the expansion of the present industrial subdivision, because the land is expensive to survey, and there is only a few lots available. Our municipal officers have been instructed to look for a further site in Porter Creek, where there can be industrial expansion, where there can be 15 or 20 lots serviced and sold and where the lots will be much more reasonable to the people who are looking for this type of land, than if the present expansion to the present industrial subdivision was followed where only 5 or 6 lots would be available.

I might add, Mr. Speaker, that there is so much of this land in the industrial area of Porter Creek that was put out strictly for speculative purposes, there was no--there were no clauses in the last sale that demanded improvements. It's a perfect example of a mistake that we should never make again, that when land is being sold, there should be an improvement factor on it, because those lots are owned by people all over the country, who are hanging on to them, for speculative purposes and bone fide Yukon people who need land for industrial uses cannot find land at this time. I'll probably be condemned by Council for having tight improvement clauses on the next land, but by golly, with what I've seen over the last few years, you can scream all you want, they're going to be on there.

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

**Question Re: Availability of Lots**

**Mr. Lang:** Mr. Speaker, again, once again to the Honourable Minister of Local Government, he states that there are five or six lots that are relatively flat land in this area. Now I'm wondering if he would be prepared to have this land available for sale if there was in these 5 or 6 cases, where lots are available, 5 or 6 people come ahead and say that they will commit themselves and pay the \$5,000 for these lots if it's possible that it could be done this year?

**Mr. Speaker:** The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** If it can be proven that there is a need where people are willing to pay this kind of money for expansion to the present industrial area that would be a demand for lots, that they would be prepared to pay in this price range, and prepared to accept improvement clauses over a several year period, the government would have no objection at all, with the consent of the Whitehorse Planning Board, whose advice we seek on any development within the city limits, to go ahead with this type of development, Mr. Speaker.

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

**Mr. Lang:** Well, Mr. Speaker, I take it that if five or six people that are interested in these lots, if they approach Mr. McKinnon in the next couple of days, that action would be taken on this if they commit themselves?

**Hon. Mr. McKinnon:** I am sure I have seen 500 in the last 3 days.

**Mr. Speaker:** Are there any further questions? The Honourable Member from Ogilvie?

**Question Re: Transfer Of Prisoners**

**Ms. Millard:** Mr. Speaker, sometime ago, I asked Mr. Commissioner for some indication about the regulations which are being processed for consideration of appeal for transfers of prisoners outside, and we were told that they were told that they were in the process and only awaiting signature. Could Mr. Commissioner now tell us how far that process has gone?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Speaker, I believe that I deferred the question to the Legal Advisor at that time, and I can say with certainty that the papers have not come to my attention up to this time.

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

**Question Re: International Biological Program**

**Mr. Lang:** Mr. Speaker, in relation to a question that I asked a couple of days ago to Mr. Commissioner, I was wondering if they have an answer as of yet to the



-- how the Territorial representatives will be appointed to the Board for the International Biological Program, and also when would the Board of the International Biological Program be willing to meet with the legislature here, because it's stated in a memorandum that they are willing -- they were going to meet with the legislature early in 1975, and I think we are progressing into the middle of 1975.

**Mr. Commissioner:** Mr. Speaker, material is coming so that we can answer the question, it is not on hand as yet, and as quickly as it is available to us, an answer will be tabled for Council's interest.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Question Re: Transfer Of Prisoners**

**Ms. Millard:** Mr. Speaker, just a supplementary to a question I had at first, if Mr. Commissioner would refer back to the votes -- the Debates and Proceedings for the day that I asked that question, the reply of Mr. Legal Advisor was that it was in the process and as far as he understood, it was nearly coming to the point of signature.

Could this be investigated?

**Mr. Speaker:** Mr. Law Clerk?

**Mr. Legal Advisor:** Mr. Speaker, may I answer that question? Immediately after the question was asked, I also investigated it, apart from the Commissioner, and I found that in fact the papers had the day before arrived in my office, and there is, as perhaps the Member knows, a set standard procedure for dealing with the signature by the Commissioner of Regulations. And it passes through a series of hands, eventually ending up in the Commissioner's hands with the formal advice which has been tendered to him in that respect.

I think it passed through my office that morning, I initialled it and passed it on. The procedure would then I think go to the Executive Member responsible for that Department, and it may be that it was held up pending the appointment of the Executive Member. It may not be, but definitely it's in the middle.

**Mr. Speaker:** The Honourable Member from Hootalinqua?

**Question Re: Swimming Instructors**

**Mr. Fleming:** Yes, I must refer back to Friday morning's question period when I asked the Minister of Education where the nurses were going to be quartered, and -- not the nurses, pardon me, the swimming instructors, pardon me, and I wonder if and when I will have that question answered.

**Mr. Speaker:** The Honourable Member from Mayo?

**Hon. Mr. McIntyre:** This was taken as a written question, and the answer was signed by me this morning, and will be tabled tomorrow.

**Mr. Fleming:** Thank you.

**Mr. Speaker:** The Honourable Member from Ogilvie?

**Question Re: Indian Education**

**Ms. Millard:** Mr. Speaker, I have a question for the Honourable Minister of Education.

I have recently, as we all have, received the Legislative Return Number 1, which was the answer to a question that I made on March 24th, concerning the Department's position on Indian education. It's a beautiful document, it's five pages long, but it doesn't answer my question. I would like to emphasize the part of the question which was my concern, which was "Will the Honourable Minister supply details of the Executive Committee's position and future plans in the following areas of Indian education".

The document simply outlines what's now happening. It does not outline the Executive Committee's position, nor its future plans for developing Indian education in the Yukon Territory. Therefore, Mr. Speaker, I would like to repeat this question if I may.

**Mr. Speaker:** I don't know if I could, in fact, permit the question to be repeated inasmuch as it has been answered. Perhaps if the Honourable Member wished to pursue the matter further, it could be done in another way, but I don't think I would allow the question.

Is there any further questions?

The Honourable Member from Klondike?

**Question Re: Construction Contracts**

**Mr. Berger:** Thank you, Mr. Speaker. My question is for Mr. Commissioner.

It is my understanding from the news media this morning, that the Yukon Housing Corporation let 1.8 million dollars worth of contracts go and all the tenders and bids received were outside contractors, and it was further my understanding that some of the low bids received were actually Yukon contractors and they were not considered. My question is, if that is so, why were they not considered on the contracts?

**Mr. Speaker:** Mr. Commissioner?

**Mr. Commissioner:** Well, Mr. Speaker, I would have to seek an answer from the Housing Corporation. Very obviously, I am not personally involved in the bid selection process, but the tender regulations do apply, and if the Honourable Member would like to give me time to secure an answer for him, I would be happy to do so.

**Mr. Speaker:** Are there any further questions?

I would like to thank Mr. Commissioner for his attendance this morning, and we will now proceed under Orders of the Day to Public Bills.

**PUBLIC BILLS**

**Bill Number 9. Third Reading**

**Hon. Mr. McIntyre:** I move, seconded by the Honourable Member from Whitehorse North Centre,



that Bill Number 9 be now read a third time.

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

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*Motion Carried*

**Mr. Speaker:** Are you prepared to adopt the title to the Bill?

**Hon. Mr. McIntyre:** We are, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse North Centre, that Bill Number 9 do now pass and the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Mayo, seconded by the Honourable Member from Whitehorse North Centre that Bill Number 9 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I shall declare the motion carried and that Bill Number 9 has passed this House.

*Motion Carried*

**Hon. Mr. McIntyre:** Mr. Speaker, Bill Number 10 appears on the Order Paper for third reading. But inasmuch as this Bill is contingent upon the passing of the Students Financial Assistance Ordinance which is still in Committee, I propose to not bring this particular bill forward at this time.

**Mr. Speaker:** This brings us then to the end of the Order Paper. What is your futher pleasure?

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

**Mr. Speaker:** Is there a seconder?

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

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Porter Creek, seconded by the Honourable Member from Pelly River that Mr. Speaker do now leave the chair and the House resolve into Committee of the Whole for the purpose of con-

sidering Bills, Sessional Papers and Motions. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** I declare the motion carried.

*Motion Carried*

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

**COMMITTEE OF THE WHOLE**

**Mr. Chairman:** I'll now call the Committee to Order and declare a ten minute recess.

*Recess*

**Mr. Chairman:** I now call the Committee to Order. And if it's agreed, we'll proceed with the clause by clause of Bill 14. Agreed?

**Some Members:** Agreed.

**Mr. Chairman:** One.  
(Reads Clause 1)

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Two--oh, sorry.

**Mr. Fleming:** I would like to direct a question to the--Mr. McKinnon, I guess. This says, "every person who is an occupier of a real property." Do I understand it to mean that regardless of title, ownership, lease or otherwise, in this case it would cover even such as a squatter?

**Hon. Mr. McKinnon:** Mr. Chairman, there are certain sections of this Ordinance which I had some input into and I'll--I would like to speak to those sections when we arrive at them. The person responsible for the Taxation Ordinance is the assistant Commissioner, Mr. Miller, who is in Ottawa at this time and any of the legal questions I would like to redirect to Mr. Legal Advisor, because you're not going to get a legal answer from me, I don't know the legal answer.

**Mr. Speaker:** Mr. Legal Advisor?

**Mr. Legal Advisor:** First I'd like to explain, that the only changes in the third line, a "b" instead of an "a". It was a misprint in the original Ordinance. But the basic doctrine of taxation under which we operate, and the provinces operate, and all municipalities operate, is that the person who occupies the property is liable for the tax, regardless of the owner. This is very necessary when it's government owned property. You can't tax the government, but you can tax the oc-



cupational right of the occupier. And that goes on regardless of whether he's a squatter, an owner or a lessee.

**Mr. Chairman:** Thank you, any further questions?  
Two.  
(Reads Clause 2)

**Mr. Chairman:** Anything arising?  
Clear?

**Some Members:** Clear.

**Mr. Chairman:** Three:  
(Reads Clause 3)

**Mr. Chairman:** Mr. Lang?

**Mr. Lang:** Mr. Chairman, to the Minister of Local Government. Is this in the area, the way I understand it, where people have just bought land for speculation and they will be taxed accordingly, if there is a matter of supply and demand.

**Hon. Mr. McKinnon:** That comes in Section 5, Mr. Chairman.

**Mr. Legal Advisor:** Mr. Chairman, it's to deal with a particular case that has happened but not in recent years. A person appealed against this assessment; instead of just dealing with his assessment, the Board of Revision was enabled under subsection (c) as it then stood, to order a fresh assessment of the whole of the taxation area, just casually like that in the middle of winter, and this power is taken away. They deal with the property in question, not with the whole area, just casually.

**Mr. Chairman:** Thank you. Anything further?  
Clear?

**Some Members:** Clear.

**Mr. Chairman:** Four:  
(Reads Clause 4)

**Mr. Chairman:** Clear?  
Five:  
(Reads Clause 5)

**Ms. Millard:** Mr. Chairman?

**Mr. Chairman:** Mr. Fleming? And then Miss Millard.

**Mr. Fleming:** Mr. Chairman, do I take it then Mr. Legal Advisor, that this covers--I'll give you an example, because I am an example. I have property in the Municipality of Whitehorse which is three or four miles out in the bush which they surrounded when they made the city limits, so therefore, there is no road, no access to the property, only on foot today, or, you know, there's no improvements whatsoever, and this (2) gives them the authority now to raise that taxes over \$25.00 regardless of improvements or anything out there, does it not, this Section?

