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# The Yukon Legislative Assembly

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## Debates & Proceedings

**Thursday, December 11, 1975**

Speaker: The Honourable Donald Taylor

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(Mr. Speaker Reads Daily Prayer)

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

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

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

### ROUTINE PROCEEDINGS

**Hon. Mr. McKinnon:** Mr. Speaker, if I could rise on a question of privilege this morning. If every time I felt that I was inaccurately quoted or misquoted in the press or unfairly treated, I would be up on my feet every morning, but on this most important issue, the Indian Land Claims, Mr. Speaker, I feel that I have to state a correction as quoted on Page 30 of the Whitehorse Star last night.

It says that I said, "McKinnon said the rights must be extinguished to avoid another level of government in the Yukon". Mr. Speaker, that is totally inaccurate. It is not a statement I made, it is not recorded in the votes and proceedings of the Journals of the House, and if anybody knows the stand that I have made and the statements that I have made, that is a totally false and inaccurate statement.

Thank you, Mr. Speaker.

**Mr. Speaker:** We will proceed this morning with the Order Paper, and under Daily Routine, are there any documents or correspondence for tabling this morning?

Are there any Reports of Committees? Introduction of Bills? Are there any Notices of Motion or Resolution?

The Honourable Member from Mayo?

**Mr. McIntyre:** Yes, Mr. Speaker.

I would like to give Notice of Motion, seconded by the Honourable Member from Klondike, regarding the naming of the new Mayo school.

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

**Mr. Berger:** Yes, Mr. Speaker.

I would like to give Notice of Motion, moved by myself, seconded by the Honourable Member from Kluane, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the

Yukon Territory, the appointment of Mr. Peter Jenkins of Dawson City, Yukon to the Northern Canada Power Commission.

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

**Mrs. Watson:** Yes, Mr. Speaker. I would like to move, seconded by the Honourable Member from Mayo, "Whereas the Legislative Assembly wishes to proceed in pursuing a positive course of action to conclude an agricultural for the Yukon" -- "agricultural policy", pardon me -- "...for the Yukon, therefore be it resolved that this government identify high priority areas for the Department of Indian Affairs and Northern Development's intensified study effort in order to speed up the process of inventory investigations and the release of land for agricultural purposes if justification is shown".

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

**Mr. Fleming:** Yes, Mr. Speaker, I give Notice of Motion, seconded by the Honourable Member from Klondike, that the Liquor Ordinance be moved into Committee of the Whole for discussion.

**Mr. Speaker:** The Honourable Member for Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, Notice of Motion, seconded by the Honourable Member from Watson Lake, that the Yukon Legislative Assembly is pleased to recommend to the Commissioner of the Yukon Territory, the appointment of Senator Paul Lucier as representative to appear before the Special Joint Committee on the National Capital Region, on behalf of the people of the Yukon.

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

**Dr. Hibberd:** Yes, Mr. Speaker, I would like to give Notice of Motion, seconded by the Member from Whitehorse North Centre, regarding the Arctic Winter Games.

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

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

We will then proceed to Orders of the Day.

**ORDERS OF THE DAY**

**Motion Number 18**

**Mr. Speaker:** We have Motion Number 18, moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, that highway signs, commercials, regulations, be considered in Committee of the Whole for discussion. The Honourable Member from Hootalinqua?

**Mr. Fleming:** Yes, Mr. Speaker, I am making this Motion, it is because of the problem that was had last spring on the highway mainly, when the government decided to move all of the highway signs actually from the right-of-way, and of course I find that in these regulations they really couldn't do this completely, because of a failure in here somewhere to have enough authority to move some signs that were not listed to be taken out, according to our Ordinance and our regulations.

So therefore I felt that it should come to this table for discussion. I would like myself to maybe later make a Motion as to whether we should have the commercial signs at all, or whether we should try and make a regulation that is comprehensible and that they can police. At this time, if I could draw the attention to the Honourable Members, some of the problems that arise with the present regulations, I would like to do so.

The first one is that in the regulations you can have signs for commercial businesses along the right-of-way of the Alaska Highway, and I find that this is very, very discriminating, more or less and I'll give you the first reason. The land along the highway does not belong to any one person, it belongs to every individual, and of course another thing I think it should be kept clean.

The first sign which is given out, which could be a dollar to \$5.00 and so forth, actually infringes upon the rights of everybody else, because that person has the right to just go and pick his place for his first sign, if the Commissioner so agrees, and that is, in my opinion, the first step towards no equality. We all maybe want that place, so therefore, I feel that maybe we don't need these regulations at all.

Another one is the permit for the signs, and I have it here, the application is in the back sheet, and if I can go back to the price that is paid for the signs, it will be a little hard to locate right at the moment, a fee at the rate of \$1.00 for each \$100.00 or fraction thereof, of the estimated value of the sign, including the cost of erection thereof. That's fine, but the onus lies with the Commissioner to say yes or no, and all that that poor man has to deal with is a picture that has to come with this application saying we want to put up this sign, and it can't be any bigger than eight feet one way and twelve feet the other, which is in the regulations.

It doesn't say how small, but we wish to have a sign put up, and we will say that this fellow has a sign worth \$500.00 possibly, and he has to put it up so it will cost him another 50 or so. In the regulations, it more or less says that he can say here that the sign is worth a hundred dollars. Now it don't sound like very much, you can say \$4.00, but I find where it will be abused, Mr. Speaker. For \$4.00, some people will abuse \$50.00

of their own money, to get their own way, and I find the onus lying right with the Commissioner again where he has to really know what the sign is really worth. I just don't know how he is going to actually go through the section to look at the plan and say well, I don't think it's worth that much. That's a bad area, and I have a few more.

**Hon. Mr. McKinnon:** Mr. Speaker, I wonder if I could rise on a point of order. I thought the Motion was that we move this into Committee so that we could have this free wheeling discussion on highway signs in Committee, and I think that if the Honourable Member moved that motion, he would find unanimous agreement so we could get into this kind of debate in committee.

**Mr. Speaker:** Yes, perhaps this would be the proper course to follow.

**Mr. Fleming:** Yes, Mr. Speaker —

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

**Mr. Fleming:** — I think maybe I misunderstood the procedure again. Sorry.

**Mr. Speaker:** Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

**Motion Carried**

**QUESTION PERIOD**

**Mr. Speaker:** We will now proceed to the Question Period. Have you any questions this morning?  
The Honourable Member from Kluane?

**Mrs. Watson:** Mr. Speaker, to whom do I direct the question?

**Mr. Speaker:** To whom do you wish to direct your question?

**Mrs. Watson:** I would wish very much to have the administrator here.

**Mr. McCall:** Mr. Speaker, I think the Commissioner is in the building, isn't he?

**Mr. Speaker:** Yes, the Commissioner has been notified that we are in Question Period at this time, and perhaps he may be joining us later in the Question Period.

Have you any further questions? The Honourable Member from Whitehorse West?

**Hon. Mrs. Whyard:** Mr. Speaker, if it meets with

your approval, I will give an answer to a question addressed to me earlier in this Session.

**Mr. Speaker:** Proceed.

**Hon. Mrs. Whyard:** On Wednesday, November 26th, Councillor Hibberd asked whether the Territorial Government had considered hiring their own medical officer of health. The Chief Medical Health Officer is appointed under the Public Health Ordinance by Commissioner's Order, and the appointment is totally within Territorial legislative authority at the Commissioner's pleasure.

The position of Chief Medical Health Officer has traditionally been filled by the zone director of the Medical and Northern Health Services, National Health and Welfare. With the expansion to regional status some 18 months ago, Mr. Speaker, which is one of the steps on the road to transfer of health responsibilities to the Territory, the position has been filled by the program's medical officer, and it is not presently cost shared, but is part of the Yukon Region Headquarter's costs, funded entirely by National Health and Welfare.

If the position were to be Y.T.G. as opposed to federal, we would wish the costs to be shared by the two governments on a formula basis, and agreement to this would have to be obtained from the federal government.

It would not appear feasible to appoint a Territorial C.M.H.O. at the same time as National Health and Welfare is providing another medical officer at the same level. In fact, we are working towards consolidation, not duplication, of federal and territorial health services.

However, it is hoped, Mr. Speaker, that in the very near future, any medical officer having authority for supervision of medical and public health services in the Yukon, will in fact be a territorial official. In this way, we will be able to ensure that implementation of Territorial Ordinances will be controlled by the Territorial Government, and not subject to decisions made by a federal officer, acting on behalf of but not necessarily with the approval of the Yukon Territorial Government.

Thank you, Mr. Speaker.

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

**Question Re: Restoration of Ladue Sawmills**

**Mrs. Watson:** Yes, Mr. Speaker, I will pursue my question with the Commissioner, although it is rather unfortunate my timing is such that I am not asking the administrator.

I refer to a clipping from the Yukon News dated September the 3rd, entitled "Ladue Sawmill to be restored". The Department of Tourism and Information has plans for a program which will see the stabilization and restoration of the old sawmill in Dawson City.

It continues to say that work is scheduled for September, October. Yesterday, in Committee of the Whole, the Administrator advised us the Historic Sites

and Monuments Board has still not been structured to assist in determining, and to assist the government to recommend to the government the use that should be made of the \$30,000.00 that is placed in the budget for restoration of historic sites.

My question is, is the money that is normally put in the budget for recommendation by this Board, being utilized in the restoration of the Ladue Sawmill, without prior consultation with the Board?

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

**Mr. Commissioner:** Mr. Speaker, I would have to seek time to bring back an answer, but I would be very pleased to do so.

**Mr. Speaker:** Thank you. The Honourable Member from Pelly River?

**Question Re: Bidding on Freight Haul to Old Crow**

**Mr. McCall:** Yes, Mr. Speaker, I have a question directed to the Commissioner, a written question.

It is my understanding, Mr. Speaker, that the B.N.T. aircraft was utilized to transport a water tanker and other machinery to Old Crow last week. Would the Commissioner inform me whether the local aircraft operators were given the opportunity to bid on this freight haul?

**Mr. Speaker:** That is a written question?

**Mr. McCall:** Yes, Mr. Speaker.

**Mr. Speaker:** Thank you.

Is there any further questions? The Honourable Member from Whitehorse South Centre?

**Question Re: Territorial Public Health Officer**

**Mr. Hibberd:** I have a question for the Minister of Health, Welfare and Rehabilitation.

In view of the circumstances, would it not be advantageous at this stage and now, that — for the territorial regulations to come under the direct control of this government, in terms of having their own Public Health Officer?

**Mr. Speaker:** The Honourable Member from Whitehorse West?

**Hon. Mrs. Whyard:** Mr. Speaker, I will have to bring in a reply.

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

We will then proceed to Public Bills.

**PUBLIC BILLS**

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

**Bill No. 13, First Reading**

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member for Klondike, that Bill Number 13 be given first reading.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 13 be now read a first time.

Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

**Motion Carried**

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

**Bill No. 13, Second Reading**

**Hon. Mr. McKinnon:** Now, Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 13 be given second reading.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 13 be now read a second time. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

**Motion Carried**

**Bill No. 14, First Reading**

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 14 be given first reading.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 14 be now read a first time.

Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

**Motion Carried**

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

**Bill No. 14, Second Reading**

**Hon. Mr. McKinnon:** Now, Mr. Speaker, I move, seconded by the Honourable Member from Klondike, that Bill Number 14 be given second reading.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Klondike, that Bill Number 14 be now read a second time.

Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you —

**Hon. Mr. McKinnon:** Mr. Speaker, before the question is called, if I could speak on the principle of these two money bills that are put before the Legislative Assembly at this time.

Mr. Speaker, when the Assembly met in caucus, the first time that we were together, the matter of indemnities was one of the many topics of discussion.

At that time, Mr. Speaker, it was pointed out that the Members of the Assembly had been bound by a statute from indemnities that were given in the — the year 1970. It was four years now since any indemnities had been increased.

Mr. Speaker, it was at the urging of this Member and of the other elected members of the Executive Committee, that the timing could not have been worse at that time, to increase the indemnities and do the expenditures of the members of the Yukon Legislative Assembly, the reason being, of course, that the members of the Public Service Association work under negotiation.

I don't think that there is any doubt, Mr. Speaker, that if the indemnities had been raised at that time, the Members were looking in the area over a four year period, where the cost of living had increased some 40 percent, that they were responsible enough to be looking in the area of 25 percent in increasing indemnities and doubling their duty allowances.

I feel rather guilty, Mr. Speaker, because I believed at that time, I still believe, that is not an unwarranted increase in members indemnities considering the length of time over which they had had no increase. I feel doubly responsible Mr. Speaker, because the Member of this Legislative Assembly were responsible enough to agree with the position that they should not be going into a Bill that would increase their indemnities while the public service of the Yukon was under negotiation.

So, because of that fact, Mr. Speaker, every member of the Legislative Assembly because of the wage and price guidelines became a ten percenter, unfortunately, both those are the facts of life.

There was talk at the Assembly that members weren't bound because no where in the wage and price controls that members of the Legislative Assemblies in

the provinces and the territories were bound by the guidelines.

However, the members, once again, have proved their responsibility to say on our indemnity that we only be increasing ten percent.

What the Bill says in an awful lot of legalese and legal gobbly-ook is exactly that is what happens. I have been through many of the indemnities of the Council and the Legislative Acts of the provinces and they are almost impossible to understand. I think we should say exactly what we are attempting to do by this indemnity. As a Member of the Executive Committee now, elected, my total indemnity is \$20,920.00. My indemnity will increase ten percent on that through the Bills that are before us.

The other Members are at the eight thousand dollars range and their indemnity will be increased ten percent.

It is interesting to see, Mr. Speaker, and I went through some of the different pay classifications of the public service of the Yukon and you will be happy to know that the elected members on the executive committee are now in the same pay range as probation officers, social workers, corrections cooking instructors, and camp ground supervisors.

Next year through the increase in our indemnities we will be a little below, as of April 1st, if we do nothing, we will be below next year, the elected Members on the Executive Committee, art and crafts instructors, vocational student advisors, french language instructors, wildlife biologists, building inspectors or photography supervisors.

I also note, with some interest, Mr. Speaker, that the Government of the Northwest Territories saw fit to bring in their elected members on the Executive Committee at a pay range which was equal to the Assistant Commissioners that were appointed. The Northwest Territories pays the elected Committee Members \$34,742.00 per annum, which is step five of Level 41 of Northwest Territories Public Service Pay Grades. That was based on the salary payable to the two Assistant Commissioners which is step six maximum of Pay Level 41.

I am going to say, Mr. Speaker, in the House that the Commissioner of the Yukon Territories attempted to do the same thing to the elected Members of the Executive Committee, to bring us into the Public Service on a pay range as the same as the appointed Assistant Commissioners which are in the \$35,000.00 a year range.

I am going to admit, Mr. Speaker, for the first time in my life, that sugar plums really did dance in my head and I saw a camper, and a big boat and a motor and the whole bit, but it took about 60 seconds to realize what was happening, that we were going to be like the Northwest Territories sucked into the Public Service in the Territory. There is no way I am going to come into this House, as a member of the House under the Territorial Elections Ordinance debating and in public what my indemnity is going to be.

Each one of the elected Members on the Executive Committee in about 60 seconds saw their annual indemnity of \$15,000.00 without any debate, and increase of \$15,000.00 by a Commissioner's Order go out the window.

