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# The Yukon Legislative Assembly

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Debates & Proceedings

**Wednesday, May 26, 1976**

Speaker: The Honourable Donald Taylor

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## Debates & Proceedings

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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. Prior to the daily routine this morning, I have been advised by Mr. Commissioner that he would, at this time, like to address the House.

**Mr. Commissioner?**

**Mr. Commissioner:** Mr. Speaker, I welcome this opportunity. Yesterday, as Honourable Members are aware, we had the privilege of a visit from the Honourable Jules Leger and Madame Leger at the opening of the new Territorial Building, and the opportunity was not afforded at that particular time for His Excellency to make a presentation to the Legislature that he had intended to do.

He asked me if I would be good enough to convey this to you, Mr. Speaker, on behalf of the Governor-General with his very best good wishes, and trusting that you will see fit to find a suitable place in the new Council Chambers or some location in the legislative wing of the new building, that this might be appropriately displayed. And with your permission, I wonder if I could reveal it, and deposit it with the Clerk, Mr. Speaker.

**Mr. Speaker:** This would be very fine.

*ROUTINE PROCEEDINGS*  
*DAILY ROUTINE*

**Mr. Speaker:** I will now proceed with the Order Paper. Are there Documents or Correspondence for tabling this morning?

The Honourable Member from Whitehorse Porter Creek?

**Hon. Mr. Lang:** Mr. Speaker, I have for tabling, Legislative Returns Number 8, Number 9, Number 10 and Number 11.

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

The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I have for tabling today, Legislative Returns Numbers 4, 5, 6 and 7.

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

**Hon. Mrs. Whyard:** Mr. Speaker, I have for tabling, the Yukon Public Service Staff Relations Board Fifth Annual Report, 1974-75.

**Mr. Speaker:** Are there any further documents or correspondence? Are there any Reports of Committees? Introduction of Bills? Notices of Motion or Resolution? The Honourable Member from Pelly River?

**Mr. McCall:** Yes, Mr. Speaker. As soon as I get my breath back. I give Notice of Motion re Legal Advisor for Legislative Assembly.

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

**Mr. Lengerke:** Yes, Mr. Speaker, Notice of Motion this morning, moved by myself, seconded by the Honourable Member from Whitehorse West; whereas -- and it is with respect to Bill C61. It reads "Whereas competitive intercoastal shipping is an important factor in maintaining a well-balanced and economic transportation system, and whereas it is the opinion that Bill C61 will eliminate intercoastal shipping as an effective competitive alternate to other modes of transportation, and further, if implemented, will cause a major disruption to the tourist industry of Yukon through a curtailment of the use of cruise ships via the port of Skagway. Therefore, be it resolved that Bill C61 be fully amended to allow specific provision in the regulations for the use of foreign registered ships to compete for cargo and passenger shipping if it can be shown that Canadian registered ships are unsuitable or unavailable.



The Yukon Legislative Assembly strongly urge you to use your influence and your office to ensure that Bill C61 is not passed in its present form. We would ask, Mr. Speaker, that this be sent to the Minister of Transport and the Minister of Northern Affairs and Senator Lucier.

**Mr. Speaker:** Are there any further Notices of Motion or Resolution? The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** In view of the consideration of the progression through the material before us, I would like to ask the House's indulgence to waive the Standing Orders so that these motions may be considered on the day that they are now presented.

**Mr. Speaker:** Would the House agree? It would require unanimous consent to deal under Motions on the Order Paper following the question period to deal with these Motions are presented this morning. Do the House agree?

**Some Members:** Agreed.

**Mr. Speaker:** Are there any in dissent? So granted. Are there any further Notices of Motion or Resolution? Well then, do you have a Notices of Motion for the production of Papers? We'll then proceed to the question period. Mr. Commissioner?

#### ORDERS OF THE DAY QUESTION PERIOD

**Mr. Commissioner:** Mr. Speaker, with your permission, I have some answers to outstanding questions, if I may proceed at this time.

**Mr. Speaker:** Proceed.

**Mr. Commissioner:** The first one is the subject of housing co-ordinators. On May 19th, at the sitting of the legislature, Council Millard asked a question regarding the laying off of housing co-ordinators by the Yukon Housing Corporation. Is there any intention of reemploying the housing co-ordinators in the Housing Corporation.

The answer, Mr. Speaker, is as follows. The Housing Co-ordinator Program was operated by the Vocational School in conjunction with the Yukon Housing Corporation until March 31, 1976.

This program has now been transferred effective April 1, '76 to the Yukon Housing Corporation, there is no intent to discontinue the program. However, the senior position has been vacant for some three months. Recruitment is presently under way for a home management co-ordinator who will be responsible for re-assessing the Home Management Program, its aims and objectives and the means of delivering the program in the communities.

I have one further item here, Mr. Speaker, the subject

of land use permits. At the May 20th sitting of the Legislature, Councillor McCall requested the Commissioner to provide the number of land use permits for seismic lines on the Yukon portion of the Dempster Highway, and the answer, Mr. Speaker, is that there are no active land use permits for seismic work on the Yukon portion of the Dempster Highway.

#### QUESTION PERIOD

**Mr. Speaker:** Have you any questions this morning? The Honourable Member from Kluane?

#### QUESTION RE: ANALYSIS OF BARRIERS TO EDUCATION

**Mrs. Watson:** Mr. Speaker, my question is for the Minister of Education this morning. At the last session of Council, he undertook to bring forward a general analysis of the report, "Barriers to Education". My question is, do his departmental people -- have they completed this general analysis of the report at this time?

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

**Hon. Mr. Lang:** Mr. Speaker, the Honourable Member is quite correct. As you know, the Department is very busy this time of year, as I stated last session, in recruiting, evaluation of teachers, going to school committees, and this is on top of all their daily work they have to do in the daily routine of running the department.

The general analysis is not ready yet. I do have a rough draft, there's more details to come up. I would expect that the general analysis will probably be completed in the next two weeks, and I will send it out to the various members to study it during the summer months, and if we could have a general discussion in the fall session on this particular issue.

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

#### QUESTION RE: LIQUOR ORDINANCE AMENDMENTS

**Mr. Lengerke:** Thank you, Mr. Speaker. A question for the Minister of Health and Welfare this morning.

I wonder if the Minister could tell me if it's the intention of the government to bring in amendments to the Liquor Control Ordinance, with respect to consumption of alcoholic beverages on public streets within the Yukon?

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

**Hon. Mrs. Whyard:** I'm very happy to have that question directed this morning. I was looking for an opening.



In view of the correspondence received by all members from the City of Whitehorse, and from other interested and concerned residents of the Yukon, it is my hope, and I presume that of my colleagues, that we will be getting sufficient support from all members in the coming weeks, that we can come in with constructive legislation changes in the fall session.

I would ask, Mr. Speaker, that all MLA's endeavour to obtain for us the wishes of their constituents during the summer recess, so that by August perhaps you could communicate with members of the government what direction your members -- your residents wish to proceed, and we could then draft suitable legislative changes to be considered in November.

Thank you, Mr. Speaker.

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

*QUESTION RE: UPGRADING OF FACILITIES AT WHITEHORSE GENERAL HOSPITAL*

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

I understand there are proposed changes for the Whitehorse General Hospital with regard to updating and improvement of facilities within certain areas, such as the X-ray and laboratory departments, which would involve an extension to that building.

I am wondering how these plans are progressing, and if the Territorial Government has any input into the changes that might be taking place?

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

**Hon. Mrs. Whyard:** We have been informed by the Federal Department that they are looking at changes. There is an item in the current year's budget to provide for planning of extension to the hospital.

As all members know, we are now in a budget review situation with the hospitals in the Yukon prior to transfer for their responsibility to the Territorial Department. We have asked the federal officials who are now in charge to include us in the planning stages when they get to that point, regarding any additions to the Whitehorse General Hospital.

It is my understanding that at present their plans do include enlarged laboratory facilities and some others, and we are very interested in making sure that there are additional beds there for senior citizens requiring extended nursing care, and et cetera. But all of these are in the very vague planning stage, and we are most hopeful, Mr. Speaker, that we will be included in the actual planning.

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

**Mr. Hibberd:** Supplementary, Mr. Speaker. In view of the very neophyte stage of the development, it would

appear that the plans might be developed to the extent where we take over and then foot the entire bill for this proposed extension. Would this not be the case? Or would the federal government have some other undertaking?

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

**Hon. Mrs. Whyard:** Mr. Speaker, we are not going to be footing any entire bills.

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

*QUESTION RE: ASSESSMENT FOR TAXATION*

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for the Minister of Local Government, concerning the assessment of taxation once more.

Due to the fact they are going to do a new assessment all over the Territory pretty well, and it's been some years since the last one, I would ask how far will they go in their classification, and what will they classify as real property?

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

**Hon. Mr. McKinnon:** Mr. Speaker, I wouldn't even attempt to answer that question, because it gets involved in such highly technical assessing methods that I'm not competent to answer.

I have offered and I will place before this Assembly, a copy of the Alberta Assessor's Manual, which is the Bible, as far as assessment and definitions go for the assessors to work from that work under the Department of Local Government and the Yukon Territorial Government. I'd asked for that to be here, and I see that it isn't here yet and I will try and scare it up as quickly as possible.

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

*QUESTION RE: ROSS RIVER L.I.D. STATUS*

**Mr. Lengerke:** A question for the Minister of Local Government. Mr. Minister, in considering the request by Ross River for L.I.D. status, I understand that no official letter was sent to them explaining the reason why they were not afforded L.I.D. status. Is this correct, and if so, why not?

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

**Hon. Mr. McKinnon:** No, Mr. Speaker, it is not correct, and I would be happy to table the letter that the Honourable Member says does not exist before the House.



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

*QUESTION RE: RESIDENTIAL LEASE*

**Mrs. Watson:** Mr. Speaker, my question this morning is for the Minister of Local Government, and it's regarding a residential lease, and it's a typical question that many people in the Territory have foremost in their minds at the present time, the requesting being made to get title to one acre which is under a residential lease at the present time, or an investment of over \$20,000.00 at least has been put into a home. The lease is in its second year of a three year lease, and he's been offered an extension to a 23 year lease, and he wants ownership of one acre, which is part of an agricultural lease. It's not within a city where there are regulations.

Is there going to be some policy, some decision, some direction taken by the government, so that people who are in this type of situation will know what the future of their homes are going to be?

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

**Hon. Mr. McKinnon:** Yes, Mr. Speaker, I promised the individual in question that there would be a review of the policy and I told him it would take a bit of time because the Department of Local Government is under extreme pressure during the summer months, and this would be an extensive policy review, and I'm surprised that he didn't give me the opportunity to bring the review forward that I had promised him.

**Mrs. Watson:** A supplementary question. How long would the Honourable Member anticipate this review would require? I think that this should be given at this time.

**Hon. Mr. McKinnon:** The gentleman was told that to take a total policy review on a matter which is very sensitive, and a matter which is also charged with problems in many areas, that to get the total review, to get an Ex-Com decision and then get that policy before this government, that I would think that a period of two months after waiting for a period of some two to three years, would not be unwarranted, and that was the time frame in which I promised that such a policy would be presented to my colleagues, and hopefully be approved.

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

*QUESTION RE: COMMUNITY PROGRAMMING*

**Ms. Millard:** I have a question for Mr. Commissioner. How far along is the Community Employment Strategy Program?

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

**Mr. Commissioner:** Mr. Chairman, there are some

things in this world that go with a fair amount of alacrity and there are other things that just don't seem to move with any noticeable steam at all and I would suggest that this particular program is in the latter category and I wouldn't offer any optimistic outlook at any change in that, Mr. Chairman and speakers.

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

*QUESTION RE: RESOURCE REVENUE*

**Mr. Lengerke:** Mr. Speaker, a question for the Commissioner. On that answer, Mr. Commissioner, I am afraid to ask this next one, but what progress to date - I have asked this question of you before in this Assembly, what progress to date has been made with respect to resource revenue sharing formula between the Territorial Government and the Federal Government?

Have any talks been going on lately?

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

**Mr. Commissioner:** Mr. Speaker, I can answer really affirmative and while I recognize that Council may not be here for many more days or that many more sitting days, Mr. Speaker, I would welcome the opportunity of giving a written reply to that so that Honourable Members can be apprised of precisely what the status is.

**Mr. Lengerke:** Thank you.

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

*QUESTION RE HANDICAPPED CHILDREN POLICY*

**Mr. Hibberd:** Yes, Mr. Chairman, I have a question for the Minister of Education. As background, we have spent - have budgeted a good deal of money towards special services and education and I am now led to believe that a different program is now coming into force and integration of handicapped children into the school system.

I am asking the Minister if he will bring for to us, in view of this change in policy, an explanation of what that policy is and I also understand that such a program requires a good deal more back-up facilities, in other words more expenditures or budgetary money that we had actually anticipated. Are those back-up facilities available?

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

**Hon. Mr. Lang:** Mr. Speaker, I trust that is a written question at the present. I will bring back a written answer.

**Mr. Speaker:** Perhaps the Honourable Member could



take the question as Notice and bring in a written reply. The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** Mr. Speaker, in view of the waiving of the rules this morning regarding the Notice of Motion. I am wondering if those people who did give that Notice of Motion wish to move those Motions into Committee for discussion or whether they wish to proceed with their discussion of the Motions at the present time.

**Mr. Speaker:** I think perhaps we could maybe determine that when we get beyond the question period into Motions. The Honourable Member from Ogilvie?

*QUESTION RE SUBSTITUTE TEACHERS PAY*

**Ms. Millard:** I have a question for the Minister of Education, further to the information that was given to us this morning about the pay for substitute teachers. Is this pay done in consultation with the Yukon Teacher's Association?

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

**Hon. Mr. Lang:** If we were to review that particular pay schedule, there would be some consultation.

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

*QUESTION RE HIGHWAY SIGNING REGULATIONS*

**Mr. Fleming:** Yes, Mr. Speaker, I have a question for either Mr. Commissioner or the Minister of Local Government, whoever wishes to answer it, regarding the highway signs, regulations or ordinance. Some people are being concerned as to whether we can put up signs now that the tourist season is here. Has there been anything done in this regard either than the old regulations?

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

**Hon. Mr. McKinnon:** Mr. Speaker, he didn't hit either of the ones with the answer because that falls under the bailiwick of the Assistant Commissioner Executive, Mr. Gillespie, and we'll bring the question to his attention.

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

*QUESTION RE: PRESBYTERIAN CHURCH ORGAN*

**Mr. Berger:** I have a question for Me. Commissioner this morning. In view of the anniversary since the removal of the old organ at the old Presbyterian Church in Dawson, is there anything -- any steps being taken of

returning this organ back to Whitehorse -- to Dawson?

**Mr. Commissioner:** Mr. Speaker, unfortunately there are some things that fall within the Commissioner's ability to do something about, and there are other things that are completely beyond his ability to do anything about, and this happens to be one of them that's beyond his ability, Mr. Speaker. I have become involved in the cross-fire of correspondence, telephone calls and various other communiques on this particular subject.

I would be prepared to bring forward anything more up-to-date that we have on our files on this subject, and what the Honourable Member may be aware of, but as far as dealing with the question with finality, Mr. Speaker, is beyond my competence at the present.

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

*QUESTION RE: ABILITIES OF COMMISSIONER*

**Mr. Hibberd:** In view of those remarks, Mr. Speaker, I'm wondering if the abilities of the Commissioner extend to his abilities to handle affairs of N.C.P.C.O

**Mr. Speaker:** Have you any further questions this morning?

*MOTIONS*

**Mr. Speaker:** We will then proceed on the Order Paper to Motions. The first Motion is Motion Number 2. Motion No. 2

**Mr. Speaker:** I has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Mayo, that this Assembly strongly reaffirm its support of the remedial tutor program, and request the Department of Education to investigate all possibilities of carrying on this program.

The Honourable Member from Ogilvie?

**Ms. Millard:** Mr. Speaker, just a few brief words on this Motion. I felt that Motion Number 10 last spring had the implication in it of this firm support of the remedial tutor program. Obviously that has not been the interpretation of the Department of Education, and I'm simply asking the Members today to reaffirm the fact that we discussed the remedial tutor program in many directions, and we all had -- I had a sense of firm support of this program, and firm direction to the Department to investigate possibilities of carrying on this program.

Obviously we have to put it in simpler language, and that's the intent of this Motion

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

**Mr. Hibberd:** Mr. Speaker, in view of what has transpired regarding this remedial tutor program, I think the feeling that this Assembly had, at the time, is that they



were strongly in support of the remedial tutor program, and there have been indications that the Department of Education, although interested in the program, feels that these monies could be spent in other areas more effectively.

I would like to take the opportunity to say that this program is a very valuable one, and I would like to give direction to the Department of Education that indeed such monies should be directed specifically towards the revival of the remedial tutor program.

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

**Mrs. Watson:** Mr. Speaker, I'm afraid that I take a different view of the Motion that was passed at the last session. It didn't endorse completely the remedial tutor program per se. It did say that we required our Department of Education to look at establishing standards in the basic skills, and if it is possible to use the remedial program to do this, and the funding were made available to us, then this is the course of action we should be following.

But to say that we endorse the remedial tutor program as it is today, and instruct the Department of Education, I think would be absolutely wrong.

Now, they are supposed to be educators. If the funds were made available from the Federal Government to the Territorial Government, I would hope that the people within our department would make adaptations to the program so that it could serve the children in our school system more adequately than it is now.

You must remember that when the remedial tutor program was designed, it had very strict limitations imposed upon it, because of the fact that it was a Manpower program. It wasn't an education program, it was a Manpower program, and therefore, I think we would be wrong, if we are funding it, to say we are going to accept across the board, a Manpower program, and not give our people that we hire as specialists in the field of education, the authority or the capability to make adaptations that are required to even make it a more meaningful program. I think one of the reasons that the Motion that was brought down, Motion 10 at the last session, was that I did bring up the fact that standards are lacking, that this is one of the things that people are concerned about, about children in our school system, who are not reaching certain standards, and they are forever going on and when they get into the junior secondary grades, it sort of catches up with them.

We were saying that the Department should review the standards that children have to attain. We shouldn't have to use a remedial tutor program to support what should have been done in the first place. There really should not be a need for remedial tutors, if our schools were able to do what we set out to do in the first place.

I think just to go ahead and say we accept and endorse the remedial program, at a price of a quarter of a million dollars, we are locking the door for any capability to have let our schools do what they are supposed to do.

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

Whitehorse Riverdale?

**Mr. Lengerke:** Mr. Speaker, as the mover of Motion Number 10, I must agree certainly in part with the Honourable Member from Kluane, but I also would be remiss if I didn't say this, that in putting that Motion forward, I suggested that -- it read, "and further pending the establishment of such a program continue cooperation with the Yukon Association for Children with Learning Disabilities in the Remedial Tutor Program, by providing the Administrative and supervisory services", and so on.

My point here, Mr. Speaker, is that I would have hoped, and I would assume, that this is exactly what happened, that we put our best efforts forward in trying to secure the funding and the cooperation of the native people in getting some additional funding to provide for that remedial tutor program, while in fact, we are establishing the other programs that the member from Kluane has mentioned, because certainly those are the essential parts of what we are trying to do, to bring back the basic skill standards for students in the Yukon.

As I say, Mr. Speaker, I would hope that our best effort was put forward in regard to what Motion number 10 did say.

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

**Mr. Berger:** Thank you, Mr. Speaker. I can't agree with the Honourable Member from Kluane at all. I do, to a certain extent agree with the basic skills, but in order to achieve those basic skills, you need a remedial tutor program, because the way she's talking about, it sounded like the remedial tutor program is in the higher grades.