**Mr. Legal Advisor:** Sub-section (2), yes.

**Hon. Mr. McKinnon:** Mr. Chairman, this was an area which I did have some input into this Taxation Ordinance, was at the direct request of the Yukon Association of Municipalities that are extremely worried about the lack of unoccupied titled land where services are, primarily, are going past the doors and the minimum tax on that piece of land is \$25.00.

I think the Honourable Member from Klondike, and probably from Ogilvie, will probably have something to add in this regard, where the Municipality of the City of Dawson is having terrible problems where minimum taxes are \$25.00 on unoccupied titled land, and people, for a unique conversation piece, in the United States hold onto the title for \$25.00 a year, to have title to a land in Dawson, and people who actually want to build in Dawson can't find a piece of vacant ground to be able to build a home on, and the Municipalities were unanimous in asking for the ability to be able to set a higher taxation rate than \$25.00.

Now, it's up to the Municipality to determine what type of assessment, considering what type of services they are going to put on that land which is unoccupied, but certainly that is the Municipality's right and prerogative, and certainly that any appeal against what you feel may be unsatisfactory, should be to the Municipality.

If you will notice, the whole thread of Municipal type government and Ordinances which this Council has before it now, are to give the Municipalities the powers that they think that they should have as a duly elected responsible body. I find it very hypocritical, and always have, that this government tries to put dampers on the Municipal government when they are trying to feel their way and trying to attain the powers they think that they need in providing good municipal government, when we are constantly going to Ottawa and crying about the lack of responsible government here. It's the intention of the Department of Local Government to pay every attention to the demands and further responsibilities that the Municipal Governments feel that they need in responsibly governing the area within the Municipalities.

So I think that it is the prerogative, in fact I know it is, under the Yukon Act, to give this further power to the municipalities, and I'm recommending that such power be given to them and let them decide what properties will be on what assessment and at what price, which is, I think, part of their duly elected responsible duty.

**Mr. Chairman:** Thank you. Miss Millard is next.

**Ms. Millard:** Mr. Chairman, I can certainly see the concern in absentee landlords and things, and especially in Dawson City, however I myself live in the situation where I pay the minimum tax on a log cabin, and the sewer and water go right by my door and I certainly don't like the thought of having the city charging me \$200.00 tax a year for a building that, for me, is almost summer occupancy, especially now. That may be called -- or maybe I'm an absentee landlord, I don't know.

However, I've actually -- the building is quite historic, and there's no way that I'm going to change



the exterior to improve it, because for one thing, Historic Sites has asked me not to, because -- and the tour buses stop by and take a look, so you know, it's an asset to Dawson to have this. It's a beautiful little place. I feel that the powers here are a little too broad, as far as I'm concerned, that even if the maximum could--\$200.00 is a large sum to have to pay for taxes when you're suddenly paying the minimum. It used to be \$10.00 minimum, it could be a maximum now of 200. This is what it says--

**Hon. Mr. McKinnon:** Mr. Chairman, perhaps we can get through this a little quicker. That doesn't apply to any property where there is an improvement on it. Section 2 just applies to properties where there are no improvements.

**Mr. Chairman:** Thank you, Mr. McKinnon.

**Ms. Millard:** Exactly, that's what I'm saying.

**Hon. Mr. McKinnon:** A log cabin is considered an improvement.

**Ms. Millard:** An improvement just in itself.

**Hon. Mr. McKinnon:** Right.

**Ms. Millard:** So this just concerns empty lots?

**Hon. Mr. McKinnon:** Right.

**Ms. Millard:** I see. I understood improvements as being some kind of improvement to what's already there. But I refuse to improve my house.  
Thank you.

**Mr. Chairman:** Thank you, Miss Millard. Mr. Berger is next.

**Mr. Berger:** Thank you, Mr. Chairman. I could have a further answer for the Honourable Member from Ogilvie, that even gardens are considered as an improvement. There's no intention of the city of Dawson to increase taxes on garden patches which lots of people have in Dawson. But to add further to the Honourable Member from Whitehorse North Centre, the whole thing was raised by the Municipality of Dawson, and one of the main questions arose that up til now the Municipalities, like in Dawson for example, there's over 900 empty lots, absentee landlords, and up til now the City of Dawson collected \$25.00 and 50 per cent of that was submitted to the Federal Government, because it was shared--a 50 per cent share basis on the minimum taxes.

And this would eliminate this thing, and it would also eliminate, like the Honourable Member said, from Whitehorse North Centre, absentee landlords holding land in serviced areas, and you can't get any land.

**Mr. Chairman:** Mr. Legal Advisor?

**Mr. Legal Advisor:** I would not like the Honourable Member who has just spoken to be under a misapprehension. It is true that the section is changed and there is eliminated the half going to the Territorial Treasurer with respect to school taxes, but he should

read Section 9 of this Bill which makes different provisions for collecting school tax. It's now being collected by a total check in respect of the people who pay, rather than being measured by individual lots and in particular this.

So it's not correct to say that it exactly is the position that he thinks it is.

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** It's my full understanding, but the thing is up till now in Dawson, for instance, out of \$25 minimum taxes, you submitted \$12.50 to the federal government, and it has nothing to do with 16 mill school taxes. Now my understanding is, after reading this section, that minimum tax, the city submits is 16 mills and no longer 50 percent.

**Mr. Legal Advisor:** Yes, Mr. Chairman, that's the -- that's correct.

**Mr. Chairman:** Thank you. Mr. Fleming?

**Mr. Fleming:** I think I'm getting the picture a little clearer now, although I feel this is a very good regulation. I give you an example again of this exact property in Whitehorse, because this is more or less something I always felt I was getting for nothing, and I really don't want anything for nothing.

In this case, this property I speak of would be approximately 30 acres. Now it was taken in by the City of Whitehorse and I have been paying only \$25 a year. Of course, I'm not going to jump right up and go to the tax office and say I want to give you more, although I felt they were very foolish in maybe not checking the property for this amount, and charging possibly some more. In this case, I think that the cause is very good. If anything happens and they do overcharge me on that property, I feel they do, I can go to the Court of Revision and I think it's very fair to give them the opportunity to charge just a little more.

**Mr. Chairman:** anything further? Mr. Lang?

**Mr. Lang:** I would like to say that I'm glad to see this because back to the Porter Creek industrial lots, I know people are sitting on them in speculation and I think that they should be paying whatever the municipality agrees to, tax them in order that they become available for the public at a reasonable price, not an outrageous price.

**Mr. Chairman:** Thank you. Anything further?

Six:  
(Reads Clause 6)

**Mr. Legal Advisor:** Mr. Chairman, this is a very special case. People who carry on a business are liable to business taxes, if the municipality sees fit to put it on. But it was pointed out to the Administration that there are certain people who are carrying on professions, teachers were one of them, who are actually occupying a house, they are carrying on a profession, but they are not carrying it on for gain in the accepted sense of the word. So the definition was changed in the section to make it taxable, that's only if the municipality do oppose this tax, provided that it is



carried on for gain or profit.

**Mr. Chairman:** Does this apply to lawyers too, Mr. Legal Advisor?

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mr. Chairman:** Anything further?  
Seven:  
(Reads Clause Seven)

**Mr. Legal Advisor:** Mr. Chairman this sets out that when making assessments, there is a manual to be used, it is not to be haphazard. There was an omission in the original Ordinance as drafted. It's put in the same position as ordinary property.

**Mr. Chairman:** Thank you. It is the same manual to be used?

**Mr. Legal Advisor:** I wouldn't think so, Mr. Chairman, but it would be a manual. That would provide for uniform assessments throughout the particular area of taxation in the event that the municipality sees fit to impose this type of tax.

**Mr. Chairman:** I see.  
Anything arising?  
Eight:  
(Reads Clause 8)

**Mr. Chairman:** Nine:  
(Reads Clause 9)

**Mr. Legal Advisor:** This is just a clarification section, Mr. Chairman.

**Mr. Chairman:** Thank you Mr. Legal Advisor.  
Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, I have a question just arising out of the repeal of subsection 60(5) as in Section 8. That is, firstly, are the municipalities required to assess on the basis of the Alberta manual, in the same manner as the Government of the Yukon Territory assess, or are they not?

**Mr. Legal Advisor:** Mr. Chairman, the system of assessment which we presently operate and have operated for the last two or three years, and has been successful, is a uniform assessment made on the -- used in the Alberta manual throughout the whole of the Territory and then the tax itself, the mill rate is set by the municipalities in relation to that assessment. They don't individually assess anymore.

**Hon. Mr. Taylor:** Well Mr. Chairman, my question though is, then, is there legislation within the Municipal Ordinance for instance, which provides that this must be, that the municipality must assess on that basis of that manual or can they find another means of assessing?

**Mr. Legal Advisor:** Mr. Chairman, the regulation making power exists in the hands of the Territorial Administration to fix a particular manual and for

many years past the Alberta manual has been a fixed one.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Speaker:** Ten?  
(Reads Clause 10)

**Mr. Legal Advisor:** This is just to correct a misprint Mr. Chairman.

**Mr. Chairman:** Thank you.  
Eleven:  
(Reads Clause 11)

**Mr. Legal Advisor:** Mr. Cahirman, therewas no power to extend a deadline in the old Ordinance and there was some doubt of what would happen if the person did something 16 days after it should be done, when it should be done 15 days after something else. And of course, as the House is aware, officially there never late but this provides in case it happens to be in the future.

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

**Mr. Berger:** Thank you Mr. Chairman. I have a question I don't really know if it applies to this thing, but it is under taxation. It is last year, brought out in Dawson City also, that the municipality had a limit on levying business taxes. I actually expected to see some sort of amendment in this year. I wonder if there was anything in the making?

**Mr. Legal Advisor:** Mr. Chairman, that arose out of a query by people in Dawson who felt that the financial agreement which the Territory makes every year with the federal government, and contains a restrictive clause or did at that time, on the setting of taxes and the nature of income taxes or business taxes and set an upper limit. And the people who were taxed felt that this clause had the effect of restricting the power of the municipality to increase taxes beyond a certain point. And the matter was referred to the federal government and in particular the Department of Justice. The Department of Justice held that they couldn't tell what the sections meant and neither could the Department of Northern Affairs and neither could my office, so these limits no longer apply.

**Mr. Chairman:** Thank you.

**Mr. Chairman:** Mr. McKinnon, is it your wish to report progress on this Bill? Do you feel that there might be some--

**Hon. Mr. McKinnon:** Yes, Mr. Chairman. Just as an aside under Section 6, it's interesting to note that most of the Municipalities, I think, are still attempting to collect their --what business taxes and what varying rates through a licencing procedure, and none of the Municipalities have seen fit to use their business licencing provisions under the Municipal Ordinance, as a way of--under the Taxation Ordinance, I'm sorry, as



a method of raising revenues to the cities. I think probably one of the few jurisdictions where the Municipalities have not moved into these powers that are given to them by the senior government, and I think it's pretty difficult to be raising through licences, on different businesses rather than most jurisdictions which do it on either a square footage basis, or by a gross or a net profit basis. I think it's just something that should be considered, that the cities really have more taxing authority given to them by this body than we are given by the senior body in an attempt to raise revenues.