I think that is the kind of responsibility that the elected Members are showing around this table. You know it is almost the same as whether you would have the guts to agree in principle, if somebody came up and offered you the Senators job, you would say no there is no way I could accept it because I disagree with the Senate in principle.

So, Mr. Speaker, we have done one other thing in the Bill, other than the ten percent, which I think we are stuck at as responsible members and that is an increase in the duty allowances.

It is ridiculous to think that a Member of this Legislative Assembly, the members inside of Whitehorse get one thousand dollars a year as duty expenses and members outside of Whitehorse get two thousand dollars. I happen to know, because of the members involvement in phoning me, and I am glad that you are in the Chair, Mr. Speaker because I know you would be embarrassed for me to say these things, but your phone averages in the two hundred or two hundred and fifty dollars a month because of the job you do for your constituents, and I know that to be a fact by the number of times you are on the phone to me when this House is not in session.

Out of that you get two thousand dollars a year for attempting to do your job. It is just an impossible situation.

I know the Honourable Member from Ogilvie is prohibited by law from dealing with her constituents in the Ogilvie riding in Old Crow because of the cost of transportation of going from Dawson to Old Crow, where she should be there ten or twenty or thirty times a year, as many times as she feels that she has to be, she is stuck in Dawson City and can't go to Old Crow because of duty expenses.

I know when I was in private enterprise I had a car allowance, I have an unlimited expense allowance and the whole bit. I have none of those things as a Member of the Yukon Legislative Assembly. If anybody want to go and ask for the production of papers, will find that I took the job of Minister of Local Government saying that I would be in the communities, I would be travelling there, I would be living amongst the people, I would be travelling around with the four men of the L.I.D. and I would be meeting with the L.I.D.'s and the people in the communities.

I did that to a certain extent, this year, Mr. Speaker and the only thing that prevented me from doing more was the constraints of having no expense allowance. I go in my own car, there is not a bit of mileage charged, there is not a meal charged, not a hotel room charged, nothing charged. It is my expense in doing my job and I don't think that should be coming out of my pocket, because I promised the people of the Yukon Territory that was what I was going to do.

So the Bill, through all the gobbly-de-gook says that the increase in indemnities are 10 percent across the Board. We are sticking within the wage and price guidelines, that the allowances for doing their job as responsible Members of the Assembly, to members inside of Whitehorse goes from one to two; from outside of Whitehorse from two to four; and Members of the Executive Committee elected have a duty allowance of \$4,000.00. I think that these things have to be said, Mr. Speaker, because it's pretty hard to get to

the actual meat of what we are attempting to do through the language of the Bill.

Thank you.

Mr. Speaker: Are you prepared for the question?

Some Members: Question.

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

**Motion Carried**

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

The Honourable Member from Pelly River?

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

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Whitehorse Riverdale, that Mr. Speaker do now leave the Chair, and the House resolve into Committee of the Whole for the purpose of considering Bills, Sessional Papers and Motions.

Are you prepared for the question?

Some Members: Question

Mr. Speaker: Are you agreed?

Some Members: Agreed.

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

**Motion Carried**

(Mr. Speaker leaves Chair)

**COMMITTEE OF THE WHOLE**

Mr. Chairman: I now call this Committee to order, and declare a brief recess.

**Recess**

Mr. Chairman: I now call this Committee to order. The intention is to proceed with Bills Number 13 and 14, and when the amendments to the Legal Professions Ordinance are available, we will proceed with them.

**Bill Number 13**

Mr. Chairman: Bill Number 13: 1: This Ordinance may be cited as the Third Appropriation Ordinance, 1975-76.

(Reads Section 2. (1) )

Mr. Chairman: 3 (1):  
(Reads Section 3. (1) )

Mr. Chairman: Schedule "A", Appropriation or Item, Administrative Services, \$69,700.00 Clear?

I will entertain a Motion to have Bill Number 13 moved out of Committee. Mr. Lengerke?

Mr. Lengerke: I move that we now report Bill Number 13 out of Committee without amendment.

Mr. Chairman: Secunder?

Ms. Millard: I second that Motion.

Mr. Chairman: Whereas it appears by message from Peter J. Gillespie, Administrator of the Yukon Territory, and in the estimates accompanying the same, that the sum hereinafter mentioned in Schedule "A" of this Ordinance is required to defray certain expenses of the Public Service of the Yukon Territory, and for the purpose relating thereto, for the twelve months ending the 31st day of March, 1976.

Therefore, the Administrator of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: Third Appropriation Ordinance, 1975-76.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: Are you agreed?

Some Members: Agreed.

Mr. Chairman: Motion carried.

**Motion Carried**

**Bill Number 14**

Mr. Chairman: Bill Number 14: 1. The Elections Ordinance is amended by repealing Sections 15, 16, 17 and 18 and substituting the following therefor: 15. (1):  
(Reads Section 15. (1) )

Mr. Chairman: Two:  
(Reads Section 15. (2) )

Mr. Chairman: Three:  
(Reads Section 15. (3) )

Mr. Chairman: Four:  
(Reads Section 15. (4) )

Mr. Chairman: Five:  
(Reads Section 15. (5) )

Mr. Chairman: Mr. Taylor?

Hon. Mr. Taylor: Yes, Mr. Chairman. I would just like to point out in this Section, in the original section,



there was a provision for the speaker's indemnity, that is a salary for the speaker, and that was \$1,500.00, and perhaps what you are looking at here is a new duty allowance with no change in indemnity of \$2,500.00 for the Speaker, and a thousand dollars for the Deputy Speaker.

In fact, what has occurred here is that the Speaker's salary has been given up. The \$1,500.00 Speaker's salary is given up, and only — it's stated as a duty allowance to cover the responsibilities of the Speaker's office and the Deputy Speaker's office.

**Mr. Chairman:** Sixteen:  
(Reads Section 16)

**Mr. Chairman:** Seventeen:  
(Reads Section 17)

**Mr. Chairman:** Eighteen:  
(Reads Section 18)

**Mr. Chairman:** 2. Section 19 of the said Ordinance is repealed and the following sections substituted therefor: 19.(1):  
(Reads Section 19.(1))

**Mr. Chairman:** Two:  
(Reads Section 19.(2))

**Mr. Chairman:** Three:  
(Reads Section 19.(3))

**Mr. Chairman:** Four:  
(Reads Section 19.(4))

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman, Section 19 of the existing Ordinance provided in the case of Members attending Sessions, or I should say meetings of the Committees of the Council and so forth, in addition to their living allowance, a \$25.00 a day indemnity. I would just like to point out, Mr. Chairman, that that indemnity has been taken out of 19 and is lumped and forms part of the duty allowances referred to in former Sections.

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

**Hon. Mr. McKinnon:** As an aside to the Honourable Member, I came to the point where I would no longer go on any trips if I was asked to by Members of the Assembly, or by the Executive at the \$25.00 a day. I remember on an Arctic Winter Games trip that I was asked to go for to Anchorage by the Members of the Assembly, that I ended up on the \$25.00 a day allowance, and my hotel bill in the Anchorage Westward was \$34.00 a day and I had to eat in Anchorage on top of that, and the maximum that I could claim back to the government was \$25.00, so I made the point of thank you, but no thank you, whenever anybody asked me to go on government business from that point on.

**Mr. Chairman:** I would remind Mr. McKinnon that he was the only Member of the basketball team that

received any remuneration whatsoever.

Twenty:  
(Reads Section 20)

**Mr. Chairman:** 3. The said Ordinance is further amended by adding thereto the following new section. 21.(1):  
(Reads Section 21.(1))

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

**Hon. Mr. Taylor:** Just by way of explanation of this Section, Mr. Chairman, it was anticipated by some Members that they would wish at some point to have an Ordinance respecting the House as provincial jurisdictions do. They have legislative, or acts respecting their legislatures, and in compiling the Bill, it was noted that in the Workmen's Compensation Ordinance, there is a section which provides that notwithstanding we are covered by the government for compensation at this time, that the House by resolution can have themselves covered clearly separately from the public service. I'm sure all members would agree that as legislatures, we certainly do not want at any point, to be linked with the public service of the Territory.

In other words, we are elected representatives of the people, and in keeping with that philosophy, we have the new Section 21 embodied in this Bill.

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

**Mr. Fleming:** I would ask, Mr. Chairman, the Legal Advisor a question as to Section 20. I'm not quite clear as to how the wages will rise in the years ahead, whether they will rise on a percentage business, or whether they will rise on a basis of the cost of living to every individual.

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

**Mr. Legal Advisor:** Mr. Chairman, I think the question is asked on a note of pessimism. There's no guarantee of this, as it is written, that wages will rise. This envisages that perhaps wages may fall. What it is intended to express here is that the treasury will have access six months late to the percentage increase or decrease of general workmen's salaries at a certain time, and then we will adjust the members' indemnities and allowances in accordance with the percentage figure.

It will be done six months late, so we have expressed it to be the calculation to arrive in September, but the increase only to be effective from the 1st of April the following year. That gives us a sufficient margin to allow for the information to come from Statistics Canada, which regrettably in these circumstances is usually six months late.

**Mr. Chairman:** Four. Section 9 of the Workmen's Compensation Ordinance is repealed.

Five, one:  
(Reads Section 5.(1))

**Mr. Chairman:** Two:  
(Reads Section 5.(2))

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** I will now entertain a Motion. Mr. Lengerke?

**Mr. Lengerke:** I now move, Mr. Chairman, that we report Bill Number 14 out of Committee without amendment.

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

**Hon. Mrs. Whyard:** Just before you call the question on that Motion, I just wanted to say that we have heard the background on this Bill explained very clearly by the Honourable Member for Whitehorse North Centre, and I do not intend to delay you.

I would just like to point out that in my opinion, the members of this House have shown considerable maturity in their acceptance up until now, of the financial constraints of running for public office in this country, and I have a quote from the American Statesman Adlai Stevenson, that I would like to use at this time. I think it's apropos, and that is, "self-government is earned only by those who exercise self-control". I think that in the eyes of any federal jurisdiction, the Members of this House have now earned a little more kudos for their exercise of self-control, and should therefore be entitled to a little more in the way of self-government.

(Applause)

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

**Mr. Chairman:** It has been moved by Mr. Lengerke, seconded by Mr. Taylor, that Bill Number 14 be reported out of Committee without amendment.

Are you ready for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Chairman:** Carried.

**Motion Carried**

**Mr. Chairman:** We will proceed now to consideration of Motion Number 18.

Motion Number 18, moved by the Honourable Member from Hootalinqua, seconded by the Honourable Member from Kluane, that highway signs, commercial regulations be considered in Committee of the Whole for discussion.

**Mr. Berger:**

**Mr. Berger:** Thank you, Mr. Chairman. I was just wondering if we could also be supplied with the High-

way regulations. I think none of us have it here except the Honourable Member for Hootalinqua.

**Mr. Chairman:** Is that the wish of Committee?

**Some Members:** Yes.

**Mr. Chairman:** I declare a brief recess.

**Recess**

**Mr. Chairman:** I will now call Committee to order. We will continue with the discussion of Motion Number 18. Mr. Fleming?

**Mr. Fleming:** I wasn't supposed to talk, Mr. Chairman. I was speaking out of turn, and now it's my turn, I am a little lost for words. I will start again.

I think I came as far as the operator's permits. I think I was explaining that at the time, and fairly well through it. Now, I am saying something else about the regulations and the effect that the stands to be used to put these signs on, the onus again lies on only more or less the Commissioner.

When a man applies for a sign through this application, he says it will be worth \$500.00 or so much money or so forth, and he draws a picture and he sends it in and Mr. Chairman, I can't see really how the Commissioner can sit and look at just a sketch, and really realize what that sign is going to look like on the highway. If there's one post under it, two posts under it, but what type of posts, what type of stand, there is nothing in the regulations. It's just put something up and put something under it.

He will have to judge every one, just that way, and under these regulations it is going to be hard, and as I say again, how small is not in the regulations. He's going to put up eight by twelve signs, and yet some people are going to put up two by two signs. The Commissioner, of course, will have the say but again he's going to have the problem of okaying all of these applications.

Now, how to police the situation is going to be costly I think, and a problem, because in a position — in the case of Whitehorse, for instance, a larger city where the highway goes by there, and there will be numerous signs, because they are only going to be say a hundred and fifty feet apart, and so forth. You could have three or four in Whitehorse, you could have six to seven, eight miles of nothing but signs with every type of peg underneath them and every size, all on the right-of-way. I would say, Mr. Chairman, that somebody trying to police that would have a problem going down that highway tomorrow morning and saying is there a permit for each one of these signs?

Mind you, there should be, but during the night somebody can put one up, and somebody is going to have to see that sign that's there, without a permit, and I think it will be quite a problem, to drive up and down the highway for D.P.W. men or the peace officers or the Commissioner in this case might have to be, by the looks of it, but all the onus is all on the Commissioner. I can see him in the morning driving his car up the road checking 500 signs along the highway and saying have these all got a permit or haven't they got a permit?

That's a problem.

I think that's only a few of the items that are not mentioned in these regulations, that there's not really down, so therefore we have the same problem we went back to last spring. People can do more or less what they wish, even though we do have regulations that says they partially shouldn't do them.

So as I say, I would like to have the feeling of the House, and possibly I may make a Motion drawn, to maybe withdraw this commercial set-up. I will explain a little more as to what did happen last spring, although I am sure all the Members are aware, and especially the Minister of Local Government I'm sure is very much aware, when they sent letters out and said take down your signs to people on the road, and I was one of those people that received that letter, and it said to cafes and garages, motels, so I went out and removed my sign.

I came home and a week later I had a letter saying you don't have to remove your sign, you can put it back. A little while later, there was a letter came out that said, if you—if the government removed your sign, we will go and replace that sign at our expense, but there was no letter that came out to say to the honest fellow that said you go replace your sign and we will pay it. It was for the dishonest ones that wouldn't take them down, he was to be paid to put them back.

Today the signs of course are more or less just the way they were after the schmozzle. There is one or two up here and there that knew that this regulation didn't cover them, and I will give you an example, and this one I can give you and tell you even the name, because there is no problem, it is the Craft Shop in Teslin. They forgot to put a Craft Shop. There is craft shops, there is fish sales, there is every sort of thing, they forgot to put this in there so he says I don't have to take my sign down, and he didn't.

**A Member:** What about the Jesus Saves?

**Mr. Fleming:** Yes.

Now, Mr. Chairman, I did go to my constituents, and of course, you only have my word for it, but they will back me up. The business people between here and Swift River including Carcross, I won't mention these people's business, you can check any time with any of them. I have one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, two of them I haven't been able to get in contact with. They go from craft shops to hotels, to motels, to trailer parks, to stores and that is about all I have—oh no, there is some private people working as mechanics on tourists' cars and so forth and so on, that really is a private person, it is a business you know, that might be able to wish to put up a sign or something.

I have out of those 14, I have three that says to me, go to town and either get them to make a regulation that is a regulation and includes everybody, which would be a problem, or get them to take out the commercial signs off the highway and leave them alone.

The other 11 said take them off of the Alaska Highway, we don't need them on the highways. The hotel downtown here, he can't put one out in front of his place on the highway, can he? Yet he is in business in the

Yukon Territory.

I don't think the people along the Alaska Highway, as a majority would say they wanted an opportunity even to put the signs on the highway.

Now, Mr. Chairman, these same people did ask some recommendations be made to the government here to help the problem. Out of the 14 or 15 I have there, they are practically all the same thing. Some of them in the Village of Teslin, which is off of the main highway, approximately a quarter to half a mile said please, when they do, which they hope you will do remove this commercial sign business, have the government put up their small signs to recognize a little town that is off of the highway, such as Teslin is there.