It is not, it is in the low grades, where you need to achieve the basic skills, what she's asking for, and this is where the remedial tutor program is necessary. I have to agree with the Honourable Member from Riverdale when he's quoting on his Motion. This is what the whole concept of the Motion was, to work together with the different organizations and the remedial tutor programming, to achieve those basic skills.

I think this is what the Motion we understood -- and the Motion is still standing that way.

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

**Hon. Mr. Lang:** Yes, Mr. Speaker, I haven't got that much more to say on this particular subject, as we have discussed this particular issue many times in this House.

I would like to point out that I espoused the educational viewpoint of the Department of Education last budget session as well as I could, with the basic assessment and evaluation we had of the program, the educational benefits of it, and at that time I said that if we had in the area of \$200,000.00 to probably in the area in the 1976-77 dollars, \$250,000.00, it would possibly be better to



spend it in some other areas, like for an example, in a post secondary teacher training program; for an example, in the areas of where children are having problems with their diction, in the beginning grades like for kindergarten and this type of thing, where you need highly specialized help. The Department feels that these are the areas we are lacking in.

I would like to point out that for members' information once again, specifically to the Honourable Member from Riverdale, that the program is designated not strictly for native people, but for children that were having problems in the basic skills from Grade 3 to Grade 7, and apparently that need has been fulfilled because the priority was changed to Grades 1 to Grade 3.

Since that time we have also instituted kindergartens, which a lot of the responsibility was put on the fact that we lacked kindergarten and these kids that were in the area from Grades 3 to Grade 7, were lacking in the basic skills. Since that time, I'm happy to be able to say that we have instituted kindergartens throughout the Yukon, and which, I believe, is a very valuable asset.

I think there's one point that we are missing here in regards to this remedial tutoring, and the Education Department in its totality, I think that a lot of the -- the parents have to look at themselves as well as the organizations that claims they are representing various segments of the population. It's the responsibility of these parents to get these kids to school, which is a very, very major responsibility.

The Department of Education and the teachers of the Yukon can only do so much. I think that's a very, very real statement, in this day and age, that some responsibility lies with the parents.

Up to this point, the Minister has seen the educational viewpoint. He knows the political viewpoint, and the decision will be made by the Minister one way or the other, whether or not there's going to be made fundings available for the remedial tutor program to carry on.

I would think that if the funding is available, I would like to think that the Society for Children with Learning Disabilities would get together with the Department of Education, discuss the program in its entirety, and possibly revamp it in some areas, as the Honourable Member from Kluane referred to earlier.

For the information of the members, I happen to have talked to the Deputy Minister, Mr. Art Kruger, who happened to be in town with the Governor General yesterday, and he indicated a very positive attitude towards the program, and he is going back to Ottawa, and he said he would be in touch with the Yukon Territorial Government in the next couple of weeks. He is going to be speaking to the Minister on the particular subject, as well as investigating the possibility of funding.

That's all I have to say up to this point, Mr. Speaker. I would like to think that if we do -- if the funding is available, that we can, for the benefit of the children of the Yukon, get together once again with the Society for Children with Learning Disabilities, and possibly revamp the program in some areas.

**Mr. Speaker:** Is there any further debate?

**Mr. Hibberd:** Point of order, Mr. Speaker. I would like to point out to the Minister of Education that it is the responsibility of this House to give direction to the departments that are under its jurisdiction rather than them merely giving us the information.

**Hon. Mr. Lang:** Point of order, Mr. Speaker. I don't refer to it as information. I refer to it as expertise.

**Mr. Speaker:** Is there any further debate? I believe the Honourable Member has already spoken.

**Mrs. Watson:** Mr. Speaker, would it be possible - a question to the Chair, would it be possible to move it into Committee?

**Mr. Speaker:** Is it the House's wish I put the question? The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I don't have too much to add to the debate. I supported the Motion number 10 and I would rather see this Motion of this House passed reaffirming our support of Motion number 10 and I am drafting a motion to that effect, Mr. Speaker, which I think would receive the unanimous concurrence of this House.

I must say that I was a little disappointed over this whole matter of the remedial tutor programming because during the course of things that happened on it, I think there was a very serious charge that was made against this government and that charge was that a motion of this House had been overruled by a certain person or persons behind closed doors.

Mr. Speaker, I have talked to all of the people who could possibly be involved in this matter and I have also examined all of the correspondence that is pertinent to this matter and, Mr. Speaker, I can find no justification at all for such an accusation having been made.

Having said that, Mr. Speaker, I think that this House has no problem at all in reaffirming the intent of Motion number 10 and I would move Mr. Speaker, that in Motion number 2, that all the words after "this Assembly", be deleted and the following words added. Reaffirms its support of Motion number 10 passed at the fifth session of the 23rd Legislature.

**Mr. Speaker:** Is there a seconder? I wonder if the Chair could have a copy of the amendment.

**Hon. Mr. McKinnon:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Riverdale that Motion number 2 be amended by deleting all the words after "that this Assembly" and substituting therefore that words "reaffirms its support of Motion number 10 passed at the fifth session of the 23rd Legislature."



Is there any debate? Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Speaker:** I will then put the question on Motion number 2. Are you agreed?

**Some Members:** Agreed.

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

**MOTION CARRIED  
MOTION NUMBER 3**

**Mr. Speaker:** We'll proceed to Motion number 3. I has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Whitehorse Riverdale whereas James Smith, Commissioner of the Yukon will cease to hold office as such Commissioner after June 30th, 1976 and whereas continuity in negotiations respecting the Yukon Indian Land Claims is of the highest importance.

Now, therefore this House, respectfully requests the Honourable Judd Buchanan, Minister of Indian and Northern Affairs to appoint James Smith as Yukon's chief representative in the current Yukon Indian Land Claims negotiations. The appointment to continue until a settlement has been reached, notwithstanding that Mr. Smith will not continue as Commissioner of the Yukon Territory.

The Honourable Member from Kluane?

**Mrs. Watson:** Mr. Speaker, I have been very concerned when I heard of the replacement of Commissioner Smith at the end of June and I am sure that every member of this House has been concerned about continuity of the Yukon Indian Land Claim negotiations. It would be a very, very difficult job, I am sure, for anyone coming into the position of Commissioner to take over and to represent the Yukon at the negotiations and in all of the talks regarding the settlement of these claims.

So, I am very hopeful that we can have unanimous support for this Motion in order that the Land Claim negotiations can have the continuity that -- and follow the route that they have been going the past three years and the -- I think we all realize the person, one of the guiding forces in these negotiations has been Mr. Smith, our Commissioner, and he is so familiar with all of the aspects. I don't think there is anyone that understands the effects on the Territory of any settlement that would be reached, and another great reason for continuing to have him as representing the Yukon, not just at the negotiations representing the Yukon, in all conversations regarding Yukon Indian Land Claims, is the fact, I think, that the people of the Territory have confidence in

his ability to represent them.

I think this is a very major thing and one of the things that has been expressed to me by so many people when they heard that Commissioner Smith would be stepping down at the end of June was, what will happen to the Yukon at the Land Claim negotiations. I am very hopeful that the Minister will consider this Motion positively and accede to it.

I am sure that everyone in the Yukon Territory would be very relieved if we were able to have Mr. Smith continue to represent us at the negotiations.

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

**Mr. Lengerke:** Mr. Speaker, I can't add too much more to what the Honourable Member from Kluane has said, but in seconding the Motion, I just want to re-emphasize the fact that anybody in negotiations knows full well that it takes certainly somebody that can speak from a position of strength, and continuity and knowledge of the subject that they are talking about, and this we certainly have Commissioner Smith who is capable of all these facts, and I strongly urge members to support this Motion.

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

**Hon. Mrs. Whyard:** I'm certainly in favour of this Motion, and it seems to me from a very practical point of view, that we would be dumping a lot of the years of experience, and expertise acquired during his term as Commissioner if we didn't continue to call upon the knowledge that the Commissioner has obtained, and is the only person, I believe, Mr. Speaker, who has that knowledge.

It would be a great loss to everyone in the Yukon if we simply shut the door on it now and didn't continue to draw from that supply.

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

**Ms. Millard:** Mr. Speaker, I must rise in disagreement to this Motion. Far be it from myself to appoint myself as any kind of an interpreter of Indian policies, but I feel that the idea that the Indian people have and the Indian organizations have in the Yukon, should be brought forward and taken into consideration at this table.

As I understand it, the Indian people in the Yukon, or their negotiators, do not feel that the Territorial Government has a place in negotiations. They feel that the Territorial Government is imposing its views when the negotiations should be taking place between Indians and Indian Affairs and Northern Development.

I must put forward this view and I must say that I support it. I feel that the Territorial Government, up to this point, has not given the Indian people any recognition of their individual rights and culture in the Yukon, that so many times the Territorial Government has



been given the opportunity to express its support of Indian people, and it has not.

I can only reiterate that I cannot support this Motion, because I feel that there has to be some kind of representation of the Indian point of view at this table.

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

**Some Members:** Question.

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

**Some Members:** Agreed.

**A Member:** Disagreed.

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

*(MOTION CARRIED)*

#### MOTION NO. 4

**Mr. Speaker:** The next Motion is Motion Number 4.

I has been moved by the Honourable Member from Kluane, that the Government of the Yukon Territory Position Paper entitled "Meaningful Government for all Yukoners" be tabled in this House and made available to the public.

The Honourable Member from Whitehorse Riverdale?

**Hon. Mr. McKinnon:** Mr. Speaker, I wonder if I could just rise at this moment, on a point that the Commissioner made prior to leaving? He had to go to the airport to say farewell to the Governor General, and I am sure that he was happy that he missed the debate on Motion Number 3. I know that as chief negotiator for the Government of the Yukon, that he wants to be here and he would like to have input on Motion Number 4.

**Mr. Speaker:** Perhaps an Honourable Member would wish to move Motion Number 4 into Committee?

**Hon. Mr. McKinnon:** He is coming right back, Mr. Speaker.

**Mr. Speaker,** Mr. Commissioner was coming back to the House as soon as he had said farewell to the Governor General and his wife, so perhaps we could just continue with the business and then come back to Motion Number 4.

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

**Mr. Hibberd:** Would it not be appropriate then, Mr. Speaker, that Motion Number 4 could be moved into Committee and discussed at that time?

**Mr. Speaker:** I think in speaking to this question of

Motion Number 4, it may be sometime before the Commissioner does return, and perhaps this might be a matter for Committee.

The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** I would so move, that Motion Number 4 be moved into Committee for further discussion.

**Mr. Berger:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse South Centre, seconded by the Honourable Member from Klondike, that Motion Number 4 be referred to Committee of the Whole. Are you prepared for the question?

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

**Some Members:** Agreed.

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

*(MOTION CARRIED)*

#### MOTION NO. 6

**Mr. Speaker:** Motion Number 6. It has been moved by the Honourable Member from Kluane, seconded by the Honourable Member from Klondike, that Motion Number 4 be referred to Committee of the Whole. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*(MOTION CARRIED)*

#### MOTION NO. 5

**Mr. Speaker:** The next Motion is Motion Number 5. It has been moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Kluane, that Sessional Paper Number 1 be moved into Committee of the Whole for discussion. Are you prepared for the question?

The Honourable Member from Mayo, that Section 2, sub-section (1) of the Homeowners Grant Ordinance be referred to Committee of the Whole for discussion.

The Honourable Member for Kluane?

**Mrs. Watson:** Question.

**Mr. Speaker:** The question has been called. Are you agreed?

**Some Members:** Agreed.



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

(MOTION CARRIED)

MOTION NO. 7

*Mr. Speaker:* Motion Number 7. It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse West, "Whereas competitive inter-coastal shipping is an important factor in maintaining a well-balanced and economic transportation system, and whereas it is the opinion that Bill C-61 will eliminate —

**Mr. McCall:** Point of order, Mr. Speaker. I think that is Motion Number 8.

**Mr. Speaker:** I am sorry, well we will call it Motion Number 8. My copy is kind of both 7 and 8.

All right.

"Whereas it is the opinion that Bill C-61 will eliminate inter-coastal shipping as an effective competitive alternative to other modes of transportation, and further if implemented will cause a major disruption to the tourist industry of the Yukon through a curtailment of the use of cruise ships via the Port of Skagway, therefore be it resolved that Bill C-61 be fully amended to allow specific provision in the regulations for the use of foreign registered ships to compete for cargo and passenger shipping, if it can be shown that Canadian registered ships are unsuitable or unavailable. The Yukon Legislative Assembly strongly urge you to use your influence and office to ensure that Bill C-61 is not passed in its present form".

The Motion would seem to be incomplete. It gives direction to no one. Perhaps the mover of the Motion could advise me when he says to, "strongly urge you to use your influence", who he is referring to?

**Mr. Lengerke:** Mr. Speaker, I said when I introduced the Notice of Motion that it would be directed primarily to the Minister of Transport and with copies sent to the Minister of Northern Affairs and I might add that Senator Lucier and our M.P. should also receive copies. But the prime motion or the direction of the motion goes to the Minister of Transport.

**Mr. Speaker:** So, perhaps you would wish to amend the motion to provide the words instead of "you", strongly urge the Minister of Transport.

**Mr. Lengerke:** That would be fine.

**Mr. Speaker:** I believe the Motion would then read, "The Yukon Legislative Assembly strongly urge the Minister of Transport to use his influence and office to ensure that Bill C-61 is not passed in its present form.

**Mr. Lengerke:** Right. That would be satisfactory, Mr. Speaker.

**Mr. Speaker:** Is this agreeable to the House?

**Some Members:** Agreed.

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

**Mr. Lengerke:** Yes, Mr. Speaker, this motion emanates from I think I rose in this House and asked the question on May the 20th with respect to Bill C-61 and since that time, it has received considerable attention. I know that the local media have certainly caught the story and have indicated the urgency in trying to curtail some of the provisions in this Bill because of the fact that it does certainly effect coastal shipping and with respect to cruise ships in particular.

What it does, very simple, is it says that Canadian bottom ships will be used and in the cruise ship business, there are not too many Canadian ships available to be used at this point in time. So, with that kind of a factor involved here and -- we would then find ourselves with no tourism business or tour business coming into the port of Skagway. I think that very, very drastically effects the tourist industry in the Yukon and certainly the spin-offs that are available from that industry.

This is why we have intended or we have put forward this motion with respect to asking the Minister of Transport to take whatever action he can. It is certainly in support of many motions and many requests that have been put forth by the western provinces and certainly the Province of British Columbia and in the very same vein.

Thank you.

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

**Hon. Mrs. Whyard:** Yes, Mr. Speaker, I am sure that all members agree with this one and there is a great urgency about this matter. I think we all realize that when this Bill hits the House of Commons or the Standing Committee where it is now, it was something of a sleeper and people had not acknowledged the implications on the west coast. Rather, they were directing their attention to east coast shipping.

Our concern, of course, is with the west coast. We appreciate the House waiving the Rules in order to consider this Motion today in view of the fact that the Premier of British Columbia will be with us later today and we would like an opportunity to ensure that we are united on this stand. Thank you Mr. Speaker.

**Mr. Speaker:** The Honourable Member from Whitehorse South Centre? Is there any further debate? The Honourable Member from Klondike?

**Mr. Berger:** Yes, Mr. Speaker. I am sort of questioning this whole affair here because we are criticizing something that we haven't got any copy of it. Bill C-61, I mean we are criticizing. I haven't even seen it. I don't know what I am criticizing here. Also, the Honourable



Member shows his concern mainly for passengers. The Motion says cargo also and I think the intent of Bill C-61 is also to encourage a Canadian marine transportation system.

I think that has far more regional implication than what this motion is trying to do. I would agree with the passenger thing but cargo is a different story altogether and I would like to propose an amendment to this thing to eliminate cargo in this motion.

**Mr. Fleming:** I will second that amendment, Mr. Speaker.

**Mr. Speaker:** I am sorry if -- the member having once spoken, do not speak again. Does the Chair take it that there has been an amendment proposed?

**Mr. McCall:** Point of order, Mr. Speaker. Yes, there was an amendment duly seconded, I believe.

**Mr. Speaker:** Could the Chair have the amendment in written form please. It is too difficult to -- the Honourable Member from Kluane?

**Mrs. Watson:** Mr. Speaker, I would really like to see this put into Committee if we are going into this type of discussion. When we discuss it in the House, information is -- we can't get information. If you speak once, you have had it. So, I would certainly move it go into Committee.

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

**Mr. Berger:** Mr. Speaker, in view of what the Honourable Member from Kluane said I withdraw my motion, I would second her motion to move it into the Committee of the Whole.

**Mr. Speaker:** Would the seconder withdraw his motion.

**Mr. Fleming:** Yes, Mr. Speaker, on this condition that it would go into Committee as a whole. I am very concerned with the same problem of the cargo and that part of the motion. So, I would consider that, yes.

**Mr. Speaker:** Does the House agree to withdrawing this amendment at this time?

**Some Members:** Agreed.

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

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

**Mr. Hibberd:** I move that Motion Number 7 be moved into Committee.

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

**Mr. Berger:** I second that Motion.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse South Centre and seconded by the Honourable Member from Klondike, that Motion Number 7 be referred to Committee of the Whole. Are you prepared for the question?

**Some Members:** Motion Number 8.

**Mr. Speaker:** Motion Number 8, I'm sorry - that Motion Number 8 be referred to Committee of the Whole for discussion. 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*

*Motion Number 7*

**Mr. Speaker:** We will now proceed to Motion Number 7.

It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Klondike: "Whereas other Legislative Assemblies have access to independent legal advice for the purpose of determining ramification of proposed legislation and assisting them in determining procedural points and other matters, now therefore be it resolved that this Legislative Assembly is of the opinion that it should be empowered legally and financially to obtain independent legal advice whenever it deems such advice necessary".

I'm having some difficulty in accepting this Motion. The Honourable Member from Whitehorse South Centre?

**Mr. Hibberd:** Mr. Speaker, in view of the fact that there are technicalities that are not involved in this Motion that overflow out of functions that are already taken care of by other departments, I think it would be wise to move this Motion into Committee where we can alter it.

**Mr. Speaker:** I have just received this Motion at the Chair a few moments ago and, as I say, I'm having some difficulty in accepting this Motion inasmuch as it does involve the expenditure of monies and could well be contrary to the Rules and Orders of the House.

I think at this point in time I would have to rule that the Motion is out of order.

This brings us to Public Bills. May I have your pleasure at this time?

**PUBLIC BILLS**



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

*Amendments to Bill Number 1, First Reading*

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that amendments to Bill Number 1 be now read a first time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that the amendments to Bill Number 1 be now read a first time. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*Motion Carried*

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

*Amendments to Bill Number 1, Second Reading*

**Hon. Mr. McKinnon:** Now, Mr. Speaker. I move, seconded by the Honourable Member from Whitehorse West, that amendments to Bill Number 1 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that the amendments to Bill Number 1 be now read a second time. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*Motion Carried*

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

*Amendments to Bill Number 1, Third Reading*

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 be now read a third time.

**Mr. Speaker:** It has been moved by the Honourable

Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 be now read a third time. Are you prepared for the question?

**Some Members:** Question.

**Mr. Speaker:** Are you agreed?  
The Honourable Member from Kluane?

**Mrs. Watson:** Mr. Speaker, I believe we have the opportunity to speak on the third reading of a Bill?

**Mr. Speaker:** This is correct.

**Mrs. Watson:** Mr. Speaker, I would like to express my pleasure that we were able to pass this piece of legislation, the Public Service Commission Ordinance. I would also like to commend the government for the very great position change they took in the amendments that they brought forward.