**Mr. Chairman:** Thank you. I'm just wondering now about the timing of the witnesses for Bills 13, 14 and 15. It seems to me that in Committee at least, we are reaching a stage where we could possibly complete most of the work by Friday, Mr. McKinnon, and I'm wondering whether or not it would be possible to have these witnesses come before this Committee say Friday, rather than next Tuesday or something?

**Hon. Mr. McKinnon:** Mr. Chairman, I'll be seeing the Mayor of the City of Whitehorse who is also the President or Chairman of the Yukon Association of Municipalities either today or tomorrow, and I could determine from him whether or not this would be acceptable to them. I'll make an effort to try and get hold of the Association to see whether Friday would fit into their plans, Mr. Chairman.

**Mr. Chairman:** Thank you, Mr. McKinnon. I'm concerned because the Bill Number 16, I'm sure that the Members from the Legal Profession will want to appear before this Committee and I understand they may have a considerable number of comments to make, and I would like to give them until say Monday, to prepare to attend as witnesses. They have been given a copy of the Bill, but only as of yesterday.

**Some Members:** Agreed.

**Mr. Chairman:** I will then declare a recess until 2 o'clock this afternoon.

#### **Recess**

**Mr. Chairman:** I'll call the Committee to order. I understand that we can go back now to Bill 11, there being one point left with respect to that bill, having to do with clause 2, subsection 2.

**Mr. Legal Advisor:** Mr. Chairman, the point was raised by yourself, and it was, that on the language of subsection 2 of Section 2 as written, it would mean that whether or not a person married, he would remain under these circumstances, a dependent student, whereas, a person's whose parents did not die would change his status from dependent to independent on the acquisition of a spouse.

Now the particular point we had in mind in reserving it for consideration was, that it was important that merely by reason of marriage, a person should not lose his entitlement to a scholarship or a bursary. In other words that a woman should not be governed, under these regulations, by the residence of her husband but would continue to maintain her own residence notwithstanding her marriage, which was the intent of the

Ordinance in the first place.

By putting in the word "unmarried" in subsection 2, at the first two words "an unmarried person who is qualified" it meets these parameters and the section will retain its intended meaning.

If the House would deem that to be a typographical error, then the Bill would be unchanged.

**Mr. Chairman:** Is that agreed by the Members?

**Some Members:** Agreed.

**Mr. Chairman:** The preamble.  
(Reads Preamble)

**Mr. Chairman:** The title of Bill Number 11, Students' Financial Assistance Ordinance. Clear?

**Some Members:** Clear.

**Mr. Chairman:** I'll now entertain a motion.

**Hon. Mr. McIntyre:** I move that Bill Number 11 be reported out of Committee without amendment.

**Mr. Chairman:** Seconder? Mr. Lang?  
It has been moved by Mr. McIntyre, seconded by Mr. Lang, that Bill Number 11 entitled Students' Financial Assistance Ordinance be reported out of Committee without amendment. Question?

**Some Members:** Question.

**Mr. Chairman:** Are we agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I declare the motion carried.

#### **Motion Carried**

**Mr. Chairman:** Mr. Berger?

**Mr. Berger:** Just one question on this, and I believe Section where it says "5", it should be changed to 15?

**Mr. Legal Advisor:** Yes, Mr. Chairman. That has already been done, to change the misprint from 5 to 15 in line 2 of the definition of Committee at sub-section (1) of Section 2.

**Mr. Chairman:** Yes.

**Mr. Legal Advisor:** That's already been done.

**Mr. chairman:** I understand that Section 18 has been moved to become Section 24 as well?

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mr. Chairman:** We are at clause by clause of Bill Number 15. One  
(Reads Clause 1(1))

**Mr. Chairman:** Clear?  
Two, one  
Reads Clause 2(1) )



**Mr. Legal Advisor:** Mr. Chairman, I just draw the attention of the House to that particular definition. It's intended to be a very broad definition, and to include not only what everybody knows is a Municipality, but any other body which is performing municipal duties or employs people in the nature of a Municipality, in order to give that person and the employer, at their option, the benefit of this particular Ordinance.

**Mr. Chairman:** Thank you, Mr. Legal Advisor. Mr. Lang?

**Mr. Lang:** Mr. Chairman, I would like to direct a question to the Minister of Local Government in relation to this. As we go through this, is this Bill, as far as, say for the employees of this City of Whitehorse, if they are not in favour of this, it's going to be up to them to go before the city council, is that not correct? It just empowers the city municipalities to enact this if they wish, eh?

**Hon. Mr. McKinnon:** That's correct, Mr. Chairman. Sub-section (2) of Section 3 says that any Municipality may apply to the Commissioner to bring its employees or any class of its employees under the benefits program.

A bit into the background of this Bill. It was another request from the Yukon Association of Municipalities, and also many of the Local Improvement Districts, hamlets, towns, villages in both the Yukon and the Northwest Territories, that because of the sizes of these various municipal types organizations, they did not have the benefits of a large group in seeking group benefits as employees. As the Commissioner stated in his opening remarks, that we think as far as we can ascertain, that it's probably the first instance of the Councils of the two Territories, the Northwest Territories and the Yukon Territory acting in concert to bring about benefits to employees of small jurisdiction, such as municipalities within the Northwest Territories and the Yukon, Local Improvement Districts, hamlets, unorganized areas, villages and the like. To bring this to fruition, Mr. Legal Advisor and the Director of Local Government flew to Edmonton and met with their counterparts in Edmonton and drafted the terms of the Ordinance, most of which I do not understand, plus the copious regulations, most of which I do not understand. I asked Mr. Legal Advisor about some of the terminology in the Ordinance, which is rather foreign to terminology of the normal Ordinances of the Government of the Yukon Territory, and have been assured, and told by him that this was necessary to receive the agreement from the separate jurisdiction.

He also assures me, and I guess the only proof of this will be in its acceptance and its putting into action, that it is an excellent piece of legislation for the different municipalities and small jurisdictions, and that there are many benefits that will be maintained by both the Northwest Territories and the Yukon Territory by the simultaneous or near simultaneous passage of this Ordinance in both the legislatures of the Yukon and of the Northwest Territories.

**Mr. Chairman:** Mr. Lang?

**Mr. Lang:** Mr. Chairman, the reason I ask the question, I understand that there is some talk amongst the municipal employees that they are not in favour of this and what I'm getting at is, it will be up to them to go before the city fathers to decide that. This is the reason I asked.

**Hon. Mr. McKinnon:** That's right. There was talk of a certain section of a group of employees of the city, that weren't in favour of the plan but under sub 2, section 3, that's the city's prerogative where it should be. We shouldn't be setting up this legislation and forcing all classes of employees from the municipality to be members of it because all we're trying to do is set up a benefit scheme which is going to prove to be better than one that a small body could get and we formed under the aegis of both the governments of the Yukon and the Northwest Territories, if the different jurisdictions don't see fit to go for the benefits under this program, or think another plan is better, certainly that's the municipality's prerogative and those employees' prerogative.

**Mr. Chairman:** Thank you. Any further questions? Mr. Berger?

**Mr. Berger:** Just one question to the Minister of Local Government. Is this plan transferable to different provinces?

**Hon. Mr. McKinnon:** Yes, that is one of the other real benefits of the plan is its portability, Mr. Chairman.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** 3(1).

(Reads Clause 3(1))

Two:

(Reads Clause 3(2))

Three:

(Reads Clause 3(3))

Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, perhaps I did miss some of the comments that have gone on just prior to this section, but I'm concerned about portability between Territorial government, of a person working for the territorial government, ceasing employment with the government and taking employment with the municipality. Is there a portability factor here?

**Mr. Legal Advisor:** Yes, Mr. Chairman, the Commissioner would have to make an agreement with himself, in that regard. It would take an agreement each time. But this plan is modelled in the same way as all of the provinces, except Ontario, which has a special plan of its own with special Ontario sets of regulations. But this follows a Western Canada plan in general and it more closely follows Alberta and Saskatchewan than the others. And it has portability, either from a municipal body, to the government or to other corporations as well, depending on the type of agreement that is made with the Commissioner or the



administrator for its portability. In the initial stages, and at present, overtures have already been made right across the country to all the people with similar plans, indicating what our plan is expected to be and asking for their provisional consideration for portability between their plan and ours, through a consultant, and the indications are that this plan would be portable right throughout Canada, both in the private and the public sector.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Four (1):  
(Reads Clause 4(1))

Two:  
(Reads Clause 4(2))

Three:  
(Reads Clause 4(3))  
Clear?

**Some Members:** Clear.

**Mr. Chairman:** Five(1):  
(Reads Clause 5 (1))

Clear?

**Some Members:** Clear.

**Mr. Chairman:** Six (1):  
(Reads Clause 6 (1))

**Mr. Legal Advisor:** Mr. Chairman, it's necessary in this regard to have retroactivity because people will be coming into this plan from outside who will have, say, ten years service. So, it's necessary that their service credits be transferred with them. It's an unusual provision in some ways but in other ways, it's to be regarded as a common term.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

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

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, probably the same question, this is establishing a board, to be known as the Municipal Employees Benefits Program Board to administer the benefits of the program. I don't take it from there that the government is going to handle the whole program, or I still feel that the program will be handled through private insurance companies.

**Mr. Legal Advisor:** There will be a Board, Mr. Chairman. It's intended at this point, that the final government decision on policy has not yet been set and will not be set until after this Ordinance has passed, and a similar Ordinance is passed in the Northwest Territories.

But the provisional plan for the moment is, there will be a Board which will be common to both Territories, and it would probably consist of an in-

dependent outside qualified professional person who might be connected with a particular board in British Columbia or Alberta, sitting as a neutral party. There would be two people on the Board with him, one of which would be an employee of the Territory, and one employee of the Northwest Territories. They would be merely a senior administrative Board for the purpose of giving government control and input into the general direction of the Board.

Under that Board then, there would be a trustee company which will tender for the business, and there will also be an insurance company which will tender for its portion of the business. So the pension will be handled as a trust fund. The collections will be made by month, or pay period by pay period from municipalities, channelled through, say our Territorial Treasurer to ensure that collections have been made, direct to the trust company who are investment, and to the insurance company which will tender and be operating subject to the Trustee Board to carry its portion.

So that basically, the administration from the Territorial point of view will consist of a joint nomination of a Chairman and a single nomination of an individual, from the public service, who will sit and possibly meet once a year and check that the accounts have been audited and that everything is in order. He might, for instance, be the Territorial Treasurer.

But it's intended to operate Section 8 and not Section 7. Section 8 provides for this common board.

