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Speaker: The Honourable Donald Taylor

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Mr. Speaker: I call the House to order. We will proceed at this time with morning prayers.
Prayers

ROUTINE PROCEEDINGS

Mr. Speaker: We will proceed at this time to the Order Paper, are there any documents for tabling?

TABLING OF DOCUMENTS

Mr. Berger: Mr. Speaker, I have for tabling a brief from the Dawson City Health Committee to the Honourable Minister of Health and Welfare, Monique Begin.

Hon. Mr. Hibberd: Mr. Speaker, I have for tabling a Green Paper on proposals for a *Motor Transport Ordinance*.

Mr. Speaker: Are there any further documents for tabling? Are there any Reports of Committees? Petitions? Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. McKinnon: Mr. Speaker, I move that the following Bills be now introduced and read a first time: *An Ordinance to Amend the Community Assistance Ordinance*, *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse*, and *An Ordinance to Amend the Highways Ordinance*.

Mr. Speaker: It has been moved by the Honourable Minister of Highways and Public Works that the following Bills be now introduced and read a first time, namely: *An Ordinance to Amend the Community Assistance Ordinance*, *An Ordinance to Open a Certain Portion of Land in the City of Whitehorse*, and *An Ordinance to Amend the Highways Ordinance*.
Motion agreed to

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

Hon. Mr. McKinnon: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Hon. Mr. Hibberd: Mr. Speaker, I move that the following Bill be now introduced and read a first time: *An Ordinance to Amend the Medical Profession Ordinance*.

Mr. Speaker: It has been moved by the Honourable Minister of Consumer and Corporate Affairs that a Bill entitled *An Ordinance to Amend the Medical Professions Ordinance* be now introduced and read a first time.

Motion Agreed to

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

Hon. Mr. Hibberd: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Hon. Mr. Lang: I move that a Bill entitled *An Ordinance to Amend the Students Financial Assistance Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Education that a Bill, entitled *An Ordinance to Amend the Students Financial Assistance Ordinance*, be now introduced and read a first time.

Motion agreed to

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

Hon. Mr. Lang: Next sitting of the Assembly, Mr. Speaker.

Mr. Speaker: So ordered.

Hon. Mrs. Whyard: Mr. Speaker, I move that a Bill, entitled *An Ordinance to Amend the Tobacco Tax Ordinance* be

now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Human Resources that a Bill, entitled *An Ordinance to Amend the Tobacco Tax Ordinance*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any further bills for introduction at this time?

Mr. Speaker: We will then proceed on the Order Paper to Notices of Motion for the Production of Papers.

Notices of Motion or Resolution?

Are there any Statements by Ministers?

STATEMENTS BY MINISTERS

Hon. Mrs. Whyard: Mr. Speaker, I would like to take this opportunity to say a word about the distribution of the Queen's Silver Jubilee Medals, which was announced recently, in Yukon.

I think, perhaps, a word of background would be of interest to all members of the public, Mr. Speaker, if I may be given the privilege of doing this at this time.

Mr. Speaker: Proceed.

Hon. Mrs. Whyard: Last Fall, Mr. Speaker, it came to the attention of this Government, inadvertently, I might say, that there was a plan to provide copies of a Silver Jubilee Medal honouring the Queen's 25th year of reign, to all elected persons in Legislatures across Canada. They had forgotten that there were elected persons in Yukon, Mr. Speaker, and because I had a source of information on this subject, this Government wrote to the proper authorities to ensure that Yukoners would be included in these honours.

At the same time, nominations were asked for by the authority in Ottawa, so that persons who were outside of the Legislature could also be considered to be recipients of this honour.

Submissions of names of Yukoners were made through various offices of this Government and forwarded to Ottawa, over which we, of course, had no control and awaited with great interest the announcement of those who had received the medal.

There were some 30,000 of these medals issued across Canada, Mr. Speaker. I think Yukon got some 67, if I remember rightly.

I would like to rise at this time to say that Members of this Legislature did not nominate themselves as the impression seems to have been given abroad, because they were elected Members to this House, they received this honour. I am sorry that there were not medals for every outstanding citizen of Yukon, Mr. Speaker. There could have been a very lengthy list indeed. I would just like to add one personal comment, Mr. Speaker, if I may, and that is that I am completely and sincerely appreciative of the honour. I did have the honour of wearing the Queen's uniform, she is my Queen and I am rejoicing with her in the opportunity to mark her twenty-fifth year of reign. Thank you, Mr. Speaker.

Mr. Speaker: Are there any further Statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD

Hon. Mr. Lang: Mr. Speaker, I have for tabling an answer to written Question Number 2. I also have for tabling an answer to an oral question asked by the Honourable Member from Klwane concerning Citadel on Wheels.

Question re: Credit Unions/Report on

Mr. Lengerke: Mr. Speaker, I have a question for the Minister of Consumer Affairs this morning. On March 22nd,

the last day before we adjourned, I had asked the Minister a question with respect to the Whitehorse Credit Union. He did mention to me, or he did give us a reply that a report had been filed as per under the *Credit Union Ordinance*. I am wondering, has the Government now had an opportunity to examine that report and if so, what are the results of it, and is there any other action contemplated as a result of it?

Hon. Mr. Hibberd: Mr. Speaker, the Government has had the opportunity to examine that report and there will be further representation made to the Assembly in the next few days regarding the Credit Union.

Question re: Taxation Assessors' Guidelines

Mrs. Watson: Mr. Speaker, my question is for the Minister of Local Government this morning and it is regarding the *Taxation Ordinance* and the assessment within the City of Whitehorse. Section 13 of the *Taxation Ordinance* states that land shall be assessed at their fair value, and determining the value it gives various things that can be considered and they are left as the assessor may deem proper, or the authority may specify.

My question this morning is, what guidelines did the Territorial Government adopt, and I hope they did adopt some guidelines, that would give the assessor some direction so that he would not completely be using his own consideration? Mr. Speaker, my question is what guidelines, and would the Government be prepared to table those guidelines to this House?

Hon. Mr. McKinnon: Mr. Speaker, I would be happy to table those guidelines, which, of course, are the current Alberta Assessment Manual, the 1967 Manual which uses 1963 replacement costs as the guideline to the Territorial assessors.

Mrs. Watson: Mr. Speaker, I am not talking about the Alberta Manual. I am talking about Section 13, the Evaluation for Assessment Purposes of Land, and the specific interpretation that this Government instructed their assessors to use as fair value.

There is no authority in our *Taxation Ordinance*, which allows you to use market value.

Hon. Mr. McKinnon: Mr. Speaker, we have been through this over and over again and there are so many court decisions which determines either fair value, fair market value, fair consideration, fair cash value, or fair actual value, Mr. Speaker, and they are all one and the same thing and I can bring decision after decision after decision from the Courts of this country to show that when you say fair value, that means fair market value, Mr. Speaker.