We do have a sign that says Teslin, maybe, but it don't say it is there. It just says Teslin, half mile. It may be down the highway down that way or it may be off that way. This was one of the comments that was quite noticeable all along the way.

All of them, almost all of them said the same thing, when we leave a town have them put up a government sign, yes, a town such as Teslin. Outside of Teslin that says the next town, which would be Whitehorse in this case, is 116 miles away. Have them possibly, not today or tomorrow, you don't expect them to do things like that, but have them, when they do these things to possibly some recognition of say, Chevron gas stations, Gulf gas stations, that your credit card must have and you need these things along the highway.

That there is campground facilities along the highway, not definite places, not say, Joe so and so has one at so and so. Just that there is these facilities between these sections.

Actually that is all they have asked for.

Of course, the same old story which they all have said, if you can't get rid of the commercial signs along the highway, because some people maybe won't wish to, just try and police the fact that you have an Ordinance now or a regulation that says you will cover the signs up in the wintertime.

I think it is going to be a problem to do it. There are signs along the highway that says "gas for 67 cents," today, at the next village, and they are still there.

We have regulations, and they have been there for years and yet we have these signs still hanging up, I can take you and show you them. This one lady especially said, look I have got mine down because I had to, there is still one for 67 cents, I am the only one open this winter. These people are coming to me and asking for gas for 67 cents. She thought it was funny but she said please, do something about it.

That is why I am here today. That is part of the problems. As I say, if you go through the regulations, three pages, Mr. Chairman, it would take pages more so that what we have in some of the large ordinances to ever make up a regulation that would actually control highway signs, privately, commercially.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Speaker, I planned to speak for the other end of the Alaska Highway. The Honourable Member from Hootalinqua and I knew that there was a problem and it was brought to the fore by the sort of

government action and schmozzle, as he said, last summer.

Actually, there is always some good comes out of something like this because I think it made a lot of the people who operate businesses along the Alaska Highway really evaluate the benefit of the sign, the commercial highway sign.

The highway signs, the regulations are there and as the Honourable Member has said they are not enforced. It would take quite a team of enforcement officers driving up and down the road to make sure that everybody's sign is within so many feet of a curve and not on the right-of-way and so far from the shoulder, but it does cause a lot of ill feeling if one guy encroaches upon the other one's a little bit and this type of thing.

I also conducted a pretty comprehensive poll of my constituents and charged to our own telephone bill, and tried to determine the thinking of people and rather amazingly so, I got a hundred percent reaction, we don't need commercial highway signs, but we want all of them down. You know, everybody -- nobody has a commercial highway sign, and they realized that they put up a sign, the value of the sign is gone if they don't maintain it, that a dilapidated or a faded sign along the highway does more to injure their business, than to get them business.

So really I think that we could take away the need for even having regulations for commercial signs along the highway right-of-way. There's only one area that there was some concern expressed, and that was within communities or where they had a large neon sign that was very expensive sign, not right on the right-of-way, but infringing on a part of the right-of-way, and they would hate to have an order come along -- somebody come along as of next week and say, look, you have got to move your sign, which is quite a construction undertaking.

Now if they would be allowed several years to move that type of thing, fine, but the rest of the signs, they are prepared to let them go.

Another stipulation, and this is what the Honourable Member from Hootalinqua brought up, was that they do think the government signs are very good, because the government signs are kept current. The government makes sure that they are kept current, and they would like to see more government signs, and as the Honourable Member said, they just "approved guest lodging". You could add comsites and this type of thing, and you could also add mileages between services and mileages between communities. They would be very happy with that.

I think we have more or less come a long way. I don't know how the people on the other highways feel, but I really feel that we could take these regulations out and not make it legally possible for persons to put commercial signs on territorial highway right-of-ways.

Hon. Mr. McKinnon: Mr. Chairman?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: Mr. Assistant Commissioner Gillespie, I think that he should -- he's in charge of this Department. I think he should be here to listen to the

discussion that the members are making, because it's very important that he realize what the feeling is of the people representing the communities outside of Whitehorse.

Mr. Chairman: Is that the wish of Committee?

Some Members: Agreed.

Mr. Chairman: We will recess until Mr. Gillespie is available.

#### Recess

Mr. Chairman: I will now call the Committee to order.

We now have with us a as a witness, Mr. Peter Gillespie, and we are considering Motion Number 18, regarding Highway Signs. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I would just ask the witness one question.

In the last year, has he had any problems on the highway with highway signs, commercial, you know. According to these regulations, has he had any problems with the peoples and the business places on the highway?

Mr. Gillespie: Mr. Chairman, we internally have had our own problems with our highway signs regulations and the way in which we have administered them. There has been a concern expressed by this House over the years about the proliferation of highway signs along the highways of the Yukon, and there was extensive debate a few years ago on this subject.

At that time, several things were decided. One was that the Territorial Government would enter into a program of putting in its own signs, indicating where food, lodging and gas was available.

It also undertook to start up a program, signing program at the entry points to communities around the Yukon, to indicate the commercial ventures that existed within those communities.

To follow this, there was to be a program, the possibility of a program of removing all commercial signs along Yukon Highways. Unfortunately, this summer when we were considering what to do about the highway signs internally within the government, we had done our homework as fully as we should have, partly, and we issued a directive to remove all highway signs.

We later recalled that directive, and -- on two accounts. One to be perfectly honest with you, is the fact that we discovered we were not doing what we had agreed to some years ago in Council. We were moving one step ahead.

The other reason was that we had already established this spring, a working Committee within the government, with representation from our Territorial Secretary or highway administration and Department of Highways, and Department of Tourism, to re-examine our whole highway policy because there appeared to be some weaknesses, both in the regulations the way we have it now, and in the overall

plan we had that time for dealing with what is a very real problem in the Yukon.

So when you ask if we have a problem, the answer is yes. We have got some problems with the way we administered these regulations this summer, and we are now working on a plan for the future.

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

**Mr. Fleming:** Yes, Mr. Chairman. Mr. Gillespie, would you say that these regulations here, as written here, do you think in your own feelings, do you feel that they are adequate to police such a project as commercial signs on the highway?

**Mr. Gillespie:** Mr. Chairman, I don't think that they will get at the problem that many people were concerned about, and are concerned about, and that is the fact that there are highways all along the—pardon me, there are commercial signs all along the Yukon Highways.

We hope to establish a program which will remove these—all of these signs, but do so in such a way as to not hurt the commercial establishments that they are advertising at this present time.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Gillespie, it is very interesting to note that you have a program, or you were considering a program where you will be providing, the government will be providing, through their own signing system, the services that are available on the highway, and is that what you are saying?

**Mr. Gillespie:** Mr. Chairman, we already have part of such a program. We have signs indicating that within one mile there is approved gas or lodging, but we don't have a complete program as yet.

**Mrs. Watson:** Mr. Chairman—

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:**—so you plan on expanding this program of signing. I think it would be very interesting for you to know that both the Member from Hootalinqua, when he referred to the regulations, that they are almost unworkable, and in order to police these regulations, you would have to have quite a force to police them in order to make the application, and make them fair across the Territory.

The Honourable Member from Hootalinqua and I endeavoured to poll the business communities along the Alaska Highway. I can't speak, we can't speak for the other highways, and we got a pretty comprehensive picture back, that they are quite prepared, in fact they are looking to get rid of commercial advertising along the Alaska Highway.

The internal strife that you had last summer, there were some benefits of this internal strife. It made the people evaluate really the benefit of the signs, and I don't think they think that they are that necessary, and therefore,—but there was one stipulation that they felt the government should embark upon a more comprehensive signing method of indicating where the

services are.

So I think that with the information you have given us, and with the information that the Honourable member from Hootalinqua and I have given you, that you are almost in a position now to go ahead and you will get the cooperation of the people on the highway, to remove the signs, and you can go ahead and fill in the extra signing by the government authorities, so that they can put good signs up and keep them current.

**Mr. Gillespie:** Mr. Chairman, I am personally delighted to hear the results of the survey that has been conducted, and it will be of great assistance to us, I can assure you, in this policy development, and program development that we are undertaking right now.

It certainly has given us a sense of direction, and thank you for it.

**Hon. Mr. McKinnon:** Mr. Chairman, I truly feel that this is a red letter day in the Yukon, and the government would be completely foolish to let this moment pass, because if there's one thing that you know instantly is when an edict has gone out from the Territorial Secretary's office concerning highway signs, and of course it's, you know, it would be a disappointment if these didn't keep going up, because you hear from your friends right along the total length and breadth of the Yukon, not only from Watson Lake, but it's from Teslin, and it's from Beaver Creek, and it's from Dawson City.

When the phone starts coming off the wall, and it's from every area of the Yukon, you know full well that there has been another edict that has gone out from the Territorial Secretary's office concerning highway signs.

I'm an opponent of commercial highway advertising signs. I have stated this in the House over and over. I don't want to see the highways of the Yukon cluttered up with commercial advertising, the way they have ruined the landscapes in many of the southern centres.

I have also stated that this is going to have to be a voluntary type of approach by the businesses along the roads in the Yukon, that we should start with, and in around the major municipal centres, Watson Lake, Dawson City, Whitehorse, and we envisaged a program with rest stops and places put aside for advertising purposes in them, that we could get rid of the highway signs around the major centres, and then the people from the other areas would say, that's a good idea. We like that idea, and we don't mind getting rid of our signs.

So the government embarked on this program quite a few years ago, and I haven't seen any results from it yet. I am going to ask Mr. Gillespie what had been the results, and why there hasn't been with the rest stops being constructed, the removal of the signs in the municipal areas. So the complete opposite has happened.

Now the people from the length and breadth of the highways in the Yukon are coming in and saying, look it, we finally agreed that this business of one-upmanship or trying to get a bigger and better sign closer to the place of business than our competitors, it's just not worth the hassle any longer, and they are

deteriorating, and we are prepared to let the government put up the signs and maintain them. But what are you going to do around the municipalities?

If we agree that they are ruining the landscape on the highway, and are agreed to a regulated government signing program, how about the people around Whitehorse, Watson Lake and Dawson, which we thought that we were going to be the examples to set to the other people, so once again it's the people from outside of Whitehorse that are setting the example, and I want to know what we are going to do to go along with our thinking.

**Mr. Gillespie:** Mr. Chairman, when I met with members from the three departments, Territorial Secretary, Highways and Tourism, this spring, I think it was, to examine the policy that we had for establishing signs outside these communities at the rest stops, I discovered that we had a lot of problems relating to signs. Some of these have come up in the course of discussion today, others include the business of putting closed markers over signs that indicate establishments that would lead the tourism to believe that be open in the wintertime.

Other concerns are signs that relate to establishments that has since been closed. A lot of matters of this nature, the rest stop signing program was just one aspect of the total signing problem. I began to get the feeling from the discussions that we had that the particular solution directed at these rest stops might not be all that effective from the point of view of the communities concerned.

I asked them to delay implementing this while, and in the meantime to examine our total signing program and to prepare something, which we could then examine in Executive Committee. This is the reason that that has not been done. That particular solution, and I can't recall off the top of my head, all of the particular concerns that I had, and that came up in the course of that discussion I was referring to.

We just needed, apparently to do more work on it before proceeding, even though it meant making a further delay, rather have a delay than move into something that was going to be inadequate in the long run.

**Mr. Chairman:** Mrs. Whyard.

**Hon. Mrs. Whyard:** Mr. Chairman, I am very happy to hear the suggestions brought to this Committee today by the two Honourable members and it is another indication that the climate can change very quickly on a prickly problem. I would think that we should take some action on the recommendation of these two members, whether the government wishes to do so through organizations which now exist to express the opinions of operators along the highway. There are those channels to use. Also we have not heard today the opinions of operators on Territorial Highways, which should be consulted before any policy is implemented.

It sounds to me, Mr. Chairman, as if we have reached a stage where we can now dispense with all commercial signs on the road and adapt the government signing program to include, not only the suggestions made today, Mr. Chairman, but those

from our discussion of the Milepost problem and include in the signing the distance from this point to the next, or the distance from this point to the next gas food and lodging, so that you are going to include some orientation, in terms of miles, please, on those signs and this help solve part of the problem of removing the Mileposts.

I know from my own experience that this business of one upmanship gets pretty expensive for operators along the Alaska Highway, who eventually wind up having themselves a small war, with other operators in the same area. You know I move my sign ahead of yours, and you move yours ahead of mine and this goes on, you know there is just no way.

If you start taking off a cent per gallon, then I take off a cent per gallon. I have seen this. Up here we all have on the highway. Eventually nobody wins in that kind of competition.

I would just like to suggest to Mr. Gillespie that he can kill two birds with one stone here in implementing both those recommendations into his new policy.

Thank you, Mr. Chairman.

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

**Mr. Berger:** Thank you, Mr. Chairman, I don't think it is speaking of territorial highways, I mean I am just going by example in the Dawson area. There has been highway signs erected around 1960, the early 1960's, and most of those signs have never been repainted again. I don't think people are very much concerned about highway signs these days anymore.

I think I could speak for most of the people up there, do away with all the signs and have one sign outside the community and indicate some of the businesses there.

The main concern I have is a different thing. Different signs and I don't know whether they fall under highway signs under this category or traffic signs. This is the "watch for horses" sign put up by private operators, and the territorial government.

The territorial government has a sign which is not much bigger than this piece of paper here, that says, "Watch for horse, open range" and unless you really know this sign is there, you can't read it.

I think this is a real dangerous thing. With all the tourists coming up on the territory, let's put up a great big sign or do away with the horses altogether.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** There was one other comment, Mr. Chairman, that I wished to make regarding the rest stop community signs.

I was involved at the time with the Whitehorse Chamber of Commerce when this proposal first came through, and the Chamber went to a great deal of trouble and invested considerable number of dollars in the actual construction of such a sign for the rest stop at the top of the south access road on the Alaska Highway. It was a very attractive construction. It took a year or two to poll the business members of the Chamber, and obtain their approval for the amount of money they would have to contribute towards being on that sign, and the Chamber itself contributed a major portion.

The sign was duly constructed, and we then waited for something like two years for the Territorial Government program to get the rest stop established so that we could put the sign up, by which time, of course, half the people on the sign had changed. I can see some problems with trying to keep such an all-encompassing community sign up-to-date, as business firms come and go.

The concept is good, and I think it can be done in a very attractive way.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Yes, Mr. Chairman. Very briefly, I would just like to indicate to Mr. Gillespie, he pretty well has the support, the political support for a government highway sign program, and I would hope very much that you proceed post haste, and so that there will be some actual physical proof that you do have a program for highway signing this coming summer, so that people really know what you are embarking upon something, so that it's still not on the working paper.

They have got to see the government starting to put up good signs.

**Some Members:** Hear, hear.

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

**Mr. Fleming:** Yes, Mr. Chairman.

As mover of the Motion, I think Mrs. Watson just said what I was going to say as the last comment, except for a remark -- not a remark, but a suggestion by the Honourable Member from Whitehorse West. I wholly agree except for one thing, the food, lodging, gas I feel is something that they are doing now, and I think this is part of the problem. We haven't looked into it and saying let's be fair to everyone.

You know, just because he has a motel or a gas station does not mean that he should have any more advertising than the chap that has a -- well I got to say craft shop or something, you know, it doesn't matter what it is, but the object is there. He is in business, he is buying a licence, we realize that the government or anybody else is going to try to give everybody advertising. It would be impossible in a few years' time.