I think the brief that the Alliance presented to us was certainly an excellent brief. It showed that there were many hours of work and analysis put into the brief. However, I have two concerns. One is the casual employees, and I believe a commitment was made when we were discussing the Bill that the Commissioner made the commitment that the government would be bringing forward to this House a policy which would delineate very specifically the procedures that the administration will be following in their hiring practices for casual employees.

Now, I'm not going to say that I won't support the Bill until this policy is brought forward, but I would certainly hope, and I will certainly be questioning it at the next session of Council, of this Legislative Assembly, and I would hope that the policy will be ready to be tabled at that time.

There's one other criticism that I have, and I am a little reluctant to comment on it, for the simple reason that possibly I should have commented on it before Third Reading, but I think it is very important that someone brings up this point. It's the fact that we amended one piece of legislation through another piece of legislation.

Now we amended the Public Service Staff Relations Ordinance, through the Public Service Commissions Ordinance, and as far as I am concerned that is really quite unethical. We should have really opened up the Public Service Staff Relations Ordinance and done the amendments that way.

I didn't mention it. I know that the Public Service Staff Relations Ordinance is a very technical, very balanced type of Ordinance. You wouldn't want amendments to flow without considerable thought given to them, but nevertheless, I would hope that this is the last Bill we get that amends another Bill through the first Bill.

If some of the Honourable Members will recall when we did the Schools Ordinance, and it was a lot more controversial, I am sure, than this -- the Commission's



Ordinance. We opened up the Public Service Staff Relations Ordinance and made the amendments. We did not amend it through clauses in the School's Ordinance. I would certainly hope that the government doesn't continue this practice of amending legislation in this manner.

In closing, I would again like to draw the attention to the fact that the -- I thought the Aloiance had prepared such a good presentation and on the amendments that the government was prepared to go with in order to bring the Bill through -- to compromise positions so that people were able to accept the Bill.

Thank you, Mr. Speaker.

**Mr. Speaker:** Is there any further debate? The Honourable Member from Whitehorse North Centre?

**Hon. Mr. McKinnon:** Mr. Speaker, I am not going to delay the passage of the Bill but I think that a very important part of the Bill was not debated and, as such, did not go down on the public record. One of the reasons that I was a strong supporter of the Bill was, of course, that it now brings the Yukon into line with every other provincial jurisdiction in the appointment of deputy heads at the pleasure of the Commissioner.

Mr. Speaker, this is the only way that responsible government can work and I think that, when the constitutional evolution of the Yukon is recorded, that this will be one of the major stepping stones on the road to eventual provincial status.

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

**Mr. Lengerke:** Thank you, Mr. Speaker. I didn't say too much during the debate of this Bill. I would just like to say, at this point, that I think the majority of Members realize that the total impact of this Bill just doesn't affect two sides, that really there is a significant difference in employment between public service and private industry and I know that it is imperative that we continue to examine and strive for and improve the mechanics or the mechanics involved and develop more effective initial hiring practices, so in fact that some day we don't just have to have protection in a Bill for protection alone.

I was particularly pleased with the debate that emanated from the government side and certainly from the Y.P.S.A. I feel it provides a very substantial base to work from and, no doubt, future amendments are going to be made. I have to agree with the Honourable Minister of Local Government when he says that it is just really another significant step in progress to self-government for the Yukon.

**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*

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

**Hon. Mr. McKinnon:** Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse North Centre, seconded by the Honourable Member from Whitehorse West, that Bill Number 1 do now pass and that the title be as on the Order Paper. Are you prepared for the question?

**Some Members:** Question.

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

**Some Members:** Agreed.

**Mr. Speaker:** I shall declare that the Motion is carried and that Bill Number 1 has passed this House.

*Motion Carried*

**Mr. Speaker:** May I have your pleasure at this time? The Honourable Member from Pelly River?

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

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

**Mrs. Watson:** Mr. Speaker, a point of order. Motion Number 7. Mr. Speaker, I would like to get a ruling from the Speaker on the wording in the second paragraph - "Is of the opinion..." - would that not permit a money bill to be at least debated or even moved into Committee for further debate?

**Mr. Speaker:** I have ruled that it is out of order on the grounds that it involves the expenditure of public money and perhaps I shall review it further when I have an opportunity and if it is possible to have the Motion reworded or reintroduced I shall consult with the mover of the Motion on that question. Is there a seconder to the Motion?

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



question?

**Some Members:** Question.

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

**Some Members:** Agreed.

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

*Motion Carried*

MR. SPEAKER LEAVES CHAIR

COMMITTEE OF THE WHOLE

**Mr. Chairman:** I now call this Committee to Order and declare a brief recess.

RECESS

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

We will proceed first with the consideration of Motion Number 4. It was moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that the Government of the Yukon Territory Position Paper entitled "Meaningful Government for All Yukoners" be tabled in this House and made available to the public.

**Mr. Lengerke?**

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

In moving this, or putting forward this Motion, I've asked that the Assembly, that this Assembly, consider making public the Territorial Government's Position Paper with respect to meaningful government for the Yukon, for all Yukoners.

I personally feel it's important and essential that all Yukoners know what that position is and what we have put forward in the latest process in negotiations for the Native Land Claims Settlement. I'm personally disturbed by reports that in fact tell me that most native groups know our position already, and yet the balance of Yukon people have no idea what that position is, other than the ones stated earlier in the position paper that was tabled, I think, two sessions ago.

Mr. Chairman, I'm convinced that, as we strive and move closer to a stronger responsible government for Yukon, that we must take the lead and we must show the way that we expect to govern this Territory, and to be very open and frank with all our people, and allow them to be part of that process.

I suggest to you, or to the Members here, that the Paper "Meaningful Government for All Yukoners" is a prime factor in how the land claims are to be settled. I believe that all people must be given the right to assess and evaluate how we intend on bringing about a fair and equitable solution to the land claims and to clearly understand why it is essential, or why it is so essential to reach that point or position of strong self-government for Yukon, in concert, together, with the land claims

settlement, so that indeed both will be successful.

That's really my position with respect to this Motion, Mr. Chairman, and with that I ask for your consideration.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. While the Members have had an opportunity to, on a confidential basis, to review the contents of the position, the meaningful government position, or I believe what we call the constitutional package, it seems to me that I have seen in the press, the media, excerpts from it already, and have, in fact, heard the Honourable Member opposite who has moved the Motion, on radio talking on bits and scraps of material coming out of it, and it seems to me the confidentiality of the whole thing has broken down to the point that it should be in any event released, rather than the media and the public of the Yukon having parts and pieces of the thing which they apparently have got somehow, why not release the whole Paper, and I stand wholeheartedly behind Motion Number 4, unless it can be shown to me where it would be detrimental to the public interest not to release it?

**Mr. Chairman:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Chairman, I recognize it is not right and proper for me to be entering into any element of the debate that Members are having, but I would appreciate the opportunity of passing a comment on the content of the Motion, if I may, at this time.

I think really what is involved here, and notwithstanding what the Honourable Member from Watson Lake has said, that the comment with regard to the content of the paper and things of this nature are certainly prevalent. There's no question at all about that. Likewise, I think that the not unreasonable assumption is being made by the media with regard to what it may or may not contain, are not without validity, Mr. Chairman.

But I think that when we are talking about the actual formal act of making the paper a public document, we are then getting into one further step on this question. I would like to suggest, for Honourable Members' consideration that this document in question was tabled at the land claim negotiations at a date in January, which the actual date itself escapes me, and it is not unreasonable to expect that there will be a response from the C.Y.I. negotiators, when negotiations are resumed.

I would like also to point out to Honourable Members, it is not the C.Y.I. that have caused the delay in the resumption of negotiations, Mr. Chairman. I think that this is quite important that Members understand this. There have been a whole series of difficulties which have arisen in getting the attention of the Cabinet of Canada to a revised mandate for the federal negotiator, and this is what has brought about these delays.

So, with respect Mr. Chairman, I don't think that the formal making of this document public, at least until there has been an opportunity to get back to the negotiating table and see if there is indeed a response



from the C.Y.I., would be doing anything really for our stature at the negotiating table.

From the Administration's point of view, Mr. Chairman, I would like to make it abundantly clear that we would like to see the document made public as soon as possible. After all, it is a discussion kind of a document. It's not cast in stone, that doesn't represent the word, and I am sure that not only would there be an encouragement of much public discussion on it but I am sure that Members themselves would like to have the opportunity of discussing it, not only among themselves here within the Council Chambers, but likewise with the people that they basically represent.

I wonder, Mr. Chairman, if I might have the temerity to suggest that Honourable Members might consider giving the message loud and clear to the Commissioner and the Executive Committee that they would like to see this made public as soon as possible, but the actual timing of its release be left in the hands of the Executive Committee, so that at least they will be able to test the temperature of the negotiating structure and would be adept enough, I am sure, to see that its premature release as a package document, irrespective of any of the other portions or comments with regard to portions of it, that may have been released in the meantime, would not actually jeopardize the negotiations.

Now, in talking about, you know, the potential availability of the information contained in this Paper through the media, we understand that there has been further comment in the Toronto Globe and Mail this morning concerning the content of the Paper. I don't know to what extent this comment is. But, irrespective of this, I think that the actual release of the document, as a document, is something that, if you could see fit to give the message to us, that you want to see it released as soon as possible but that you would be good enough to leave the actual timing to the Executive Committee to determine, in light of what is transpiring at the negotiating table, that this would, in my opinion, be a proper and judicious course of action for the Committee to take, Mr. Chairman. Thank you very much, Mr. Chairman, for the chance to speak to this.

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

**Mr. Fleming:** Yes, Mr. Chairman. I am not a person that likes to keep secrets but, as to Mr. Commissioner's saying that it will -- I myself, find myself not being able to support the Motion as it is here, due to the fact that I am wondering if the C.Y.I. has now put this paper and I have seen it at the negotiating table now and they have not seen fit possibly to let it out to the public and it is a negotiating part of possibly what they are doing. I would consider it very wrong for myself to vote now to have that paper tabled where everybody could see it, until at least I knew their feelings too, because there are two sides of the story - not only our side, but the native people's too.

I myself can't vote to put it out to public at this time. I would like to -- I go against the Motion as it stands.

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

**Hon. Mrs. Whyard:** Mr. Chairman, I have a couple of comments to make regarding this Motion. One is that I would like to see some slight change in the wording. Rather than saying that this Paper be tabled in the House and made available to the public, I think that is a restrictive phrase, Mr. Chairman, and might tie you down to the next session in November prior to being allowed to release it if you follow the wording here.

I would prefer to see the Motion read that the Paper be made available to the public and the timing of the release be left to the Executive Committee or if you will authorize us to make that decision on your behalf. I would draw to your attention the fact that our latest information is that negotiations are to resume the first week in June and my own feeling, Mr. Chairman, is that we should wait until those negotiations begin because we have respected the confidentiality of the document to this point.

If there is no sign of any response to the Paper at that time and there has certainly been a reasonable length of time allowed, then I would approve of effecting this Motion and activating it at that time.

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

**Mrs. Watson:** Mr. Chairman, as seconder of the Motion, I have a few misgivings. I can understand, very much, the comments that the Commissioner made regarding the negotiations and the fact that a commitment was made, that this is a confidential document and that we would be putting ourselves in a vulnerable position at the table if the fact that the confidentiality of this document were not respected.

I would have to agree to go along with any amendments to this Motion that would make it possible to delay the tabling until such time that the negotiations permit it to be made public. However, also the last document - and I have forgotten the name of it, we have had several - was confidential until it was out of date.

You know, that's what is going to happen to this one, and I sometimes think we are getting sucked into these things. I find myself in a very difficult position. People in the Territory, people that I represent, have heard rumours, have heard bits and pieces about meaningful government, about various aspects of the paper, and I find it very difficult not to be able to discuss it openly with people to get some idea of what their thoughts are.

Because, after all, we are going to have to represent these people at this table. We have to make decisions before the fact almost, to implement decisions that are made at the negotiating table, and yet we've not had the opportunity to converse with the people that we represent.

On the other hand, C.Y.I. have had how many conferences now where they can present their position? They've travelled throughout the Territory. They've had conferences, I believe they are having another one, where they are presenting their position to the people that they are representing at the negotiating table. Not



that the C.Y.I., that we aren't representing -- that we are representing the non-Indian people, but they are the sector that are being forgotten and they are not having the opportunity to have the input.

However, on the other hand, we did make a commitment, and I would honour the commitment, but how long can we be so honourable? You know, we are going to be so honourable we're going to be out of the picture pretty soon. I'm prepared to wait again until these negotiations begin, but if these negotiations are delayed, and delayed till the fall, I don't think after the fall. If we don't really sit down and get going on meaningful negotiations between now and our next session, I think at that time we're going to really have to look at it.

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

**Hon. Mr. Lang:** Mr. Chairman, I appreciated what the Honourable Member from Kluane had to say. She made some very, very good points. I have to agree with her, there seems to be different rules for different folks. It seems to be very prevalent in the land claim negotiations.

I personally, and everybody around this table, and the public, know I'm in a very difficult position. I ran for office, I felt that the public is not getting the input that was warranted into the land claims settlement. I was one of the few people, at that time, that realized the implications of the land claim settlement, because I lived with it for two years. The aftermath of a land claims settlement - I saw what it's doing to the people in Alaska, and I don't want it to happen here.

I think that, as far as releasing the Paper, I think the Minister of Health and Welfare made a very good point in the fact that the negotiations are going to be beginning once again, resuming once again, in the next week, week and a half, and possibly maybe something fruitful will come from it. Hopefully I'm not being naive, but I think that, with the Motion that we passed earlier today, and I'm very, very disappointed that it didn't pass unanimously. I was very, very disappointed with the one Member's comments, and obviously she hasn't done her homework, that we have a chief negotiator on behalf of the Yukon, the Commissioner of the Yukon, and hopefully after he has left us being Commissioner he is going to retain that post as chief negotiator.

I personally have a lot of trust in the Commissioner. I think he's doing a very good job - I know the homework that he's done on the land claims. I know it worries him very much and I appreciate very much the fact that he has agreed to carry on as negotiator, if the Minister of Indian Affairs and Northern Development chooses to keep him in that position.

But I think I have to agree with the Honourable Member from Health and Welfare. I think that we have to give the C.Y.I. an opportunity of formally coming back with a response, and at that time I think that we are going to have to make a very, very important decision as far as the land claims future holds for the Yukon.

**Hon. Mr. Taylor:** Mr. Chairman, after listening with some interest to the debate, it would appear that perhaps the public interest, at least at this immediate point, would not be served by the immediate release at this time of this document. However, I think that all Members would agree that this has got to be released fairly shortly, as quickly as possible, and it seems to me that we've had the assurances from Mr. Commissioner and some Members of the Executive Committee, our Ministers, that this would be their objective, and this would be done as soon as humanly possible.

So, I would propose an amendment to Motion Number 4 and I would move that the words "tabled in this House and" be deleted and that the words "at the earliest possible moment" be added to the Motion.

Mr. Chairman, in speaking to the amendment, I would just like to say that this is a matter of grave concern to people that we represent, and I think you will all recall that we represent native people as well as we represent non-native people. In both instances, in native and non-native people throughout the Yukon, the bulk of those people have no knowledge, understanding on either side --

**Mr. Chairman:** Mr. Taylor, could we have a seconder for your Motion?

**Hon. Mr. Taylor:** Oh, I'm sorry, the Honourable Member from Klondike, Mr. Chairman.

-- that members on either side, just have no idea what's going on at all. The paper that we're discussing here involves the constitutional development of the Yukon Territory, and it seems only fitting and proper that while these negotiations are being undertaken towards the objective of a Memorandum of Agreement, which the Federal Government are going to sign with the native groups in the Territory -- they're not signing it with the government of the Yukon Territory. This is the Federal Government talking to the Council of Yukon Indians about the future of the Yukon Territory, and their involvement in it.

It seems to me only proper that we, as elected members of these people, should have the full freedom of being able to go to our constituents to solicit their views. For instance, within this document, there is one constitutional question which is so retrograde as to be so deplorable, in terms of the development of this legislature, and this is one that has been in the media, and I find it so abhorrent that it's incredible that it would even be suggested. And yet here is the Federal Government, perhaps, going to make this proposal to the native groups.

I think that, for instance if this whole thing had been done in court, instead of by negotiation the way it is now being done, everybody would know what's going on because you could sit in the public gallery and the media would be there and hear the presentations and so forth. So, as I say, it's very, very important that the public should have knowledge of this document before the final Memorandum of Agreement is signed.



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

It has been moved by Mr. Taylor, seconded by Mr. Berger, that Motion Number 4 be altered to read, "That the Government of the Yukon Territory Position Paper entitled, 'Meaningful Government for All Yukoners' be made available to the public at the earliest possible moment".

Are you ready for the question?

**Some Members:** Question.

**Mr. Chairman:** All those in favour?

**Some Members:** Agreed.

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

(MOTION CARRIED)

**Mr. Chairman:** Motion Number 4. We've already had that. Are you ready for the question?

It was moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Kluane, that the Government of the Yukon Territory Position Paper entitled "Meaningful Government for All Yukoners" be made available to the public at the earliest possible moment.

**Some Members:** Question?

**Mr. Chairman:** All those in favour?

**Some Members:** Agreed.

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

(MOTION CARRIED)

**Mr. Chairman:** Committee will now recess until 1:30 p.m.

(RECESS)

MR. McCALL BECOMES CHAIRMAN

**Mr. Chairman:** I now call this Committee to order. We will go through the reading of clause by clause of Bill Number 2. This is an Ordinance to amend a Motor Vehicles Ordinance. While we are waiting for the Legal Advisor, I will commence reading Section 1. Motor Vehicles Ordinance is amended by appealing Section 34 and substituting therefore.

(READS CLAUSE 1)

(READS CLAUSE 2)

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

**Mr. Lengerke:** Mr. Chairman, maybe I could ask Mr. Legal Advisor to just explain in layman's language to

me, if possible, 34(7).

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

**Mr. Legal Advisor:** Mr. Chairman, it is an automatic pardon. The slate is wiped clean every five years.

**Mr. Lengerke:** Okay. Thank you. I just wanted to clarify that.

**Mrs. Watson:** Mr. Chairman, I wonder if the Legal Advisor could explain actually, in layman's language, what this is all about.

**Mr. Legal Advisor:** Well, Mr. Chairman, the history of it is, that until recently there was a power in the Criminal Code which enabled a magistrate to issue suspensions of varying periods at the discretion of the court up to indefinite periods.

In the provinces, the provinces have been taking away this power and transferring it into the Registrar of Motor Vehicles authority where they have been having varying types of schemes for their local circumstances. A common one, in western Canada at the moment, is a point system. You have a point notched against your driving license for every offense. Two for some offenses. Six points maybe. For drunken charge of a vehicle or such like, you have nine points and when you hit nine, you are automatically suspended for a period of time.

It's a semi-automatic thing geared to the seriousness of the offense on a complicated system. We have such a system in draft but did not feel that this was an appropriate time to bring this forward. While this was being prepared and it has been prepared for some six months now, getting ready for a suitable time to introduce it to the Council, the Federal Government introduced parallel legislation, not for our benefit, but to reflect what is being done in the provinces.

They then repealed the section enabling the court to impose the suspensions intending to leave it in other hands, in provincial hands.

They notified us that the legislation was coming into force at a much earlier time than we thought federal legislation -- amendments to the Criminal Code could ever possibly be ready and coming into force, so we then introduced this legislation to cover the period before this and possibly more comprehensive amendments. Otherwise there would be a gap, and the temporary remedy during the preparation of this legislation, that's between the time of repeal of the federal legislation, and the introduction of this to the House, the courts have been issuing probation orders, a condition of which would be that an accused person would not drive. But that's not considered a satisfactory method, it's considered that it should be faced up openly in legislation, and the courts given the proper powers which they had before. It's within the competence of this House to do this.