Mr. Speaker: A final supplementary from the Honourable Member from Kluane.

Mrs. Watson: Yes, Mr. Speaker, if this is the case, then I would ask the Honourable Minister of Local Government to table in this House, some of these court decisions that have stated that fair value is, in fact, fair market value, fair actual value.

I would also ask the Minister to define what is meant then by replaceable value.

Hon. Mr. McKinnon: Yes, Mr. Speaker, I would be happy to do it, with the statement once again before this House, which is uncontestable, that assessment legislation across Canada uses various expressions, but all mean and all are interpreted the same. In all cases the market is used as the base for determining the value, a basic definition of market value is the highest price expectable in terms of money which a property will bring if exposed for sale in the open market, allowing a reasonable time to find a purchaser who buys with full knowledge of all the uses to which it is adapted and for which it is capable of being used, a willing seller and a willing buyer, and neither being under abnormal pressure, Mr. Speaker.

Question re: Nurses/Additional Request for.

Mr. Berger: Mr. Speaker, a question for the Minister of Human Resources. Before we went into recess, we passed a unanimous motion seeking an additional nurse for Haines Junction and Dawson City by funding it through the Territorial Government. It is my understanding that the Administrator of Northern Health Service had answered a request from the Minister for Human Resources. I wonder if the Minister of Human Resources could give us this answer?

Hon. Mrs. Whyard: Mr. Speaker, the Honourable Member is quite right. We did approach the Regional Director on this subject, following the motion of Members in this House, asking that if it was impossible to obtain additional nurses through Medical Services Branch of the Federal Department of Health, would this Government provide that additional man year or pay the share of that additional nurse's salary. We discussed this matter, Mr. Speaker, with the Regional Director, through the Director of Health of this Government, and have received a reply from him which indicates that this would not be acceptable to the Federal Department, the provision of a Territorial employee or of our imposition of an additional nurse in these two places.

However, Mr. Speaker, this decision was also supplementary to a review which has been conducted this week, in mid April by the Regional Office staff at Dawson City and at Haines Junction. The Regional Director has informed us that he will now do a detailed review of the nursing requirements and communicate with us further.

The Federal Department is aware of the willingness of this Government to assist in providing these people, whom we are convinced are necessary because of the representations of the people in those communities, whose judgment we respect. However, if I may quote, Mr. Speaker, from the comments from the Regional Director, on the second aspect of the question, that relating to organization, our Department has been very clear in its position to the effect that Health Services should be provided by one management and transferred as an integrated whole to the Government of Yukon when that is possible.

"The current federal restraint on man years would not seem to provide sufficient reason to depart from that principle. The idea of the Government of Yukon hiring nurses at these locations and requesting cost-sharing from Federal Northern Health would constitute a piece-meal approach to organizing health services, and it would be marked by managerial and financial complexity."

Mr. Speaker, the main line in this paragraph follows: "It would not be a type of arrangement which we would favour." Mr. Speaker, we are now making representations to a higher authority and awaiting the report of the Regional Director following their review at the ground level.

Mr. Lengerke: Supplementary to the question, as mover of that particular motion, certainly I was concerned what the results of it would be and I was aware that we had been turned down at least aware to a degree. I am wondering, Mr. Speaker, if the Minister could maybe enlighten us further if the request by this Government to the Federal Government was really emphasizing the fact that there would be some cost-sharing. I know that was the second part of the Resolution, and I would hope that the Government stressed the fact that we were willing to provide an additional staff on a contract basis regardless if we got cost-sharing or not, because the reply—

Mr. Speaker: Order, please, I wonder if the Member would get to his question.

Mr. Lengerke: Mr. Speaker, I am wondering if the Minister could tell me if in fact they did emphasize the cost-sharing or they did ask the Federal Government just if they could put a person on on a contract basis, period?

Hon. Mrs. Whyard: Mr. Speaker, we approached the question on the basis of the usual staff financing, which is, as all Members know, is a cost-shared basis. This Territorial Government pays 70 per cent of the cost. The Federal department pays 30, on a ratio basis.

However, as of this morning in our discussion of this matter again, the Director of Health and I have agreed that if the survey, which the Regional Director staff has now conducted, shows that a nurse is indeed needed in these two areas, we will now propose that we offer the extra position entirely from this side.

Question re: Land/Consolidation of Lots

Mr. Fleming: Yes, Mr. Speaker, a question for the Minister of Local Government this morning, on the consolidation of lots in the area where the administration falls under the Yukon Territorial Government, such as an L.I.D. district and areas such as this. Has the Federal Government any jurisdiction over the Yukon Territorial Government in the consolidation of lots in these areas, over and above our Ordinance?

Hon. Mr. McKinnon: Yes, Mr. Speaker, they certainly do. The question the Honourable Member asked is a legal one. It is involved, it is complicated. I will not attempt to give him a legal answer off the top of my head, but I will bring to him the written information as it has been provided to me of one of the many stupid problems which we face constantly, because the land is owned by the Federal Government.

I know the question he is asking, the consolidation of lots by a person in Teslin has the full agreement, the full authority under the terms and the amendments and the Ordinances and the Commissioner's Orders which have been brought in by this Government, to allow people to do exactly that and, facing another stupid roadblock by the people in the Federal Government who just seem to be throwing them up at every instance and nobody can get any land to do anything on in Yukon and I am getting sick of it, just as the Honourable Member is.

Question re: Fur-buyers' Licences

Mr. Fleming: Yes, a question for the Minister of Consumer and Corporate Affairs, in the area of licencing, for instance a fur-buyer's licence. There is some concern in Yukon that to get this type of licence, a fur-buyer's licence, you must also have some type of a business licence, such as the Hudson Bay Company, or something like this.

Is this true or can an individual apply for a fur-buyers licence?

Hon. Mr. Hibberd: Mr. Speaker, I will get the information for the Member.

Question re: Constitutional Development/Special Representative

Ms Millard: Mr. Speaker, a question for any Member of the Executive Committee: when can we anticipate the tabling of the terms of reference of the Minister's Special Representative for Constitutional Development in Yukon?

Hon. Mr. Lang: Mr. Speaker, as we informed all Members last week, or during the last Session, we had asked for permission to table it in this House, we have not received permission to table it in the House, but there has been another step taken.

As you know, the terms and conditions were given to the Council for Yukon Indians as well as the Executive Committee. It is my understanding that the constitutional committee has agreed to take the terms and conditions and discuss them in their entirety with the Council for Yukon Indians and do an evaluation of them.

Ms Millard: Mr. Speaker, since the conditions are going to be discussed on some sort of semi-public situation, why are they not being tabled?