So I think if they just think a little bit and realize that services maybe is the word, or they could come up with a better word probably, but I would say something like that says the services are there, you know, rather than advertising for one person at any time, because I don't think that that person needs that right over others.

On the entries into the communities, as Mr. Gillespie has said, they have up now, this was the other one that we -- and that was brought up by some of the other members, so all I will say is I am very, very thankful that Mr. Gillespie has been looking into the problem and has been trying to come up with something. Hopefully he will have something better for us before the tourist season starts next year.

I am very glad of that actually.

**Mr. Chairman:** Thank you. My only concern about is that if we remove all the milepost signs and put in

kilometer signs, then remove the commercial signs, I think that I might embark on the highway, and I won't know whether I will end up in Mr. Fleming's riding or Mrs. Watson's riding.

Are there any further questions? Thank you, Mr. Gillespie.

Is there any further discussion on this Motion? With Committee's concurrence, I would like to proceed with consideration of the Legal Professions Ordinance. It is the only Bill left on our paper, and if we can get it out of the way, we can clear ourselves this afternoon. If we can consider it now. It's quite brief, although the discussion might not be.

**Some Members:** Agreed.

#### **Amendments to Bill Number 7**

**Mr. Chairman:** The particular section involved is Section 63. If Members of the Committee will recall, these are amendments to the amendments that had already been proposed.

42.(1)(a):

(Reads Section 42.(1)(a))

**Mr. Chairman:** 45.(1):

(Reads Section 45.(1))

**Mr. Chairman:** 63.(b)(c):

(Reads Section 63.(b)(c))

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

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

**Hon. Mr. Taylor:** Mr. Chairman, at this point I would like to draw the attention of Committee to Section 51, which has caused me, and I hope other members some concern, and I do not see from the administration, an amendment in this regard. I consider this a most serious item, inasmuch as 51.(1) says, "A witness who fails (1) to attend before the Committee in obedience to a notice to attend, or (2) produce any books, papers or other documents in obedience to a notice to produce them or (3) or in any way to comply with either notice or (b) who refuses to be sworn and so forth".

In sub -- in section (a), this leaves it wide open for the release of information held privy between a client and a lawyer. Now, this relationship between a lawyer and his client has always been held inviolate, and I am sure all members are aware of this. Surely here we are talking about two things in terms of civil rights.

We are talking about not only the security of the person, but we are talking about due process, due process of law. This is always held inviolate in terms of due process of law. I would suppose with the fragile line that exists today between a democratic and a police state, that one would have to take into consideration, the position that a client could be placed in, if indeed the Board summoned the lawyer's -- or the files, the client's files with the lawyer before the Board.

I feel very, very strongly on this, and I certainly feel that an amendment should be made to Section 51, which would have the effect of protecting the lawyer-client confidential privilege, and I feel very important -

- this is very important, and I feel very strongly because here certainly is a situation where we are offending the civil rights -- perhaps could offend the civil rights of an individual, current consistent with the Charter on Human Rights, the Canadian Bill of Rights.

**Mr. Legal Advisor:** Mr. Chairman, would it be convenient --

**Mr. Chairman:** Sorry, I think this matter was brought up before, and with deference to the Member from Watson Lake, it was considered that there should be no amendments taken.

**Hon. Mr. Taylor:** Mr. Chairman, with deference to the Committee, as a sitting Member, I'm entitled to raise this again. I have heard no conclusion on this matter from the administration. I would assume that the administration would have taken and considered this as an amendment, and I feel very strongly.

I would, under no condition would I personally vote for this Bill. I would be remiss in my duty if I did, and -- by this Section, and I just can't, and I would like to know if the administration would again take a look at this thing and do not break the lawyer-client relationship, because then people just cannot go to their lawyer with any assurance that their affairs are going to be held inviolate.

**Mr Legal Advisor:** Mr. Chairman, this matter was discussed and was considered in relation to another Section, the other Section being that a lawyer must answer questions, and discussing it in that context, the totality of the two Sections was discussed in the House. The representative of the Yukon Bar who was present, asked that an amendment be made, not to this particular section, but to a different section. The section dealing with the answer a lawyer has to give in relation to solicitor and client privilege.

This was exhaustively discussed by the administration after the submission of an amendment to that effect by the Yukon Law Society, and the administration decided that they would request the House to leave that section and this section in their present form.

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

**Hon. Mr. Taylor:** I will be voting contrary, when the vote comes around on this Bill, and I just wish to state that on the grounds I have already stated, I consider that it leads to -- or could lead to infringement of a person's civil rights under the Canadian Bill of Rights, and I just can't condone it myself.

That's it.

**Mr. Chairman:** Delete Section 63.(1), (2), (3) and substitute the following:

63.(1):

(Reads Section 63.(1))

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

**Mr. Berger:** Mr. Chairman, just to go back -- and it took a little longer to digest what Mr. Taylor and Mr.

Legal Advisor had said in 51(1). I just was wondering if Mr. Taylor's concern is maybe a little bit to over-react in this case, because I feel that without anything -- say for instance a lawyer is called in front of the Committee, and anything concerned with his client, wouldn't this be held on a confidential basis, so not to affect the lawyer's client?

**Mr. Legal Advisor:** Yes, Mr. Chairman, it would be held as such by the Committee.

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

**Hon. Mr. Taylor:** Mr. Chairman, I cannot agree, because the Committee is composed of lawyers, and it may be that the matters raised by the Committee and evidence shown in the production of any of these documents which were forcibly produced, may have a great bearing.

It will give knowledge to lawyers on either side and all around, and notwithstanding that they don't go out and tell the man on the street what they learned in the -- I still stay to the Honourable Members that when we are talking about the rights of the citizen, we are talking about the right not to be deprived of those rights, except by due process of law.

What I am saying to you is that due process -- that this infringes on due process, because due process of law respects the relationship between a lawyer and his client. I can't seem to make that sink into anybody, but that is a fact, and that is part of due process.

If you are talking about due process of law, it must be respected, and in this Bill, it is not being respected in 51.(1), and that is in fact my point.

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

**Mr. Fleming:** Yes, Mr. Chairman, I have to agree with the Honourable Member from Watson Lake. I am not a legal person, but I can understand whereas if a person, that is an innocent person possibly may be dealing with the lawyer, and then the lawyer gets into problems one way or another, and they do take him to the Committee, and then the Committee says you will bring your books and so forth and so on, and all this to us. If that person is innocent in any way he could just give him the books, I realize this, there is no problem.

But maybe in there somewhere there is something he don't want people to know, whether it's going to harm him or put him to jail or whether it is wrong, it doesn't matter. He may have something there he just don't want out to the public and I think that person has this right.

When you go on to say that nothing happened, except that the committee will keep them confidential like, maybe so, I still say in (b) if he does refuse he can be proceeded against for civil contempt of Court. He could get into a problem with doing no wrong whatsoever.

**Mr. Legal Advisor:** Mr. Chairman, take a hypothetical case, which actually occurred a couple of years ago, where two friends decided to go into a business arrangement. One of them owned an existing company, one of them was going to buy into that com-



pany. They both went to the same lawyer, which was the lawyer for the company on the first person, and they made arrangements to form a new company, and they entered into a complicated business arrangement, and in the end, one of them alleged that the lawyer concerned was defrauding the second mentioned person, and was also defrauding the company.

In the result therefore the lawyers hands were tied as a result of the allegation and the parties departed to other lawyers. There were three lawyers involved, eventually.

In any inquiry into that, then it is necessary that the lawyer concerned for the client who was alleged to be guilty of some kind of shenanigan would have to produce the books, which he had suddenly taken over from the first lawyer, which consist of the company books, the minute books and the proof of actually what happened.

The lawyer who is accused of shenanigans must also produce whatever papers he has in his possession in relation to that. Then the lawyer who is making the allegations on behalf of his client, must in response to the defence, be willing to produce his set of papers.

So the committee is dealing with three sets of confidentiality in relation to, they couldn't get a fourth lawyer to act because no lawyer would act for the company in view of the falling out, but it might have happened.

In order to adjust and get at the reality, each person must produce his company documents, minute books and say what happened.

It is essential to realize that it is in relation to a specific dispute between clients. The allegation is made against one lawyer. Now surely he must be made to answer what did he do and what did he say.

The other lawyers who are possession of documents, which are capable of helping the first lawyer in his defence, must produce them.

If the section is tampered with, not only would it make a difficult to prove a case, but it could render impossible for a person who was in a defending situation, to answer the charges laid against him.

From that point of view this type of section is essential.

From a second point of view, I don't wish to correct the Honourable Member. but the expression "due process of law" means that people cannot be penalized in doing something except in accordance with the due process. That due process is created by this House. This is the due process, notice must be served. The person cannot be punished and the process lays down that a person refuses to answer the question, the matter is brought to a judge of the Supreme Court, the person can then, at that point, say, I was justified in refusing and the Judge will decide whether he was or wasn't.

So there is an appeal and nothing can happen to that witness until the Judge says so. If he doesn't like what the judge says he can appeal to the Court of Appeal, which will sit and determine that particular question.

If, in the first instance, without going to the requirement of saying I will not produce, he can move in the Territorial Court, the high court and ask that the order be vacated. In other words, that without the necessity of going through it, he can ask for a vacation of the order because it was an improper order for certain reasons. The judge will then determine the

question and if he doesn't like that he can go to appeal.

So the person who feels he is wronged in anyway by being required to answer a question or produce a document, has an abundance of ways of putting his matter forward. He has not only one method of appeal, but he has three separate methods of appeal. One before the trial happens, one during the trial, and one after the trial if they try to do anything to him.

It is hard for me to have much sympathy with the expression "due processes of law" when in fact the process of law is so helpful and multiplicitous in his favour.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: It goes back to the explanation given by the Legal Advisor I don't buy it. You have said in 50. (3), a barrister and solicitor may not give in any proceedings under this part, refuse to give evidence or produce any books, papers documents on the grounds of solicitor/client privilege.

Now you cannot tell me that upon, if he refused to do this, that a judge can waive the law. Due process of law as Mr. Legal Advisor has said, is contained in the laws that we pass in this House and we have said, we give the judge no latitude here. We have spelled it out. You have got to produce it or else you offend this ordinance. That is what I am talking about.

I still say you must protect the client-lawyer relationship. It has got to be protected.

Mr. Chairman: Mr. Lang.

Hon. Mr. Lang: Mr. Chairman, I rise in disagreement with the Honourable Member from Watson Lake. I think he is making a big deal out of a very, in my estimation, small thing. I think we have explained it here the other day, very well, in regards to the client lawyer relationship.

The fact is we are passing this legislation for the public, as well as trying to give the lawyers a chance to discipline themselves. I think you have to leave that option open, in regards to the availability of the Committee to get the documents that they need in order to see whether or not that lawyer has done something wrong.

I think this is the important key.

Mr. Chairman: Mrs. Whyard.

Hon. Mrs. Whyard: Mr. Chairman, as far as I am concerned I have respect for the Honourable Members' motive in making this argument. I have only one question and I think it might simplify this matter.

In my understanding, any of the proceedings that we are discussing in this section, are never made public. They are within a closed court, board of inquiry or whatever. They are not divulged to the man on the street. That is why I am not objecting to this section Mr. Chairman.

Mr. Legal Advisor: I wouldn't like the Honourable Member to get that impression completely. There is a preliminary investigations and what have you are conducted in secret, but it is possible for the final inquiry to be held in public and perhaps properly so.

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

**Hon. Mr. Taylor:** Mr. Chairman that is a point. It is not as the Honourable Member from Whitehorse Porter Creek thinks that it is a small point. It is not a small point. It is an important point.

Perhaps I don't have access to legal advisors that could advise me on this subject or constitutional people who could perhaps prepare me an argument—

**Mr. Chairman:** Try Legal Aid.

**Hon. Mr. Taylor:** —in response to—

**Hon. Mrs. Whyard:** He didn't approve Legal Aid.

**Hon. Mr. Taylor:** —that of the administration, but I feel very strongly in this, and as I say, I would ask the House to consider amending the pertinent sections which would provide for the production of the client's documents with his willingness, with his permission, but no forcing those documents to be made public or something.

The way it stands right now, I can't buy it. I still say it offends the civil rights, or could offend the civil rights of the individual.

**Mr. Chairman:** It would appear that we are not going to sail through the Legal Profession Ordinance quite so quickly as I had anticipated, therefore I would suggest that we recess until 1:30.

**Some Members:** Agreed.

#### **Recess**

**Mr. Chairman:** I now call this Committee to order. We will continue with the discussions of the amendments to the Legal Profession Ordinance.  
**Mr. Taylor?**

**Hon. Mr. Taylor:** Mr. Chairman, I can only restate my position in respect of the pertinent Sections, in Sections 50 and 51, that I still feel that these Sections do offend the lawyer-client relationship, contrary to what Mr. Legal Advisor has indicated. I feel that both Sections should be amended to provide for the security of the relationship between a lawyer and a client, and I will not be voting in favour of the Bill, unless the administration or indeed a majority of this House, are prepared to make those amendments.

**Mr. Chairman:** Thank you, Mr. Taylor.  
**Ms. Millard?**

**Ms. Millard:** Thank you, Mr. Chairman. I rise in support of the member from Watson Lake. There have been long discussions with our witness, Mr. Phelps, on these Sections, and I understood that the administration was going to look seriously into this.

I have on my notes here that this Section particularly 51.(1), there is not a comparable part in the B.C. Statutes, so Mr. Phelps has given us that information, and he's also advised us that the Law Society feels that the client should waive the right of --

should be the one who makes the decision of whether or not there is any confidential information that should be brought across.

Of course, I draw attention of Committee to the proposed amendments of the Yukon Law Society, where it says that the word "witness" above should be changed to barrister and solicitor, whose conduct is being investigated, and I thoroughly agree with that.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Yes, Mr. Chairman, I -- you could ask the Legal Advisor, I am of the opinion that there is protection to the client in this case under the Evidence Act of the Yukon, under sub -- I think it's Section 8, sub (2), am I right?

**Mr. Legal Advisor:** Mr. Chairman, we have written into this Ordinance precise protections which are stated for all people who are involved in any proceeding in this Territory, which are set out in our Evidence Act, and I think it's Section 7, and they have been rewritten into this Ordinance.

The effect is that if a person is forced to answer a question, then they answer it, but that answer is dead at that point and cannot be brought before the proceedings. That's the extent of the legal power of this Committee, and it is incumbent upon all of the proceedings, and the law is the same here as it is throughout the provinces.

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

**Hon. Mr. Taylor:** Mr. Chairman, I have a question I would direct to Mr. Legal Advisor. Is it indeed within our competence, under the Yukon Act, possible to provide that where, under this Ordinance evidence of a client nature is presented, that the client could be considered to have the protection under the Canada Evidence Act?

**Mr. Legal Advisor:** Mr. Chairman, I don't think we can use the Canada Evidence Act only.

**Mrs. Watson:** It's in there now.

**Mr. Legal Advisor:** It's in our own Evidence Act, it's repeated in our own Evidence Ordinance, it's repeated from the Yukon Territory Evidence Act. We cannot amend or not amend the Canada Evidence Act, but we do have power to make a provision in our proceedings, so it would make it inadmissible or difficult to produce in a criminal case, and it is not the custom in a criminal case, to use evidence where under a Provincial Act, the person would need the protection.