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



**Mr. McIntyre:** Yes, Mr. Chairman. Under what circumstances would a person who has received a conditional -- or an absolute discharge require to have his licence endorsed?

**Mr. Legal Advisor:** I'm glad you asked that question, Mr. Chairman. Sometimes people are charged with offences related to motor vehicles, manslaughter, and such like things, and the Crown prosecutor in an excess of zeal, throws in three or four other counts. The court only deals substantially with one count, so there's a conviction, or absolute discharge registered on the others, but at the same time because it's involving a motor vehicle in the offence, the person should properly speaking, have his licence suspended, so the power is given in that case also.

There are other cases, in which an absolute discharge will be given, where the person was guiltless. But if the person was guiltless of the offence and happened to be involved, through some technicality, the probability is that no licence will be suspended.

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

**Mr. Lengerke:** Yes, Mr. Chairman. My question to the Legal Advisor then, from your remarks, Mr. Legal Advisor, I understand then that you will be bringing forth, or the government will be bringing forth, a very comprehensive amendment to the Motor Vehicles Ordinance in the next six months or so, is that correct?

**Mr. Legal Advisor:** Mr. Chairman, I didn't say that the government would be bringing it forward. We, in common with the provinces, have been preparing a comprehensive state of available amendments to the Code. It's a matter for the government then to decide whether to accept the recommendation that these changes should be made or not. That would be a political decision. I'm just talking about the legal decision. The homework has been done, it's for the government then to go from there.

**Mr. Lengerke:** Thank you.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

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

**Mrs. Watson:** Mr. Chairman, the Legal Advisor was talking about amendments that the federal government has brought in. Now, what would these amendments have been, and do the amendments in our Motor Vehicles legislation complement those, or -- and they are necessary to complement the federal legislation?

**Mr. Legal Advisor:** Yes, Mr. Chairman. The Federal Government changes consisted essentially of repeals of existing provisions in the Criminal Code, which created a lacuna which had to be filled by Provincial legislation.

But when you are drafting it and you look at it, the language isn't quite the same, and there are other things which must be picked up.

So essentially, this legislation is to fill this gap created by the repeal of certain federal legislation in the Criminal Code.

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

**Mrs. Watson:** Mr. Chairman, could you give us an example of what type of thing was repealed that was in the federal legislation? Specifically?

**Mr. Legal Advisor:** Section -- sub-section 34(1). Now, in that, the language of our replacement of that is almost identical to what the federal legislation was, and then other sub-sections fill that out. But we had to then, we already had some of this legislation in our Motor Vehicles Ordinance, so it had to be redrafted and put back, reflecting the internal references and such like things and the powers.

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

**Mrs. Watson:** Mr. Chairman, that is why I am asking the question. There doesn't seem to be any difference in our amendments to what is in the Motor Vehicles Ordinance now, or maybe I am not reading the correct section, maybe Section 31, 34, sub(1) has been amended. It's almost identical language, and this is why I'm asking what has been removed? We're still using an offence under the same Sections under the Criminal Code, and I would have thought that this legislation was required because some of the Sections in the Criminal Code have been changed, but we still use the same ones.

**Mr. Legal Advisor:** We are using the same ones because the Federal Government did not change substantially their legislation other than to repeal. So, we had to use the same sections, the same section numbers, as they previously had used. It is not easy to explain without laying it on a chart which I am somewhat reluctant to do. We had thought, when we first set out to draft it, Mr. Chairman, we thought it was quite a simple matter.

We would just pick up the Federal legislation that had been repealed, re-write it, put Yukon instead of Canada, and we had it made. But it didn't turn out to be quite as simple as that because everytime we produced a draft, we found an error, and the errors kept on going and it took days to do what had appeared to be a relatively simple task.

**Mr. Chairman:** There is one question, Mr. Legal Advisor. In Sub B, you make reference to 219 of the Criminal Code. Now, that is an inclusion. What is actually that reference in the Criminal Code of 219?

**Mr. Legal Advisor:** I am sorry, Mr. Chairman. The section reads in the Criminal Code, everyone who commits manslaughter is guilty of an indictable offense and



is liable to imprisonment for life. Now, our language says, an offense under Section 19 committed while operating or having the care of a motor vehicle. So, it is what you would call vehicular manslaughter.

**Mr. Chairman:** Is this a recent change in legislation, federal legislation? That is a new change?

**Mr. Legal Advisor:** No, Mr. Chairman. Section 219 is an old section.

**Mr. Chairman:** Well, Mr. Legal Advisor, I believe we are of a – or myself is of the opinion that this has been amended because of a new legislation in the Criminal Code.

**Mr. Legal Advisor:** Yes, Mr. Chairman. It is being amended because of that. The Federal Government repealed a few sections. It wasn't a straight-forward repeal. It was a sub-section here and a paragraph there. They produced this as part of a very big operation.

So, we had to do the best we could and it does appear long. Some of it is a repetition of what we already had, but it is for the purpose of clarity to get the whole thing in one section and do it right. It just happens that we can do it better than the Government of Canada can, neater.

**Mr. Chairman:** Well, my question is, Mr. Legal Advisor, with the inclusion of Section 219 of the Criminal Code, you are suggesting that this has not been amended with new amendments under the Criminal Code, yet we are under the assumption that this amendment here is making reference to changes in the Federal code – the Criminal Code.

**Mr. Legal Advisor:** I think the language which was used earlier in our old section 34 was – they used the expression manslaughter with the use of a car, without naming it under Section 19. We thought it was unnecessary, the extra word, and we just left it baldly, section 219, because to be consistent, the other sections, 233 and 34 and 35, 36 and 38 had not been so described. So, we cut out the description.

So, that made it difficult to ascertain what it was.

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

**Hon. Mr. Taylor:** Mr. Chairman, I am somewhat concerned with the provisions in 34(1) at the bottom below E, where it says, "Shall on being so requested by the court", and link that with sub-section 3 where it states that, "The court shall prohibit the person from driving for a period not less than one month". It goes on to say, "In the case of a second or subsequent conviction, shall prohibit the person from driving for a period of not less than three months".

I am having some difficulty here and should, ought not – in drafting this legislation, ought we not say that the court may, at the wisdom of the justice who is hearing, or the magistrate or the justice of the peace that may be hearing the case, taking into account all the circumstances surrounding the individual situation.

Why ought not give the JP or the judge or the magistrate the opportunity of making that decision himself rather than flat out stating that he shall do this and he shall do that?

**Mr. Legal Advisor:** Mr. Chairman, the Honourable Member is expressing an opinion which has been much canvassed in the normal course of events. I think it's held by everyone present in this room.

It refers specifically only to the (a) or (b), which are the drinking in charge of a car sections, where a person is convicted of those. It doesn't impose a mandatory suspension in respect of anything else.

Now, prior to the drafting of this, there was much canvassing of opinion back and forward, and the eventual decision which was reproduced in this draft, is to make it mandatory to impose this for a number of reasons, not the least of which is the fact that some of these offences are tried by a magistrate, some of them are tried by a Justice of the Peace, and there was no desire on the part of most people dealing with this to have any option, provided that the following paragraphs gave the power to the Court in a proper case, to give back the licence subject to conditions.

Now, I think the Honourable Member is aware that law enforcement officers consider that the suspension of driving privileges, even for a short period of time, is a very effective deterrent as compared to imprisonment, or even of a fine. So the decision was taken by the government to impose a mandatory punishment, and add in a power to the court in a proper case to mitigate the hardship by allowing a person to drive for business reasons. Because not to do that, would impose perhaps an unnecessary penalty or an unnecessary harsh penalty on professional drivers who would be completely out of work if they weren't allowed to drive during their business hours.

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

**Hon. Mr. Taylor:** Mr. Chairman, yes, Mr. Chairman, I'm still having great difficulty here. I think that I cannot support the Bill for this reason. I think that that power should be left to the court, and I think the shall should go to a may situation, and allow the justice, or the J.P. as I say, hearing the case, to make his judgment on suspension based on the circumstances that are presented to him in each circumstance.

I have great difficulty in accepting the premise that is contained in sub-section (3) really, and I feel that the court should have that latitude and that prerogative of making that decision based on the evidence presented before it. I have difficulty in accepting sub(3) and what is contained therein. I don't know, perhaps other members of Committee may have that same feeling, I don't know. But no, I can't buy number 3, and if number 3 remains as it is, I would not be in support of this Ordinance.

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



**Hon. Mrs. Whyard:** Mr. Chairman, I can understand the Honourable Member's concern, but I would like to draw to his attention the fact that the N.W.T. is contemplating similar legislation, and may have already passed it by now. I know they were meeting at the same time as we were last week. But the Territories, meaning the N.W.T., when they were considering their legislation, the only place in Canada which doesn't provide for a mandatory suspension of a driver's licence for Criminal Code offences, and the section that we are now looking at, picks up what the Criminal Code dropped.

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

**Mr. Taylor:** Mr. Chairman, this is all well and good, and perhaps I'm not to be guided by what they do in the Northwest Territories or anywhere else. I'm concerned about the Yukon, and I'm concerned about the application of this Ordinance to and upon those people who travel or live in the Yukon Territory.

I still maintain that the court should have that right, based on the evidence presented to it, that the Justice or the person hearing the case should make that decision, and I don't feel that that decision should be imposed upon the court by this legislation, and it's simply that.

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

**Mr. Legal Advisor:** Mr. Chairman, may I just make one remark, Mr. Chairman? This is the nearest thing in a shall that I've ever drafted to a may. It says that the licence shall be lifted but may be returned. What the Honourable Member is suggesting is it should be reversed, the licence may be lifted, but the drafting in this way would express the philosophy of the House. The House views, with extreme concern, the attitude of people who drive when they are incapacitated by liquor, but still allows the court to return it subject to conditions.

Now, that would express a certain philosophy of this House, which the House may see fit to adopt as almost a may.

**Hon. Mr. Taylor:** Mr. Chairman, may I thank Mr. Legal Advisor for his explanation. However, what is not expressed is not implied and consequently though Mr. Legal Advisor, being the author and drafter of this Ordinance though, he may understand it.

Perhaps a Justice of the Peace in an outlying district may not and may misinterpret entirely what is intended in the Ordinance. I still say that I cannot support the Bill unless sub 3 at least is altered to give the court the discretion of deciding on the lifting of a licence.

**Hon. Mr. McKinnon:** Mr. Chairman, with respect that's exactly what sub 4 does. Exactly what the Honourable Member is saying.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Mr. Fleming, you have a question?

**Mr. Fleming:** Yes, to Mr. Legal Advisor. I have no problem with the Bill at all except for the fact that I think it is just the same thing as we have got in here anyway but there is -- what I am wondering is, you told us that the Federal Government had come up with some restrictions or something now and this Bill is to accommodate what they have brought forward. Did I understand that right?

**Mr. Legal Advisor:** Mr. Chairman, the Federal Government had incorporated these various prohibitions in the Criminal Code. They thought they could pull them out, leaving a gap. We are attempting to fill it, Mr. Chairman.

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

**Mr. Lengerke:** Mr. Chairman, I would just like to say that I would have great difficulty in supporting the Bill if it is amended in the manner that the Honourable Member from Watson Lake suggests. So, I would therefore ask that we leave it alone.

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

**Hon. Mr. Taylor:** Mr. Chairman, is the Honourable Member who has just spoken before stating that he has no faith in the courts?

**Mr. Lengerke:** No, I didn't say that.

**Hon. Mr. Taylor:** That's what you are saying.

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

**Hon. Mr. McKinnon:** Mr. Chairman, I think that legislation should reflect the philosophy of this House and the court should know how we consider that people who are driving while intoxicated should be treated. I think that every Member of this House knows that the Yukon has the highest rate of convictions for impaired driving anywhere in the Dominion of Canada.

We also all know that, following the introduction of the breathalyzer, that the public, because of the danger of losing their licence, were not quite as liberal about driving under the influence as they had been previously. Mr. Chairman, it is my experience, and I have found that now that the original scare of the breathalyzer has been removed from the public of the Yukon, that more stringent regulations are going to have to be put in to impress upon the people that this government does not want people driving around the streets of the Territory while they are impaired. I think that it is right and proper at this time, when every jurisdiction is moving into much more stringent legislation than we are, that we say that the philosophy of this House, that it be mandatory, except for exceptional circumstances and only during hours of work, that that driving -- that that driving be prohibited from the person who is convicted



of impairment.

I, like the Honourable Member from Riverdale, would not support amendments to the regulation that would make it more wishy washy than it already is. I think that it's about time that the public learned, that we all learn, that we just cannot tolerate the people driving in care and in charge of motor vehicles while their ability is impaired by other drugs or alcohol.

It's just a simple statement of fact that that's what we agree with and that's what we are attempting to do by legislation and let the courts know that we are aware of the problem and that we are convinced that more stringent penalties must be paid by so many people in the Yukon that still think that it is not that serious an offense to be in care and control of a motor vehicle while their ability is impaired by alcohol or drugs. I think that it is incumbent upon the Members around this legislature to be the ones who lead the thrust in a new, more stringent direction.

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

**Hon. Mr. Taylor:** Mr. Chairman, just one final remark on the subject. I have no difficulty in accepting the premise that has been laid down by the Honourable Member from Whitehorse North Centre. My problem is, I feel that the court should have the discretion, in terms of imposing the impositions under sub-section 3, and I don't think it should be forced upon them by this legislation.

In other words, I feel that the "shall" should be "may" and I can't support the Bill unless that discretion is given to the court.

**Mr. Chairman:** Thank you, Mr. Taylor. I would now like to read the preamble.

*(READS PREAMBLE)*

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

**Hon. Mrs. Whyard:** Mr. Chairman, I would move that Bill Number 2 be moved out of Committee without amendment.

**Mr. Chairman:** It has been moved by Mrs. Whyard, seconded by Mr. Lengerke, that Bill Number 2 be moved out of Committee without amendment. All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Disagreed? Carried.

*MOTION CARRIED*

**Mr. Chairman:** Mr. Hibberd, would you like to resume the Chair?

*MR. HIBBERD RESUMES THE CHAIR*

**Mr. Chairman:** We'll proceed with Bill Number 3. 1(1).

(Reads Clause 1(1))

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

(Reads Clause 2(1))

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

(Reads Clause 3(1))

**Mr. Chairman:** 4(1).

(Reads Clause 4(1))

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

**Hon. Mr. Taylor:** Mr. Chairman, perhaps one of the Honourable Minister or perhaps the Legal Advisor could explain to me why this gift from the Federal Government? We are talking about agreements being established already in Ontario and New Brunswick. Perhaps the Honourable Minister of Health and Welfare could --

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

**Hon. Mrs. Whyard:** Mr. Chairman, in some provinces the services for young offenders are under the administration and delivery of the Welfare Department; in others, they come under Corrections. Here in the Yukon, the Juvenile Training Home happens to be under Corrections.

There has not been provision for cost sharing with Canada because it was not under the Welfare Branch - it was under Corrections. I would like to get a plug in here at this time for my Director of Corrections, and various government people who were alert enough to perceive, because they happened to be at a conference in the far east where the Great White Fathers are extant, they perceived that the Province of New Brunswick was making tentative approaches to Canada to cover them with fifty cent dollars for this particular juvenile cost. In New Brunswick it is under Corrections, also in Ontario I believe.

This entailed special financial agreements with Canada and the Cabinet was in the throes of moving this machinery to that end when the Yukon came into the picture and picked up on it. We were too late to be considered in the same agreement with Ontario and New Brunswick. We have now approached, through the Commissioner again, asking that we be considered. Cabinet is about to consider this matter, we are informed, and if they do approve this application to cost share the services to juvenile care in the Yukon, we will need an enabling Ordinance to allow the Commissioner to sign that financial agreement. That is what this piece of paper is for.

He is now given authority to enter a cost sharing ag-



reement for juvenile correctional programme if, as and when Canada agrees to give us the money.

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

**Mr. Fleming:** Yes, Mr. Chairman. I think maybe the Minister almost answered the question I was going to ask, which was, in effect, on why the name "Young Offenders' Welfare Agreement" and I was wondering why it was called a Welfare Agreement. I think you almost answered that question when you first stood up.

I'm not quite sure why - why call it welfare?

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

**Hon. Mrs. Whyard:** Mr. Chairman, perhaps because it's with Canada Health and Welfare Department, Federal Department, I don't know. I really don't know. I could talk about 5 minutes on the point, but I really don't

**Mr. Chairman:** Then please don't, Mrs. Whyard.

**Mr. Legal Advisor:** Mr. Chairman, I think I am partly responsible for the title. The parent agreement is the Welfare Agreement between Canada and the various provinces. This is a new wing which was not contemplated in the original agreement and it's specifically with young offenders, so this has an identifiable name that people know what they are talking about.

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

**Mr. Lengerke:** Yes, Mr. Chairman. Just a question of the Honourable Minister. And it's the old question again by taking advantage of such a cost sharing arrangement, we are not going to get ourselves into another trap again where they're going to all of a sudden tell us that the financial contribution is no longer there? I would hope that's not the case, and I would hope, Honourable Minister, that you said we would enter the -- the Commissioner has been enabled, or will be by the passage of this Ordinance, to sign an agreement, if indeed it is satisfactory to the Yukon?

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

**Hon. Mrs. Whyard:** Mr. Chairman, I assure the Honourable Member that it's quite the contrary. Up until now, we have been paying all the dollars required. If we get the green light on our proposal, Ottawa will be paying half. I know it's a reverse of the usual trend.

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

**Mrs. Watson:** Two things. At the present time, the young offenders are under the Corrections Branch. You stated that cost sharing is available if the young offenders are under the Welfare Branch of the government. If you are not able to get a cost sharing scheme under this enabling legislation, will you be considering, or will

the government be considering, putting the care of the juvenile offenders under the Welfare Branch in order to qualify and benefit from some of the cost sharing money being provided by Canada under that umbrella?

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

**Hon. Mrs. Whyard:** If we're not successful in this proposal, we would look at the alternatives. There are no iron-bound regulations that say we can't and, as the Honourable Member knows, there have been times when probation was on the welfare side. It is now on the corrections side, but they are dealing all with the same children.

**Mr. Chairman:** Clear?

**Some Members:** Clear.

**Mr. Chairman:** Preamble.

*(READS PREAMBLE)*

**Hon. Mrs. Whyard:** Mr. Chairman, I would move that Bill Number 3 be reported out of Committee without amendment.

**Mr. Chairman:** Seconder? Mr. Lengerke. Moved by Mrs. Whyard, seconded by Mr. Lengerke, that Bill Number 3 be moved out of Committee without amendment.

All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary? Motion is carried.

*MOTION CARRIED*

**Mr. Chairman:** Bill Number 4. 1(1).

*(Reads Clause 1(1))*

Two (1).

*(Reads Clause 2(1))*

Three (1).

*(Reads Clause 3(1))*

Four (1).

*(Reads Clause 4(1))*

Five (1).

*(Reads Clause 5(1))*

Six (1).



(Reads Clause 6(1))

Mr. Lengerke?

**Mr. Lengerke:** Mr. Chairman, a question of the Minister of Local Government. Are the regulations -- have they been thought out, that are going to support this particular Ordinance, yet? Are they in the mill, or where do we stand with those?