Mr. McKinnon: Mr. Speaker, I have been on that third floor for four years now. Never once has the Government of

Yukon breached a confidence of either the Planning Council, of the Federal Government when they have asked the Executive Committee to keep it confidential. Now maybe that is not smart politics, now maybe that is naive of us to maintain that responsible attitude, but I am of the opinion, Mr. Speaker, that when this Government gives their word to do something that we do not start all the political games of leaking and tabling that other bodies seem constantly to do, I think that the public of Yukon expects this body, when they give their word and their commitment to live up to that word and act responsibly.

In all of the areas that I have dealt with in all of the areas that the Federal Government over the last few years, I would say, Mr. Speaker, that this is the only body, without exception, that has acted responsibly and lived up to their word under some pretty trying and difficult circumstances.

Now maybe other Members if they were in our position might do it another way, or might play the game another way, but it is the only way, Mr. Speaker, that I know how to play it and that is what we have done up to this point in time.

Mrs. Watson: Mr. Speaker, a supplementary to the question from the Honourable Member from Ogilvie. Since the Government is not prepared to table the document, they feel that they would be acting in an irresponsible way, I believe the Executive Committee accepted the document on the premise that they would take time to consider it, and to make some recommendations to the Minister.

Mr. Speaker, I see nothing wrong with the Government or the Executive Committee tabling their reactions to the document or their recommendations to the document to the Minister in this House. My question is, is the Government prepared to table their opinions of the document or their recommendations to the document in this House?

Hon. Mr. Lang: Mr. Speaker, earlier we said we had referred it to the Constitutional Committee, we do have a Committee of this House struck to study this aspect of government and the evolution of government, and I would suggest that once the Constitutional Committee has examined it in its entirety in co-operation with the Council for Yukon Indians, I would like to think that there would be a document tabled in this House giving their reaction, not necessarily the terms of reference of that particular document, but the reference in respect to the reactions of the Members on the Constitutional Committee.

Mrs. Watson: Mr. Speaker, the Honourable Minister of Education did not answer my question. I am not concerned about the Constitutional Committee, I am concerned about the opinions and reactions of the Executive Committee and I would like that tabled. Are they prepared to table it, is he prepared to answer my question even?

Hon. Mr. Lang: Mr. Speaker, the Executive Committee was in no position, or at least we felt we were in no position to give a formal reaction to that paper, because we felt we had a Constitutional Committee that was dealing with that particular area of government. That is why we have formally sent it to the Constitutional Committee which has representation from the Government as well as Members in this House.

Ms Millard: Mr. Speaker, has Mr. Lord High and Mighty, known as Mr. Faulkner, given permission for the Constitutional Committee to have those terms of reference? If not, you are breaking that confidence that you tout around here as being so honourable. Or, does the Constitutional Committee have to go to the CYI to get the terms of reference?

Hon. Mr. McKinnon: Mr. Speaker, that request has been sent to the Minister with the concurrence of this Government that we feel that that document should be made available to the Members of the Constitutional Committee so that they can discuss it with the members of the CYI and see if we cannot start a dialogue together, which I feel personally is long overdue, so that we will know where the Yukon is going, following a land claim settlement. I think it is essentially important and that

request has been made to the Minister.

Mr. Berger: Mr. Speaker, supplementary, I am not satisfied with the answer the Honourable Minister gave to the Honourable Member from Kluane, for one simple reason: the Constitutional Committee is a Committee of this House, is not a committee of the government. The question asked was, is this Government prepared to give their reaction to this paper? This question was never answered, Mr. Speaker, and is what I would like to see answered.

Hon. Mr. McKinnon: Mr. Speaker, we are going to continue to press the Minister to get the terms and conditions public so that there can be a reaction from this House, not from the Government of Yukon which still consists of two appointed Members to the Executive Committee, but a response from the duly elected Members of the people of Yukon to the terms and conditions of a process of constitutional development. That is our first consideration and our first priority.

Mr. Speaker, we are going to continue to press the Minister to make those terms and conditions public so the response can come from where it should and that is from this House, not from Members of the Executive Committee when two appointed Members of the Federal Government still sit.

Mr. Lengerke: Supplementary to the question, Mr. Speaker: I am wondering could one of the Executive Committee Members, advise me is the Executive Committee making the terms and conditions, the paper of the terms and conditions available to the Constitutional Development Committee now, as a result of their letter to the Minister, or are you waiting for a further reply from the Minister?

Hon. Mr. Lang: Mr. Speaker, it is my understanding that it is not necessary to have an answer to the Minister if the Constitutional Committee is going to take it in confidence and discuss it, because if one reviews the tape and the press conference the Minister had at that time, he stated to the public that he had no problem with the Members of this House looking at it in confidence to get their reaction. Therefore, the letter has been sent to the Minister informing him that the Constitutional Committee wants these terms of reference so they can continue to look at them and discuss them with the CYI. That is my understanding, Mr. Speaker.

Mr. Berger: Mr. Speaker, I am quite alarmed and disturbed by this particular maneuvering of the Government because the Constitutional Committee is responsible to this House. How can a Committee from this House take anything on in confidence if they cannot report back to this House? It is ridiculous when the Government Members assume they go to the Constitutional Committee, when this is what they are trying to do.

I still have not received an answer from the Government side. What is the Government, the four elected Members and two appointed Members, thinking about the Paper? This is the answer I would like to get, because it is the appointed Members and the elected Members of the Government who are going to report to the Federal Minister. This is the action we are seeking and asking for and we are trying to play a game here. I am quite disturbed about this, Mr. Speaker, and I would like to get an answer, either from Mr. Commissioner or from some elected Members.

Hon. Mr. McKinnon: Mr. Speaker, I am becoming alarmed at the accusations that are being thrown, not only at the elected Members of the Executive Committee, but also at the Constitutional Committee.

Mr. Speaker, we were asked by the Minister of Indian Affairs and Northern Development to keep the terms and conditions of a constitutional process confidential. We have done this. We have requested on several occasions, that the Minister, because of what has happened in the terms and conditions having been leaked out across the country, that we now allow these terms and conditions to be made public so that the rightful

body, which I consider to be the duly elected representatives of the people of Yukon, should give their reaction in open public debate to those terms and conditions which the Minister has given in confidence, and asked to be kept in confidence to the Executive Committee.

How that is maneuvering and how that is not an honourable position for the Members of this Government to take, I do not see how anything else could be assumed. That is the proper position and should be the position of the elected Members of this House on Executive Committee on behalf of all the elected Member of this House, barring, Mr. Speaker, that permission coming from the Minister to make the terms and conditions of the constitutional process public to all the people of Yukon by tabling it in this House.

Mr. Speaker, we thought that perhaps the document could at least be used because it has been issued to the Council of Yukon Indians as one of the areas of discussion that we could open up a dialogue with the Indian leaders of this Territory.