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

**Ms. Millard:** Mr. Chairman, reading the Section it certainly states that the witness has protection against any legal proceedings thereafter taking place against him, but that was not Mr. Phelps' argument.

Mr. Phelps' argument, it seems to me, was that there is a lot of information that might come out against any number of people if the files are made open

to people.

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

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

**Hon. Mr. Taylor:** Mr. Chairman, with respect to the chapters you have brought to my attention, Chapter 8, sub-section (2) and (3) of the Evidence Act, this provides for a witness producing documents on his own behalf. This does not provide from a barrister providing documents pertaining to the witness, or to the client, I should say.

**Mr. Legal Advisor:** Mr. Chairman, the debate now is centering under a different section than the section which was the subject of Mr. Phelps' submission.

I have forgotten exactly what Section number that was, but it was a different section, that is provided for in that Section.

**Hon. Mr. Taylor:** 50(2). Mr. Chairman, the sections that are a matter of concern, I am sure to the legal profession, and have direct concern to myself, are Sections 50(2) -- pardon me, Sections 50(3) and Section 51.(1) of the Bill in front of us.

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

**Ms. Millard:** Mr. Chairman, as I mentioned before, this Section is not in the B.C. Statute. I wonder if Mr. Legal Advisor could give us the reason why it is in the Yukon one and not in the B.C. one?

**Mr. Legal Advisor:** The model we used, Mr. Chairman, was the Alberta Act.

**Hon. Mr. Taylor:** That doesn't make it right though. Mr. Chairman, with due respect, we have heard much in discussion of this and another related Bill on Legal Aid, about the importance of the legal profession concurring and following the practices of the law profession of the Province of British Columbia.

In fact, in this case we have attached our legislation somewhat to the legislation of the province and administration of the province of British Columbia, an outside jurisdiction. We have heard at great length how much we appreciate the fine legislation they have in B.C. Maybe we should also be consistent in our thinking, and if British Columbia has not included this privilege within their legislation, perhaps this may be a guide to Honourable Members to ensure that it doesn't fit our legislation.

**Mr. Legal Advisor:** Mr. Chairman, we had a choice when we were preparing this Act, and I exercised the choice to choose a model, and I chose it as the model because the Northwest Territories were in the course of preparing legislation very similar to ours at precisely the same time, and they ran into precisely the same problems, as with respect, we appear to be running into now.

So I used the Northwest Territories Act and the Alberta Act, which is the parent Act of their Act, in order that we would have parallel legislation and the

proceedings would be more or less the same, and that people would have a standard who are members of both bodies. Coupled with the fact that the Alberta legislation has been under review at a more recent time, and under constant review.

The B.C. Act, at the time we were dealing with it, was and I think is somewhat more old fashioned, and left a lot to be fixed by the particular committee as to what they do and what they do not do.

But I have been in touch yesterday with the Secretary of the British Columbia Law Society, and I asked him the specific question, whether or not they would permit, under their proceedings, a lawyer to refuse to answer a question on the ground of solicitor and client privilege. It was the Assistant Secretary I was dealing with, Mr. Olmstead, and he was inclined to be a bit humourous at the mere idea that any lawyer would dream of attempting to exercise such a privilege, and fully concurred in the fact that in such proceedings there should be no such privilege.

So that lent me some heart when I was doing it, and so I rang a couple of Provinces in Eastern Canada, and they took the same view. I was conscious of the fact that it was reproduced in the Statute in Alberta, so I was then somewhat refreshed in coming back to answer the questions which have been put so well by the Honourable Members.

**Hon. Mr. Taylor:** Mr. Chairman, in response to the comments made by Mr. Legal Advisor, I cannot agree that even the possibility of this occurring within our laws, you know, I restate my position as I stated in another Ordinance, that our job is not here to make laws, our job is to approve laws, and this is a government Bill, and our job is to ensure that no bad laws get on the law books as they affect the people.

I have found no argument as yet to date, other than a hypothetical case or two, which clearly states, beyond any shadow of doubt, that this Bill does not offend the rights of a citizen or the right of the client under the Canadian Bill of Rights. Everybody knows that the relationship between a lawyer, and a client is inviolate, it just cannot be interfered with.

This Bill would make it possible, under 50 (3), and under 51. (1), for disclosure of matters which are privy between the client and the lawyer, and by making that privy, it interferes with due process, with respect to what Mr. Legal Advisor said earlier. I don't agree with that. This interferes with due process of law, because due process of law recognizes that the relationship between the lawyer and the client are held inviolate.

The security of the person is at stake here, and as I say, I won't carry this debate on any longer. I would ask that perhaps other Members would give this a little more consideration, I would ask that the administration would alter these sections to make them more in keeping with the rights of the client, or the citizen. I can say no more on the subject, and I ask -- other than to ask again that members reconsider this. It's an important point.

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

**Hon. Mr. Lang:** A question for the Legal Advisor. If the lawyer was actually doing something

unethical, and if we did not put this section in, and he was -- hypothetically I am doing business with a lawyer, the lawyer is going to attempt to do me in, so what he does in order to protect himself, if this Section got in there, he could hypothetically once again, put a fictitious client's name on his files, and so at which time he ain't going to have to go before that disciplinary body, he could say, no I can't disclose client-lawyer relationships.

Could that happen?

**Mr. Legal Advisor:** He could, yes, Mr. Chairman, but it also could be a dummy corporation.

**Hon. Mr. Lang:** This is what I mean.

**Mr. Legal Advisor:** And then he would be able to block questions or investigations.

**Mr. Chairman:** This debate has gone on for some time, and I would suggest that if we wish to continue debate on this matter, that the proponents of the argument put forward a motion that can be considered by the House.

Mr. Fleming?

**Mr. Fleming:** Yes, Mr. Chairman, I did wish to -- I didn't agree with Mr. Legal Advisor in the sense that the Honourable Member from Porter Creek has said the lawyer situation. If the lawyer is under review, or they are checking into him because he is breaking some law or something, it doesn't have anything to do with the client getting involved, and if he makes up a fictitious person or persons, it still has nothing to do with the one we are worrying about.

He may do this, but the onus is then on him, and not on any client at all in that case, and that's that problem. This one is another problem, the citizen's right, that is involved as a real citizen.

**Mr. Legal Advisor:** Mr. Chairman, with respect, the citizen has no right in a court in the normal way, except one, and that is he can refuse to disclose conversations between himself and his lawyer, with regard to legal advice, but that conversation or that advice may be the very subject of the charge which has been laid, and that's the awkward situation in respect of this.

The lawyer may have been advising him to commit a crime, he may have been organizing a fraud, he may have been assisting him in whatever the thing was. In that case then, the witness would be forced to disclose what did the lawyer say to you? What did he tell you to do?

But that would be fairly standard anyway.

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

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

In view of some of the concern some of the members have shown, I would like to move that we send Section 51 back for further amendment.

**Hon. Mr. Taylor:** I would second the Motion.

**Mr. Chairman:** Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** It has been moved by Mr. McCall, seconded by Mr. Taylor, that the amendments be sent back for further consideration.

All those in favour?

**Mr. McCall:** Mr. Chairman, before we vote on this, I meant Section 51.

**Mr. Chairman:** Your Motion then -- is that Section 51 you are referring to, Mr. McCall?

**Mr. McCall:** For further consideration, Mr. Chairman.

**Mr. Chairman:** The motion then reads: "That Section 51 of the Legal Professions Ordinance be sent back for further consideration". Are you ready for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Chairman:** Contrary?

**Some Members:** Disagreed.

**Mr. Chairman:** Shall we poll the House?

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

**Dr. Hibberd:** I cannot vote.

**Madam Clerk:** I'm sorry. The Honourable Member from Mayo?

**Mr. McIntyre:** Disagreed.

**Madam Clerk:** The Honourable Member from Klondike?

**Mr. Berger:** Agreed.

**Madam Clerk:** I'm sorry, I couldn't hear.

**Mr. Berger:** Agreed.

**Madam Clerk:** The Honourable Member from Hootalinqua?

**Mr. Fleming:** Agreed.

**Madam Clerk:** The Honourable Member from Watson Lake?

**Hon. Mr. Taylor:** Agreed.

**Madam Clerk:** The Honourable Member from Kluane?

Mrs. Watson: Disagreed.

Madam Clerk: The Honourable Member from Ogilvie?

Ms. Millard: Agreed.

Madam Clerk: The Honourable Member from Whitehorse Riverdale?

Mr. Lengerke: Disagreed.

Madam Clerk: The Honourable Member from Pelly River?

Mr. McCall: Agreed.

Madam Clerk: The Honourable Member for Whitehorse Porter Creek?

Hon. Mr. Lang: Disagreed.

Madam Clerk: The Honourable Member for Whitehorse West?

Hon. Mrs. Whyard: Disagreed.

Madam Clerk: The Honourable Member for Whitehorse North Centre?

Hon. Mr. McKinnon: Disagreed.

Madam Clerk: I have six nays, and five yays.

Mr. Chairman: The Motion is defeated.

**Motion Defeated |**

Mr. Chairman: We will continue with the reading of the amendments.

Mr. Chairman: 63. (2):  
(Reads Section 63. (2) )

Mr. Chairman: (3):  
(Reads Section 63. (3) )

Mr. Chairman: Clear?

Some Members: Clear.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, this is the most unusual situation I have ever, ever come across.

Mr. Chairman: I doubt that.

Mrs. Watson: Where you have a foundation paying the government's bills. It's usually the government who is paying someone else's bills, but here we have—

Mr. Chairman: I think the endeavour—

Mrs. Watson: "Incurred by the Territory"

Payments paid by a law foundation for expenses incurred by the Territory, that is just something I can hardly—I am not going to oppose it, but whoever requested this, just have rocks in their heads.

Mr. Chairman: I'm glad to see that the unusual appeals to the Honourable Member.

Are there any further—any other members that wish to take part in this debate?

A Member: No.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, with my apologies, but I have to, in all fairness to the representation that was made before us the other day, from the consumers who brought up, I think, a very valid, valid point, and which is being considered all across the country in this day and age, whether it is a workable solution, I don't know, and that is having in the disciplinary committee for professional groups, having a lay person represented on the disciplinary committee.

Mr. Chairman: Mrs. Watson, we are now considering the amendments to the amendments. Perhaps we should get through the amendments to the amendments and then we can carry on.

Mrs. Watson: I'm sorry, Mr. Chariman.

Mr. Chairman: We have the amendments to the amendment which have been brought in in response to the brief by the Yukon Law Society. Refer to the amendments that were brought in by the government, in particularly Section 63. (1). I will now entertain a Motion regarding the amendments to the amendments.

Hon. Mr. Taylor: Mr. Chairman, for clarification, I understand you are considering the amendments brought down by the administration to the Legal Profession Ordinance, and I'm wondering at this point, are we to have further amendments now?

I'm not clear as to where we are at.

Mr. Legal Advisor: No, Mr. Chairman, with respect. Without telling the House what they are voting on, they are voting on the amendments which were produced by the administration after the Council had heard the witnesses and debated the matter, and particularly Section 63 was drafted by the Yukon Law Society, and we only changed I think, one word, and brought it in.

This I think would conclude the Bill with all the amendments on the sheet.

Mr. Chairman: I think we still have to consider the amendments that were brought forward by the House. At the present moment, we are only considering the amendments brought forward today.

Hon. Mr. Taylor: Mr. Chairman, for clarification then, there is no amendments to an amendment at this point? We are just talking strictly about the amendments to Bill Number 7, are we not?

Mr. Chairman: No, we are not.

Hon. Mr. Taylor: Oh, well then I am lost, I am right out of it.

Mr. Chairman: We are considering we have a Bill before us which is entitled "An Ordinance to Amend the Legal Professions Ordinance". It was discussed in the House, amendments were brought forward to you and have been read before the House.

Following that, a brief was undertaken— that was on December the 8th. Following that, a brief was brought forward to the administration from the Yukon Law Society, following which further amendments were brought forward by the government, and these are now under consideration.

Hon. Mr. Taylor: Carry on. It doesn't make any sense.

Mr. McCall: Mr. Chairman, so what you are saying in essence then is you are looking for three separate votes: first on the amendments presented us today—

Mr. Chairman: You are quite right, Mr. McCall.

Mr. McCall: —the second one on the amendments as brought to us prior to the draft that was presented by the Legal Profession, and then we will vote on the Bill. Is this what you are—?

Mr. Chairman: That is right.

Mr. McCall: Well, Mr. Chairman, I would move that we adopt the amendments read today as read.

Mr. Chairman: Do I have a seconder?

Mr. Lengerke: I'll second it.

Mr. Chairman: Are you ready for the question?

Some Members: Question.

Mr. Chairman: It was moved by Mr. McCall, seconded by Mr. Lengerke, that the amendments brought in today, be accepted as read.  
All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Hon. Mr. Taylor: Contrary.

Mr. Fleming: Contrary.

Mr. Chairman: I declare the Motion carried.

**Motion Carried**

Mr. Chairman: I will now entertain a Motion regarding the amendments of the Bill that was introduced originally. These are the amendments that we considered previously, which have already been

amended

Mr. McCall: Mr. Chairman, if I may, I would like to move that the amendments you have just suggested be passed as read.

Mr. Chairman: We have difficulty with the wording of your Motion, Mr. McCall.

Mr. McCall: Mr. Chairman, I am having difficulty understanding which amendments you are getting at.

Mr. Chairman: On December the 8th, we considered amendments to the Legal Professions Ordinance, prior to the submission by the Yukon Law Society. We have now had the amendments that have been considered by the government, and considered by ourselves, and those amendments in our last Motion were accepted.

We are now considering the amendments, as of December the 8th, that were considered by this House.

Mr. McCall: Yes, Mr. Chairman, I understand your vulnerability as far as adopting whatever amendments are flying around. May I suggest I reword that Motion so that I would move that all amendments to Bill Number 7 be adopted as read, so that we don't lose any amendments that may be flying around the room.

Mr. Chairman: I would have to remind Mr. McCall, the amendments that you are recommending in your Motion are amended by the last Motion.

Hon. Mr. Lang: Mr. Chairman?

Mr. McCall: Mr. Chairman, I don't quite understand what you were referring to a moment ago. Would you give us some more clarification on that point?

Mr. Chairman: I think perhaps just to clarify it, we have -- if we could have a Motion regarding the amendments to 50 sub (4) and 63 sub (4), it would clarify the situation, I think. These are ones that have already been considered by Committee.

Mr. McCall: What were those figures again?

Mr. Chairman: 50 sub (4), 63 sub (4).

Mr. McCall: Mr. Chairman, I would move that we adopt the amendments, Section 53, sub (4) and Section 63 sub (4) as read.

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

Mr. McCall: Correction, Mr. Chairman, 50 sub (4).

Mr. Chairman: We will get it, Mr. McCall. Thank you.

Do I have a seconder?

Mr. Lengerke: I will second that, Mr. Chairman, to be consistent with the confusion.

Mr. Chairman: It was moved by --

Mrs. Watson: Mr. Chairman, may I suggest that you call a brief recess. I don't want to vote on something I don't know I am voting for, and I don't know what you are voting for.

Mr. Chairman: I don't know whether you have to do -- you have already made a Motion. You have already had a Motion on 63, the motion has passed -- it has now been passed.

Mrs. Watson: 42, 45, 61, and 63, we passed those.

Mr. Chairman: That is right.