**Hon. Mr. McKinnon:** No, Mr. Chairman, they are not available at this time.

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

**Mr. Fleming:** Yes, Mr. Chairman. I'm just wondering, if the purpose of this Ordinance is to acquire just what land, not specifically what parcel of land, but what types of land, because as the Honourable Member has said, I don't think even the Commissioner can get land unless somebody else owns it first. This is to buy, I presume, land that is now title lands owned by possibly corporations, companies, individuals or otherwise. In other words, all aspects of land that will be owned by somebody else?

**Hon. Mr. McKinnon:** Mr. Chairman, the Honourable Member from Teslin has set the reasons for the Ordinance just as directly as possible. Unless we have a line item in the budget in the spring saying specifically that we want to spend the money for the acquisition and development of said parcel of land, once the budget session is over, we are stymied completely if an offer comes up that is beneficial to the government from a corporation or from an individual who says I don't want to deal through the open market, I would rather have the development - the government take over this land because you know, there are people who really do still think about the good of community. I have one instance that I could give people outside of the House which I can't inside the House for obvious persons - where a person has done just that and said lookit, I'm leaving the Territory, I don't want to make a whole bunch of money off the Territorial Government, but I think it would be good for our community if this land was retained by the Territorial Government and developed for sale in property to the general public. And the land has been assessed, and it's a very, very good bargain for the Government of the Yukon to do this.

We would keep the price of land down, rather than being in the hands of the private speculator, and of course that's exactly what the Government of the Yukon Territory is trying to do with the land policy.

The Honourable Member from his constituency, we're looking now in Teslin, of having to develop a total new subdivision far removed from the present area of developed Teslin, because of land being held in private hands in the Teslin area. Yet we know of five, six, eight

or ten lots, where there could be a willing seller, willing buyer to the government, with the land in Teslin that is necessary for development, could be taken up for the foreseeable future for five years, instead of spending hundreds of thousands of dollars of the taxpayers' money in redeveloping another new subdivision.

Carcross is another obvious place, where we are going to have to move ourselves far beyond the present boundaries of the town, unless we can work a deal with a private land holder in Carcross for the release of some residential lots to be able to have available for public sale for people who want to live in Carcross.

So it's all these reasons that have prompted us to bring forward this type of legislation. I was amazed when I got into the position in charge of local government that the Commissioner - or there was no legislative authority to allow the Commissioner to do this type of thing. I'm positive that there's been all kinds of tremendous land deals that have gone by the Government of the Yukon Territory, and because of it, people are paying a higher price for land, if they are able of getting it, than they would have had to if this Ordinance had of been in effect. The development, of course, the land development policy in the Yukon Territorial Government won't change with this Ordinance. The cost of the acquisition of the land will be included when it's subdivided and sold to the general public. So that's the way that we hope to keep the revolving fund viable and enough money in the pot to be able to take advantage of certain deals that do come along that the government should take advantage of, and up to this point hasn't had the legislative ability of doing so.

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

**Mr. Fleming:** I can't agree more with the Member in most of his remarks. I'm wondering now though just whether actually giving the authority of the Commissioner only to make the regulation of course, and then the Commissioner only to go out and buy large parcels of land. I'm wondering if possibly we aren't putting an onus on such a person as might be the Commissioner in this case, that some day he even may get into a problem over buying a large parcel of land, maybe should be in here, saying maybe saying the Commissioner-in-Council.

If you all disagree, I agree.

**Hon. Mr. McKinnon:** Mr. Chairman, the Commissioner won't know what's happening until it comes as a policy before Ex-Com that this land is available, this is how much we are willing to pay for it, this is what it's worth as an assessed value on the market, because we won't even touch a piece of land unless we have all these things done prior to making an offer to the person who has the land available.

Because then if it was the responsibility of my department, I would be the guy under the gun if it came up that somebody was trying to make a buck off government, and it happened to be a friend of mine, and no way I am going to get involved - or the Commissioner is going



to get involved in that kind of monkey business.

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

**Mr. McIntyre:** The city of the municipalities already have this power to acquire lands. So, I assume that this is not going to put the Territorial Government in a position where they are going to be speculating in land as opposed to the municipalities and the application of the ordinance will be outside municipalities.

**Mr. Chairman:** Mr. Commissioner?

**Mr. Commissioner:** With respect, Mr. Chairman, along the lines as described by the Honourable Member whose department will be the major one involved in this outside municipalities, but I would also suggest that there is another purpose that this ordinance would be put to. I am sure the Honourable Member who asked the question realizes what that purpose is and that is, would be the acquisition of land that would be for the future development of say, a territorial government building and this could well be within the confines of municipality and when the money was appropriated or the capital monies were appropriated for the building at that time, the land will become part of the cost of that building and the fund would get replenished at that time.

So, I simply rise, Mr. Chairman, to a supplement of what the Honourable Member has said so that there is no misunderstanding that that is one purpose that we have found ourselves stymied in as well as the purpose that the Honourable Member has indicated with regard to potential land to be subdivided.

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

**Mr. Lengerke:** Thank you, Mr. Chairman. I think the remarks made by the Honourable Member from Mayo and also the Commissioner clarified my question to some degree, but I would just like to further clarify to the Minister of Local Government or asking for his clarification, the main thrust or the main reason for this Land Acquisition Fund Ordinance is aimed at the acquiring of land for residential developers. Is that correct?

**Hon. Mr. McKinnon:** It could be used in another purpose but primarily that's exactly - it's not for recreational purposes or for things of that nature. Where it could be used is say, the City wanted to acquire a piece of land that was held in private hands for a sewage treatment plant, as a site for a sewage treatment plant. They don't have the money in their budget to be able to acquire that. We could acquire that land under this ordinance and then when the funding was completed by the Federal Government, the total charge would be part of the land included and the fund would be replenished by the funding from the senior government.

So, in some instances; it would be to a great advantage of the municipalities to have us being able to acquire land such as the instance I have stated on behalf, for a

public project, for the good of all the citizens.

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

**Ms. Millard:** Mr. Chairman, I am wondering about expropriation. Does the Commissioner have the right at this time to expropriate land and does this give him any right to do it under this ordinance?

**Mr. Chairman:** Mr. Commissioner?

**Mr. Commissioner:** Mr. Chairman, there was in Expropriation Ordinance that gives the Commissioner, under certain terms and conditions that are laid down in that ordinance, to expropriate land, and this Commissioner has been through one expropriation and I could assure you this is subject to the next thirty-five days of my tenure passing by, it will be the last one.

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

**Mr. Fleming:** Mr. Chairman, I take it then from the Commissioner's remark, this ordinance doesn't effect that in any way. Would the Legal Advisor -

**Mr. Legal Advisor:** No, Mr. Chairman, this doesn't effect it. It can be used, you know, in relation to one another but this does not effect that Ordinance.

**Hon. Mr. McKinnon:** Mr. Chairman, one of the reasons why this was in effect, I found in my research, was because the powers were there under the Expropriation Ordinance. The present Commissioner - and it is my philosophy too that expropriation should only be used as an absolute last resort and to be using it as a vehicle to get land in the government's hands, I think is a dangerous policy, a dangerous precedent. We wanted a nice, neat, clean simple method of obtaining land for residential development purposes mainly from a willing seller to the government.

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

**Mrs. Watson:** Mr. Chairman, this is a revolving fund, right? Now, if you were acquiring land, say for a school within a municipality, you wouldn't take your money out of a revolving fund. You would charge it to the cost of the school, I believe. That's the one question. The second question, it's a revolving fund. You take money out of this to acquire land. Then you dispose of the land.

Now, if you make a profit at disposing of the land, does the profit go into the revolving fund or does it go into general revenue?

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

**Mr. McKinnon:** The first one, you plan for schools. You know a year in advance, I should hope, if you are going to build a school. So, you put it in as a line item in the budget, the total cost of the school and where it's been. So, we don't touch this one unless it is an absolute



emergency.

If a town springs up overnight and you have to buy some land, you know, it could be used. In a normal course of planning, no, you would never use that fund. The profit from the sale of land - and there shouldn't be generally because it is the policy of the government to develop and sell raw land for cost. If there were any profits for some type of exceptional sale to an industrial plant or something of that nature, then the monies would be - the profits would go into the Consolidated Revenue Fund for general purposes for all things for the territory and we would like to keep the \$250,000 revolving fund at that level.

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

**Mrs. Watson:** Yes, Mr. Chairman. I would certainly foresee occasions where the government would be very foolish if they didn't make a profit, and I would hope that the understanding would be that it does go into general revenue, and it doesn't - so that you really can't be accused of being in the real estate business.

**Mr. Chairman:** Clear?

(READS PREAMBLE)

**Mrs. Watson:** Mr. Chairman, may I just ask one more question? What type of regulations would you require? I just can't seem to - usually when you have legislation, there's a provision for regulations and you could sort of see what kind of regulations - what kind of regulations would you place on this type of a piece of legislation?

**Hon. Mr. McKinnon:** I think they would be very simple, Mr. Chairman. They would be much like regulations under the Financial Administration Ordinance, really for the protection of those people dealing in land, and one of the areas that I would see that regulations would be that it be mandatory for the Territorial Assessor to place a value upon the land prior to any deals being struck to protect those people who are dealing in land, that it doesn't get into any kind of even, you know, can never be accused of being in any kind of a patronage position, so I think that the Ordinance itself started out as quite a few pages, and we brought it down into the simple legislation that we needed for what we wanted, and I'm sure that the regulations will be simple also, and along the lines that I have stated.

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

**Mr. Lengerke:** Mr. Chairman, I'm glad to hear that because that was why I asked the question of what kind of regulations earlier on, to see some simple safeguards would be certainly the thing to do.

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

**Hon. Mr. McKinnon:** Mr. Chairman, I would move that Bill Number 4 be reported out of Committee with-

out amendment?

**Mr. Chairman:** Seconder?

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

**Mr. Chairman:** It's been moved by Mr. McKinnon, and seconded by Mr. Lengerke that Bill Number 4 be reported out of Committee without amendment. All those in favour?

**Some Members:** Agreed.

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

(MOTION CARRIED)

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

(RECESS)

**Mr. Chairman:** I now call this Committee to Order. For consideration of Bill Number 5, we now have with us as a witness, Mr. Merv Miller.

**One:**

(Reads Clause 1)

**Fifty-five (1):**

(Reads Clause 55 (1))

**Mr. Berger?**

**Mr. Berger:** Yes, Mr. Chairman. In Section 2(a), real property on which there are improvements, what are improvements?

**Mr. Miller:** Mr. Chairman, the improvements are defined in the Taxation Ordinance.

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

**Mr. Berger:** Yes, this is where the Municipalities and Dawson particularly run into problems. A lot of people have gotten lots, a lot of people had to improve their property by filling up the property with thousands of dollars worth of fill, what people are considering improvements, and under the Taxation Assessment Ordinance or so, all what it says is a building, and there's a lot of people going to be afraid that there's all sorts of shacks going to be put up on the property just to improve it, to get away from the minimum tax business, so I think it should be spelled out properly what are improvements.

**Mr. Miller:** Well, Mr. Chairman, improvements is defined in the Taxation Ordinance as "includes all buildings, fixtures, machinery, structures and similar



things erected or placed in, upon or under or affixed to land or to any building, fixture or structure therein, thereon or thereunder, and includes fixtures, machinery and similar things of a commercial or industrial undertaking and so affixed to the land that they would, without special mention, be transferred by a transfer of land and include trailers or mobile homes".

So it includes improvements on the land, not improvements to the land. Filling up a hole does not improve - is not an improvement on the land.

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

**Mr. Berger:** This is the argument, Mr. Chairman, that when a person has a piece of property where his house sits on, and adjoining he has a lot where there's a garden on there, I personally feel this should be considered as an improvement.

I could see if somebody held the lot for speculation only, and doesn't do anything with it, I would say yes, there's no improvement, but if somebody is working a piece of property year after year, for many years and spends thousands of dollars on that piece of property to have a garden on it, this should be considered as an improvement, Mr. Chairman.

**Mr. Miller:** Well, Mr. Chairman, under tax law, improvements are not classified in that way. Now, under this particular subsection, the Municipality of Dawson can, if they decide, have two different tax rates. They now have that option, if this amendment is passed, which they did not have in the past. So it will be up to the Municipality of Dawson to determine what they want to do, what sort of minimum tax they want to set on those lots.

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

**Mr. Lengerke:** Mr. Chairman, I think I know what the Honourable Member from the Klondike is concerned with, and only mention that the springing up of inadequate buildings or shacks just in order to meet the requirements for improved property, and I think that I'm certainly in favour, very much so, with the amendment as it is here, in fact I really commend the government for bringing that type of an amendment in, where the Municipality can set its particular minimums, and in this case as Mr. Miller has stated, I would hope that Dawson would probably be setting a rather high minimum on improved property. So, in fact, you wouldn't get the development of those particular shacks that you're concerned about.

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

**Mr. Fleming:** Yes, Mr. Chairman. I would ask the witness, he went through quite a conglomeration of real material there, and I am just wondering what they consider real property or such as they are going to tax. Has it got to be fastened down on that property, or has it got to be rolling stock going on and off of that property just

owned by the company?

**Mr. Miller:** Mr. Chairman -

**Mr. Fleming:** Is it moveable or is it not moveable, let's put it that way?

**Mr. Miller:** Mr. Chairman, when you're referring to improvements you're talking about things that are affixed to the land. You're not talking about things that can roll off like trucks. You're talking about a building that is affixed to the land, a piece of machinery that is affixed to the land, on a foundation, let's say. You're not talking about something which is mobile. But it does include mobile homes, when it's used as a home.

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

**Mr. Fleming:** Supplementary, Mr. Chairman. In other words, I am going to give you an exact example, and then you can say whether it can be proper. Light plants that are on skids, are moveable, set just into the building, taken out when they are broken down, repaired, brought back in, they are moveable property, they are not fastened down at all, just not fastened at all. Are they considered to be real property then?

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

**Mr. Legal Advisor:** Mr. Chairman, the reasoning behind the system of taxation is based on the law of landlord and tenant, and basically when this form of taxation was introduced, everything was taxed which would belong to the land owner, and nothing was taxed which would belong to the tenant and could be taken away.

Now, there's hundreds of law cases fought throughout Canada on this point, and the most recent case which was fought here, was a row between a corporation which is well known here, Telsat Canada, as to what particular fixtures in the that they have - or the domes they have throughout the Territory, would be taxable and which would not. And in the courts, they went through fixture by fixture with engineers and with photographs, as to which fixture was permanently screwed down and which fixture was not, and the judge had to decide in respect of each piece of equipment, because they made the case that the major heavy equipment was not permanent, because they could loosen the screws and take away \$25,000.00 worth of stuff.

So, it's difficult in a quorum such as this, to give an exact definition of each piece. It depends on the facts of the case, but basically, if it's fixed to the land and would go on the sale with the land, then it's taxable. If it's something that a tenant would normally bring and could take away again when his lease has expired, then it's not taxable, so that's the classification.

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

**Mr. Taylor:** Mr. Chairman, I had one question. If



indeed a Municipality under the terms of this Ordinance, undertake to reduce perhaps to \$25.00 the minimal assessed value or assessed taxation upon this property, and inasmuch as Section 2 provides that this Ordinance shall come into force retroactively to January the 1st, 1956, and if someone has already paid a hundred dollars on property which will now be assessed at \$25.00, how do these people get their money back?

**Mr. Miller:** Mr. Chairman, the municipalities have all passed bylaws in respect of the 1976 taxation year setting the minimum tax on property within the municipality. All we are doing in this process here is giving them further ability to tax properties on a different rate with improvements and without improvements, and we are saying that it shall come into force on January 1, '76, which is just regularizing what they have already done. They are not about to change their bylaws at this point in time. Their tax demands are out, required. The tax notices are out.

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

**Hon. Mr. Taylor:** I just have one further question in section 2 that I would direct to the Legal Advisor, Mr. Chairman.

You state, as this is a retroactive situation, you say, "This ordinance shall come into force in January 1, 1976 and..."

**Mr. Chairman:** Mr. Taylor, we haven't yet read that clause by clause.

**Hon. Mr. Taylor:** Oh I am sorry. In any event, it was the wording of the thing. Is it not proper to say that it shall be deemed to have come into force rather than - you know, what is the situation?

**Mr. Legal Advisor:** Yes, Mr. Chairman, if I was re-writing it, I would adopt the phrase by the Honourable Member. I think it is a better phrase.

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

**Mrs. Watson:** Mr. Chairman, I guess I am responsible for one of the amendments that are here, quite directly, I would say, not indirectly.

I don't agree with retroactive taxation legislation. I think that in the legislation that we passed at the last session, we didn't do our homework. We didn't, and I don't think the government did, and I think that we have got ourselves into sort of a bind. By bringing in this legislation today, I think we are going to make the bind a little bit more binding and I think that we could easily wind up in court.

I would like to refer the Honourable Members to certain sections in the Taxation Ordinance. Section 50, which we are all familiar with and that is, "Subject to this section, the Commissioner shall on before the 1st day of March in each year and in accordance with this Ordinance, levy taxes on the assessed values of all

property in the territory, not within a municipality".

Now, by amending that section, with the section 115, we made provisions so that the - notwithstanding that section, the levying could be done - had to be done before the end of March. Now, we passed that legislation and the tax was levied by Commissioner's Order on March the 12th. Now, on March the 12th the levy was on all areas outside of municipalities. Now, if you look at section 63 of the Taxation Ordinance, "all taxes levied in any year shall be deemed to have been imposed and to be due and payable on the day in which - on which they are levied." Now, if you would have walked in the territorial treasurers on March 13th and said, I want to pay my taxes, they would have been - they would have had to compute your taxes on the assessment, on your assessment and on the levy that was made in the Commissioner's Order and on the minimum tax which was in force at that time because the tax is not only due but it is payable.

So, on March 12th, 13th, 14th, 15th, 16th and 17th, the minimum tax was the tax that was in force at that time and that is given to us - it was the amendment which was assented to on May 22nd, 1975, and it was Section 5, I believe. Yes, Section 5 of the amendments. On that date, that was what the minimum tax for those days?

Now then, we have turned around and on March 18th, we amended. So, what we have done - we said that for a certain portion of the year, if you had have been lucky enough to go in and pay your taxes at that time, the minimum tax would have been \$25.00. Now, the municipalities had to levy their taxes as a taxing authority on March 1st by a bylaw.

They didn't delay it to the end of March. Now, their bylaw set the tax and their taxes, as of March 1st, were due and payable. When you say "payable", the minimum tax which is in force at that time rose with their tax levy because you are payable. When you go into pay, if your tax is only \$20.00 and the minimum is \$25.00, you pay the \$25.00.

So, that is the one that is rolling at that time. Now, I don't know what notices the municipality used when they prepared their tax roll but they should have used the one that was in effect in 19-May 22, 1975 and if they have not, and if they try to change it - that bylaw is what is in force. Now, here we go again. Then on May 18th, we said okay, we'll change the minimum retroactive to January 1st. Now, the minimum is \$100.00 for areas outside.

But your interpretation of that could be quite different. Were taxes payable in a year? It doesn't say taxes on assessed value of property, it just says taxes. That could be local improvement taxes, it could be school taxes, it could be general mill rate taxes, it doesn't say taxes on assessed property.

So you've got a different rate, so anyone who's paid their taxes up to today, if this Bill goes through, could have used that interpretation to pay their taxes, and they would have been legally right in using that interpretation. I was really tempted to go over there yesterday and pay my taxes to make the test case that is necessary, because it is legally true, I'm sure.



Now we're coming up with saying again, now the minimum tax is a hundred dollars only on real property, assessed value of real property. Now we've got a different rate for the minimum tax. So if you had been smart, you would have paid your taxes on March the 13th, you'd have paid less, you'd have been smart if you had paid them yesterday, especially if you had local improvements on it, you would have paid less, and if it goes through today, you're going to get struck.