Mr. Speaker, I thought those were the wishes of all Members of this House that had been stated on many occasions. Mr. Speaker, I think anything in this direction should not come from the elected Members on the Executive Committee, but should rightfully come from the Chairman of the Constitutional Committee as to whether or not this is the way that they see opening a dialogue between the Indian people of Yukon and the elected representatives of the people of Yukon as to how the Yukon is going to develop and what we are looking at and what we should be looking at following a land claim settlement.

Mr. Speaker, I believe that this is rightly the prerogative and rightly in the jurisdiction and the terms and conditions of the Constitutional Committee and that the Chairman of the Constitutional Committee and not the elected Members on the Executive Committee should be speaking to any process and dialogue that will continue from this point. Mr. Speaker, how any of that gets into the maneuvering and game section of this Government, because I thought that all of those things which I have espoused have been the stated principles of all the Members of this Legislative Assembly. I just fail to see where the accusation has merit, Mr. Speaker.

Mr. Speaker: Order please. I think that on this subject the House appears to be resolving into somewhat of a debate. Perhaps the further questions in Question Period could relate to other topics at this time.

Mrs. Watson: Mr. Speaker, you are not allowing me a supplementary on that.

Mr. Speaker: I do not believe it would be possible to do that.

Question re: Taxation Appeals

Mrs. Watson: All right, Mr. Speaker, I have another question, and again I am reverting to the *Taxation Ordinance* and it is for the Minister of Local Government. I have spent some time going through the *Taxation Ordinance* and I am becoming more concerned at the ability of the people in the Whitehorse area who feel unjustly treated under the assessment and the recourses that are open to them.

I refer to Section 38.(3) in the *Taxation Ordinance*, which restricts even the Court of Revision and many people who are having problems with their assessment are sort of holding their hopes out for the Court of Revision.

'Notwithstanding the provisions of the Ordinance requiring real property to be assessed to its fair value, the amount of assessment of any real property complained against shall not be varied by the Court of Revision if the value at which it is assessed bears a fair and just relation to the value at which other real property in the taxation area is assessed'.

One of the best examples is the McPherson subdivision, where—

Mr. Speaker: Order please, could the Honourable Member kindly state her question? It is not proper to read from documents in posing a question.

Mrs. Watson: Thank you, Mr. Speaker. Would you give me just a couple of minutes to get to it?

The McPherson subdivision is a fine example where there is a taxation area and the pattern is the same for all of the property in the area, so it is useless for these people to go to the Court of Revision because the Court of Revision cannot help them.

My question is, is the Government, have they reviewed this Section? Have they reviewed the whole *Taxation Ordinance* to see where these people would have a fair appeal? Under the Court of Revisions stipulation in this Ordinance, they do not have a fair appeal.

Mr. Speaker: Order please.

Mrs. Watson: Is the Government considering—

Mr. Speaker: Order please.

Mrs. Watson: Is the Government considering—

Mr. Speaker: Order please. To whom is the question addressed?

Mrs. Watson: Mr. Speaker, it was to the Minister of Local Government.

Mr. Speaker: It is also not competent for a Member to state an opinion in asking a question.

Mrs. Watson: Mr. Speaker, may I proceed with my question?

Mr. Speaker: What is the question? If you would quickly restate the question and no further preambles, the Chair would permit the question.

Mrs. Watson: Mr. Speaker, my question is to the Minister of Local Government. Is the Government considering amending the *Taxation Ordinance* to clearly specify any appeal, or are they considering giving their interpretation, so that the Court of Revision could work within what the Government of the Territory considers as law, to Section 38.(3)?

Hon. Mr. McKinnon: Mr. Speaker, there is certainly a lot of misconceptions dealing with the assessment and the taxation. One of them, of course, which I have read and been accused of in many areas, that the Minister of Local Government has the responsibility for both the assessment and the taxation.

As all Honourable Members know here, I have lead the fight on many occasions that all matter of finance and taxation should come under the responsibility of an elected Member of this Government which the Federal Government has not seen fit to consent to at this point in time.

I have the responsibility under certain sections of the *Taxation Ordinance* because the assessors are under the jurisdiction of the Department of Local Government of making sure that the assessments as they are in the *Taxation Ordinance* are complied to, Mr. Speaker.

I believe, Mr. Speaker, that the responsibilities of the assessors, as they are employees of the Department of Local Government, have been lived up to. I think that there are certain anomalies that have come up in the *Taxation Ordinance* because of the rapidly escalating value of land, particularly in the Whitehorse area. I might add, Mr. Speaker, that all the provisions dealing with improvements being assessed at fair value of the assessors following the Alberta manual, have been in effect since time immemorial. In fact, in the amendments to the *Taxation Ordinance* in 1972 it was the Honourable Member from Kluane who was a Member of the Executive Committee who was the sponsor, with the Government, of the Taxation Bill as it now stands presently and those sections dealing with assessment are the ones which the assessors, under the De-

partment of Local Government, have to be responsible for.

Mr. Speaker, certainly if there are anomalies, which are being shown in the *Taxation Ordinance* because of the escalation of land, then I believe it is the duty of the Executive Committee Member responsible upon either motion or upon the involvement of the elected Members of this Executive Committee to bring in amendments to the *Taxation Ordinance* which will overcome any such anomalies that exist. Rather than being one and the same, I wish probably they were, the assessment authority and the taxing authority being the responsibility of one elected Member, which we have asked for. Perhaps some of these anomalies, which are minor I might add in the reassessment, could have been caught.

Mr. Speaker, it is my legal opinion that I have received from the authorities of this Government that Section 13.(1) allowing for lands to be assessed at their fair value and determining the value the assessor shall consider among other considerations as the assessor may deem property, or the authority may specify—

Mr. Speaker: Order please, order please.

Mrs. Watson: Point of Order, Mr. Speaker, if in a question a person is not allowed to quote, the Honourable Member in the answer is certainly being allowed to quote and to read and he is not answering the question.

Mr. Speaker: Order please, I would refer the Honourable Member in her question to Annotation 171 and the following Annotations in Beauchesne and the Minister is quite in order.

Hon. Mr. McKinnon: Mr. Speaker, with the agreement of the assessor and the authority, which is the City of Whitehorse, and of course, the Court of Revision, that yes, there is no problem whatsoever under the terms and conditions of the Ordinance of the Court of Revision says that an area, for different reason, that all of the properties in that specific area should be reassessed, that if there is no objection from the authority, which is the City, or from the Territorial assessing authority, or from the Court of Revision that that can be handled quite nicely, Mr. Speaker.

Mrs. Watson: Mr. Speaker, it was very interesting to get the long answer to my question. All right, if that is the interpretation, is the Government prepared to legalize, by amending subsection (3) to legalize what he in fact has just stated?