Mrs. Watson: Now I can't --

Mr. Chairman: The only ones remaining are 50, sub (4) and 53 sub (4).

Mr. Legal Advisor: In which, Mr. Chairman, no change has been made.

Mr. Chairman: This was the recommendations of the House. Those are the two things that were recommended by the House, and they have now been changed. They were read through the House a second time, and were accepted at that time.

Are you ready for the question?

Some Members: Question.

Mr. Chairman: It has been moved by Mr. McCall, seconded by Mr. Lengerke, that the amendments to the Legal Profession Ordinance, 50 sub (4), and 63 sub (4) are accepted.

All those in favour?

Some Members: Agreed.

Mr. Chairman: Contrary?

Hon. Mr. Taylor: Disagreed.

Mr. Chairman: Carried.

**Motion Carried**

Mr. McCall: Mr. Chairman, I would move that Bill Number 7 be reported out of Committee with amendments.

Mr. Chairman: Secunder? Do I have a secunder?

Mr. Lengerke: I will second that.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I wonder if I could proceed now, is now the time? I want to speak on a further amendment to the Bill?

Mr. Chairman: Yes, yes.

Mrs. Watson: It's okay?

Mr. Chairman: Yes.

Mrs. Watson: I refer more specifically to Section -- sub-section (2), Section 33, where there is a requirement that only persons who are enrolled on the roll, or who are members in good standing in the law society of their province, are eligible to be appointed to the Committee.

This is the point that the consumers brought forward the other day, and I think that it should be brought before the House and just get a few comments from the people who are sitting here.

I didn't bring this forward for consideration with the Medical Professions Ordinance, for the simple reason that I think in that area you are going into more technical terminology which could certainly impede any other person, other than a medical person on a committee, especially when a person's professional capability would be in question, where the lay person would have trouble understanding what they are talking about, and it could even be a lay person on a disciplinary committee such as this.

I think we are all aware that in the country to day there is a trend in this direction. To have people other than the members of the profession sit on the disciplinary committee of that profession.

I would just like to bring it forward today, to see what reaction there is from the rest of the Members of the House. I think the Consumers who were here the other day made some very valid points, which have to given serious consideration at this time. The President of the Law Society made some valid points on why. I would like to see some reaction from the rest of the House on the suggestions put forward by the Consumers.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, I will just start off by saying that I understand the Consumers' chief interest is to see that the consumer is protected and gets a fair deal in whatever area we are discussing.

Under the Medical Professions Ordinance, with the requirement for the Board of Inquiry, which is the point we are making here, there is ample opportunity for any consumer, which means private individual, which means patient of some medical practitioner, to institute the procedure which will result in a Board of Inquiry being held.

From my own personal point of view, that would satisfy me. I would know then that my evidence was going to be taken and considered by people who know about medical professional standards and medical practice. I would be content to leave it there once they had heard all my side of the argument.

I would approach the situation in the same way as being -- as going to court on a matter as a consumer, and asking the court to look into it and decide whether or not some store had taken an advantage or whatever, if you have price legislation and controls.

I would not expect that I would be invited to sit up on the bench beside the Magistrate of Judge, who was

ruling on the material brought before him. I as an individual would not ever be expected to sit on a medical board of inquiry. I would feel competent to sit on a board of inquiry on my own professional colleagues, because I know that profession.

I would not feel competent to sit on a board of Inquiry, which is a very serious legal level, unless I were professionally qualified. That is my interpretation of what we are trying to do here, Mr. Chairman.

Mr. Chairman: Mr. Lang?

Hon. Mr. Lang: No, thank you.

Mr. Chairman: Mr. McCall.

Mr. McCall: There is one question before I go into too much detail, Mr. Chairman.

I would like to ask the Honourable Member from Klwane just what recommendations would the Honourable Member consider as far as accommodating this sort of idea as to what the consumers recommended?

Mr. Chairman: Mrs. Watson.

Mrs. Watson: Mr. Chairman, I have looked at the legislation quite, actually quite intensely and have, there would almost have to be more than one or one person on the committee, but there would have to be a requirement, at a certain level when the committee sits, that there should be a lay person on it.

That would be my suggestion.

Mr. Chairman: Mr. McCall.

Mr. McCall: In adopting that principle, Mr. Chairman, I find a little area of concern here, because I accept the principle of the layman being on the committee, what I would be concerned about are the investigations that are taking place in the Legal profession itself. Whether the particular individual that is being, shall we say, selected to the committee, would be able to keep up and follow. It is easy to say that we will select a person, a layman or a layperson on the committee, it would be more difficult for them to follow as a committee member, and a particular situation like dealing with the legal profession.

You have a split argument here and I have mixed feelings on it.

Mr. Chairman: Mr. Berger.

Mr. Berger: I think everybody is getting the wrong idea here. I couldn't see a layperson sitting on this thing. I am just recalling a hearing on the Air Transport Committee when the Consumers' Association was represented by a lawyer. I could possibly see a lawyer representing the Consumers' Association at a hearing like this.

Mr. Chairman: Mr. McCall.

Mr. McCall: Mr. Chairman, this is what I am ac-

tually saying, maybe adopt a principle of allowing a layman to be appointed or selected to this board, but just like the Honourable Member from Klondike brought up, you would have a substantial strained situation unless they are lawyers themselves. If you were to select a laymen that is a lawyer, you are back at square one.

Mr. Chairman: Is that not what we are trying to accomplish in this Ordinance, an impartial inquiry, and if we do introduce some, even a legal representative of the Consumers' Association, it no longer has that role.

Mr. McCall: That would be right, Mr. Chairman.

Mr. Chairman: Mr. Taylor.

Hon. Mr. Taylor: Mr. Chairman, perhaps this is the last kick I will get at it as speaking on this particular motion to move this Bill out of Committee as amended. I just will be in the Chair at third reading or were I not in the Chair I would be hollering as vociferous as I am now.

Mr. Legal Advisor as draftsman of this Ordinance has given the House his view as to the section 50.(3) and section 51.(1).

I would like to remind all members of the House that a lawyer can argue either side of an argument, and if he couldn't argue either side of an argument, well I don't suppose he would be a lawyer.

I would just like to also advise and remind the House that the total Law Society of the Yukon Territory, which is an assemblage of many lawyers, seemed to collectively agree with the stand I have made and you have their presentation before you for consideration.

They support the position that I have stated to you today and attempted unsuccessfully, up to this point, in debate, that the client-relationship with his lawyer is inviolate. They support my position that the Bill offends the civil liberties of the individual, or could offend the civil liberties of the individual.

I am confident that this is the case, and I simply close, Mr. Chairman, by saying that I would ask Members once again to reconsider the passage of this Bill prior to those two sections being amended, and if this receives the support of the House in passage, then I wish to register in the strongest of terms, my protest of such passage in this form.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Mr. Chairman, I won't take any more time of the Committee, and I do thank the Honourable Members who did express their views on the suggestions that I made. I am certainly not going to pursue it any further, but I think that it's something that we can keep in mind.

Other jurisdictions are looking at it, have tried it, I understand, and it hasn't been that successful, but I think they are wrestling and looking and we should be attempting to come up with something possible, because I think that government feels consciously that by bringing in this type of legislation, they are



providing some protection for one professional group of people.

By the same token, they are also striving for means that are fair, to provide protection for the public who use that service. I certainly won't pursue it any further, because I know its records of using lay people on committees hasn't been that successful, to date.

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

**Mr. Fleming:** Yes, Mr. Chairman.

I won't take up too much more time, except to say that maybe I am not too sharp on all this legal things, and the wordage, and as Mr. Honourable Member from Watson Lake has said, a lawyer can always make things right, even if they are wrong, by speaking usually anyway.

I am not clear on the subject, I am not clear on the whole thing here today, and I find there is so much dissension amongst the members, I think that maybe nobody is very sure yet. If they were, they would stand up and be sure, everybody would be more or less.

Any time there is dissension somewhere, usually there is a reason, and I myself still say that the Bill is something that we have been needing in the Territory, I agree, for some time. I am always wondering, you know, when they put something through like this, that it might -- trying to catch the lawyer, they are going to get the innocent person too, and I could just never see my way clear to shoot an innocent person to get the criminal, if you want to it that way.

So I guess I'll have to vote against it, in any case.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, should we get back to this item I thought we were discussing, which had to do with the consumers?

I'm sorry, I don't have that letter before me at the moment, and I have forgotten the exact wording, but it seems to me that the problem that the Association here had dealt with the gap between the Federal Combines Investigation Act, and what we were doing here at the moment regarding the profession. No?

My suggestion, Mr. Chairman, was going to be, and this may not be a fair time to ask the Legal Advisor, to ask whether his opinion would be that amendments to the Federal legislation would probably be easier to effect to cover this extension that the consumers would like to see included, rather than our trying to patch it from our end, and every provincial jurisdiction doing the same.

Now, I'm not familiar enough with this Combines -- is it the Combine Investigation -- yes, and I don't know where they end and where we start. I'm sorry, Mr. Chairman, if this is going to delay things, I can get this information later, but it seems to me that that would be the helpful place to look.

**Mr. Legal Advisor:** What you have got in the Combines Investigation Act, the particular problem which did exist, and I'm not sure it still exists was, that the federal government was going to make it a crime for

any group of people to agree beforehand what price they were going to charge for delivery of service, or the selling of a commodity. That was going to be a conspiracy, and be an offence against the Act.

They were faced with the difficulty that certain bodies, such as the lawyers, doctors and so forth, and including other trades as well as those, if they are a trade, I suppose you could call them a profession, did in fact have public acceptance for agreeing on a price. But the learned societies, the doctors, lawyers and so on, pulled back from the position they had adopted at the time the Ordinance was -- the Act was first going through, and instead of fixing a recommended charge by the group, they put in an informational pamphlet which said what was the normal charge that a professional man was charging for a service in that area.

So that the federal government didn't know which way to go, the professions didn't know which way to go, but eventually the proposal looks like firming down on this. That a body such as the lawyers or the doctors, where they are permitted by the provincial government, which is the jurisdiction, to agree on a price or publish a price for stated public reasons, then the Federal Investigation -- or Combines Act, will pull back from that position and permit it to happen.

Now, in this particular Ordinance, we don't have any function in this matter. This is purely a Disciplinary Ordinance, and is disciplining people for what they do or fail to do in accordance with an ethical standard. We don't deal with price fixing at all.

That stage may come in debate, if perhaps in two years' time, the Law Society of this Territory wants to get a statutory basis to not only discipline themselves, but create its own discipline, and as a part of that, to fix standards of prices which will be charged for particular services. At that point of time we will be dealing with it.

Now, so far as the consumers were concerned, it would not -- if I may give an opinion, be very satisfactory for any lay person to be one of a group of three people who are actually trying a case in a technical capacity. Where the representation would be valuable to them, would be where this House created a statutory Law Society to be governed by a group of say ten Benchers, which would then create ethical rules and have control over the everyday life, in the profession of lawyers.

At that time, it would be wise, perhaps for this government, for this House, to see that one or two lay persons were part of the decision making body in establishing the policy to be followed by the profession. I would be very surprised if at the time the legislation was requested, that the lawyers themselves did not suggest to the government, a convenient method of bringing in public opinion and public representation on their own decision making bodies.

I would also expect that if this happened with the dentists or the doctors or any other person, that they would be only too happy to make this offer, because the tradition has developed in the province that any body who is seeking self government status or seeking a convenient amendment, has asked -- the Saskatchewan

government, the Manitoba government, the Alberta government and so on, would they please suggest a method for giving public representation in a policy making group.

In the Law Societies, these are usually called the Benchers. To have a lay bencher appointed, or two lay benchers, depending on the number of benchers controlling the profession, and I have no doubt that this House would accede to such a request if made by the lawyers at the appropriate time.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, thank you, Mr. Legal Advisor. That's been most helpful to me, and I will go on record as being committed to watch for an opportunity to take such steps, and I'm grateful to the Consumers' Association for bringing this gap to our attention.

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

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

In view, with all due respect, to the Honourable Member from Watson Lake, and the Honourable Member from Kluane has stated and their concern, I have great respect for the reasoning behind their argument.

The only thing I would suggest at this point is instead of attempting to, be quite blunt, scuttling the Bill, because we know it's a disciplinary Bill against our barristers and lawyers, et cetera, I would suggest that they allow it an amount of time for which it should be tried. If we see for any reason, that the areas of concern where both members question it, are being abused in any way, shape or form, and we have all the right to bring it back to this House and dissolve those bones of contention.

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

**Hon. Mr. Taylor:** I just have one question, Mr. Chairman, I would like to direct to Mr. Legal Advisor. Am I correct in assuming in British law that a man is not required or compelled to give evidence at his own trial in a court of justice?

**Mr. Legal Advisor:** That's a simplistic and slightly fallacious statement of the law. There are a number of times when a person has got to give evidence at his own trial, and has got to say what happened.

**Mr. Chairman:** Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I am sorry that the Honourable Member from Pelly thought that I was endeavouring to scuttle the Bill. This was certainly not my intent. I was just putting a proposal forward to the House, and was looking for some comment, and I think that it has been very interesting.

**Mr. McCall:** The comment wasn't intended that way.

**Mr. Chairman:** Are there any other members who

wish to take part in this debate?

**Some Members:** Question.

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

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

I'm sorry. It was moved by Mr. McCall, seconded by Mr. Lengerke, that Bill Number 7 be reported out of Committee as amended. Are you ready for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Some Members:** Disagreed.

**Mr. Chairman:** The Motion is carried.

**Motion Carried**

**Hon. Mr. Taylor:** Mr. Chairman, with respect, could we have a show of hands?

**Mr. Chairman:** Certainly. All those in favour? Contrary? The Motion is carried.

**Motion Carried**

Is it the wish of Committee now to proceed with consideration of Sessional Paper Number 3, regarding agricultural policy, or do you wish to leave this until Monday?

The Committee seems to have no wishes.

Are you ready to proceed with Sessional Paper Number 3 regarding agricultural policy?

**Some Members:** Agreed.

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

**Hon. Mr. Taylor:** Mr. Chairman, perhaps in dealing with this question, perhaps the Honourable Minister of Local Government could maybe give us a brief run-down as to the background of the paper, and perhaps give us his opinion as to the recommendations in the paper?

**Hon. Mr. McKinnon:** Yes, Mr. Chairman, I would be pleased to if the Honourable Members so wish.

I promised the House, following the tabling of the Peake Report, that there would be a Sessional Paper laid before the Assembly at the next sitting, and this is the results of the initial analysis of the Peake Report by the Yukon Territorial Government.

It's obvious, Mr. Speaker, or Mr. Chairman, that the use of land for agricultural and grazing in the Yukon Territory to this time has been badly misused and abused. There's various reasons for it, the chief one being that there has been a policy of not having readily available acreage property for people who

wanted a different lifestyle than a fifty by a hundred lot in the city.

The only way around this was by going for an agricultural or a grazing lease. I think that everybody concerned with land is prepared to admit that land was given for agricultural purposes that should never have been cleared, and as a term of the lease, so many acres had to be cleared to be able to get title to it.

Any soil expert looks at it now and will agree that the worst thing that possibly could have been done to that land, and the greatest abuse to the land, was it being cleared of vegetation, so that was done and title was eventually given, and we do have the areas of large tracts of acreage which were gotten under the guise of agricultural and grazing leases, some of them for speculative purposes, unfortunately, and they have turned over at a considerable amount of money, particularly in the last few years.