But this is exactly what we are doing, and I've spent a great deal of time going through the taxation legislation. I can remember when we were working on legislation, and the biggest word always was "be very, very careful" when you touch the Municipal Ordinance, when you touch the Taxation Ordinance, when you're changing deadlines, because one deadline sets for the whole chain of reaction that, you know, you're going to be forever amending retroactively. And here we are twice now trying to amend retroactively, and we are setting ourselves up for having the whole thing thrown out.

Furthermore, in my research on this, nobody seemed to pay any attention to the fact that we have a school tax, Section 61. "Subject to this Section, the Commissioner shall on or before the 1st day of March in each year in accordance with this Ordinance, levy a school tax on the assessed value of all real property in the Territory, not within a municipality liable to taxation".

Now the Commissioner has not levied a school tax by Commissioner's Order, on property outside of municipalities. There is no Commissioner's Order levying a school tax for the year 1976.

There is a Commissioner's Order which sets a property tax of 38 mills, but there is a requirement that we levy a school tax. So the people in the areas outside of municipalities are paying 38 mills general tax, and not paying any school taxes at all this year. I have my Commissioner's Orders, that is the one on March the 12th, Commissioner's Order 1976-80.

"Taxes to be levied under the provisions of the Taxation Ordinance in respect of real property in the Yukon Territory with the exception of real property in the areas described and known as the City of Whitehorse, the City of Dawson and the Town of Faro, for the 1976 taxation year shall be at the rate of 38 mills to the Canadian dollar".

There is no school tax mentioned. If it were broken down, we have the school tax levied for the municipalities, and that is well within the requirement of the legislation. It is January the 23rd of 1976.

What I am trying to say by bringing up these things, is that I think we have got ourselves into a bind by amending retroactively. My suggestion today would be to leave what was in force on March the 12th, the section on minimum tax that was in force on March the 12th, and leave that as the section or we are going to be in court, and we deserve to be in court, because we didn't do our homework on the last Bill.

So Mr. Chairman, I would make a Motion that we amend the Bill that is before us, Section 55 (1), with the Section that was in force in 1975, and if you will bear with

me, "except as provided in this Section where the taxes payable in any year in respect of any real property on which there are improvements, are less than \$25.00, the amount payable in respect thereof for that year shall be \$25.00.

(2) And I would also suggest putting this Section in for the sake of the Municipalities, so that they don't get themselves into court too. The section that was in force when they passed their by-law on March the 1st, where the taxes payable in any year, in respect of any real property on which there are no improvements, are less than \$25.00 and the real property is situated within a municipality, the municipality may, by by-law, determine the minimum tax payable in respect of such property which minimum tax shall be not less than \$25.00

I would suggest we amend this whole Bill by those sections because those are the sections that legally were applicable and should have been used for taxes that were due and payable at that time, because if those sections are not used, I think every authority is going to have problems in a court situation.

With all due respect to the section 2 of the amendment that was presented today, I would like to see the administration, the government do some work on the Taxation Ordinance for clarification of the minimum tax. Bring it in at the fall session so that we are not looking at postponing deadlines and having the problem where Whitehorse is doing something illegal, the Territorial Government is doing something illegal or them coming back to us and saying, pass the law to make their tax demands legal.

I don't think we should be asked to pass a law to make something legal that the administration has done. So, Mr. Chairman, my amendment is on the floor, that we amend Bill Number 5 with the old section 55 which I read into the record in order to make sure that the taxing authorities have the legal authority at the time that taxes were due and payable.

**Mr. Fleming:** I second that.

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

**Mrs. Watson:** Mr. Chairman, the question has come before that this is a money bill. The Money Bill was introduced by the Government. Surely we are able to amend a Money Bill. If we are not able to amend a Money Bill, then I would certainly request the government to withdraw the Bill and to bring forward an amendment so that we can stay legal.

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

**Hon. Mr. Taylor:** Mr. Chairman, if the motion was that it is the opinion of the Committee to - that the Bill be amended accordingly and directing this towards the government for their consideration, it would be in order.

**Mrs. Watson:** Thank you Mr. Chairman. I will change my motion. It is the opinion of this Committee to amend



Bill Number 5, to repeal section 55 and replace it with the sections that I read into the record.

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

**Mr. Fleming:** I will agree with that.

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

**Hon. Mr. Taylor:** I think I would be - as I am sure all members of the Committee would be interested in hearing the comment of the administration in respect to the most interesting remarks made by the Honourable Member from Kluane in respect of this Bill. Perhaps Mr. Miller could enlighten us somewhat along this line.

**Mr. Miller:** Mr. Chairman, I think it is more a question of the legal nature rather than of an administrative nature and I have heard one legal opinion. I would like to hear another legal opinion, if I might.

**Mrs. Watson:** Thank you Mr. Chairman.

**Mr. Legal Advisor:** With respect, the current form that the debate is taking reminds me of certain absent members. Mr. Chairman, it is an extremely complicated matter to be amending these sections because what we are doing is not really imposing a tax. We are imposing a minimum levy on certain pieces of property which is not in the form of taxation. It is a minimum payment to be made. The basic mistake made in the drafting was two years ago when it was split between property inside Whitehorse and property - or inside a municipality and outside a municipality because at that moment, there was a split because applying the minimum tax, which was not a tax, it was a minimum imposition, then we had different time tables and different methods of applying it.

One of the municipalities requested then the power, not only to have a minimum but to have its own method of applying the minimum inside the terms of the Ordinance and this was granted. So, the sections grew farther apart. Now, I am not saying that there is nothing wrong with the Ordinance as drafted.

I am appalled by the fact that perhaps we made a mistake in not producing a Commissioner's Order to impose the school taxes and whatever the result of this debate, the government would need time to consider this particular legal point because this particular legal advisor was not aware of the point and we would have to look it up.

But it would appear to me that the House is a sovereign body and can pass any legislation it likes, either with a retroactive effect or with a prospective effect and if it says that taxes are payable or a minimum imposition is payable from a certain antecedent date such as the 1st of January, 1976, then it is not for me or for anyone else to deny the House that power.

So, it becomes basically a question of what is the intention of the House and then it's for the draftsman to do his job properly, to reproduce that intention into

legislation and make that law. Basically it is only to some extent a legal question. It's a question for policy decision by the House as to what legislation they want.

Now, the intention was to see to it that property outside municipalities did, in fact, pay at least \$100 of taxation but of taxation imposed in respect of basic property tax, not in respect of local improvements which are a variable scale which are payable in response to what has been delivered. It's a service charge. It was suggested, and the Honourable Member is correct in saying that she is the mother of the section in that once it is brought to the government's attention, that there was this drafting fault, then it had to be remedied and the government had to bring this Bill before the House.

So, the Government is suffering perhaps from drafting mistakes.

Now, the first Section appears to me to be unexceptional, that's sub-section (1). The Bill makes it clear what the intention is, and that is that every person who is the owner of property will pay a minimum of \$100.00 in respect of a certain portion of taxation, which is the taxation imposed pursuant to Section 50 or Section 115.

Sub-section (2) is designed to do a different thing. It is designed to give the Municipality power to depart from the basic canon of taxation, which demands that everyone be treated alike in the measurement of the taxation he pays. If the split between real property with improvements and real property with no improvements was not made, it could be fairly argued in a court, that a municipality was applying a scale to people with or without improvements which it had no authority to make. So it's essential that this Section make that clear, that they have that power to divide into classes.

Now, the main point that the Honourable Member made was that we would be in court with these Sections. Perhaps we may, but it is competent for the House to say that a tax shall be paid with a retroactive measurement effect, or a retroactive date, and the House will recall that the delay in passing the legislation was occasioned by the wishes of the House, to be given time to study the effects of the Bill as it was originally drafted.

So if the draftsman suffers from some degree of guilt, he should have eleven sinners doing penance with him, with respect, Mr. Chairman.

Now, it is possible to argue in a court, and I'm sure the judge would listen to the argument, that if I had paid taxes on the 13th of March, my bill would have been different. But once the Bill was passed, then it became law, and it reflects back to the 1st of January, so that the unfortunate taxpayer who was quick on the draw, would have to pay the second instalment at some point in time after March the 18th, or else he would get a supplementary bill. He would be smart, but the tax collectors are smarter, as perhaps most members know.

So maybe the government will be in court with the Sections as they are, but then the government is in court every day anyway, and it's not something that would give this particular Legal Advisor more gray hairs than he has. So with respect, the risk is great that we're wrong, but the risk is greater if we do something different. So in my respectful opinion, I would allow -- I would



advise the Sections be passed as they are, but that a delay period be given to the government to reconsider the point raised by the Honourable Member, because there have been very good points made, and they're worthy of consideration and some people have made the mistake of -- as the Honourable Member's predecessor mentioned earlier, of assuming that something was unimportant, when it turned out to be a boomerang which hit three months later.

Thank you, Mr. Chairman.

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

**Mrs. Watson:** Mr. Chairman, it was very interesting to listen to the Legal Advisor, and he is correct in saying that the request was made by the House to delay the resolution, so that the levy of the tax could be made. But the point I am making is that the administration, the government brought forward the tax bill, and they should have at the same time said when those taxes are levied, we better make sure we have the minimum tax in place that we want paid on that day.

They were brought in on May the 18th, and now we are bringing in another amendment, and you know, the Legal Advisor can say all he likes, but if you had paid your taxes yesterday, that was what was the law. I'm sure that you would have a pretty good case before the courts. And furthermore, furthermore, I don't think that we should be fooling around the jiggery-pokery with an important piece of legislation as a Taxation Ordinance, and changing it, for Heaven's sake, retroactive taxation for the same year, and here we are -- it's June, almost June, and we are still changing the Taxation Ordinance retroactive to January the 1st, 1976.

We should be the laughing stock of all of the people of the Territory, and well we deserve to be, for even considering that sort of foolishness. We levied our taxes on March the 12th, the Municipalities, the authorities levied theirs on March the 1st, and if we weren't smart enough to bring in the minimum tax at that time, we deserve to have to sit on our thumbs and wait until the next taxation year and bring in something that's properly thought out.

To be fair, to be honestly fair to the Municipalities, who probably don't know whether they are afloat or on horseback, and to the people of the Territory who get a tax notice, the minimum is so much, and yet their local improvements, and it's absolutely correct that the amendment the last time had a loophole so big you could drive a whole local improvement through it. -- So in all fairness, let's take it on the chin and say okay, we'll come forward next year properly prepared.

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

**Mr. Fleming:** Yes, Mr. Chairman, as many of you can see, I think the Member from Kluane has done some homework and I myself has been at the same thing and that's why I second the motion. I cannot vote for this Bill coming into the House now at this time due to all the reasons she has given and I am hoping the government

can be like myself. I am prepared to stand up here today. I voted for a Bill last spring of a minimum tax of \$100.00 and I felt I was doing the right thing and I found out later I wasn't doing the right thing because I checked through my community and did some more homework. I am not against the Minimum Tax Act but I am certainly here to apologize to my constituents when I said raise it to \$100.00, \$75.00 in one year.

The Honourable Member from Kluane says to take this back and bring it back at the next session of this fall and take a good look at it. I would advise the same thing be done because there is so much discrepancy in the Minimum Tax Act as it stands, being \$100.00 for any block of property at all or land, that it just don't fit.

I can show you and I have them in the drawer, leases, with an option to buy -- still in the Territory, one or two. These are classed \$100.00. Tax is \$100.00 and possibly rightly so. Then I can take over and I can show you leases in the Territory that are absolutely, you might say, worthless to a person because he can never own it. He can never have anything he puts on it -- if they decide to move him, he's gone and they are still classed at \$100.00.

Therefore, that's where we made the mistake. We didn't look at the whole situation. I think the Honourable Member from Mayo can tell you another instance where the land is so small, it is really not worth the \$100.00 and yet I can show you properties that should be probably worth \$500.00. So, I think the whole situation needs to be taken back and taken a good look at and come up with some type of taxation per square yard, foot or so forth and so on that deals equally with everyone and gives everybody a fair shake.

This one doesn't do that. Therefore, I can't vote for this amendment here today. I know that. There is no way that I can vote for that one.

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

**Mr. Lengerke:** I will reserve my comments for a moment, Mr. Chairman.

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

**Hon. Mr. Taylor:** Yes, Mr. Chairman. I can recall listening to some of the problems particularly raised by the Honourable Member from Mayo and the hardships that were being imposed upon, in his constituency, I believe in Keno and perhaps in other areas around his constituency, with the small lot situation that the Honourable Member from Hootalinqua has just mentioned. I would have thought that when this Bill came down, that some consideration would be given to that situation and I would like to ask the Honourable Member of Local Government if indeed he has considered this question, because it appears to me that we only provide for a municipality by bylaw to deal with this question and not the unorganized areas of the Yukon.

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



**Hon. Mr. McKinnon:** Mr. Chairman, to answer the question, the Honourable Member says that it was at this session, the problem was brought forward and I made the commitment to the Honourable Member from Mayo that that would be looked at and this is exactly what is going to be done, looked at and all the ramifications after, prior to legislation coming before this House, because we do get into trouble on things like the Municipal and the Taxation Ordinance as the Honourable Member from Klwane well knows that we try to move amendments without having our homework done properly and realizing all the different series of commitments and the different events that every change in these ordinances triggers.

I would like to say several things in answer to some of the points that have been made at this time on other sections of the Bill. I don't think that members should be getting too concerned or involved with Section 55(2). The reason that there was only a minimum tax on real property on which there were no improvements was -- came as a result of amendments asked for, to the Taxation Ordinance, by the Association of Yukon Municipalities.

They did not want to place a minimum tax on both improved and unimproved property. We didn't know what their reasons were. This is what they asked for. We think that they are old enough to handle their own affairs and that's what we gave them. At the last meeting of the Association of Yukon Municipalities I said, hey, how about giving us the ability to tax on both improved and unimproved properties and set our own minimum on both those areas. We said, fine. You know, you are big boys and we agree with that kind of thinking and we will allow you that under the Taxation Ordinance and that's all that subsection 2 does. Whereas before, they had the ability to levy a minimum tax of their own liking on unimproved property. They can now levy a minimum tax on improved property and take care of situations in different municipalities that present themselves like the Honourable Member from Dawson has stated in this House.

You are getting into a very real problem if you start saying, you know, we know what is best for the municipalities and we are going to set their minimum tax back to \$25.00 even though Dawson has set and budgeted for a minimum tax of \$120.00, and Whitehorse has set and budgeted a minimum tax of \$100.00, then I charge the members of this House with unwarranted intrusion in the affairs of the municipality under the Municipal Ordinance because it is those people who want these taxes, these minimum taxes to be able to fund the services that they need for their constituents.

I say that we have got enough problems running the affairs of the territory without worrying about getting involved in the affairs of the municipalities who are totally elected members, the only responsible government actually in the community and the electors can take care of them and the municipality if they make too many mistakes.

As I say, I don't think that we should get too involved with subsection 2, 55(2) in this ordinance. It's just a

simple request from the AYM and one that we are living up to in the philosophy of this government that we let the municipalities get into the field of taxation in the method that they so desire.

Section 55(1), of course, we all know what the effect of the putting of the tax back to \$25.00 on minimum this year would mean. It would mean a loss of revenue of some \$200,000.00 to the Government of the Yukon Territory in this fiscal year, and there is no way that we can take a loss of \$200,000.00 in the field of minimum taxation, and not minimize once again, the standards of goods and services supplied to the people of the Yukon Territory.

We already in this fiscal year, had to come up with some \$800,000.00 to meet modified demands of the public of the Yukon Territory because we wanted to remain a fiscally responsible body, and if we were further depleted from 200,000, then that money has to come from somewhere. The only way it can come from is from goods and services not being provided to the public of the Yukon Territory.

And who is providing that \$200,000.00 on that minimum taxation? As I say, I had the public just going bananas, my phone was coming off the hook, people writing, the A.I.B., it was incredible, it was the most pressure I've ever had upon me as a member of the public, and I took every instance of these people, some of them the language was so bad you just had to shove the phone down again because it was so abusive to both myself and to the rest of the family that we wouldn't even talk to them.

But others have made the point, there was people in the Honourable Member's constituency on the Mayo Road whose house I know, whose home on acreage went from \$25.00 to \$100.00 and was complaining bitterly. That same person also had a grazing lease of some 40 or 50 acres that went from \$25.00 to \$100.00, and also had a cabin at Marsh Lake, which I know of and I've been in, which went from \$25.00 to \$100.00, and he was complaining to me, at the same time who had a better house than I did, had all kinds of land and had a better cottage than I did, who just received my bill from the City of Whitehorse, which was \$400.00 for my little bungalow on Alexander Street, plus a hundred from the Territorial Government, for a hundred by two hundred recreational lot, and he was complaining about \$300.00 for the total gamut of his land holdings in the Yukon, where I was getting 500 nailed from the Municipality, and for a two hundred by one hundred recreational lot.

Then you know, I heard the only, and I won't embarrass him by naming him, the only Member of Parliament in the Yukon Territories, screaming and yelling about his place, I won't name the Lake, but it's the opposite of Noisy Lake, you know, where he happens to have four acres of title ground which he got for \$110.00 from Crown land. I've got a hundred by two hundred recreational lot on a five year lease, with a 30 day removal clause from the Minister of Northern Affairs, and I pay a hundred dollars, and my friends and neighbours still think it's a hell of a bargain in the Yukon and didn't complain, and I heard the Member saying it's terrible.



write to the A.I.B., petition the Minister, do everything, at the same time he is saying, "we want more responsibility for the members of the legislature, we think that they should have the ability to govern their own affairs. We think we should have responsible government in the Territory". His land, which you know -- the rolls are open, the tax rolls, and it's very interesting going into all the instances of the people that I raised that are screaming and yelling, because it's a real education.

Because of the value of his property when he got title was declared at \$46,000.00, on four acres of prime recreational land in the Yukon and it went from \$25.00 to \$100.00, and the cries and screams to the Anti-Inflation Board because of this. Just about all these instances of this hundred dollars with few exceptions, and I have true sympathy with the Honourable Member from Mayo, are the same thing, that there is no justification for the screaming and yelling that is going on because if you study the tax rates in the Yukon, and I've got them all down here, if you want me to bore you with them, they're the lowest of any other jurisdiction barring Alberta, in the Dominion of Canada, and that is the facts of life.

And anyway, I can bring example after example of these instances where the members now say let's go back from a hundred to \$25.00, you know. Let's drop that \$200,000.00. I say it would be criminal for this House, on the rip-off that some people have made tax-wise in this Territory, to go back to the \$25.00, because guys like me who are hit for a hundred by two hundred lot of recreational property that's only available on a 5 year lease with a 30 day removal clause for a six months' basis in a period of a year, I say that's a pretty good bargain.

And I would rather pay that to be getting these other guys who have been getting away with far too much in the Yukon Territory up to this time. I made the commitment, I promised the Honourable Member we would look at the 25 foot lots that are in Mayo and Keno, and those are the ones who I really have some sympathy for. You know, I've met the squatters in en masse, saying jeeze, you found us and now we've got to pay a hundred dollars to the Territorial Government. We just hate it, that's terrible, we're complaining to the A.I.B. too.

I said I'm glad that we found you, and I'm glad you're paying a hundred dollars and contributing a bit to the government of the Yukon Territory, for crying out loud, and if you think a hundred dollars is too much, you go and try and find a better deal anywhere in the country, and we'll be glad to see you go and not let you contribute the hundred dollars to the Government of the Yukon.