Hon. Mr. McKinnon: Mr. Speaker, if the interpretation that my Legal Advisors give me is not correct, yes.

Mr. Lengerke: Mr. Speaker, I can certainly see the concerns or appreciate the concerns of the Member from Kluane, with respect to 38.(3), Section 38.(3), but I am just wondering, maybe the Minister could advise further, does not Section 44, of the *Taxation Ordinance*, allow for an appeal, with respect to any decisions made to the Court of Revision? So is not the vehicle there to counter any decisions made?

Hon. Mr. McKinnon: Mr. Speaker, once again, I can only give you the opinion of the people who we pay to give me legal advice and I took this under consideration, because I know the points that the Honourable Members are raising. If one person, say in the McPherson subdivision, was successful through the Court of Revision, is there a vehicle in the Ordinance that allows those properties in that certain area to be re-assessed?

My advice was, yes, that the interpretation of the *Taxation Ordinance* is broad enough and flexible enough to allow the Court of Revision to do that.

Mr. Speaker, if that is contested in the Courts or somebody says you cannot do that, then we are willing to look at amendments to the *Taxation Ordinance* to allow that to be done.

Mr. Speaker, I just want to add one more thing, that there is a lot of emotion, and I agree with some of it, that is being exhibited at the present time, concerning assessment. Mr. Speaker, the facts are that there was almost 4,000 properties reassessed in the Whitehorse area, that there was 200 com-

plaints before the Court of Revision. About 50 of those were automatic appeals where they are owner-occupiers in a residential subdivision, which had been zoned commercial.

So, out of the 4,000, there is about 150 complaints, which, as the Honourable Members know, are exactly in those areas that they are zeroing in on now, country residential, tourist-commercial, and trailer parks. Mr. Speaker, that is not bad in 4,000 properties which have been assessed. It is about one-twentieth or five per cent of the total assessment and it is not abnormal at all or unusual, when there is a general reassessment, for up to ten per cent of the properties so reassessed to go before the Court of Revision.

So, there are certain pockets, which the Honourable Members are zeroing in on, which do create problems to this Government and before the Court of Revision. The fact of the matter is, Mr. Speaker, that following the reduction of the mill rate to ten mills and the increase in the Home Owners' Grant, that taxpayers within the City of Whitehorse, on a 50 by 100 foot normal subdivision lot, with a \$65,000 home, are paying about one-third or no more than a half than those types of properties in other jurisdictions of Canada, in taxation, Mr. Speaker, and that is a pretty good record.

Mr. Speaker: Perhaps again, we are ranging into the area of debate. The answers are becoming long, and the questions, from the viewpoint of the Chair being quite repetitious.

Hon. Mr. McKinnon: If the questions were short, the answers would be short, Mr. Speaker.

Mr. Speaker: Order please. I will permit one final supplementary from the Honourable Member from Kluane.

Question re: Taxation Assessment/Special Examiner

Mrs. Watson: Mr. Speaker, this is not really a supplementary it is a new section.

Mr. Speaker, if there was one person unfairly treated under an assessment, I would be concerned much less ten per cent. Mr. Speaker, I refer specifically to Section 10, and I will not read it, but Section 20 in the *Taxation Ordinance* deals with the Special Examiner. The Minister said that if there were any anomalies showing up that they would take some action to take care of them. This allows the authority to appoint a Special Examiner to review an assessment roll, and the certification of the Examiner would be done pursuant to the forms prescribed by the authority. I do not know whether the authority, the City of Whitehorse, has prescribed forms for the Special Examiner.

My question is, why has the Government of the Territory not, under the *Taxation Ordinance*, prescribed forms which would be used by the Special Examiner if the Territory, who is a taxing authority also were to decide they needed a Special Examiner of the assessment.

Hon. Mr. McKinnon: Mr. Speaker, I will have to check whether the prescribed forms are available or not and I have no problem in prescribing a form and I have no problem if the authority asks for a Special Examiner. I want to say, Mr. Speaker, that we do not do these assessments in a vacuum, that our assessors are professional people, they are trained, and they have their diplomas in assessment. They come from Alberta generally, and that is why we use the assessment manual, that we ask the Alberta Inspection Assessment branch to be monitoring our assessments as they went along, and Mr. Speaker, the Inspections Branch of the Alberta Assessments Division were, and have looked at the assessments that our assessors did as they went along in the reassessment of Whitehorse and have stated that following the terms and conditions of proper assessment techniques and following the manuals, that our assessors were doing the professional job that they were required to do under the terms of the *Taxation Ordinance*.

Mr. Speaker: the taxing authority, the City of Whitehorse, well knows this to be a fact and I think that is probably the

reason that they have not asked for a Special Examiner to be appointed to look at the assessments as they presently are. Mr. Speaker, as I say, the terms are there in the *Taxation Ordinance*, and if it is prescribed forms that are lacking, which no one in the authority, the City of Whitehorse, has told me that that is the reason they are not appointing a Special Examiner, then those prescribed forms can be prescribed at the earliest opportunity, but I have been in close contact with the City of Whitehorse during the whole of the taxation and assessment procedures, and they have not indicated at this point in time that they are looking to the Special Examiner, having known and received the information of the Alberta Assessment Inspectors, Mr. Speaker.

Mr. Speaker: Order, please, the time allotted for Question Period is now expired and we will proceed to Orders of the Day, under Motions and Resolutions.

ORDERS OF THE DAY

MOTIONS

Madam Clerk: Item Number 1, standing in the name of the Honourable Member, Mr. Fleming.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 1?

Mr. Fleming: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Mr. Speaker: May I have your further pleasure.

Mr. McCall: I believe there are more Resolutions on the Order Paper, Mr. Speaker, page 5.

Mr. Speaker: I am afraid I have no further Resolutions on the Order Paper at this time.

Mr. McCall: Yes, Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Mr. Fleming: I second that.

Mr. Speaker: It has been moved by the Honourable Member from Pelly River, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker, do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: Would Committee please come to order. I will now declare a brief recess.

Recess

Mr. Chairman: Would Committee please come to order.

The matter for discussion this morning is the green paper on Decentralization of Yukon Territorial Government Offices. I trust you all have your copies with you.

Mr. Berger: Mr. Chairman, I was wondering if we could stand it over, because I am not quite ready yet to discuss the matter? I am preparing a motion and I would like to get the consent of the Committee to stand it over for a day or two.

Mr. Chairman: Agreed?

Some Members: Agreed.

Mr. Chairman: Then we will go on to the memorandum on Electrical Rate Equalization.

Mrs. Watson: Mr. Chairman, again, I am not quite prepared on this and do not even have my report here with me and my notes.

Mr. Chairman: Then we will discuss Mr. Berger's matter number 6, that the letter to Dr. W.J. McCall, Father Judge Memorial Hospital in Dawson.