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

**Hon. Mr. Taylor:** Mr. Chairman, that answers one question, but it brings me around to this matter of trust funds. I would like to know to whom will accrue the interest, any interest derived from these funds held in trust. Will this accrue to the fund itself, or will it go somewhere else?

**Mr. Legal Advisor:** No, it will accrue and be part of the income of the scheme itself, and will, in the last resort, go to the employees who are contributing to it, not the municipalities.

**Hon. Mr. Taylor:** Thank you, Mr. Chairman.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** 8(1):  
(Reads Clause 8 (1) )

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** I'm a little curious to know why, for instance, are we going to make agreement with the Northwest Territories? Why, in fact, are we not making an agreement with, say the adjacent province of British Columbia? Why the Northwest Territories?

**Mr. Legal Advisor:** Mr. Chairman, they already have their plans and have their legislation in existence, and those plans don't provide for a joint exercise of power in the field of making regulations.

But this plan, coming into force here, will be a new



plan, and so will the Northwest Territories' plan. The intention of the original organizers of the plan was to have as big as possible a wage base and income base to operate, and it was felt that neither the Yukon nor the Northwest Territories would have a sufficient wage base itself, but joined together, they can give the plan stability, as well as portability and everything else.

Our advice was that this was what should be done, and it has been followed. It would be a separate deal to make an agreement with Alberta or B.C.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Well, I accept the explanation that's given by Mr. Legal Advisor in respect of the base, but it always disturbs me to hear in legislation, linking if you will, of the two, of the other place, which is referred to as the Northwest Territories here and the Yukon Territory. I think that at some point administrators as legislators are going to have to recognize the differences between the two places, between the two governments, and between the two legislatures, for that matter. I always become somewhat perplexed when on occasion we see a linking of programs with the Northwest Territories, and that's the reason I rose to question this Section.

**Mr. Chairman:** Thank you.  
**Mr. Lang?**

**Mr. Lang:** Mr. Chairman, I'm very curious to what percentage of a person's annual income will be going into this plan. I see that it's fixed by regulation, I'm just kind of curious, is it 2 percent or 1 percent, or whatever the case may be? Is this going to be -- this has to, from what I gather, has to be by Commissioner's order what percentage it will be.

**Mr. Legal Advisor:** Effectively, Mr. Chairman, it will be by Commissioner's Order, but in fact it will be on the advice of consultants, and I think it would be either five or six percent with a matching contribution on the part of the Municipality. That would be the deduction; it will be at least what a Territorial employee contributes, and for every percent up that he contributes, of course, he is garnering an extra percentage from the Municipality, so you can't put it too high.

**Mr. Chairman:** Mr. Hibberd?

**Mr. Hibberd:** Mr. Chairman, to carry on further with what Mr. Taylor had said, and in view of the remarks made by the Legal Advisor, would it not be possible to form a good base fund, if they entered into an agreement with the Territorial Government Employees, rather than have to negotiate with the Northwest Territories?

**Mr. Legal Advisor:** That would be possible, if it was legally possible, Mr. Chairman, but we don't control our own pension organization. We are one of the scheduled employers linked into the Federal Pension Acts, similar to a Crown corporation, and we don't have this kind of control, and apart from that, our consultant advises us that this particular pension

scheme is quite superior to the Territorial civil servants' pension scheme.

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

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. If I go through these definitions here, I am led to understand by reading it, just the way it sits, that if anybody applies in the benefits program will not receive anything.

**Mr. Legal Advisor:** But not yet, Mr. Chairman, until the benefit program comes into review. But that's not the intention of the Ordinance.

**Mr. McCall:** Well, Mr. Chairman, I beg to differ, because this is very, very broad, with very little room for reimbursement of any individual.

**Mr. Legal Advisor:** I would need to have some particularity of the question, because this follows a standard form for pension Ordinances in general terms, and if the regulations are attached to it, and then there would be more regulations and more plans attached to it on tables of ages, pensions, benefits, investments, death benefits, the insurance Section of the contribution and what have you. It would be quite a considerable package of literature. It would make into one book.

**Mr. Chairman:** Thank you. Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. It is nice to say that I would like to say, Mr. Legal Advisor, but beyond the layman, you'll just try and baffle him with science, so by the time he's got to a point where he's putting in a claim, he'll not get it anyway.

**Mr. Legal Advisor:** Mr. Chairman, I am mystified by the remark because our advice is that the person who is making a claim will get a better return for his 5 percent or six percent than he would if he was an employee of the Federal Government. This is our advice.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. Would it not be better to simplify the regulations instead of broadening regulations?

**Mr. Legal Advisor:** Mr. Chairman, when there's money involved, they have got to be very, very precise, but they have also got to be flexible, because there are situations when a person may or may not be married; they may be in a situation with children of different wives; his age may vary coming into the plan; it depends on where he has come from, what you call the definition of service credits; leave credits; overtime and all the various things. They are very, very precise, it has to be handled very, very precisely. It's rather like drafting Income Tax legislation or something like that.

**Mr. Chairman:** Thank you.  
**Mr. McCall?**



Mr. McCall: So what you are saying, Mr. Legal Advisor, is you prefer to see three volumes of regulations instead of one.

Mr. Legal Advisor: I didn't say that, Mr. Chairman.

Mr. Chairman: Thank you Mr. Legal Advisor. Mr. Lang?

Mr. Lang: Mr. Chairman, I'm curious in relation to unions, maybe Mr. McCall can answer this question.

In relation to pension plans within the union. Would this override, say if an individual wanted to stay with the union type of pension plan. Would this be up to the city fathers to determine at this point?

Mr. Legal Advisor: Mr. Chairman, over riding is an awkward word. This plan stands on its own feet. Each individual employer, each municipality makes its decision with respect of itself. And it makes that decision, together with the employee, and that it notifies us of the decision. We do not take part in the offering and chattering or the negotiations that occur.

But as Honourable Members know, there are certain bargaining processes that occur annually, and pension plans and benefits are one of those things which are discussed. We don't officially know anything about that, we're just producing a cradle and we hope that the municipality will place the baby in it and that will be the end of it.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, would Mr. Legal Advisor please clarify 9 (f) for me please.

Mr. Legal Advisor: Yes, Mr. Chairman, there will be occasionally people who will have to be exempted from certain portions of it. Sometimes its administratively convenient to employ a person over the correct employable age, who might technically come within the plan, but would get no benefit from his money because by other regulation he would get nothing. He, as a person, might be exempt. Then there are various classes of employees, temporaries, casuals and so on, and it may not be wished to include persons who are casuals and who might technically come within the definition of an employee for deduction purposes, and they might ask for an exemption from him,--for him from the scheme. It's a normal thing to be found in pension legislation.

Mr. Chairman: Thank you. Mr. McCall?

Mr. McCall: Thank you Mr. Chairman. I'd like to just clarify one point that the Honourable Member from Whitehorse Porter Creek brought up. Most of the organizations dealing with labour have created their own pension plans and one of the specific reasons why is that government pension plans are just not workable. The regulations are so stiff that in order for a person to be involved with a government pension plan, he would have to make his own regulations, because those that are brought down by enabling legislation is just not workable. This is one of the reasons why labour organizations created their own

pension plans. And this is why I'm saying once again that we're following the same pattern, by our fathers in Ottawa, and the same type of legislation.

There is an inquiry as to the many millions of dollars, or millions of dollars that is in the federal coffers, pertaining to pension plans, it is never drawn on by any individual. Simply because the regulations prevent him doing it. This whole statement is so old fashioned. There's no way you can draw any reimbursement, you might say, on any of these types of benefits. So this is why you find most labour organizations formulating their own plans, in order for an individual to benefit, no matter what walk of life he's in. This is why I say again, we might as well look at another three volumes of legislation regulations because it's not going to serve any useful function.

Mr. Chairman: Mr. Hibberd?

Mr. Hibberd: Mr. Chairman, I'm curious to know whether an employee of the municipality who is contributing to a pension fund through his union, and is eligible to collect from the union, would he be also eligible for this plan to collect simultaneously? There is no prescription in here.

Mr. Legal Advisor: It would be a matter for Mr. McCall's friends rather than my friends, Mr. Chairman. Our friends here would allow us to collect from this pension fund, I don't know whether Mr. McCall's friends would allow him to collect from his pension plan.

Mr. Chairman: Surely, Mr. Legal Advisor, you have some mutual friends. Mr. McCall?

Mr. McCall: I beg to differ with the Legal Advisor on that. There is a democratic process even in labour organizations, that maybe the Legal Advisor may not be aware of. I would presume so.

Hon. Mr. McKinnon: Mr. Chairman, I don't want people to misunderstand that we're getting into a government plan. We're not. The Territorial Government is providing the umbrella so that small jurisdictions can get into a plan which is going to be completely managed and entrusted to people who know how to make money, which is trust companies and insurance companies. The government isn't going to be involved in the day to day regulation and the financing. It is not a government plan. Like the federal government plan is. It's a private plan which is using the umbrella of the Governments of the Yukon and the Northwest Territories to be able to collect those fragments of people who do not have the benefit of a plan at the present time. And far be it from us, if I thought that the territorial government at any level were going to be the masters of this plan, this legislation would not be before this House at this time.

Mr. Chairman: Mr. Fleming?

Mr. Fleming: Mr. Chairman, Mr. Legal Advisor, we haven't gone all the way through this --

Would it have -- this legislation have anything to do at all with this plan in effect now, the Disability Plan,



and so forth, that the Government employees are working under now. Would it take that over, or have anything to do with it?

**Mr. Legal Advisor:** Mr. Chairman, as the Minister said, this is a private plan. Now, it was not the intention normally of this House to go through regulations. The regulations find their way into this book so the Members can peruse them --

**Hon. Mr. McKinnon:** At their leisure.

**Mr. Legal Advisor:** -- at their leisure in the spare time over the long weekend, but it wasn't the intention to actually read these regulations. The Ordinance is an enabling Ordinance.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Legal Advisor may be right, there is such a thing as a disability, and it is compulsory now, and I am just wondering, would it affect it in any way?

**Mr. Legal Advisor:** No, Mr. Chairman.

The plan to which the Honourable Member refers is a different plan and doesn't relate to this plan at all.

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

**Mr. Berger:** Thank you, Mr. Chairman. Something still bothers me on 9(f) what Mr. Legal Advisor said, and this exempting casual employees. Why should casual employees be exempted from any pension plan? I mean casual is like city employees, especially in smaller municipalities, where the municipalities hire casual people for the summertime only, and maybe have two permanent people employed, for many, six, seven, ten, any amount of casual people from, say from May to October. Why shouldn't those people be allowed to accumulate their funds over the years and also benefit from the pension plan?

**Mr. Legal Advisor:** Mr. Chairman, some types of casual employees do benefit if they are termed to be seasonal casual permanent employees, you know, performing work every July for instance, or regular part-time employees, who could be permanent. But it's a classification which is beyond my canon; it's more a personnel matter than anything else, and it's more administration.

I'm not trying to defend whether they are or not, I'm merely giving examples, that there are certain categories of employees who will not be required to contribute, and ergo, will not obtain the benefits. So it's necessary to deal in regulations and have the power to change them, depending upon the definition of "employee", and as the House remembers, the other day we defined contributor for the Federal plan to which the Territorial employees contribute, by saying in the definition and that plan itself, only in the villages, permanent employees as being contributors to the pension plan.