So let's get down to the reality of life, you know, you've got a darn good taxation level in the Yukon, the best in the country, and for crying out loud, let's not try and diminish the Yukon Territory's financing by another \$200,000.00 by a lot of people who if you took the time to go and look at the public tax roll as I have done, shouldn't be screaming and yelling and making noises in any way, shape or form, I'm glad to be starting to pay their own way.

I'm telling you that the Territorial assessors are going out and looking at some other property in the very

near future, because those people will be eligible, once the assessor gets through with them, for a homeowner grant next year, because they will be paying more than the minimum taxes.

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

**Mrs. Watson:** Mr. Chairman, it has a faint tone of a Watergate. Now, if you don't do what I like, I'll set the income tax on you, and if you don't like the property taxation I'll send the assessor out to you, and, you know, that is not -- and I know that a lot of people are sitting back and cringing and thinking, now, you know, we've made a noise, we've screamed and hollered about the taxation, is the assessor coming out to our community because we've made a noise?

And this is true, and every time the Honourable Member stands up and says that somebody else is getting along on the backs of all the rest of the people of the Territory, you're going to get this type of reaction. The point that I brought today, I never once today said anything about the amount of taxation. I said what we were doing with the legislation which levies the taxation, and you have to be responsible in that regard too, you -- we are passing laws, things that people have to do, and if they don't do them there is a great penalty involved with it.

We have changed our minds so often. We have fooled around with this legislation so much this year that, if you really go back and look -- look, Taxation Ordinance, Municipal Ordinance, all of them have got amendments and they are back and forth and try and straighten it out in your own mind; I think it's just sad, and I think we are responsible for it and we had better go back to March the 12th when we levied the taxes.

I am not objecting at all to the suggestion that the Municipalities should be able to determine and should be able to levy minimum taxes on real property with improvements, real property without improvements. But it appears that they assumed this power on March the 1st and didn't have it by law.

Now, I would hate to think that this legislature is taken so much for granted, that you can send out a tax notice based on the fact, that those dummies over there are going to pass that Bill, and that's just how I feel. Somebody took me for granted, if the tax notices -- I don't know whether they were -- were sent out on that basis. Even if the Municipality, Association of Municipalities in the Yukon, requested it, fine, they did request it, but don't let them use it and charge it until in fact it is law, until they have been given the authority to do it.

I have no hang-ups about leaving 55(2) in, but I would sooner see the whole Bill amended at this time so that you can properly do your homework and realize the ramifications, the different sized lots, that have been brought up. I am talking about the actual legal work, the actual cleaning up that has to be done; then come forward and present us with a concise presentation, and I'm sure you will get a lot more support than you think you will for '77.



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

**Mr. Fleming:** Yes, Mr. Chairman. I have to agree with the Honourable Member when he gets very excited over some of these large lots being charged only a hundred dollars. I think if he just thinks what I was saying before, exactly what I am saying again, to take this legislation back and come forth with good legislation, that we all know starts at the beginning and goes up to the top, and don't just take every piece of property as being the same.

As far as (2) in this Taxation Ordinance is concerned, I don't think the Member could say that I said anything about the Municipalities except seconding that Motion, and I, too, would be prepared to see that stand, if that's the wish of Council. However, I cannot see 55(1) stand.

I remember last spring when we were here, or the winter time, February, March, whenever it was, that the Members in this Council and myself voted for the \$100.00 minimum tax and some other Bills that were here, such as the Homeowner's Grant and a few more which is all applicable to taxes. And when the Member says that I shouldn't be more or less saying anything about Municipality taxes because I more or less don't know anything about Municipality taxes, I have to agree with him again a hundred percent.

And I'm looking around this table and wondering how many people here, and how many Members in this House that actually live in Whitehorse and are here, know exactly and knew at that time just what they were doing when they voted for the minimum tax in the Territory, because I think they all pretty well voted against or for some Bills at that time, that they weren't just too sure what the consequences were going to be.

So, therefore, I wonder if they couldn't be big enough to see the light and maybe the government too and leave that taxation alone for this year and bring it back next year - bring us something that is worthwhile looking at, and I'll be probably ready to go along with it.

**Mr. Chairman:** Question?

**Some Members:** Question.

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

**Mr. Berger:** Thank you, Mr. Chairman. I am just rising -- I am a little confused. In a municipality, if we vote on this Motion before us, I again have to speak only for the Dawson -- financial situation in Dawson, and I think the Members are aware of the implication that we have had. You see, Dawson would have to roll back taxation and anything like this and I cannot see this being able to be done in Dawson but I am really concerned in Dawson and I disagree with the witness on some things he had said to me. I am also quite concerned with the minimum tax on parcels of land in Dawson.

For instance, a person in Dawson pays \$120.00 on a two-foot strip of property. The minimum tax is applicable to this. In Mayo and Keno, a lot of lots - twenty five

foot lots - and there is no room in the Municipal Ordinance right now that the City of Dawson can amend those things. This is why I have to agree with the Honourable Member from Hootalinqua to say the whole Taxation Ordinance, the Municipal Ordinance, and everything, should be looked at thoroughly to make room for all those implications that we are talking about right now.

**Mr. Chairman:** The amendment before us -- Mr. Lengerke?

**Mr. Lengerke:** Thank you, Mr. Chairman. I would just like to make this comment, that I commend the Member from Kluane for the homework that she did with respect to this Ordinance. I also did some homework with respect to it and certainly all I can say to her is that she found out a few more things than I did.

I was disturbed somewhat by the Legal Advisor's comments that, either way, we could go with this thing. I like the amendment the way it reads right now because, with respect to my municipal experience, it fits what I would like and I would be inclined, at this point in time, to go along, to fly the Bill the way it is, with the amendment.

However, as I say, I know that there are a lot of Members around that are really wondering just what the legal implications are going to be and what is going to happen. I also would have hoped and would have liked to have seen a further amendment with respect to the smaller lots. I think it would have been certainly a good idea to have brought in that amendment. However, that will be forthcoming, as we understand.

With that, I would just say that I will be voting in favour of the amendment the way it stands today.

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

**Mrs. Watson:** Mr. Chairman, there is one thing that I would like to have checked out for sure and that is, if we leave section 2 in, I am quite prepared to take 55 sub 2 out of my amendment and leave it in, but I am concerned because section 2 then becomes retroactively the law. Would we then be making what some of the tax demands that the Municipalities have sent out, would we then be making some of these tax demands illegal? I think that I would like to have the Chairman give us just a few minutes to check back and forth these sections because, if we pass 55 sub 2, that is a requirement by law that the Municipalities have to follow.

If it is a conflict with what they have done, you know, I wouldn't want to do that.

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

**Mr. Lengerke:** Mr. Chairman, again the Honourable Member from Kluane raises a good point. I don't think that there would be any problem with respect to the levying of the municipal taxes but maybe we could take just a few minutes out.



**Mr. Chairman:** I will read the amendment and then we will recess.

It was moved by Mrs. Watson, seconded by Mr. Fleming, that it is the opinion of this House that Bill number 5 be amended by deleting subsections 1 and 2 of section 55 and replacing them with subsections 1 and 2 of section 55 of the Taxation Ordinance of the 1975 second session assented to May 22, 1975.

I declare a brief recess.

(RECESS)

**Mr. Chairman:** I now call this Committee to order. Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, with the permission of the House, and after talking to some of the Members, I would like to have the ability to withdraw the amendment and replace it with another one. I would have to have the permission of the House.

Quite a number of the people were concerned that Section 55(2) should be left in the legislation because there is a may provision and it is the type of a thing that the Municipalities have been looking for and they would like to see that retained in the Bill, but I think some of the Members are prepared to consider asking the government to withdraw -- amend 55(1), so I would like to withdraw my amendment and replace it with another amendment, with the concurrence of the House, with the concurrence of the seconder.

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

**Mr. Fleming:** Yes, Mr. Chairman, if the House concurs, I agree.

**Mr. Chairman:** Does Committee agree?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary? The amendment is then withdrawn.

Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I would like to amend Section -- I would like to, that it is the opinion of the Committee, that Section 55(1) of the Taxation Ordinance of Bill Number 5 be amended to state "except as provided in this Section, where the tax is payable in any year in respect of any real property on which there are improvements of less than \$25.00, the amount payable in respect therefore for that year shall be \$25.00."

**Mr. Chairman:** that is the section that was in force and payable on March the 12th, when the taxes were levied.

**Mr. Chairman:** Secunder? Mr. Fleming? Can I have a copy of that, Mrs. Watson?

**Mr. McCall:**

**Mr. McCall:** Mr. Chairman, could we get clarification from the mover of the Motion please and a good exam-

ple of what she is intending behind this particular Motion?

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

**Mrs. Watson:** Mr. Chairman, the point I made before was the fact that, on March the 12th, taxes were due and payable. That was when the assessment, the levy, was brought in by Commissioner's Order, and if anyone had been able to pay their taxes at that time they would have qualified to pay at the minimum tax level that was in force at that time, which was the amendment that I am bringing forward now.

That is the point I'm trying to make. It is my opinion that we did not do our homework and the government did not do their homework in order to bring these two together, and because there is a requirement to review this minimum tax structure for the 1976 year, we roll on with that amendment, and have the government come forward to review the whole situation of minimum taxes outside of municipalities and come forward well in advance, before March the 1st, for the taxation year of 1977. So that we can give it proper consideration.

I think that if we do not do this, we could well find ourselves in legal problems in the courts, with the type of legislation we've been amending and amending with retroactive taxation. I do not think that the figures that the Honourable Member quoted, of \$200,000.00 of lost revenue, is exact.

If we were amending the 10 mills, this would be a different thing, but the \$200,000.00 on the minimum taxation, I think, is a horse of a different colour, and even if it is the case we would then have to and we do have quite an excess in our budget this year -- of working capital. We do have working capital, and if we do not have working capital you will come to this House looking for working capital, and we do have working capital you know full well in the revenue measures that were passed.

So, Mr. Chairman, that is the proposal. That is my amendment.

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

**Mr. McCall:** Thank you, Mr. Chairman. I appreciate the Honourable Member explaining some of our remarks that have no bearing to the question I asked him. I am a little concerned about this Motion. I disagree with the Motion. I will not be voting for the Motion because I think, in my own opinion, the Honourable Member is encouraging this government to take four steps backwards, which I cannot accept.

As far as the legal ramifications, if there are some, that may be coming on the horizon, so be it. I think we should cross that bridge when we come to it. I do not think that this motion is going to benefit anybody the way it has been presented. I don't like it. I am a little concerned about it.

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

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



Advisor answered the question once before. If a person would have paid his taxes on March 11th and the Bill we passed on March the 18th was assented to on March the 18th and came into force, wouldn't that person have to pay the other taxes on top of it?

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

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

**Hon. Mr. McKinnon:** Mr. Chairman, just so everybody knows exactly what they are voting on and for and what it means in the field of finance to the Government of the Yukon Territory:

Through the 10 mill increase and the increase in minimum from \$25.00 to \$100.00, we intended to raise some \$440,000.00-\$450,000.00 in extra revenue to the Territory this year. \$240,000.00 of that came by the 10 mill increase. \$160,000.00 from mines. \$42,000.00 on homes and \$40,000.00 on business and commercial properties through the 10 mills. The other \$200,000.00 was raised on increasing the minimum tax from \$25.00 to \$100.00 on 2,748 properties sitting around the Yukon Territory.

Of that number, fully 1,873 of them are sitting vacant in the Yukon Territory at \$25.00 a year, which doesn't even pay us to put out the tax notice of \$25.00 a year. Most of those 1,873 properties are large holdings, being used and maintained at \$25.00 a year, mostly for speculative purposes, and we are going to lose \$200,000.00 in revenue from those properties.

The other 875 properties were improved, either homes or commercial enterprise, which weren't up by assessment to \$100.00, were somewhere between \$25.00 and \$100.00. \$60.00, \$70.00, \$50.00 that went to \$100.00 and that only raises some \$62,000.00. So, the vast majority of revenue from the minimum tax comes on unimproved property sitting vacant, a lot of it isn't even owned or leased by Yukon land holders.

Mr. Chairman, there is another thing. I thought that we would wait until the fall session to introduce to the public of the Yukon, the Members of the Legislative Assembly, the facts of life of finance in the Yukon Territory and I think we have been honest with this Assembly and we are going to continue to be, but under that, under Treasury Board Guideline, we have dictated that we will have a 16 percent growth increase in government in the next year and that's it. Sixteen percent.

We already know that the cost of goods and services, electricity and things of that nature, wages, are putting us in the neighbourhood of where we are looking at a 40 to 60 percent growth bracket in government, just keeping up with the goods and services we now provide.

We estimate at the present time that we have a working capital, I think, of some million and a half with a 40 to 60 percent increase that we are looking at, that we are going to be looking at some three million dollars next year minus the working capital, but maybe a million and a half of money that we just don't have. We have got the ability of going a further \$200,000.00 in the hole through this, or we have got the ability next year of biting the bullet once again, which we did this year, and

not raising taxes, I don't think, next year but we are going to be looking at a freezing of the civil service. We are going to be looking at cuts in goods and services and programmes for the people of the Yukon Territory.

So, be prepared to accept the results of what you are attempting to do through amending this Motion. I call it fiscal irresponsibility. We have heard two legal opinions at this time; I am inclined to go with the professional legal advice of the Legal Advisor and I am prepared to commit this government to fiscal responsibility, which is what we have done through the budget and is what we are doing through these amendments to the Taxation Ordinance.

Those are the facts that you have to face when you are voting on this amendment and on the amendments to the Taxation Ordinance.

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

**Hon. Mr. Lang:** Mr. Chairman, I just have a few comments to follow up with what the Minister of Local Government had to say. First of all, I would like to applaud the Minister for the way he has gone under pressure here for the last couple of months. I have heard some of the phone calls he has received and they aren't nice, not nice at all.

I would like to point out--I would like to reiterate what the Minister has said in regards to the monies for next year. In the Anvil Strike, with the taxes we lost on fuel and this type of thing, we lost in the area of \$300,000.00, which was estimated revenue. Also, with this \$200,000.00, you are looking at a half a million. Now, in my department alone, I am looking at negotiations with the YTA as well as escalating prices in O & M. I am looking at three-quarters of a million dollars over and above what we voted last budget session. Three-quarters of a million dollars - and I would project probably a minimum of three-quarters of a million dollars just to give you an indication of what financial plight this government is in at the present time.

I think when you vote on this Motion, it is so definitely important to us as a government because we go further and further behind. I tell you, when we come here, you will be looking at more programmes slashed.

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

**Mr. Fleming:** Yes, Mr. Chairman, I am really amazed at the money that these fellows can speak of that they are losing, or that they haven't got. In seconding this Motion, I was merely saying the opinion of this House is that the government do something about the Bill, and come up with a logical tax Bill.

We are not saying it has to be done, because we seem to be powerless to do that at any time by the look of things, and I hear the Honourable Member worrying about \$200,000.00 here and \$200,000.00 there, in raising it, but I didn't last year when the Homeowner's Grant went into effect, where there was any worry about raising the \$200,000.00 or the \$400,000.00. It was very simple, we just get it from the poor, that's fine.



Now, I find the shoe is on the other foot. We are merely asking the government to look into the situation in this amendment, and that's all.

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

**Mrs. Watson:** Mr. Chairman, I wouldn't mind having the last word.

Mr. Chairman, the Minister of Local Government speaks about fiscal responsibility. Very true, it's a responsibility we have to accept. I'm quite prepared to accept it. I think that I've been noted for being the penny pincher in this Chambers. I have not asked for new programs, I have said no way shall we have day care centres, no way shall we have legal aid, no way shall we have Homeowner's Grants.

**Hon. Mr. McKinnon:** T.V.?

**Mrs. Watson:** That is our community development fund. Mr. Chairman, that is a special fund which we would have lost. This is true, fiscal responsibility is a very important part of the function that we perform, but we also have a responsibility that when we sit down to consider legislation, we have to make sure that we're amending legislation and doing the things that we are capable of doing, and making sure that the legislation that is presented to us, is going to be legislation which will be legal in all the aspects and all of the function that they are trying to perform, and this is the point that I am making.

I think we absolutely blew it, the government blew it, and we blew it by not even questioning the legislation. The capability of doing what we thought we were doing, and as this Legal Advisor says, you will likely appear in court, and you will likely lose it, and then you can throw your whole tax roll out, and your \$200,000.00.

I'm saying let's be honest and fair with the people of the Territory. Now, isn't this great, they're back and forth. One day you owe this much, another day you owe a certain amount, they don't know what the tax levy is for sure, and I would suggest that we go back to what was in force on March the 12th, the way we are supposed to under the legislation the day that the Commissioner's Order levied the taxes on the assessed value of the property in the areas outside of municipalities, and on that day the taxes were due and payable and your minimum rates --

**Mr. Chairman:** Order, please.

**Mrs. Watson:** -- was due and payable --

**Mr. Chairman:** Order, please, order, please.

**Mrs. Watson:** -- at that time.  
Thank you Mr. Chairman.

**Mr. Chairman:** Mrs. Watson, we cannot be repetitive in our --  
**Mr. McCall:**

**Mr. McCall:** Mr. Chairman, I was going to say the same thing. I was left with the impression with the Honourable Members making remarks from the previous Motion that was presented to us, which was withdrawn, and I'm quite surprised she should come back into the same old recording, which I don't like.

As I stated before, I don't like the Motion. As the Honourable Member has explained, even herself is confused. The Honourable Member, the seconder of the Motion, I don't really think is aware of the Motion that is before him at this point in time, because the debate has gone on. We have lost sight of the fact that it's not going to serve any useful purpose, the Motion itself.

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

**Some Members:** Question.

**Mr. Chairman:** It has been moved by Mrs. Watson, seconded by Mr. Fleming, that it is the opinion of this Committee that Bill Number 5 be amended by deleting Sub-section (1) of Section 55 and replaced with sub-section (1) of Section 55, of the Taxation Ordinance of the 1975 Session, assented to May 22, 1975.

All those in favour? Contrary? The Motion is defeated.

*(MOTION DEFEATED)*

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

**Some Members:** Clear.

**Mr. Chairman:**

*(READS PREAMBLE)*

I will entertain a Motion.

**Hon. Mr. McKinnon:** Yes, Mr. Chairman, I move that Bill Number 5 be reported out of Committee without amendment.

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

**Mr. Chairman:** It has been moved by Mr. McKinnon, seconded by Mr. McCall, that Bill Number 5 be reported out of Committee without amendment.  
All those in favour?

**Some Members:** Disagreed.

**Some Members:** Agreed.

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

*(MOTION CARRIED)*

**Mr. Chairman:** We will now proceed with Motion Number 5.



Motion Number 5 reads, "Moved by the Honourable Member from Ogilvie, seconded by the Honourable Member from Kluane, that Sessional Paper Number 1 be moved into Committee of the Whole for discussion".

I am taking this opportunity, because Mr. Miller is with us as a witness.

**Some Members:** Agreed.

**Mr. Chairman:** I am sorry, that is an error. The discussion we wanted to entertain now is regarding the Homeowner's Grant, that Mrs. Watson had moved into Committee. We will go to Sessional Paper Number 5 when -- we will return to the Homeowner's Grant Ordinance at the present time. Motion number 6 is it?

You all have before you the Homeowner's Grant Ordinance. Mrs. Watson?

**Mrs. Watson:** Mr. Chairman, I moved this into Committee for a very specific reason, and the reason I moved it in was the government's interpretation of local improvement, and it refers to Section 1 -- I don't know, I think it's sub(1). It says, "Taxes mean taxes levied" -- here we go again, taxes, "...taxes levied on lands and improvements by the Commissioner and Municipality pursuant to the Taxation Ordinance, but does not include licence fees, local improvement taxes, arrears, penalties, delinquent taxes, nor interest."