Mr. Berger: Well, Mr. Chairman, once again, I just tabled additional information—

Mr. Chairman: Then I will declare a recess and we will come back at 1:30 and I trust that the Member will be prepared to discuss something.

Recess

Mr. Chairman: The Committee please come to order.

Now, a number of Resolutions have been stood over to another time. I might say that on the afternoon of the 24th, at 1:30, we will be discussing the Harvesting of Grizzly Bear, Dall Sheep and Goat Brief, put in by the Yukon Outfitters' Association and at that time, there will be, we expect to have witnesses from the Outfitters' Association. On the 25th, at 1:30, the Tourist Advisory Committee will be here to make a presentation to us.

Some of the other organizations that have expressed an interest in appearing are the Chamber of Commerce, on the Electrical Equalization program, and the transportation people want to meet with us in connection with that program. We have not set up dates for those two, but I just thought I would bring it to the attention of the Members that these will be forthcoming and dates will be set for them to appear.

I think we probably will be able to go on to Number 7 on the Order Paper, Mrs. Watson's Resolution Number 7: "THAT IT IS THE OPINION OF THIS HOUSE THAT subsection 4(5) of the *Recreation Development Ordinance* Regulations Commissioner's Order 1977 90 be amended by deleting the words after "within" on line 5 and substituting the words "a 150 mile radius of the Yukon Territory boundary."

Mr. Lang, did you have something to bring in on that?

Hon. Mr. Lang: Mr. Chairman, I have no problem with the Resolution. In the Regulations, we had designated 100 miles thinking we had taken in all communities. I think that if you do by the way the crow flies, that you will find the particular community that she is worried about in respect to her constituency having an exchange of recreation visits with, I believe, Tok Junction, I think you would find that would be within the definition as outlined in the Regulations. If Members want to change it to 150 miles—

Mr. Chairman: Would the Honourable Member please refer to another person by their name or their constituency and not by the pronoun "she" or "he". I am not quite sure what "she" you are referring to.

Hon. Mr. Lang: Your point is well taken, Mr. Chairman.

Mr. Chairman: Any other discussion on this Resolution?

Mrs. Watson: Mr. Chairman, I am very pleased to hear the Minister responsible for recreation to agree to having the Regulation amended. I am glad to hear that the Department's interpretation was via the crow flies, but unfortunately the Regulations do not state that, so the 150 miles would then clarify it for both the departmental people and the communities.

Mr. Chairman: Anything further on this Resolution?

Motion agreed to

Mr. Chairman: Resolution Number 8, THAT IT IS THE OPINION OF THIS ASSEMBLY THAT the Recreation Grants Regulations made pursuant to the *Recreation Development Ordinance* be amended as follows: By adding immediately after subsection 4.(4) thereof the following subsection:

(4.1) Where any person not resident in a community listed in Section 16 or in a neighbouring community referred to in subsection (4) satisfies the Commissioner that he is in receipt of recreation services provided by a local authority, that person may be included in the population of the local authority for the calculation of the per capita grant payable pursuant to subsection (2).

Mrs. Watson: Yes, Mr. Chairman, this again provides for a community that is offering a recreational service to people who live in an area adjacent to the boundaries of that community.

This provides for individuals to signify that they in fact are receiving that service from that community and if the individual does this, then that person would again be included in the population base for the community. At the present time, it is very difficult to know what the actual boundaries for these communities are and there is provision in the Regulations, I think a good provision, where communities can agree to have one common community provide their services and I think of, specifically, areas where you have an Indian community just outside of a non-Indian community and when the decision is made for the Indian community, but they must make the decision. There is provision for that in the Regulations, that they will in fact be a part of and get their recreational services from the non-Indian community or the L.I.D., or whatever it may be, that is fine.

But, so far as an individual basis, there is no provision there for that and that is what my resolution intends to do.

Mr. Lengerke: I would just like to ask the Member from Kluane a question. Would she envision or see any stipulation as far as a neighbouring community? Do you see any bounds for that, any distance from the central community that would be criteria?

Like, if you were 30 miles away, would you consider that a neighbouring community, if in fact you had people saying they were receiving recreation services?

Mrs. Watson: Mr. Chairman, I think that is being actually done. I believe that has been done in the Mayo and Elsa area, where the people in Elsa have agreed with Mayo that they would receive their recreational services from Mayo and now Mayo does get the per capita grant.

There is no mileage. There just has to be an agreement by the communities.

Mr. Fleming: I think, Mr. Chairman, as seconder to this Resolution, too, that the area we speak of is areas such as, possibly I am in myself, where Johnson's Crossing is a small centre away from town. They are not an unorganized district, they are just, you know, there. They are not, possibly, included in the Teslin group, because it is possibly through the census taking that it was done before and we feel that some of these have been left out. We are not really positive just how many they have counted, but I do not think that they have counted them all.

These are the areas that this would cover. People such as this that would actually not be covered by anybody in the Territory. I think they should have the right to be in there with the rest of the people.

Hon. Mr. Lang: Mr. Chairman, I was prepared to accept the Resolution in principle. There are problems in respect to it, and first of all I would like to have the opportunity, as you know, it is a new program and the beginning of this year and the next couple of months to get all the various budgets put forth to the Recreation Department to see how it co-ordinates with the monies we have allocated as a Legislature during the last Budget Session.

At the same time, it is my understanding that the total population of Yukon at the last census equated to approximately 24,000 people. Of those, 2,000 people were in undesignated areas. What I am requesting from Statistics Canada is a breakdown of those 2,000 residents who would be, and attempting to coincide with the various communities that they would be served by as far as recreation services are concerned. That information will probably be forthcoming in the middle of this year. Therefore, we could reassess it with an interpretation of attempting to break these down so they could be affiliated with their various communities. Then I think we could take the concerns of all Honourable Members in, rather than having possibly somebody justifying to the Commissioner that he or she is getting a recreation service from a particular community. I think you would find it could create a lot of administrative

problems in respect to attempting to keep count and this kind of thing.

It does detract from the responsibility of the Recreation Board, which is to organize the recreational programming. I think it is a case of getting the various statistics broken down, which I feel we can get in the middle of the summer, and then we can allocate it to the various communities and we would probably within five or ten, and as long as we were within the monies allocated, I think everything could be to the satisfaction of all Members.

Mr. Chairman: Anything further?

Mrs. Watson: Mr. Chairman, I would certainly like to see this passed though. If we passed this, it would give you the authority when you do get it clarified, then you would in fact be able to make that per capita grant to those communities on the basis of that.

There was one area that was not mentioned, I think it is very important to mention, and that is the residents along the Mayo Road and the Takhini Hot Springs Road, and I know a lot of these people get their recreational services from the City of Whitehorse, and often these people feel as though, are they entitled to go to the City of Whitehorse to get their recreational services on the same basis as the residents of the City of Whitehorse?