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

**Mr. Berger:** Yes, this is what actually brought me

on to this, the Territorial Government Administration started the whole nonsense of casual employees, and prior to the first union contract they had seasonal employees.

Now, all of a sudden, they created seasonal casual and casual seasonal and all sorts of nonsense employees and those people working for six months out of the year and yet they are not benefitting from anything, of the benefits that the so-called permanent employees are getting, and I cannot see why those people should be exempt from any benefits.

**Mr. Chairman:** I'm going to have to just come in here. I think that the point's been made, Mr. Berger, that this is really the choice of the Municipalities. This is just enabling legislation, so further debate at this point really isn't relevant.

Mr. Lang is next.

**Mr. Lang:** Thank you, Mr. Chairman.

Now, back to the union deal, for an example, with the Municipality of Whitehorse, I realize that this is going to be apparently a city problem, but what I say, and I concur with Mr. McCall, is that if I am on a pension plan say for one fifteen, which is more to my benefit, why should I have to join a municipal union plan? I mean, this is where it appears to read to me that like the Honourable Minister said, it's an umbrella situation in that they can, in order that they have a bigger base to work with. But I think it should be up to the individual. And what union -- not what union, but what pension fund they belong to.

**Mr. Chairman:** Well, at the risk of appearing dictatorial again, this is something that has got to be worked out between the Municipality and its employees. They simply turn, as has been explained, they have the option of using this vehicle. It's really something that's got to be debated by the city fathers and negotiated between them and their employees.

Mr. McCall?

**Mr. McCall:** Mr. Chairman, with respect to your position, Mr. Chairman, if we have to pass this through the House, I think we have a due right to question it, in any terminology whatsoever, and especially the language.

**Mr. Chairman:** I will ask you, Mr. McCall, to be very precise to the language.

**Mr. McCall:** Yes, I would like to draw the attention of the House to sub-section (c) and sub-section (i) of Section 9. Under sub-section (c), "may make regulations defining what constitutes the service of any employee for the purpose of the benefits program".

Now that, in my mind, to be in any contract or legislation, defeats itself. I think we are putting up little dictators here as to who is going to define what. To go farther into sub section (i), "may make regulations respecting any matter in respect of which he considers regulations necessary, to remedy any deficiency in this Ordinance".

Now I would like some clarification on that, because I would never see that in any of my contracts.



**Hon. Mr. McKinnon:** Mr. Chairman, this is what I said at the very beginning of the debate on this Ordinance. There are certain things in here which I question because they are not normal in legislation that we present to this Assembly. The point is, that because of the shared jurisdiction between the Northwest Territories and the Yukon; in this instance, the flexibility has to be in this Ordinance for the Board, when they make the decision, on the recommendations of those employees who come into the plan, that the Commissioners of each Territory has the ability to make the regulations necessary to implement those decisions that are made. I can't impress upon Committee enough, Section 3(2) which provides that they, any municipality, and the municipality is in its broadest definition, may apply to the Commissioner to bring its employees or any class of its employees under the benefits program, and under those conditions which the employees know full well. If the Union of Operating Engineers in the City of Whitehorse says, "our union gives us greater benefits and we don't want to join the plan", that's their prerogative and their right to say "look it, we think we have a better plan under the union and we pass." The other employees who aren't organized say, "well we haven't got anything and we know that the benefits under this plan are better than nothing and in fact we even think that they're better than perhaps another agreement which another class of employees have and they say good, we'll come into these Municipal Employees Benefits Ordinance."

But there's nothing in here which in any form, should appear to be dictatorial from the territorial point of view, upon any employee under the definition of the Municipal Ordinance or class of employee. It's one thing that we've stayed religiously away from in having anything of this nature so that there are that area of flexibility by regulation where the Commissioner of the Northwest Territories and the Yukon Territory, upon the advice of the Board of Professionals that they are going to listen to and manage the money, brings forward for regulation so that it can share and reap in the benefits of this hopefully sound money management.

And the other point is, that if the Ordinances don't pass and act in concert and appear simultaneously, that Mr. Legal Advisor, and the Director of Legal Affairs, his counterpart, are going to have to meet again to hammer any changes out. Because they agree that this was the only way of approaching this, was to be in a flexible nature where they could have the abilities of changing the regulations and setting the regulations in a flexible manner and those are the facts of the matter.

**Mr. Chairman:** Mr. McCall? Are you satisfied with that?

**Mr. McCall:** Definitely not. What I'm confused--I would agree with the Honourable Minister that there is nothing in it and the flexibility is more like set concrete. When you look at Section 3--subsection 3--I would sooner suggest that the Legal Advisor go from Section 9 on, to reword it because definitely there is too many infractions and its and buts. And it's too generalized and open for any layman or individual employee for any municipality.

**Mr. Chairman:** Mr. Legal Advisor?

**Mr. Legal Advisor:** Mr. Chairman, this Ordinance is relatively simple Ordinance and it's not really intended to be readily understood by anybody, except by a court. It's intended is to perform a function and it may not be a beautiful function, it may be written in beautiful flowing English, but in my respectful submission, it does perform this function. The Honourable Member raised the question of 9 (f) I think it was, or (e) talking about service. And service is a very difficult thing to define, because in the regulation itself we talk about continuous service, current service, service and pensionable service. And each take a full paragraph to define, and is defined as meaning a different thing for a different purpose. It also has to be defined differently for a person within the employment of a municipality and a person formerly employed in a municipality, and a person who comes from a municipality from outside to a municipality which is coming subject to this Ordinance.

It's an extremely tricky thing to do and it has to be done for a purpose. It's not really intended to be beautiful, just sound.

**Mr. Chairman:** Mr. McCall, are you going to persue that point?

**Mr. McCall:** Yes, Mr. Chairman.

This has no function as far as I'm concerned. For a lawyer yes, for a judge yes, but for an individual that is under this sort of a benefit program, an umbrella we've been told, even an umbrella leaks. This is so sound, it's just impossible to imagine it being able to work.

**Mr. Chairman:** Mr. Berger is next.

**Mr. Berger:** Thank you Mr. Chairman. I appreciate what the Honourable Minister said about the section 3 (2) but there's still questions. Under 3 (2) "any municipality may apply to the Commissioner," between may and shall is two different things. But under 9 (1) "the Commissioner also may make regulations" to change the whole thing again. So shouldn't that be a section that the Commissioner should listen to the voices of the municipalities.

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** That's the last thing that we want is for the Commissioner to be sitting here in judgement of the management of the benefits under this plan. If that was the intent of this Ordinance, I wouldn't introduce this Ordinance, because that isn't the intent at all. It's the Board to be listening to the municipalities and the employees within the municipalities and making those changes that they request which are going to be to their benefit. It's not going to be my function, I guarantee you that, as far as I'm concerned, it's sure as hell not going to be the Commissioner's function to be sticking his nose into the employees and what they want to see in the benefits program.

This, Mr. Chairman, is simply--flows from a request of the total municipalities and various self governing and other areas within the Northwest Territories and



the Yukon to make some sort of plan available so that they could share in employees benefits which they don't have at this present time.

Now, the people, our people from the Yukon and the people from Northwest Territories, have agreed that this is the best method of arriving at to provide this type of a plan. If it's disagreed upon by this Legislative Assembly, that's fine too, it simply means that until someone comes up with a better method of approaching the problem than the one that we were able to come up with, that those people who were asking to share in some employees' benefits plan, will not be protected. And if Honourable Members can come up with a better plan than the groups, and we did hire consultants from Edmonton on this program that was cost shared between the Yukon and the Northwest Territories, and I don't know the names of the consultants at this time, but they--

**Mr. Legal Advisor:** Price Waterhouse.

**Hon. Mr. McKinnon:** --Price Waterhouse, which is obviously into this type of an area, and they were the ones who gave the advice to the governments of both the Northwest Territories and the Yukon as how to approach it.

We paid for expert advice; we accepted expert advice; we have met on that expert advice, and this is what we came up with and this is what is being presented to the Yukon Association of Municipalities. As far as I know, I have not heard that they are in disagreement, and probably we'll find over the weekend with this approach. But our statement and our position at this time, they asked for a plan, this is what we came out with. It was agreed to by both the people in the Northwest Territories and the Yukon, upon the advice of a consultant that we paid for, and if this isn't what this Legislative Assembly wants, or the Legislative Assembly in the Northwest Territories, then we will just have to come up with something different.

**Mr. Chairman:** Mr. Fleming's next.

**Mr. Fleming:** Mr. Chairman,--Mr. Legal Advisor, if the Municipalities ask this plan and go through this Council and it goes into effect, is it a compulsory plan?

**Mr. Legal Advisor:** Mr. Chairman, it doesn't come through this House. This House just creates a nest, and the Municipality then can lay an egg in that nest, and the Municipality then can lay an egg in that nest. It's their wish, this is just a package, and they can join the package or not as they wish it, but we don't deal directly with the employees. It's the official organ.

The City Council would pass a by-law resolution requesting incorporation here, and we act on their request. That's the mode of approach. It's for them to solve their internal squabbles and differences.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** I hope, Mr. Chairman, in all respect to Mr. Legal Advisor's and everything, but I hope that 9 (i) is carried out if these regulations do through, and the Municipalities do use these regulations, "Respecting any matter in respect of which he con-

siders the regulation necessary to remedy any deficiency in this Ordinance." I hope he is able to remedy the deficiencies.

**Hon. Mr. McKinnon:** Mr. Chairman, there are Municipalities and Local Improvement Districts who approached the government asking that this be made compulsory, because they so wanted a Municipal Employees' Benefits Plan, and recognized the value of this plan, they asked the Territorial Government to make it compulsory so that they would come under the protection of an Employee Benefit Plan. We said that that was not our desire to carry a big stick to the Municipalities or to the Local Improvement Districts and make it compulsory, that this legislative body made it compulsory for them to join.

I think that I can ascertain the scream that would have gone around this table if we had listened to that advice and made it compulsory. It's strictly in the hands of the municipalities and the unorganized areas to get together and say that they want to join the plan or don't want the benefits of the plan.

I think you will find upon passage of this plan, within a year that there will probably be every Local Improvement District, every unorganized area, every hamlet, every town, every village, and every Municipality and every class of employee in those areas, under the aegis and the benefits of this plan.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. In view of what the Honourable Minister has just stated, I hope we can come back this time next year and find out that is true, because I feel personally no. I don't feel that there has been enough investigation done into insurance plans. Nobody has mentioned any portable plan, which is now coming in the offering in many, many industries across Canada. There is no portability in this plan.

I'm glad that you did not concur, and agree to a compulsory plan, because I think the eggs in the nest, as Mr. Legal Advisor puts it, are sure as hell turning bad, or sour --

**Mr. Chairman:** Order.

**Mr. McCall:** I apologize for that Mr. Chairman. But I say that the language in this particular Ordinance is totally unacceptable, the way it sits at this point. I agree there should be a plan covering the Municipality, or the Municipal employees. The language in here is just too much area of confusion, and it is sewn up too much for one party.