Now, those taxes that are named are not considered --

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

**Mrs. Watson:** -- as taxes for the Homeowner's Grant.

**Mr. Chairman:** One moment, Mrs. Watson. I think for Committee's identification, it's Section 2, sub-section (1), paragraph (i).

**Mrs. Watson:** Thank you. Section 2, sub (1), paragraph (i).

And the reason I bring it up because it refers particularly back to the Community Assistance Ordinance, and I think there's a discrepancy in the interpretation of local improvements. I think that it's been an oversight in the legislation, and somewhere along the line there should be some provision made for it.

Under the Community Assistance, for Local Improvement Districts, when you have a piped water system in a community, the government pays the hundred percent of the cost and you have a one mill charge against the assessed property. For a sewage system, you have a one mill charge.

Now it is my understanding that that mill is not going to be a tax which is eligible for the Homeowner Grant, and yet in the Municipalities, the sewer and water, the piped sewer and water system is shared on, I believe a 75 to 25 percent basis. The homeowners on a frontage basis, pay the frontage costs, and the 25 percent is picked up as a levy under the general mill rate of the municipalities. So actually they are being levied for a local improvement, but will be eligible for the

homeowner grant on that local improvement.

Look at your community facilities. When you're looking at, for example, the arena at Porter Creek was cost shared by the Territorial Government, 90 percent to 10 percent for the City. Now, the city was able to pay the 10 percent either in cash, or volunteer labour.

Now, if they paid it in cash, it would come out of their general revenue, which is received through taxation, which really is a local improvement, and yet under the Community Assistance Legislation, under the L.I.D.'s, if you have a community facility that's cost shared 90 percent and 10 percent, and if the community does not pay its 10 percent through cash or volunteer labour, then there is a three mill local improvement charge against the assessed property in that area. That three mills then is not a tax which can be computed for the Homeowner Grant tax.

The same thing in this one. There is a little bit more understanding, and I can understand this one. If TV goes into the communities, and they don't raise their thousand dollars, then it's one mill and I believe the government's interpretation of that is local improvement, which is understandable.

But the capital cost sharing under the Capital Assistance in the Municipalities, their share is taken out of general revenue. It is a mill charge, it's eligible for Homeowners Grants. In L.I.D.'s, it's considered a local improvement by legislation, and the three mills, or the two mills, or the one mill, are not eligible as taxation under the Homeowner Grant.

**Mr. Chairman:** Mr. Miller?

**Mr. Miller:** Mr. Chairman, I would have to look at all the things in specific detail but, as I recall, the Municipality of Whitehorse has built the Porter Creek Arena as a local improvement under a Local Improvement Bylaw. If they did it that way, then those -- the monies that they have to come up with for that purpose, have to come from a local improvement tax, not from general revenue.

So, it is a little more complex than it appears. I don't think at the moment there is any inequity, but I am certainly prepared to go back through all the ramifications of this and have a good hard look at it and make sure that there are no inequities for either the L.I.D.s or the municipalities.

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

**Mrs. Watson:** Mr. Chairman, I wasn't bringing it up from the point so much of inequities. I was bringing it up that these are details of interpretation of legislation that often cause a great deal of problems which really haven't been interpreted correctly by the government at the present time and I think that some decision should be made in this regard so that, when your Homeowner Grant application forms and your tax demand application - tax demand forms - are sent out, so that there is a clear indication to the recipients of that tax demand so



that they actually know what taxes are eligible for a Homeowner Grant. Too often we bring in legislation, we say, oh well, local improvements, that tax is not eligible for a Homeowner Grant, and then when we start looking at some of the rest of the legislation we realize the ramifications.

**Mr. Chairman:** Is there any further discussion? Thank you, Mr. Miller. I will entertain the Motion.

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

**Mr. Chairman:** Seconder? It has been moved by Mr. McCall, seconded by Mr. Berger, that Mr. Speaker do now resume the Chair. All those in favour?

**Some Members:** Agreed.

**Mr. Chairman:** Contrary? Motion is carried.

*MOTION CARRIED*

*MR. SPEAKER RESUMES THE CHAIR*

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

**Mr. Speaker:** Could we now have a report from the Chairman of Committees?

**Mr. Hibberd:** Yes, Mr. Speaker. Committee convened at 11:15 a.m. to discuss Bills, Motions and Sessional Papers.

Mr. Commissioner was present as a witness during the Committee's discussion of Motion Number 4. Motion Number 4, as amended, was duly carried.

Committee recessed at 11:55 a.m. and reconvened at 1:25 p.m. The Deputy Chairman commenced clause by clause study of Bill Number 2. It was moved by Mrs. Whyard that Bill Number 2 be reported out of Committee without amendment and this Motion was carried.

Mr. Chairman resumed the Chair and reviewed Bill Number 3. It was moved by Mrs. Whyard that Bill Number 3 be moved out of Committee without amendment, and this Motion carried.

Bill Number 4 was considered. It was moved by Mr. McKinnon that Bill number 4 be reported out of Committee without amendment, and this Motion carried.

Mr. Miller, Assistant Commissioner, was present as a witness during Committee's review of Bill Number 5. It was moved by Mr. McKinnon that Bill Number 5 be reported out of Committee without amendment, and this Motion was duly carried.

Committee discussed Sub-section (1) of Section 2 of the Homeowner's Grant Ordinance as per Motion Number 6. Mr. Miller was excused as a witness.

I can now report progress on business assigned to the Committee of the Whole. It was moved by Mr. McCall, seconded by Mr. Berger, that Mr. Speaker do now resume the Chair, and this Motion was duly carried.

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

**Some Members:** Agreed.

**Mr. Speaker:** May I have your -- the Honourable Member from Pelly River?

**Mr. McCall:** Yes, Mr. Speaker. Although it is very unusual, I would like to ask the consent of the House, so I could revert back to the Orders of the Day, to consider giving Notice of Motion.

**Mr. Speaker:** Does the House agree?

**Some Members:** Agreed.

**Mr. Speaker:** Are there any contrary? Would you proceed?

*ORDERS OF THE DAY*

**Mr. McCall:** Yes, Mr. Speaker, I give Notice of Motion re legal advice to the Legislative Assembly.

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

The Honourable Member from Whitehorse Riverdale?

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

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

**Mr. Hibberd:** I second that Motion.

**Mr. Speaker:** It has been moved by the Honourable Member from Whitehorse Riverdale, seconded by the Honourable Member from Whitehorse South Centre, 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 that the Motion is carried.

*MOTION CARRIED*

**Mr. Speaker:** This House stands adjourned until 10:00 a.m. tomorrow morning.

*ADJOURNED*



**LEGISLATIVE RETURN NO. 4  
(1976 SECOND SESSION)**

May 19, 1976.

Mr. Speaker,  
Members of Council

**On May 19, 1976, Councillor Fleming asked the following question:**

"Who is responsible within the Yukon Housing Corporation for sewage problems at the houses in the L.I.D. of Teslin?"

**The answer is as follows:**

The Manager of the Yukon Housing Corporation is responsible for the total operation of rental-purchase and staff housing in Teslin.

*M. E. Miller,*  
Member,  
Executive Committee.

**LEGISLATIVE RETURN NO. 5  
(1976 SECOND SESSION)**

May 20, 1976.

Mr. Speaker,  
Members of Council.

**On May 19, 1976, Councillor Berger asked the following question:**

"Could I have the day-by-day count of vehicles for the months of June, July and August on the Stewart Crossing-Dawson Road?"

**The Answer is as follows:**

The traffic counter at McQuesten River on the Stewart Crossing-Dawson Road is read once weekly. Following are the average daily counts for -

June	1975 - 189 vehicles per day
July	1975 - 285 vehicles per day
August	1975 - 234 vehicles per day
September	1975 - 132 vehicles per day

*M. E. Miller,*  
Member,  
Executive Committee.



LEGISLATIVE RETURN NO. 6  
(1976 SECOND SESSION)

May 20, 1976.

Mr. Speaker,  
Members of Council:

On May 18, 1976, Councillor Lengerke asked the following question:

"What action is the Yukon Government taking with respect to the prevention of certain aspects of Federal Government Bill C-61 as it reads in Book 1, Section 8, Subsection 53, with respect to the movement of passengers and goods on Canadian Flag Ships?"

The implementation of this section will have a drastic impact. In fact, it may well destroy the Cruise Ship business to Skagway and thus into Whitehorse, with the curtailment of some 40,000 tourist visitors to Yukon every year.

The answer is as follows:

We have now obtained the details of Bill C-61. It would appear from our reading of the Bill that this Bill was designed for the east coast of Canada. However, there are provisions included in the Bill for foreign flag ships to obtain permits or exemptions from the coastal trade restrictions.

We are endeavouring, through IAND and Arctic Transportation Agency, to ensure that cruise ships bringing passengers to Yukon are not adversely affected by this Act.

M. E. Miller,  
Member,  
Executive Committee

LEGISLATIVE RETURN NO. 7  
(1976 Second Session)

May 20, 1976.

Mr. Speaker  
Members of Council.

On May 19, 1976, Mr. Hibberd asked the following question:

Could the Commissioner supply us with information regarding Yukon House in Vancouver?

1. What is the cost of operation of Yukon House?
2. What are the purposes of maintaining Yukon House?
3. Has there been any auditing done to assess the efficacy of Yukon House in carrying out these aims?

Specifically, is it designed to serve as a promotional centre for Yukon, or merely as an information centre?

What are the costs to YTG of operation of Yukon Day at the Races? Does the YTG plan to continue the sponsorship of this event?

The answer to the above question is as follows:

1. The estimated cost of operation of Yukon House for the current fiscal year is \$38,512 of which \$47,562 represents salaries and fringe benefits.
2. The role of Yukon House encompasses the following functions:

- (a) Dissemination of information pertaining to the social, economic and environmental character of Yukon to the public and media, especially within Canada, south of 60.
- (b) Provision of information of a tourism nature, upon demand, to the public and to the travel industry.
- (c) Provision of representation of the Territorial Government in affairs outside Yukon.
- (d) Acting in an "expediter" function on behalf of various government departments, e.g. purchasing department, in their dealings with suppliers.
- (e) Providing feedback to Y.T.G. of activities and policy decisions in both government and private sector areas outside Yukon regarding their potential impact upon Yukon.



(f) Carrying out promotional activities in Canada and Western U.S.A. relative to both tourism and socio-economic awareness of Yukon.

3. A review of the role of Yukon House and its operation is currently under way in order to determine its efficiency to date and its future direction.
4. While the tourism promotion function of Yukon House is continuing, more emphasis is being placed on other aspects of its operation.
5. The cost of Yukon Day at the Races to the Territorial Government in 1975 was in the region of \$3,000.

In view of the fact that the Tourism and Information Branch is placing less emphasis this year on marketing and promotion outside Yukon, funding for this event was dropped from this year's budget.

Peter J. Gillespie,  
Member,  
Executive Committee.

LEGISLATIVE RETURN NO. 8  
(1976 Second Session)

May 20, 1976.

Mr. Speaker,  
Members of Council.

On May 19, 1976, Councillor McCall asked the following questions:

1. When was the last time a Canadian Armed Forces Counsellor visited the communities of Faro and Ross River?
2. Is the Canadian Armed Forces considering sending a Counsellor to these same communities any time in the near future?

The Canadian Forces Detachment in Whitehorse advises as follows:

Northern Region Detachment Whitehorse visits every community in the Yukon on an informal basis at least once each year.

If the term "counsellor" implies a Recruiting-Information team, to the best of our knowledge there has not been one to either community in the past nor is it intended to visit those communities in the future unless this is specifically requested.

Ordinarily, Canadian Forces Recruiting Centre Information Teams arrange visits only to those areas which have educational institutions with young people nearing the age for enrolment into the Canadian Forces. Recruiting information is available through the Forces Detachment in Whitehorse or Manpower.

If requested, Northern Region Detachment Whitehorse will arrange special visits to any community.

J. Smith,  
Commissioner.



LEGISLATIVE RETURN NO. 9  
(1976 Second Session)

21 May, 1976.

Mr. Speaker,  
Members of Council.

On Thursday, May 20, 1976, Councillor Millard asked the following question:

"What are the rates paid to substitute teachers, and why is there a difference between elementary and secondary teachers?"

The answer is as follows:

The approved daily rates of pay for substitute teachers are:

- (a) For a substitute teacher without a Teaching Certificate - \$29.00 per teaching day;
- (b) For a substitute teacher with a Class I, II or III Teaching Certificate - \$31.00 per teaching day;
- (c) For a substitute teacher with a Class IV, V or VI Teaching Certificate - \$38.00 per teaching day when used at a Secondary Grade Level and \$31.00 per teaching day when used at an Elementary Grade Level.

(The foregoing information was extracted from Commissioner's Order No. 1974-320, dated November 12, 1974, which outlines the regulations governing the employment of substitute teachers.)

The difference in per diem rates paid to elementary and secondary substitutes reflects an historic relationship which was prevalent in most educational jurisdictions until recently. Salary schedules differentiated between elementary and secondary teachers and the secondary teachers were generally paid a higher salary than elementary teachers. This relationship was incorporated into our substitute teachers' salaries many years ago and has continued to the present time.

Dan Lang,  
Member,  
Executive Committee.

LEGISLATIVE RETURN NO. 10  
(1976 Second Session)

21 May, 1976

Mr. Speaker,  
Members of Council.

On Thursday, May 20, 1976, Councillor Millard asked the following question:

"In Motion No. 10 of last Session, it was requested that the Minister of Education explore the possibilities and implement as soon as economically feasible a programme to strengthen the utilization of Yukon teachers. What has been done to date?"

The answer is as follows:

Preliminary discussions took place with two faculty members from the University of Alberta on May 12 and 13 relative to the Post-Secondary Feasibility Study for which funds have been allocated in the current fiscal year. The representatives from the University were very interested in conducting the study and stated that they would be submitting a proposal for our consideration and approval shortly.

The study will deal with the entire area of continuing education throughout Yukon and will not be confined to teacher education. However, the matter of a teacher training programme was discussed with the University people and they are aware that this is a high priority item.

Further information is not available until we are in receipt of the proposal from the University of Alberta.

Dan Lang,  
Member,  
Executive Committee.



LEGISLATIVE RETURN NO. 11  
(1976 Second Session)

21 May, 1976.

Mr. Speaker,  
Members of Council.

On May 19, 1976, Councillor McIntyre asked a number of questions concerning the language laboratory at F. H. Collins Secondary School. Prior to answering the specific questions, a brief description of the entire language centre at F. H. Collins Secondary School seemed appropriate since the complex is not simply a language laboratory.

The language centre consists of a suite of three classrooms which were renovated and refurbished with a "once only" capital grant from the Department of the Secretary of State under its Bilingualism in Education programme. In the provinces, the "once only" capital grant was utilized to establish French language centres at post-secondary institutions. Because we do not have a post-secondary institution, it was decided to establish the Yukon centre at F. H. Collins Secondary School where it could ultimately be utilized by secondary school students as well as by adults.

The language centre consists of five distinct areas, viz: (i) a combined office for the co-ordinator of French Language Programmes and the French Instructional Materials Resource Centre, (ii) reception and "conversation" area, (iii) the actual language laboratory, (iv) a small classroom with a capacity of 12 students, and (v) a large seminar room.

The combined office-resource centre is the nucleus of the French language programme which we offer in our Yukon schools in Grades 5 through 12. The co-ordinator maintains her office in this area and supervises all French language programmes from this office. A resource centre is operated in conjunction with the co-ordinator's office and the collection of various materials, both print and non-print, is loaned to all schools on a request basis.

The reception-"conversation" section is utilized primarily as a lounge area where adult students practice their oral French with a partner or in small groups. The training programme utilized at the centre, viz: Dialogue Canada, makes considerable use of small group conversation as an instructional tool. As a result, a suitable area had to be established and furnished in the complex.

The actual language laboratory contains a master electronic console and 15 listening booths. The equipment is highly sophisticated and was designed to be utilized with fully developed audio-aural language

programmes. Because there are no such programmes available at the present time for the secondary school level, we anticipate minimal use of the facility by school students in the next few years.

The small classroom is utilized for formal instruction. Dialogue Canada makes considerable use of audio-visual teaching materials and, therefore, the classroom was equipped to meet the requirements of this particular approach, i.e. the room is equipped with blackout drapes, a ceiling mounted projection screen, wall mounted speakers, etc.

The seminar room is a full-sized classroom which has been equipped for large group meetings, workshops, etc. Tape recorders, projectors, etc. are provided and the room is utilized by language teachers for workshops and by the senior French students at F. H. Collins for classes, seminars, etc.

The entire Language Centre is a credit to our educational system and has the potential to fill our needs for language training for many years to come. The Department of Education would be pleased to provide a tour of the Centre to any interested members of this legislature at their convenience.

The foregoing description of the language centre will provide a framework for the answers outlined below to the specific questions raised by Mr. McIntyre.

**1. How many hours has the laboratory been used since the 1st September, 1975?**

The language centre was not operational until the latter part of October, 1975 and the actual laboratory equipment was not installed until January, 1976. During the months of September and October, the instructor was occupied with a variety of essential tasks related to the initiation of the French language training programme for public servants. The purchase of equipment and supplies, the testing and placement of prospective students and the preparation of some lessons and instructional materials were some of the major tasks accomplished by the instructor during this period.

Actual classes for civil servants began on November 10th and since that time the three prime areas of the complex, viz: the "conversation" area, the classroom and the laboratory, have been utilized for 17 and a half hours per week for the formal instruction of civil servants. In addition, approximately 3 hours per week is taken up with "make-up" classes for individuals requiring extra help. It is impossible to determine the number of hours that the actual laboratory itself has been utilized since the time spent in the laboratory varies from class to class and from lesson to lesson.



**2. Of this total, how many hours have been devoted to the Y.T.G. Public Service French Programme?**

Basically, the entire use of the three prime areas has been devoted to the French language programme for civil servants. However, there have been a number of isolated instances when senior French classes at F. H. Collins School have utilized the conversation area in conjunction with classes of civil servants. However, the number of instances has been minimal and they have been informal without a prepared instructional objective in mind. These joint efforts have provided both groups with an opportunity to utilize their oral French.

**3. How many hours have been devoted to the French Language Programme of students at F. H. Collins Secondary School?**

The laboratory has not been used by the students at F. H. Collins School. The present senior secondary French language programme was not developed for utilization in a language laboratory. The necessary tape materials are not available for the programme. However, our senior French programme (Grades 11 and 12) is to be changed during the next two years and it is anticipated that a programme utilizing taped materials will be adopted and, as a result, we can expect that the laboratory will be used to some extent by the secondary students.

Some use has been made of the seminar room by the secondary school classes this year. The co-ordinator of French language programmes and the French teacher at F. H. Collins School have planned extensive use of the room for the 1976-77 school year. It is to be used as an enrichment centre, i.e. for listening activities, extra reading and conversation, and as the headquarters of the French Club. It is expected that student use of the entire complex will increase.

**4. Have students from other schools used the laboratory?**

Students from other schools have not used the complex. However, the laboratory equipment is used extensively to cut and-or duplicate cassette tapes for use in French classes throughout Yukon.

**5. Has the laboratory been used for other languages?**

No, the laboratory has not been used for instruction in any other language. The equipment does not lend itself to instruction in another language unless there is a fully developed audio-aural laboratory programme for another language.

*Dan Lang,*  
Member,  
Executive Committee.