If this was done, the Government of the Territory would then be making provision for recreation for these people also.

Motion agreed to

Mr. Chairman: That concludes all the business that we can take care of this afternoon, unless there is something else. Number 9 was discussed previously and we decided to let it drop. We decided that, I think because of the representations you made, that it would not be an advisable thing, it would put the person in a very bad position.

Hon. Mr. McKinnon: Mr. Chairman, I think the motion in the records will show, the *Votes and Proceedings*, that we just moved it into Committee for further discussion. I was prepared to try an amendment on for size, to see whether or not it would meet with the wishes of the House.

Mr. Chairman: Do want to discuss Number 9?

Some Members: Agreed.

Mr. Chairman: Okay.

Hon. Mr. McKinnon: Mr. Chairman, I made the point when we were discussing it, I think one of the points I made was valid, probably the other one was invalid. Just looking at it at the moment of debate, I consider to be synonymous, the Commissioner or the Minister of Indian Affairs and Northern Development, so, regardless of what we do with the Resolution, it is going to go to the Minister for him to give his approbation or not.

I certainly do not disagree with the philosophy in any way, shape or form behind the resolution. I would just find it impossible, as an elected representative, if I were sworn to secrecy prior to any such meeting, to be able to report back to the House, which I think should be reported to, on any such meetings, if such were the case.

I was considering, Mr. Chairman, that, for an elected Member to move into such an area, I have some experience in this regard because I made what I consider to be a mistake once and I do not think that any Member, at least I would not give them the advice of making that mistake, as an elected Member on the Executive Committee.

When I began representing the elected Members of the Executive Committee at any of the negotiation or planning council sittings, it was decided by the Planning Council that there was only going to be one spokesman on behalf of each of the parties and it was agreed upon by Planning Council that those Members who would be spokesmen on behalf of their respective

organizations would be the Chairman of the Council of Yukon Indians, and that probably has changed now to the Chief Negotiator for the Council of Yukon Indians, the Chief Negotiator for the Federal Government, which was Dr. John Naysmith, and the Commissioner of Yukon, Dr. Pearson.

You will notice that I have been conspicuous by my absence on public statements on the results and progress of the Yukon Indian Land Claims, because once again, hopefully as an Honourable Member and one who commits himself to a policy, maintains his agreement, I have not been outspoken or have not been speaking on behalf of the elected Members, who I do represent, of all the Assembly on that Planning Council, on the progress or lack of progress on those discussions.

I find that an almost totally impossible position to be in, on behalf of you as your representative at those discussions and would not recommend anybody getting into the same situation, as I have found myself, over the last several years in that regard.

I would find the very same circumstances in Resolution Number 10, and I would suggest, Mr. Chairman, and would move, seconded by the Honourable Member from Porter Creek, that Resolution Number 10 be amended by adding after "affairs" in line 6 of the Resolution, the following words: "and that any Member so delegated be required to report to the House at the earliest opportunity on any such meetings attended".

Mr. Chairman, the Resolution would then read that the Commissioner of Yukon delegate one elected Member from the Advisory Committee of Finance to actively participate on the inter-government committee on Federal-Territorial Affairs, in addition to those persons already delegated and to attend all meetings in Ottawa or elsewhere relating to matters of Yukon's financial affairs and that any Member so delegated be required to report to the House at the earliest opportunity on any such meetings attended.

Mr. Chairman, I would feel that any such delegate from the Advisory Committee on Finance would be duty bound to be able to report on any such meetings to the House. I would further suggest, Mr. Chairman, that if the ground rules were such, that that elected Member could not be given the consideration of being able to come back as a representative of all the people of Yukon and report to the House what happened at those inter-governmental committee meetings, what decisions were made, why they were made, that it would almost be impossible for him to fulfill any responsible obligations to the people of Yukon and the Members of this House.

Mr. Chairman, to talk practical crass politics, I think that any Member who agreed to serve under terms and conditions which would not allow him to report back to the people of Yukon, that he would just be cutting his own throat and committing political hari kari in full view.

So, Mr. Chairman, with that amendment, I think that the motion is a very sensible one and one which could be very progressive on behalf of the representatives of Yukon getting involved in the financial management and affairs of this Yukon, which we are all publicly stating that we want to get more involved in.

At least with this type of motion, we will know what the concept is of the Federal Government and whether in matters financial that they are going to keep the Yukon Territory in the position of being represented only by appointed Members of the Executive Committee and bureaucrats at the inter-governmental and senior federal level. I think with the amendment that I cannot see any difficulty in agreeing with the motion, and I think that we quite firmly put the ball in the Minister's court to find out whether or not he has any concern at all of what we are looking for and whether or not he is prepared to allow elected representatives from Yukon, not

only to represent this Government in those such extremely important negotiations, particularly at this time, and be able, as a political person, to report back to the people of Yukon on what he was able to accomplish or what he was not able to accomplish.

Mr. Lengerke: Mr. Chairman, as mover of the motion on Resolution Number 10, I really have no difficulty with the proposed amendment. I certainly feel very much the same as the Minister has just said, that it is imperative that really an elected person be representative on the inter-governmental committee of finance or federal-territorial affairs pertaining to financial matters, I think that with the amendment that certainly we will find out if the Federal Government accept our terms. Certainly that person who would be so delegated to serve would certainly have proper terms of reference that he could abide by.

Mr. Chairman: Any further discussion?

Hon. Mrs. Whyard: Mr. Chairman, I think it is interesting to note that our fellow elected members across the mountains have come up with the same idea, in the Northwest Territories Legislative Assembly, at their spring session. They passed a resolution similar to this one, which is a very strong indication to me that even when they are getting most of their bills paid by the Federal Government, they still do not like the priorities being assessed, because they want someone from the elected side to have some input into this as well.

Here in the Yukon, where the conditions are considerably different fiscally, we are even more anxious to have some control over the decisions made at these committee meetings.

Now, I have found it absolutely frustrating to function as an elected Member of this Government, to work through all the procedures of departmental budgets and program forecasts, to provide what we thought was a well-rounded program of services to the people of Yukon, which they need now, and then to see that whole thing taken out of context into a committee meeting of civil servants, the Chairman of the Committee having never even lived here, knowing nothing whatsoever about our requirements or our desires or our needs, they make the decision there as to whether or not this Government will be able to carry out any of those plans or programs.

I cannot accept that kind of administrative nightmare in this day and age. There is no justification whatsoever for that happening.

Now, we know that there is no elected Member in this Government who, so far, has been entrusted with the portfolio for finance in this Government. At the moment, it is the Commissioner of Yukon. He does not attend those meetings.