**Mr. Chairman:** I wonder if I just might interject at this point. There seems to be some confusion here.

My understanding is that all we are doing is enabling and allowing the government to sit down and prepare a plan which are the regulations. Once the Municipality comes along and says we want to get into a plan, and the reason that Section 9 is so broad, so general, is simply that the government doesn't know what the Municipalities want for a plan, for one thing.

**Mr. Legal Advisor:** Mr. Chairman, that's not quite true. The plan is ready. The regulations setting up the plan are attached here.



Mr. Chairman: Right.

Mr. Legal Advisor: They haven't been enacted, of course, because the Ordinance has not been passed, but there will be attached to this, a book, an administration manual, and there will also be a booklet, dealing out what these benefits are.

But until the Ordinance is passed, a tender cannot be accepted for the insurance portion of the disability benefits' plan, and the death benefits' portion of the plan; neither can the investments commence to be made through the trust companies which will be handling the company. Because it's not known precisely what the income of the plan will be until the Municipalities commence to apply for incorporation of the plan.

So that the plan is ready for implementation, and it will be able to be demonstrated to the Municipalities' financial officers and their employees, what the benefits of the plan are or are not.

Mr. Chairman: Yes --

Mr. Chairman: -- I'm sorry, I didn't express myself properly there, Mr. Legal Advisor.

What I'm saying is the -- we have a plan, and we're trying to be flexible enough to allow municipalities and various classes of employees as they wish, to enter into the plan. The flexibility, it seems to me of Section 9(1), is largely to allow the Municipality and its union or employees, decide who, Mr. Legal Advisor, what I am saying is what classes of people may take advantage of the plan.

Mr. Legal Advisor: It would be for the municipalities, Mr. Chairman, to decide in respect of the class of employee who wishes to incorporate the plan to decide that.

Mr. Chairman: Yes.

Mr. Legal Advisor: Usually, of course, in consultation with those classes of employees, and then to inform the Board what their wishes are, there may be exempt classes. But that would be the decision of the municipality in relation to those classes.

But of course, in creating a class of exempt employees, they would be seeking professional advice as to what was the best thing to do. There's lots of different classes of employees in these plans. There are some employees who work a four day week, there are some who work a 20 day month and so on. And it's divided up into different things. So there are different classes of employees in addition to the temporary, permanent, and semi-permanent and seasonal that we're dealing with.

There's the different types of occupations, different rates sometimes would be levied in respect to some occupations or otherwise, or there may be surcharges in relation to some of the classifications. All of these things are part of the insurance advice and the insurance quotation back again in relation to the group as a whole.

An insurance company might charge when it knows a segment of firemen, it might charge a higher general rate than a municipality which didn't employ firemen at all. It wouldn't change the individual but it would

change the classification of rates of the insurance company.

All of these things are already prepared in a package and each municipality would be delivered the package and asked do you want this or do you not, and if you do want it, in respect of what classification of employee. That's the only function of the government at this point.

Mr. Chairman: Mr. Lang?

Mr. Lang: Mr. Chairman, I have been agreeing with Mr. McCall up to this point. I can't agree with what he said about portability of the plan. It says here in 6(1) if I'm not mistaken, this is the way I interpret it, that portability is if you have on pension plan here, you can move over to there and the benefits will accrue to you in this other employment. So it does over that.

I have enough faith, myself, personally, in the city fathers and I think whatever unions are involved, I think that they will come to a consensus of opinion and I think we can leave it to the city fathers. It's just the fact that as Mr. Chairman said, that the plan is available to be made use of if they want to make use of it. We are not making it mandatory.

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

Mr. Berger: Thank you Mr. Chairman. In answer to the Honourable Minister, I realize it was the municipalit who asked for the plan and I realize what was all behind it, but this is where I'm bothered with the 9(1), "The Commissioner may make regulations". Shouldn't it read that maybe the Commissioner may make regulations, on the advice of this benefits program board?

Mr. Legal Advisor: Mr. Chairman, I would be prepared to accept that as a change, except for the fact that this Ordinance parallels the Northwest Territories and that expression does not find its way into there.

The second thing is, that under the provisions of the agreement, it will take both Commissioners to make a dubious set of regulations to make this Ordinance come into force. So there's a basic safeguard that neither Commissioner can independently alter the plan, unless he's prepared to go it along and put a Board into operation under Section 7 and that's not the present intention at all. It takes two Commissioners which is two governors to make a set of regulations.

Mr. Chairman: Mr. McCall, you were pregnant with comments a while back.

Mr. McCall: Thank you Mr. Chairman. All I have to say at this point, is I hope the Members of this House consider Section 9 thereon. I rest my case.

Mr. Chairman: Ms. Millard?

Hon. Mrs. Whyard: Mr. Chairman, just for clarification, it's my understanding that this legislation can be presented to the Association of Yukon Municipalities at their weekend meeting.

Mr. Chairman: They already have it.

Hon. Mrs. Whyard: They already have it. And Mr.



Chairman, I also understand that we are holding some other legislation for comment from those people early next week or the end of this week. Could we just hold this particular piece and get their comments on this at the same time.

**Mr. Chairmman:** It's agreeable to me Mrs. Whyard, but I don't want to invoke closure or anything like that.

**Mr. Taylor?**

**Hon. Mr. Taylor:** Mr. Chairman, inasmuch as we will be considering this matter once again, following a visit from a representative of the municipalities I would suggest at this time we report progress on the Bill.

**Mr. Chairman:** Is that agreed?

**Some Members:** Agreed.

**Mr. Chairman:** Let me read the last section.  
Ten(1):

(Reads Clause 10 (1))

Clear?

**Some Members:** Clear.

**Mr. Chairman:** I'll now declare a ten minute recess.

**Recess.**

**Mr. Chairman:** I will now call the Committee to Order.

I'm wondering, Mr. McKinnon, whether -- what the situation is on having witnesses for Bills 13, 14, 15 to come before the Committee?

**Hon. Mr. McKinnon:** Mr. Chairman, it appears very unlikely that we are going to be able to have witnesses prior to next week on these Bills. I think that probably Tuesday will be the earliest that we are going to be able to have witnesses before Committee.

**Mr. Chairman:** I see.

**Mr. Taylor?**

**Hon. Mr. Taylor:** Mr. Chairman, if this indicates, perhaps we were, I believe it was the intention of the Committee to have the Legal Profession people here on Tuesday. Perhaps inasmuch as the people from the Municipalities may be in town at that time, perhaps we should give them some precedence for time on Tuesday.

**Mr. Chairman:** Oh certainly, I'm in agreement with that. I think the people from the Law Society can appear at any time next week. Monday is a holiday.

**Hon. Mr. McIntyre:** It will take them quite a while to read through that anyway, because most of them are slow readers.

**Mr. Chairman:** That's right. They are obviously slow learners.

Okay, well, let's then go for a clause by clause of Bill 17, which is the Society of Industrial Accountants' Ordinance. At this time, I would like to hand the chair

over to Mr. Lang.

(Mr. Lang resumes chair)

**Mr. Lang:** Thank you, Mr. Phelps. We shall carry on accordingly.

Two (1):

(Reads Clause 1(1))

**Some Members:** Clear.

**Mr. Chairman:** 2(1):

(Reads Clause 2(1))

**Hon. Mr. McIntyre:** Shouldn't it be "objects", "general objects", because there's more than one object.

**Mr. Legal Advisor:** I think so, yes, Mr. Chairman.

**Mr. Chairman:** That's a typographical error, I trust?

**Mr. Legal Advisor:** Yes, Mr. Chairman.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** 3, Section (1):

(Reads Clause 3(1))

Two:

(Reads Clause 3(2))

**Mr. Chairman:** Clear?

4(1):

(Reads Clause 4(1))

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Sub (2):

(Reads Clause 4(2))

**Mr. Chairman:** (3):

(Reads Clause 4(3))

**Mr. Chairman:** (4):

(Reads Clause 4(4))

**Mr. Chairman:** Anything arising? Clear?

**Some Members:** Clear.

**Mr. Chairman:** 5, Section 1:

(Reads Clause 5(1))

**Mr. Chairman:** (2):

(Reads Clause 5(2))

**Mr. Chairman:** (3):

(Reads Clause 5(3))

**Mr. Chairman:** Anything arising? Clear?

**Mr. Phelps:** Mr. Chairman?



Mr. Chairman: Mr. Phelps?

Mr. Phelps: Going back to 4, sub-section (2), I'm wondering why general membership is limited to people 16 years of age or over. What if we have a child prodigy in the Yukon and he wants to become an accountant. Why is that limitation there?

Mr. Legal Advisor: I don't know the reason, Mr. Chairman. This Ordinance follows fairly closely a series of Acts in the various Canadian provinces establishing this organization, and this is a standard clause, and I don't know the reason why.

Mr. Chairman: Well I'm sure, Mr. Phelps, the reason probably is that they probably haven't attained Grade 12.

6(1):  
(Reads Clause 6(1))

Mr. Chairman: Clear?

Some Members: Clear.

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

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 8(1):  
(Reads Clause 8(1))  
(2):  
(Reads Clause 8(2))

Mr. Chairman: Anything arising? Clear?

Some Members: Clear.

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

Mr. Chairman: (2):  
(Reads Clause 9(2))

Hon. Mr. Taylor: Question, Mr. Chairman?

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, in the Interpretation Ordinance we get back to this old play on the word "council". Is it not necessary then to define what council is in the definition Section of this Ordinance?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: I wouldn't think so Mr. Chairman. It could be done that way. Section 8 itself mentions council and it says there shall be a council. I think it's readily understood that council then follows on but we're talking about council established under Section 8. It's a matter of choice.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, this then means

that in no way would the Interpretation Act apply to this particular Ordinance, while it applies to all the other Ordinances?

Mr. Legal Advisor: No, I'm open to suggestions. I have no objection to putting in a definition of council to say council means the council established by Section 8, if the member so wishes.

Mr. Chairman: Well if it's all right with the other members we can carry on and maybe Mr. Taylor can bring his point up later on if he wishes.

Ten (1):  
(Reads Clause 10 (1))  
Clear?

Some Members: Clear.

Mr. Chairman: Eleven (1):  
(Reads Clause 11 (1))

Two:  
(Reads Clause 11 (2))

Three:  
(Reads Clause 11 (3))  
Anything arising?  
Clear?

Some Members: Clear.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Perhaps before we proceed, I have had an opportunity to look at the Interpretation Act and as I thought--in an enactment the expression council means the Council of the Yukon Territory, so this being an enactment, I would think that we would have to somehow express it otherwise.

Mr. Legal Advisor: Council with a captial C or a small C Mr. Chairman?

Hon. Mr. Taylor: With a Captial C I believe.

Mr. Legal Advisor: We're using a small C here and that might have--

Hon. Mr. Taylor: I'll have to look it up again.

Mr. Chairman: Okay, Mr. Taylor, you do that.  
Twelve (1):

(Reads Clause 12 (1))

Two:  
(Reads Clause 12 (2))

Mr. Phelps: Why not the letters I.R.A.?