Some of them just as a genuine longing for people to look for an acre or two that they could go out and do their own thing, which I have nothing against in any way, shape or form.

The fact of the matter is that we don't know what soil suitability we have in the Yukon for agricultural purposes.

It would folly, it would be unfair, it would be unwise for the Government of the Yukon Territory to allow land to be given out willy-nilly for agricultural purposes without knowing whether that land could be used for agricultural needs, and at best every study that I have seen, and there must be 40 of them, concerning agriculture in the Yukon, it is an unanimous consensus from every one of them, that if farming is going to be viable in the Yukon it will be at a sustenance level. If that is the type of a life style and a person is very good at it and knowledgeable and the soil conditions are right, he may be able to eek out a living from that farm and not be a drain on society. That is universal in every study and every report that has been written on agriculture in the Yukon Territory.

The other fact is the federal government just isn't willing to give a block transfer of land to the Government of the Yukon for agricultural purposes unless we can prove to them that it will be suitable for agriculture purposes.

So taking all these factors in mind, Mr. Chairman, we saw the only logical method of dealing with the Peake Report and any further recommendations had to be is there an area in the Yukon which is suitable for agriculture? A soil analysis will say that yes, a sustenance type of agricultural can be worked on this land, then we can in conscience go to the federal government and say look it this can be done on that land. Here is the analysis of the soil, here is the infrastructure that we know that we have to set up to make this into an agricultural land. At that point in time I think the federal government will be willing to put a block transfer of land over to the hands of the Territorial Government for agricultural purposes.

The money that will be involved in this, of course, will have to be laid before this Assembly. Once we have the soil analysis done, then comes the problem of the infra-structure on that area. The roads, survey, schools, bussing, you know, the whole ball of wax. Do we set up a complete and total department of

agriculture in the Yukon Territory, or do we rely, as we do now, on going -- sending samples to Beaver Lodge or getting a person in every once in a while to give us some advice.

These are really hard facts that are going to have to be met by the people at this table.

I must say that because of the delay in the paper that I -- there was an exchange of correspondence between the Commissioner and Mr. Hunt, who was then in charge of Northern Resources in Ottawa, and we asked him because of the delay in the Paper, the Sessional Paper, whether he was prepared to support a study on soils getting underway this summer. He was and Dr. Ian Sneddon was contracted by the Department of Agriculture and worked in conjunction with our Land Planner, Lynn Chambers in examining certain areas of the Yukon in soil this year. We didn't want to have to wait and lose this whole summer before bringing the program to the Assembly, so we actually have acted on suggestion number 2, where we had an intensified study effort with the agreement of the Department of Indian Affairs and Northern Development, and are actively persuing that course so that we didn't lose the total summer.

That is the background to the Paper and I hope the members of the Assembly will agree that it is a sensible proposal, Members of the Assembly will be kept in touch at all times of the steps of the reports, of the next step, of what it will cost us if we actually do go into a comprehensive agricultural system in the Yukon.

I think the steps that we took were the only sensible ones that can be taken at this point in time.

I would just like the Houses' concurrence that we are moving in the right direction. And this is the only direction we can move at this time.

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

**Mr. McIntyre:** Mr. Chairman, perhaps the Honourable Member from Whitehorse North Centre could tell me if the soil survey which was done on the Takhini-Dezadeash Valley was not complete enough for the purpose of establishing an agricultural policy for this particular area?

As far as I can see this is the only area where agriculture might be viable.

As far as some of the other areas in the Yukon, such as the Mayo and Dawson area, I don't think they need to go in there and do any soil sampling because a certain type of agriculture is possible and has been carried out in these areas since the turn of the century.

**Hon. Mr. McKinnon:** In answer to the Honourable Members question, every expert wants to do his own survey. It is just -- we have certain portions of the Alaska Highway that must have been surveyed a hundred times by different survey teams, and they are looking at the Takhini-Dezadeash areas in the soil surveys that they are now updating, and different researchers doing at this moment.

**Mr. Chairman:** There are a few things that I would like to ask the Member.

If number two is the policy that is being proceeded on, what is the time frame in which you are talking? The second question is number two does not include.

in itself, any statement regarding the transfer of land to the territorial jurisdiction.

**Hon. Mr. McKinnon:** No we have had correspondence that we won't have a transfer of land until this has been accomplished. The other question is that it will be another summer of intensified soil studies prior to the results being cataloged and tabled.

**Mr. Chairman:** Am I to assume from (e) on the next page, that a land transfer is projected on the completion of these studies?

**Hon. Mr. McKinnon:** We have been lead to believe by correspondence that we have had with Indian Affairs that if we can prove to them that there is a block of land that is suitable for agricultural pursuits, that the Department of Indian Affairs and Northern Development would entertain a suggestion that that land be transferred over to the territorial government.

In this area there is a share jurisdiction. Under the Yukon Act, we have the legislative competence of dealing with agriculture. That is fine to know that we have the legislative competence in dealing in agriculture, the only problem is that we have no land to practice the policy on because the federal government owns it all.

We have had, at least, a meeting of the minds to the point where they realize our legislative competence, they realize they own the land and we can get the two together if we can prove to them that there is a chunk of land where we can practice a viable agricultural policy on.

**Mr. Chairman:** Is it within our competence that we could declare 270 thousand -- 207 thousand miles of agricultural land?

**Hon. Mr. McKinnon:** Or a National Park or a municipality.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Well, Mr. Chairman, I haven't got into the long range policy yet on this paper. I was back at the same level as the Honourable Member from Mayo, because I am familiar also with the soil test report done by the Department of Agriculture, many years ago on the Takhini Valley, and my question is a very unimportant one, and it occurred to me that long after those tests had been made, possibly the forest fires of 1958 which raged through that entire area would have changed the outlook on the agricultural value of that area.

So, you know, I suppose there has to be updated reports. I would also like to refer to a point in Mr. Peake's report, which was underlined again by Mr. Tsukamoto at the Northern Resources Conference, Mr. Chairman, who was formerly associated with the Experimental Farm at Mile 1019, and I hope that most of the members here were able to see his presentation at the Resources Conference. It was a great pleasure to see him again, and to hear his mature and objective now approach to the subject of farming and agriculture in the Yukon.

Now that he has been away from the Territory for a number of years, he can be quite objective about it, and the message I got from his presentation was that there is a valuable outlet here for many people, whether you are creating jobs or whether you are not, and whether it's economic or whether it's not. It is still valuable enough to be considered on its own.

Thank you, Mr. Chairman.

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

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

I have no problem with adopting the number 2 in this here, but what I would like to see is to split number 2. We are talking about agriculture, and I see in (a) and (b) we are talking about suitable soils and farm lots, but I know in the Dawson area, there are some areas suitable for farming or a marketing garden, but there is also areas that are not suitable for anything, except maybe ranching.

I think we should take this also into consideration, that in some areas you can grow a lot of grass, but you can't grow anything else.

The other thing is that I would like to caution the Assembly here, it's nice to talk about farming. It's nice to talk about growing things, but I think you also have to think of the competitiveness, the market availability, and our weather conditions. I have seen it, and I think a lot of members in this House have seen it, and I think a lot of members in this House have

The other thing is that I would like to caution the Assembly here, it's nice to talk about farming. It's nice to talk about growing things, but I think you also have to think of the competitiveness, the market availability, and our weather conditions. I have seen it, and I think a lot of members in this House have seen it, where a heavy frost could come up in July and wipe out the farmer's product.

Who is going to pay for all those things, because I can see we are going to create another welfare institution, where those farmers are going to come to the government and say look, I had an accident. I was wiped out by frost, it is an Act of God, the insurance is not going to pay for it. You have to come up with something, and I don't want to see that.

I would agree, to create farm lots which one or two persons can operate themselves without too much loss in case there are losses, but I disagree with farming in the Yukon, because like I say, all we would do is create another welfare institution, and I don't want to see that.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman, I would hope that we don't wipe out farming in the Yukon. I know several people that would be very disappointed, because they have been doing it for years, and I would just like to say that certainly there are areas -- I would like to just draw to the attention of Committee in the discussion of agriculture that it is quite possible to grow, for instance, cereal grains.

I know we have many acres under cultivation at

Watson Lake, and here crops are grown to feed horses for the winter, and in this case I am speaking of an oat crop, a beautiful crop, and I give credit to the farmer who is farming that crop. He's had no difficulties, it's economically viable for him, and mind you, he has gone to a lot of work.

He has had to move a lot of timber and this type of thing, and trees and cultivate the soil, but this year I think is his third or fourth crop. It is coming beautifully. He goes out and stooks it in the fall, and packs it in and puts it in the barn and feeds his horses for the winter. It's good soil.

Sure, there are other areas where the soil may not be good enough to grow cereal grains, but certainly grows hay and hay feeds horses, and hay is a -- you know, if you can get a good hay crop, you can sell hay by the bale. So, you know, depending on what you want to grow depends on what kind of soil you are going to need.

There are many things in agriculture that could be economically viable, and be -- provide a product, a much needed product to the Territory within the Territory.

I would personally like to see, even as the Sessional Paper proposes, proposal number 2 implemented. I would support that without breaking it down into dual proposals. I would like to see us embark on an agricultural program, as far as we can go, in a direction where we know where we are going, and I would certainly agree with 2, if this is what has been decided by the administration after their consideration of the total question of agricultural policy in the Yukon, great. It seems to me it's a base, it's a place to start from, and it's a good place to start speeding the arrow along.

But I am -- you will certainly find me in support of any rational policy or program in relation to agriculture. In the Klondike, the days of the Klondike, they proved it could be done in permafrost areas, and when you consider throughout the Yukon, there are areas of arable land, as small as those arable areas are they are still usable and if people can prove, as the Minister has said, that they can see a chance of making an economically viable operation, they should be encouraged, kissed on both cheeks and every opportunity should be given to provide them with the land, not only on a lease basis, but an opportunity to purchase the land they worked so hard to improve.

Mr. Chairman: Thank you, Mr. Taylor. Mr. Fleming?

Mr. Fleming: Yes, Mr. Chairman, I am quite prepared to say that these, (a), select out those suitable soils and survey these soils and to predetermine farm log acreage', I am quite agreeable. This is the idea, to start at the bottom and work your way to something that is worthwhile rather than just turn it loose for anybody to just go spot something where he wishes, on a rock where he can't grow anything.

On the other hand, I do have a few reservations, and hope that the government in their wisdom don't take away the rights of some small acreage, the small acreage people who wished just to have a few acres of

land to grow their gardens and so forth and so on. They are not going to make a big industry out of farming. They may have a couple of cows, a chicken or two and so forth and so on.

These people, they probably are not a big industry, but there may be many of them in this country, and there's room, I think for many of them in small areas, and the plan as laid out here, if it could be followed, I think it's very good, as long as they don't let that escape, and forget those little people.

The policy of approaching for the larger farmers, is very good. I'm a little dubious as to does it provide total approach—

No, not that one. (d) decide on financial and technical services. I know this must be done, because I again feel as the Honourable Member from Klondike, that sometimes you know, these things do get out of hand, and you do end up having a welfare system, where you have to support somebody that is starting a big ranch somewhere, and really he started it on his own, it's his own problem. Let's not get to where we are doling out everybody else's money to help some joker to get rich or to make it when he can't make a go of it. I think most of the farmers want to go on their own. They want some help but not in a large area, and that's my comments.

I quite agree with this approach to the problem.

Mr. Chairman: Mrs. Whyard?

Hon. Mrs. Whyard: Mr. Chairman, there are a couple of areas in which I could use a little additional information, if the Minister is ready to expand further.

I think they both have to do with time frames. We have two thrusts here, one is the further examination of agricultural lands, and a proposed eventual block transfer of certain areas for agriculture. That's one.

The other is the number of requests for small acreage which are a very popular form of development for a lot of people in the Yukon, and as this paper points out, they want some indication from this House regarding our priorities on how the money should be spent.

I gathered from what the Minister has said, that we are proceeding with the agricultural land study, the technical studies, with the assistance of the federal agencies. How are we proceeding in establishment of larger acreage residential lots?

Mr. Chairman: Mr. McKinnon?

Hon. Mr. McKinnon: We are presently engaged in the attempt to provide larger acreage residential lots, and hopefully to be able to do it properly, as a proof that it can be done, in and around the Municipality of the City of Whitehorse.

As our Honourable Members know, we have on the periphery of the city, two sub-divisions, one under the control of the federal government in Echo Valley, and one under the control of the Territorial Government, the Carcross cut-off. The city has asked us—both the Territorial and Federal governments not to proceed with the sale of these larger lots until they have ability in developing with the territorial government, acreage property within the boundaries of the Municipality of

the City of Whitehorse.

We were going to develop Canyon Crescent over the winter for sale next spring, but due to unforeseen circumstances, like Whitehorse Copper has staked most of it in the intervening period, that was no longer available. So we have engaged E.P.E.C. Consulting now that is doing exactly that study and survey for us, and we hope that they will be presenting to the City Planning Board in the very near future, a subdivision which they are very excited about building of acreage property, within the boundaries of the Municipality of the City of Whitehorse, that will be available for disposition next summer.

I am going to make the point again, I have made it quite a few times, that if anybody thinks that they are going to get, pick up a lot for 2 or 300 bucks like they used to do in the good old Porter Creek days, just forget about it. The raw cost of land is doing nothing else but providing access, and a survey works out to about a thousand bucks an acre now, if nothing else, so you know, just be prepared, you are going to pay for what you get.

That's where we are heading, and we know, as it stated in the paper, that it's been predicted that many of the requests for agricultural land could be satisfied through larger acreage residential lots. If in fact this is a valid observation, then we should be also giving immediate priority to this type of development, which is exactly what we are doing.

I might also state that I've gone to many of the people who were denuding their land, and we knew that it was senseless for them to be doing that, but they had to under the terms of the lease agreement, and we said look it, do you really want this 50 or 160 acres? They said hell no, all I want is an acre or two and we said well look it if you quit denuding the place and quit chopping it all up and give us back 158 acres, we will let you have title to the two acres, and everybody ended up very happy. They got what they wanted in the first place, and they weren't being forced to spend all that time and all that money, absolutely ruining the land that they shouldn't have been doing it on.

So we are working in that direction, and we have been successful in many instances. I hope that we will be successful in getting the larger acreage residential lots in disposition for -- by next summer, at least in the Whitehorse area, and prove whether it can or cannot be done. I think it can be.

I was interested to hear the Member from Whitehorse West talk about Mr. Tsukamoto, because I read the paper, I wasn't at the presentation that he made at the Northern Resources Conference, but the document that we prepared was early in the summer, so that we could have some authority for getting the accelerated program going with Dr. Snedden, and Dr. Tsukamoto said at the conference in his paper, if agriculture is to be a renewable resource, sound management in the use of land is essential.

In many areas of the world today, there are attempts to reclaim land after many years of abuse. A prerequisite to agricultural development in the Yukon Territory then is a comprehensive land inventory to determine the best use of land for agriculture, forestry, recreation and so forth.

Further to this is the establishment of zones in respect to agriculture and the establishment and development of priorities, locations, there must be land surveys, the provision of roads and the planning of communities, including the provision of schools and other necessary facilities. To misuse land and attempt to remedy the damage is costly and difficult, if not impossible to do.

The inventory of land must be done without delay if misuse of the Yukon's land is to be avoided. So several months after we had arrived at exactly that conclusion, Dr. Tsukamoto's speech was almost as if it was lifted from this policy paper, that we are presenting to the Assembly at this time.

Mr. Chairman: Mr. Berger?

Mr. Berger: Thank you, Mr. Chairman.

I have to rise once more. The Honourable Member from Watson Lake brought a point which I think is in many people's minds these days. Just because it was possible in the Klondike days, it was possible in those days, because those areas in the Klondike weren't dredged out yet. They were non-perma-frost areas, they were on river banks, and it is still possible in Dawson to have very nice gardens in the non-perma-frost zones. Where you have permafrost, to grow a garden is very, very tough, and very, very hard, and lots of times there is nothing grown.

Also in those days, it was possible to grow marketing gardens, because people were just too glad to receive something fresh, and it didn't make no difference if a potato was all wrinkled up and you could hardly tell it was a potato, as long as it was something edible.

These days, I doubt it very much that you could keep something and sell it in those conditions, as it was possible in those days. I think we shouldn't live under false illusions just because it was possible in those days it's still possible.

I see the Honourable Member from Whitehorse West, having a grin on her face, but I feel very strong about those things, and the thing is just because agriculture, it doesn't mean we have to have agriculture. I think first we need to look into it. I agree with the Honourable Member from Whitehorse North Centre who says we have to have a policy. I think it's so important that everybody thinks about it a hundred times, not once.

Mr. Chairman: Mrs. Watson?

Mrs. Watson: Yes, Mr. Chairman. I think the Honourable Member from Whitehorse West pretty well brought up what I was going to draw to the Minister responsible for Local Government. There are people within the Territory who sincerely want to get involved in agriculture, particularly in the area of grazing cattle, keeping cattle, rather than into sort of the wheat farm type of thing, and of course they have to have areas of land where they can grow some feed.

So, their requirement for larger tracts of land is very true. Some of these people are very sincere, have had experience, and no doubt would be quite successful in the right area.

I think, and again with the Honourable Member, that most of the demand for agricultural land could be satisfied through the small acreage, and that once you have this in place, if you got your agricultural plot of land in place before you made provision for your small acreage, it would be doomed. The small acreage has to be provided, not just in the Whitehorse area. There has to be a provision for it all throughout the Territory, and I would hope that the planning, and I would imagine that this is being done, that you are planning your services. We have got to get away from, in order to get an acreage, you go along the Alaska Highway or the Klondike highway.

We just can't continue to have this, because reading the Highway Ordinance, I just see all the problems now with access on to the highway, so it has to be a planned type of thing, with the proper services.

I would certainly support the second recommendation that is made in this paper, and in fact I have a Motion in the House, that we try to accelerate, and the inventory investigation and to identify certain areas.

One question I do have for the Honourable Member, and you worked with various organizations that are interested in agriculture in the Yukon, and they were all very much interested in the Peake Report, in fact a lot of them had an input into the Peake Report. What would be your general synopsis of the reaction to the Peake Report and its recommendations?

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

**Hon. Mr. McKinnon:** It was universal, Mr. Chairman, that it was the most optimistic report of all of them that have been written to date on agriculture in the Yukon.

It was one hell of a lot better than what they had prior to the issuance of the report. It isn't all that optimistic, so you can just imagine what the other ones were like.

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

**Mr. Fleming:** Yes, Mr. Chairman, I think the Honourable Member from Kluane almost asked the question. The Honourable Member from North Centre was speaking of, you know, in the act they are now trying to get small acreage and so forth, and he said something about the area of Whitehorse. I am asking were you speaking specifically of within the boundaries of Whitehorse City or were you speaking of outside the City Limits, besides the Carcross Corners and so forth.

**Hon. Mr. McKinnon:** Within the boundaries of the City of Whitehorse. The city of Whitehorse is very concerned about the satellite communities on the peripheries of the city. They believe that they are providing all of the services and amenities to these people who live on the periphery to escape the higher rate of taxation within the city. So they say they don't disagree with the concept of having acreage lots, it is the biggest city, I guess the second biggest city in Canada, someone else has got bigger. They have got the land here, that they want it under their control the

acreage lots that are put on the market.

I would hope that, knowing the difficulty we have had to this moment in getting this type of a philosophy agreed upon between the territorial and the city government and actually mobile, that those in the L.I.D.'s that we would have the boundaries big enough that the Local Improvement District Boards can make the decision as to whether they are going to have property zoned for this type of development, where it will be and make the regulations.

I am telling you that for anyone to try and control that kind of an emotional issue from Whitehorse just wouldn't work out in any way, shape or form.

**Mr. Chairman:** Mrs. Whyard?

**Hon. Mrs. Whyard:** Mr. Chairman, I just rise to reassure my Honourable friend from Klondike that I was not grinning in derision, it was a smile of nostalgic sympathy I suppose, you could interpret it. I recall with great affection the days when Dawson was famous for its marvelous flower gardens and vegetable gardens, and the forty pound cabbages that used to crack with a bang like a revolver shot at growth from the midnight sun. I have experienced—this is true, read Pierre Berton,—I have experienced the delights of being able to buy fresh vegetables from acres of greenhouses, even in my time in Dawson.

In the last 20 years we have all had the opportunity to buy fresh vegetables in Dawson and at Carmacks and they always taste better than the stuff imported from the south. If I was smiling, Mr. Chairman it was a backward nostalgic smile because—I am certainly hoping that the member from Klondike isn't telling me that no one is growing anything in Dawson any more.

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

**Mr. McIntyre:** Mr. Chairman, I would just like to point out to the member from Whitehorse North Centre that the Minister has transferred the surface rights in the Whitehorse metropolitan area to the Commissioner and consequently it is perfectly all right for him to sell surface rights, even though there are mineral claims underneath them. This condition existed in Riverdale a few years ago and there were literally hundreds of houses built on top of mineral claims in the Riverdale subdivision.

**Hon. Mr. McKinnon:** Mr. Chairman, there is also another problem, they are thinking of putting a tailing pond right beside the present proposed Canyon Crescent subdivision. One of the amenities of it was going to be able to look out your window into the wilderness and somehow a tailing pond below your window just doesn't seem to appeal to acreage type of development.

**Mr. Chairman:** Did that get past Land Use Regulations?

**Hon. Mr. McKinnon:** I don't know.

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

**Mr. McIntyre:** Further to that it seems to me that the mine would have to arrange for the surface rights for that tailing pond with the Commissioner, and not with the Minister, those surface rights having been transferred to the Commissioner.

**Mr. Chairman:** Mr. Lengerke?

**Mr. Lengerke:** Thank you, Mr. Chairman, I have been sitting here rather enjoying the comments with respect to the agricultural sessional paper. I could probably get up here and make all kinds of comments because I am sure some of you are aware that I probably spent eleven or twelve years of my working life in probably making agricultural policy and involved in operations across three western provinces.

I had the pleasure of working with Joe Tsukamoto and I have had the pleasure of working with Lin Chambers and all the rest of it.

I have no difficulty with this recommendation in two, whatsoever. I think the method as identified there is really inherent in the motion that you gave approval to yesterday, on the economic and social goals. If you think about that for a while, maybe it will get through to you.

I want to say that I am glad to hear the Minister express the small acreage sub-division concept is a priority and is being further pushed.

I know, certainly, I was involved in the Canyon Crescent, or Canyon Acres concept and I still believe in it and I still feel that that one could go. I am really pleased—I see that there has been assignment given to a consulting firm to identify other areas because certainly there probably are better and more areas. Let's get on with it.

I would just say that in respect to some of the comments made by Mr. Berger, creating a welfare situation, this kind of thing, that could well happen. We have seen it across the prairies too where provinces have opened up lands, and opened it up to farming operations and then found that they have had to put in place a lot of programs to assist those people.

Certainly I think what the report reads here is giving some caution. At the same time, I don't want to take away the individual initiative that you can get, as I say from these small acreage subdivision kind of operation. I don't care how many experimental farms you have across the country, they prove certain things, but you can't take away that individual initiative, that individual work that says and proves otherwise than what an experimental farm might.

I think we can capture a little bit of both worlds here. This is a very sensible position I would say.

Thank you.

**Mr. Berger:** I must rise and assure the Honourable Member from Whitehorse West that we still do grow gardens in Dawson. But those cabbages and fresh vegetables that she bought 20 years ago in Dawson, it is a different story. In those days the road facilities weren't properly in the territory and in lots of places you had to stock up for freeze up and break up. Any new addition to the table was welcome in those days in most places of the Territory.

Today it is a different story. You can purchase fresh grown vegetables grown in Mexico, southern California. You can purchase them anywhere in the territory, cheaper, much cheaper than you can grow them yourself. I know, because I have grown gardens myself. If you count the time and money you spend on the garden, just a small garden, I think you go to the next store and purchase them much, much cheaper.

It is just the satisfaction that you can grow it yourself.

The other answer I have for the Honourable Member from Whitehorse Riverdale is, I do agree with the small farm acreage, but, to a certain extent.

I could see possibly somebody recommending a certain acreage in the middle of nowhere. Who is going to pay for the service? Who is going to pay for all those things, roads, telephone, eventually electricity, water, sewer? There is no money coming out of those small acreages. I can just visualize it.

Again you are creating a welfare problem.

**Mr. Chairman:** Mrs. Watson.

**Mrs. Watson:** Mr. Chairman I think the Honourable Member from Klondike put his finger on some of the pulse of this too.

I am wondering whether, when the Minister was speaking about having proper planning and having your services and your roads and everything before some of these components would be put up for disposal, whether you would also be considering making provision for a structure of local government.

It is fine if you have your acreages within Whitehorse, or within an L.I.D., but I can see areas, and you are talking about the areas outside of Whitehorse, which are in my constituency now. These people have no form of local government. They are just sort of there. They get their services, what services they get, and really what services they want, from the territorial government because they live along the highway. They have no structure of local government and it now, what kind of a structure would you put in that is fifty miles long and two miles wide, type of thing.

This is our problem, so shouldn't the planning also include that for local government.

**Hon. Mr. McKinnon:** I have no objection at all to have that included, Mr. Chairman. I think that would be a decision of this Assembly when we came about saying this is the area, these are the facts, this is how many acres there will be, how many parcels and at that point in time we have to come up with some kind of governing structure for that sub-division or for that agricultural acreage.

**Mr. Chairman:** Mr. McKinnon I would merely like to stress what I brought up earlier, that there is a good deal of concern on the part of many Yukoners on the lack of availability of land for such purposes and the time frame is a very important consideration in bringing this land on line.

Is there any further discussion? The Chairman will now entertain a motion for Mr. Speaker to resume the Chair.



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

**Mr. Lengerke:** I second that.

**Mr. Chairman:** It was moved by Mr. McCall, seconded by Mr. Lengerke, that Mr. Speaker do now resume the Chair.

Are you ready for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Chairman:** Carried.

**Motion Carried**

Mr. Speaker resumes the Chair

**Mr. Speaker:** I will now call the House to Order. May we have a report from the Chairman of Committees?

**Mr. Hibberd:** Mr. Speaker, Committee convened at 10:45 a.m. to discuss Bills, Sessional Papers and Motions.

Committee commenced by reading Bill Number 13. It was moved by Mr. Lengerke, seconded by Ms. Millard, that Bill Number 13 be reported out of Committee without amendments and this motion was duly carried.

Committee read Bill Number 14. It was moved by Mr. Lengerke, seconded by Mr. Taylor that Bill Number 14 be reported out of Committee without amendments and this motion carried.

The Highway sign commercial regulations was circulated to committee members. Motion Number 18 regarding these regulations were discussed. Mr. Gillespie Assistant Commissioner was called as a witness. The witness was excused. Committee cleared motion number 18.

Committee then reviewed the Amendments proposed on December 8th to Bill Number 7. It was moved by Mr. McCall, seconded by Mr. Lengerke that

the amendments brought in today be accepted as read and this was duly carried.

It was moved by Mr. McCall, seconded by Mr. Lengerke that the Amendments to sub-section 50. (4) and 63. (4) of the Legal Professions Ordinance be accepted as read and this motion carried.

It was moved by Mr. McCall, seconded by Mr. Lengerke that Bill Number 7 be reported out of Committee as amended. This motion then duly carried.

Mr. Chairman then directed the Committees' attention to Sessional Paper number 3. After due consideration it was moved by Mr. McCall, seconded by Mr. Lengerke that Mr. Speaker do now resume the Chair and this Motion was carried.

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

**Some Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure? The Honourable Member from Whitehorse Riverdale.

**Mr. Lengerke:** Mr. Speaker, I move that we now call it five o'clock.

**Ms. Millard:** Mr. Speaker, I second that motion.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it five o'clock. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

**Motion Carried**

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

**Adjourned**



**SESSIONAL PAPER NO. 10  
(1975 THIRD SESSION)**

8 December, 1975

**Mr. Speaker,  
Members of Council**

**Name for new Mayo School**

The Government of the Yukon Territory has completed the construction of the school in Mayo to replace the building which was destroyed by fire in April of this year. The school will be occupied and in operation by January 5, 1976.

It has been the policy in the past to name Territorial Schools after Yukon residents who have contributed to the development of Yukon. I would, therefore, request that this Council give consideration and approval to

naming the new school in Mayo after Dr. J.V. Clark who has served the Mayo-Elsa area for twenty-three years and continues to serve these communities at the present time.

The naming of the new school after Dr. J.V. Clark will serve two purposes, viz: it will honour a medical practitioner who has provided invaluable service to Yukon, particularly in the Mayo-Elsa area, and it will fulfill the wishes of the Mayo School Committee and the community which proposed the name.

A biographical sketch of Dr. J.V. Clark is attached for your information.

**Peter J. Gillespie,  
Administrator of the  
Yukon Territory.**



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**BIOGRAPHICAL SKETCH OF  
DR. J. V. CLARK**

James V. Clark was born on September 16, 1924 in St. George, New Brunswick, the eldest of eight children. He entered the University of New Brunswick on a Lord Beaverbrook scholarship but his studies were interrupted for a period of eighteen months while he served as an airgunner with the Royal Canadian Air Force during World War II.

After the war, he completed his Bachelor of Science in Chemistry and Biology at the University of New Brunswick. He entered McGill University in 1945 and graduated in 1949 with a M.D. and C.M. (Master of Surgery). Dr. Clark then completed three years of internship and residency at St. Mary's Hospital in Montreal.

Dr. Clark came to Elsa in 1952 as the mine doctor but moved to Mayo in 1954 where he has remained ever since except for a very short period in 1967 when he lived at Red Lake in Ontario.

Over the years, Dr. Clark has shown considerable interest in the school at Mayo. He served on the school

advisory committee for six years and on occasion assumed the duties of a classroom teacher. When it was impossible to hire qualified specialist teachers, Dr. Clark offered his services and taught Chemistry, Biology and English Literature. In addition, he has conducted evening courses in Musical Appreciation, Drama and Philosophy. Under the auspices of the local volunteer Fire Department, he has also taught Home Nursing and First Aid courses.

Dr. Clark has also been active in Yukon drama circles as both an actor and a director. However, because of recurring hip problems, his activities have declined somewhat over the past few years. He does nonetheless retain a keen interest in natural history, conservation, painting and poetry.

The community of Mayo is indebted to Dr. Clark for his selfless service during the past twenty-three years. For long periods, Dr. Clark provided the only medical service north of Whitehorse and only those people living in these remote areas can fully appreciate the importance of his service. Dr. Clark has certainly helped to shape the future of Yukon and particularly the future of the people of Mayo.