Mr. Chairman: I think that's self explanatory, Mr. Phelps.

Three:  
(Reads Clause 12 (3))

Mr. Chairman: Four:  
(Reads Clause 12(4) )

Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, it's a small point but we're using the word practice and practising and we're spelling it differently here and there. Possibly



that these could be considered typographical errors and maybe perhaps Mr. Legal Advisor could advise me. For instance, sub 2 of Section 12, you'll notice the difference. And which indeed is correct?

Mr. Chairman: Mr. Legal Advisor?

Mr. Legal Advisor: There's two different words Mr. Chairman. I think they're both correct. I think there's an S when you're using as a verb and a C when you're using it as a noun. That's my recollection.

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Is this indeed fact? You say perhaps and maybe. Which is correct?

Mr. Legal Advisor: It's correct grammar I think, Mr. Chairman.

Mr. Chairman: I actually think it's a very minor technicality. Thank you.

Thirteen (1):  
(Reads Clause 13(1) )

Is there anything arising here?  
Mr. Phelps?

Mr. Phelps: Mr. Legal Advisor, can you explain that section?

Mr. Legal Advisor: Which section Mr. Chairman?

Mr. Phelps: Thirteen (1).

Mr. Legal Advisor: Yes, Mr. Chairman. The intention of this Ordinance is not to be restrictive except in one particular. Any person who is practising as an accountant and also is describing himself as being a member of this society, commits an offense. But it does not interfere in any way with a person carrying on the practice of being an accountant. There are two other societies and those members are not interfered with and there are other people who are practising as accountants but not describing themselves as R.I.A.'s, it's not in the same way as the legal profession, which is a special privilege that nobody can practice law except a member of the profession itself. And anyone else commits an offense, or the medical profession.

Mr. Chairman: So Mr. Legal Advisor, I take it that I could go out and say that I'm an accountant, and I would not necessarily have to be a part of this society.

Mr. Legal Advisor: Yes, Mr. Chairman, if you did that, you would not be considered a quack.

Mr. Chairman: If I became part of this?

Mr. Legal Advisor: No, quack accountants are permitted by this Ordinance.

Mr. Chairman: Order.  
Mr. McCall?

Mr. McCall: I was just wondering if we are getting involved here in a circus act because we're passing legislation for quack accountants.

Mr. Legal Advisor: No, that's not my intention, Mr. Chairman. I merely demonstrated that this is only dealing with the people who join a particular society, it controls their actions, and it also controls the actions of anyone who pretends he's a member of this particular society.

All other members of the public are free to do as they choose.

Mr. Chairman: Thank you, Mr. Legal Advisor. Anything else arising?

14(1):  
(Reads Clause 14(1) )

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 15(1):  
(Reads Clause 15 (1) )

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 16(1):  
(Reads Clause 16(1) )

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 17(1):  
(Reads Clause 17(1) )

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: 18(1):  
(Reads Clause 18(1) )

Mr. Legal Advisor: Mr. Chairman, it should be "a Board of Inquiry".

Mr. Chairman: Thank you.  
Mr. Taylor?

Hon. Mr. Taylor: Mr. Chairman, just one small point, I'm just wondering, has indeed agreement been reached which provides for the professional conduct committee being the British Columbia Committee?

Mr. Legal Advisor: I am not personally aware of this, but I understand that this is the position.

Mr. Chairman: Mr. Phelps?

Mr. Phelps: Mr. Legal Advisor, I'm just wondering how this Board of Inquiry is going to be paid. Who is going to fund its activities?

Mr. Legal Advisor: They are not going to be paid, Mr. Chairman.

Mr. Chairman: Mr. Phelps?



**Mr. Phelps?** Well, I'm sorry, the second part of my question was who is going to fund its activities?

**Mr. Legal Advisor:** Not the government, Mr. Chairman. I presume it's self-organizing on some kind of an old boy net from B.C.

**Hon. Mr. McKinnon:** Mr. Chairman?

**Mr. Chairman:** Mr. McKinnon?

**Hon. Mr. McKinnon:** The Assistant Commissioner, Mr. Miller, was the person on the Executive Committee who sponsored this Bill, and it was originally presented prior without a professional conduct committee, and certain Members of the Executive Committee took strong exception to such a professional Ordinance being introduced in the House without a professional conduct committee being established, and Mr. Miller had been in consultation with the Professional Conduct Committee in the Province of British Columbia, and had led us to believe that they would be willing and at no expense to the government, to act as the Professional Conduct Committee of the Yukon Branch of the Society of Industrial Accountants.

**Mr. Chairman:** Anything else arising? Clear?

**Some Members:** Clear.

**Mr. Chairman:** 19 (1):  
(Reads Clause 19 (1))

**Mr. Chairman:** Clear?  
Mr. Taylor?

**Hon. Mr. Taylor:** Are we talking here—I'm just not clear. We have the committee reporting its action to the Committee or the Chairman.

**Mr. Legal Advisor:** Mr. Chairman, I think that should be shall report its action to the Council.

**Mr. Chairman:** We'll treat that as a typographic error.

**Some Members:** Agreed.

**Mr. Chairman:** 20 (1):  
(Reads Clause 20 (1))

Two:

(Reads Clause 20 (2))

Three:

(Reads Clause 20 (3))

Four:

(Reads Clause 20 (4))

Five:

(Reads Clause 20 (5))

Six:

(Reads Clause 20 (6))

Clear?

**Some Members:** Clear.

**Mr. Chairman:** 21 (1):  
(Reads Clause 21 (1))  
Dr. Hibberd?

**Mr. Hibberd:** I take it Mr. Chairman that this Ordinance is to establish a criteria qualification for industrial accountants in the Territory. But it does not include any specific recommendation as far as training period or anything like that which I imagine to be established under regulations. It makes it difficult to assess the significance of this Ordinance without knowing what qualifications are going to be. I mean if the regulations are going to say a month or something it's obviously a different context, than it would be if it were a two year course, that would be required. Has there been any provisions for that?

**Mr. Legal Advisor:** We have drafted no regulations, Mr. Chairman. The Society does it by its bylaws. I would assume that there are bylaws in the Territory, Mr. Miller would have a copy of the bylaws of the British Columbia Society and we could, in the next couple of days, arrange to have them copied, or if they're bulky to have them circulated, if they're not bulky to have them photocopies and supplied to Members so they'll be aware of what the governing rules are and what the course of study has to be to become a member of the Society. If this would be the wish of the House. If this would suite the Honourable Member.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** At this time I'll give the Chair back to Mr. Phelps. Mr. Phelps Resumed the Chair.

**Mr. Chairman:** Thank you, Mr. Lang.  
Preamble.  
(Reads Preamble)

**Mr. Chairman:** The title of Bill Number 17, The Society of Industrial Accountants Ordinance.  
Is that clear?

**Some Members:** Clear.

**Mr. Chairman:** That being the case I'll--

**Mr. Hibberd:** Mr. Chairman?

**Mr. Chairman:** Oh, I'm sorry, Mr. Hibberd.

**Mr. Hibberd:** Mr. Chairman, I just rose to indicate that we really don't know what Ordinance we are passing unless we are aware of the qualifications that are required in this Ordinance. I think we should have some evaluation of that before we do carry out and pass it out of Committee.

**Mr. Chairman:** Any further discussion on that point?

I'm not exactly myself clear on the point. Are you suggesting that we ought to be prescribing the course of study and so on?

**Mr. Hibberd:** Mr. Chairman, as I said, this Ordinance is to try and establish a qualification, to become an industrial accountant, or to at least belong to the society, but we have no idea what those



qualifications are, and so it makes it difficult to pass this Ordinance unless we do.

**Mr. Legal Advisor:** The Honourable Member, Mr. Chairman, had already asked that we obtain and be able to peruse and look at what those qualifications are. I would assume that a certain examination has to be done and certain, maybe an apprenticeship, maybe a course of study, maybe a degree, I don't know. But he indicated he wanted before passing it out Committee, he wanted to be able to at least read them so he knows what an industrial accountant in fact is when he joins the Society.

**Mr. Chairman:** Fine, if that's agreeable to members, we'll report progress on it.

**Some Members:** Agreed.

**Mr. Chairman:** I take it Mr. McKinnon that Bill Number 19 will require comments from Mr. Miller?

**Hon. Mr. McKinnon:** Bill Number 19?

**Mr. Chairman:** Yes.

**Hon. Mr. McKinnon:** I think not, Mr. Chairman. This is specifically dealing with the Mayo School. I'm sure the Honourable Minister of Education would be able to answer any questions in this regard.

**Mr. Chairman:** Very well, is it the wish of members to carry on with the reading of clause by clause of Bill Number 19?

**One:**  
(Reads Clause 1)

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Two (1):  
(Reads Clause 2(1))

I think I can read Schedule A. Appropriation or items: Department of Education, \$20,000; Department of Legal Affairs, \$7,000; Project Capital \$1,100,000, for a total of \$1,127,000.

**Mr. Taylor?**

**Hon. Mr. Taylor:** Under Legal Professions Ordinance in our support data it just says to provide funds to cover expenditures under the Legal Professions Ordinance. Is this in relation to new Ordinances which we have yet to --

**Mr. Legal Advisor:** Yes, Mr. Chairman. There is a provision in the new Ordinance by the imposing tax in relation to interests in trust accounts lying idle in chartered banks or trust companies and it is expected there will be a revenue from that. That revenue will not be earmarked for any particular purpose but an expenditure of \$7,000 would be allowed for in case expenditures in relation to the new changes in the Legal Professions Act would result in expenditures of that nature.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** There's only one other question in relation to the Mayo school, and I may have -- the school replacement, I should say, and I may have this incorrect, but I understand that in order to expedite the construction of the replacement school, that the administration simply went out to one group, I believe it was Atco, and just asked them for a quote. Was there any tendering done to any other like and similar group, or was any attempt made to find a way around kind of giving this one job to one person?

**Hon. Mr. McIntyre:** Mr. Chairman, no, the -- this particular firm was asked to submit a proposal, and no formal agreement of any kind had been entered into with the company. We expect a proposal to be in next week.

**Hon. Mr. Taylor:** But I was just -- Mr. Chairman?

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Mr. Chairman, I was just questioning the unusual policy of government in going and -- going out and going to one organization, and virtually getting a proposal from only one person, virtually giving them the job and I think that that somewhat detracts from the policy of government tendering these things around, that's why I raised the question.

**Mr. Chairman:** Mr. McIntyre?

**Hon. Mr. McIntyre:** Mr. Chairman, the reason for this was the urgency, and the fact that we have to -- if the proposal is accepted, the factory space has to be booked in July for production of this multiplex school system for installation by the 1st of September, and this was the only -- my advice is this was the only method we could use to expedite this thing and be under a roof by the 1st of September.

However, there has been no contract signed. At the present time, the school committee in Mayo have been promised that they will have an opportunity to review the proposal and there's always a possibility that this particular thing may be rejected.

**Mr. Chairman:** Mr. Taylor?

**Hon. Mr. Taylor:** Yes. Just in finality, I assume then that these people are the only people who can do this, there is nobody else in Western Canada that is capable of producing this pre-built thing.

I would just like to say that I am very, very displeased with this type -- you know, understanding the urgency of the situation, I'm displeased with this manner in expending public monies, and I'm not going to make a great issue of it here today, but I'm extremely displeased, and I hope that the Administration never again will undertake to apportion out something in the area of a million dollars without giving several people an opportunity to tender it.

**Mr. Chairman:** Mr. Berger is next. No? Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I would ask the Minister of Education, is this to be a permanent school,



or is this to be a temporary situation?

**Hon. Mr. McIntyre:** No, this is a permanent school, Mr. Chairman.

**Mr. Chairman:** Thank you, Mr. McIntyre. Mr. Lang?

**Mr. Lang:** Mr. Chairman, do I take it that in relation to the Mayo School, if the school committee turns it down, they will not -- if they say they don't want to accept the Atco trailers, is the administration prepared to put in a permanent structure such as building from the ground up, rather than importing trailers and the like?

**Hon. Mr. McIntyre:** Mr. Chairman, we'll have to cross that bridge when we come to it, because if we don't go for this particular type of proposal, it will be approximately two years before we would have a school finished and of course other arrangements then would have to be made for temporary accommodation of the school in Mayo, and how this would be approached, you know, that's another problem completely.

There are certain facilities there that might be used, but it certainly would be a very difficult situation to maintain a school in the type of accommodation they are using at the present time for two years.

**Mr. Chairman:** Mr. McCall?

**Mr. McCall:** Thank you, Mr. Chairman. I would like to ask the Minister of Education for my own clarification, this particular modular unit that is going to be established to replace the school that was burned down, I am just wondering for the tax dollars being appropriated for this project whether the square footage per classroom, etc., is going to recover what was lost in the fire?

**Hon. Mr. McIntyre:** Mr. Chairman, there will be more than what was lost in the fire, because the school at the time of the fire was occupying the old, the original school building, plus four ATCO, or FABCO I guess they were, they weren't ATCO but four trailer type units, and the four trailer units were saved, but in replacing the school, we will also be replacing the trailer units. So it will be in addition to the school that was burned.

**Mr. Chairman:** Mr. Lang?

**Mr. Lang:** Mr. Chairman, is there going to be a gymnasium included in this?

**Hon. Mr. McIntyre:** No, there's no -- Mr. Chairman, there is no gymnasium included in this sum of money. The gymnasium which is in Mayo, is not -- I don't believe it's a full sized gymnasium, but it wasn't burnt.

**Mr. Chairman:** Mr. Minister, what's the \$20,000.00 sum for?

**Hon. Mr. McIntyre:** Mr. Chairman, the \$20,000.00 is the cost, I think it's to date or to the end of the school term -- of June, of the renting of alternate facilities, such as the Masonic Hall, the Catholic Church, the

Community Club and the lobby of the curling rink and all these various places that have been rented for temporary accommodation.

**Mr. Chairman:** Thank you.

**Hon. Mr. McKinnon:** Mr. Chairman, just as an aside, I was so impressed with the press reports of how the total community had moved in because of the Mayo tragedy, and the Catholics and the Masons were talking to one another for the first time in years, and renting community facilities with the community club, then the bills started pouring in.

Rental of community facilities, \$4,000.00; Catholic Church, \$450.00; Masonic Hall, \$1,200.00 so \$5,650.00 of that \$20,000.00 is rental facilities where the tragedy brought the community closer together. It just shows that nothing -- nobody gets anything for nothing. You pay, Mr. Chairman.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, due to that speech from our Member of Government, I would like to ask, have you the length of time that the money is to be spent for? The amounts which you have given us, is that by the month, by the year, by the--

**Hon. Mr. McIntyre:** Mr. Chairman, that would be for the remainder of this school year, I would imagine. That \$20,000.00 is intended to cover the unusual expenses of operating the school since the fire.

**Mr. Chairman:** Mr. Fleming?

**Mr. Fleming:** Mr. Chairman, a supplement. I wish to have the figures that Mr. McKinnon gave us, does this included monies for the total period from now to the end of school of this year, or is this for the month?

**MHon. Mr. McIntyre:** It appears to be for three months, which would be the right time. The rental of the community facilities, that's the community club, \$4,000.00; the Catholic Church, three months at \$150.00, \$450.00; and the Masonic Temple, the Masonic Hall, rather, three months at \$400.00, is \$1,200.00; moving equipment, \$1,532.00; classroom supplies, \$1,393.00; janitorial supplies, \$500.00; textbooks, averaging five per grade at \$6.50 per book, \$2,892.00; library books, four at \$6.50, and library films, 21 at \$150.00 teacher loss, which these figures haven't been confirmed yet, but the teacher loss is estimated at \$5,315.00; and the student loss at \$2,701.00.

On the capital side, I should mention those books were \$26,000.00; the library films \$5,250.00 and the basic equipment purchased \$8,270.00.

**Mr. Chairman:** Thank you, anything further?  
3(1)  
(Reads Clause 3(1) )  
Clear?

**Some Members:** Clear.

**Mr. Chairman:** Preamble.  
The title of Bill Number 19, Second Appropriation



Ordinance 1975-76.  
Clear?

**Some Members:** Clear.

**Mr. Chairman:** I will entertain a motion.

**Hon. Mr. McIntyre:** I move that Bill Number 19 be reported out of Committee without amendment.

**Mr. Chairman:** Seconder.

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

**Mr. Chairman:** It has been moved by Mr. McIntyre, seconded by Mr. McCall that Bill Number 19 entitled Second Appropriation Ordinance 1975-76 be reported out of Committee without amendment.

Question?

**Some Members:** Question.

**Mr. Chairman:** Are we agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I declare the motion carried.

*Motion Carried*

**Mr. Chairman:** It would appear that the one bill left for a clause by clause that we could get to today is Bill Number 16. Eighteen was just introduced today. Is it the wish of the Committee that we start into that Bill, that we entertain a motion that the Speaker resume the chair?

Is that agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I'll entertain such a motion.

**Mr. Lang:** Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

**Mr. Chairman:** Do we have a seconder?

**Ms. Millard:** I second that.

**Mr. Chairman:** It has been moved by Mr. Lang, seconded by Ms. Millard that Mr. Speaker now resume the chair. Question?

**Some Members:** Question.

**Mr. Chairman:** Are we agreed?

**Some Members:** Agreed.

**Mr. Chairman:** I declare the motion carried.

*Motion Carried*

Mr. Speaker resumes chair

**Mr. Speaker:** At this time I will call the House to order.

May we have a report from the Chairman of

Committees?

**Mr. Phelps:** Yes, Mr. Speaker.

The Committee convened at 10:55 a.m. to consider Bills, Papers and Motion. I can report progress on Bill Number 14, the Committee recessed at 11:40 and reconvened at 2 p.m. It was moved by Mr. McIntyre, seconded by Mr. Lang and duly carried that Bill Number 11 entitled Students Financial Assistance Ordinance be reported out of Committee without amendment.

I can report progress on Bill Number 15 and on Bill Number 17, Mr. Speaker.

It was moved by Mr. McIntyre, seconded by Mr. McCall and duly carried that Bill Number 19 entitled Second Appropriation Ordinance 1975-76 be reported out of Committee without Amendment. That motion was duly carried.

It was moved by Mr. Lang, seconded by Ms. Millard and duly carried that Mr. Speaker now resume the chair. Thank you.

**Mr. Speaker:** You have heard the report of the Chairman of Committees. Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** May I have your pleasure at this time?

**Mr. Fleming:** Yes Mr. Speaker, I now move that we call it 5:00.

**Mr. Speaker:** Is there a seconder?

**Ms. Millard:** I second that.

It has been moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Olgivie that we now call it 5:00.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?

**Some Members:** Agreed.

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

*Motion Carried*

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

*Adjourned*



**LEGISLATIVE RETURN NO. 4**

May 13th, 1975

**Mr. Speaker,  
Members of Council**

On May 9th, 1975, Councillor Lang asked the following questions:

"Mr. McKinnon, in what stage is the extension of industrial lots to the Porter Creek Industrial Area?"

When will these industrial lots be made available for public sale?

How many lots will be available?"

The answer is as follows:

"The topography of the area suggested as the possible site for the development of additional lots in Porter Creek have been found to be quite undulating, and will yield only five or six serviceable lots on relatively flat land. Access to the area will be costly, and has brought forth an estimated developed cost per one acre lot of \$5,000.00 compared with \$2,000.00 per one acre lot in the McRae subdivision.

An alternate site is being sought in the Porter Creek vicinity that will yield the 15-20 lots that will make the project economic. Once a development site is chosen, an industrial lot serviced by a gravelled surface road requires approximately four months to bring to market. The chief development time delays are completion of survey and title registration as well as actual installation of the road.

**J. K. McKinnon,  
Minister of Local Government.**

**LEGISLATIVE RETURN NO. 5**

MAY 13th, 1975

**Mr. Speaker,  
Members of Council**

On May 12th, 1975, Councillor McCall asked the following Question:

"Mr. McKinnon, why does the Territorial Government pay the O & M cost of the Water System for the Municipality of Dawson City, and not do the same for the other Municipalities?"

The answer is as follows:

"The City of Dawson Water and Sewer System is owned by the Yukon Territorial Government and operated by N.C.P.C. under contract. The operation of the system by the Government was started a number of years ago when an operable wood stave pipe system was deemed to be unecomonic by the private owners of the system, Yukon Consolidated Gold Corporation. The system was then purchased by the Federal Govern-

ment, and was continued in operation pending a decision as to the Historic redevelopment of Dawson.

The system is operated under contract by N.C.P.C. who collect the user charges set by the Territorial Government. Any operational deficit, after the revenues collected have been applied, is paid by the Yukon Territorial Government as system owners. The operational deficits have been reduced to a break-even point.

An application has been received from the Dawson City Council to operate this system. Once the operational control leaves Yukon Territorial Government, deficit payments will not be made available for this system.

**J.K. McKinnon,  
Minister of Local Government.**

**LEGISLATIVE RETURN NO. 6  
[1975 SECOND SESSION]**

May 13, 1975

**Mr. Speaker,  
Members of Council**

On May 12, 1975, Mr. Fleming asked the following question:

"Do bidders for forestry contracts have to submit bids which are in accordance with the tariffs of their area of operation - in other words, might an outside contractor submit a lower tender bid because the prevailing tariffs in his area are lower than in Yukon?"

The answer is as follows:

"All air carrier tariffs are set by the Canadian Transport Commission which approves tariffs submitted by each carrier on an individual basis. Each carrier must make submission to the C.T.C. requesting approval for its tariffs which are based on types of aircraft, volume of loads, schedules, a reasonable rate of return, etc. The tariff used by each air carrier is, therefore, based on its own suggested rates. There is no overall tariff regulation for any particular geographic area of Canada.

Aircraft contracts are awarded for Forestry work on the basis of the lowest tender bid. Tenders are issued by the Federal Department of Supply & Services on the request of Local Forestry personnel and are usually requested from all companies listed which have aircraft conforming to the contract specifications.

**P.J. Gillespie,  
Administrator.**





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