I do not think that it is entirely fair to send public servants of this Government down to Ottawa to argue on our behalf, for such programs determined by elected Members, and place the onus on them and the responsibility on them if they do not come back with the bucks. I do not think that is right and I have to agree with my colleague that it is not fair either to expect one elected person to go and sit in that group of senior Federal civil servants and try to argue for what we need here in Yukon. It is a ridiculous situation. Of course he has to be able to come back to report on what happened in those meetings.

I strongly resent, Mr. Chairman, having someone in Ottawa who has been at the level of the Assistant Commissioner in the NWT, sitting as Chairman of a Committee determining what our financial matters will be. I have said it before and I am just repeating it again today, but it is interesting, Mr. Chairman, to note that this is almost the same recommendation coming forth here as has already come forth from the NWT elected Members at their recent Session.

I know that it will be taken note of. Whether there will ever be any action taken, I cannot say, but I think it is a fair comment on the situation we find ourselves in.

Mr. Chairman: Any further discussion?

Some Members: Question.

Mr. Chairman: This is the amendment, moved by Ken McKinnon, seconded by Dan Lang, that Resolution Number 10 be amended by adding after "affairs", in line 6 of the Resolution, the following words: "and that any Member so delegated be required to report to the House at the earliest opportunity on any such meetings attended".

Motion agreed to

Hon. Mr. McKinnon: Good luck, Danny.

Mr. Chairman: Now, the motion will now read: moved by Mr. Lengerke, that the Commissioner of Yukon delegate one elected Member from the Advisory Committee on Finance to actively participate on the Inter-Government Committee on Federal-Territorial Affairs, in addition to those persons already delegated, and to attend all meetings in Ottawa or elsewhere relating to matters of Yukon's financial affairs, and that any Member so delegated be required to report to the House at the earliest opportunity on any such meetings attended.

Motion agreed to

Mr. Chairman: I declare that Resolution Number 10, as amended, is carried.

Hon. Mr. Taylor: Mr. Chairman, I am wondering if at this time it would be possible to proceed with the Paper on Decentralization?

Mr. Chairman: We stood that over this morning and it was agreed that we would not discuss it today.

Ms Millard: Mr. Chairman, I understand there is a motion in the works and that is fine, it is being assessed legally.

Hon. Mr. McKinnon: Of course, as always, the government it is fit as a fiddle and is ready to proceed in any subject matter that we have to proceed with. But Mr. Chairman, if Honourable Members are preparing motions and would like to compile their thoughts and notes following the recess of three weeks, the Government, of course, has always been magnanimous and would give in to such considerations.

Mrs. Watson: Mr. Chairman, unfortunately, the Government did not see fit to give us the Bills even the week-end beforehand so that we would have an opportunity to at least review them. I think some of them are fairly straight forward and if we had just had them a day or two in advance, we could well have been able to waive Standing Orders and go into Bills today. Unfortunately, the Government did not see fit.

Mr. Lengerke: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mr. Fleming: I second the motion.

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

Motion agreed to

Mr. Chairman: I was just reminded that the Bill for discussion tomorrow is the *Students Financial Assistance Ordinance*.

Speaker resumes the Chair

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

Mr. McIntyre: Mr. Speaker, the Committee of the Whole have considered Resolution Number 7 respecting Regulations pursuant to the *Recreation Development Ordinance* and have directed me to report the same.

Committee has also considered Resolution Number 8 respecting Recreation Grants Regulations and directed me to report the same.

The Committee has also considered Resolution Number 10 respecting membership on the inter-governmental committee on federal-territorial affairs and directed me to report the same with amendment. This motion now reads: That the Commissioner of Yukon delegate one elected Member from the Advisory Committee on Finance to actively participate on the Inter-

governmental Committee on Federal/Territorial Affairs, in addition to those persons already delegated, and to attend all meetings in Ottawa or elsewhere relating to matters of Yukon's financial affairs and that any Member so delegated be required to report to the House at the earliest opportunity on any such meetings attended.

Committee also asked leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: I shall declare that leave is so granted. May I have your further pleasure?

Mr. Lengerke: Mr. Speaker, I move that we do now call it 5 o'clock.

Ms Millard: I second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Riverdale, seconded by the Honourable Member from Ogilvie, that we do now call it 5 o'clock.

Motion agreed to

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

Adjourned

LEGISLATIVE RETURN # 18
(1978 First Session)

Mr. Speaker,
Members of the Assembly

On March 6, 1978, Mrs. Watson asked the following question:

"In view of the fact that Canada is a bilingual country, and in view of the fact that the Yukon is part of Canada, and in view of the fact that children in the Yukon should have the opportunity to become bilingual, what opportunities are, in fact, being given to Yukon students at the secondary and the elementary level, in Whitehorse schools and in schools outside of Whitehorse, to learn the French language, and at what cost to the Yukon?"

The answer is as follows:

Most Yukon students have the opportunity to obtain at least a basic knowledge of French, which is offered as a regular school subject in grades 5-9 in all urban schools, in the larger rural schools, and in the smaller rural schools if there is a teacher available and the community desires it. French has not been offered in native communities such as Old Crow or Pelly Crossing. In some communities it is offered presently as an alternative in the elementary grades to native language studies. (A detailed list of schools is attached).

By grades 8 or 9 a student experiencing difficulties may be permitted to withdraw, provided principal and parents consent. In grade 10, French becomes a true option, continuing as an elective through grade 12.

The revision of the Yukon French program, begun by the co-ordinator in 1974, is approaching completion. The new program uses material geared to the needs of the average student, and encourages more practical use of the language with emphasis on speaking and listening skills.

The term "bilingual" must be used with caution. The usual "core" French programs offered in our Canadian schools cannot produce students with more than limited fluency. Research now shows that command of a second language depends upon the total number of hours spent learning it, and present time allotments in our schools are insufficient to develop more than very basic ability.

To overcome this problem, we are following the example of school districts elsewhere and are beginning to explore ways of enriching and extending the core program to meet the needs of students desiring to develop greater fluency.

A committee is investigating the so-called "immersion" programs elsewhere, to see if they could be adapted to our situation. Also, a number of enrichment opportunities exist at present. These are:

- (1) Two-week full-immersion sessions - for ages 15 up, directed by the language school of the University of Quebec at Trois-Rivieres, Quebec. This year is the second year of our participation and 20 students from three Yukon schools (G.A. Jeckell, F.H. Collins, and Watson Lake School) are attending. These immersion sessions are of decided linguistic benefit to motivated students.
- (2) Student Travel and Exchange Projects - Group travel to francophone areas has been encouraged, and over the past four years various groups have participated. Projects of this type are of importance chiefly in fostering positive attitudes.
- (3) Post-Secondary Bursaries - Yukon students may apply annually for:
 - two \$2,000 bursaries for a year's study in a Canadian francophone university;
 - two \$3,000 monitorships, also at Canadian universities;
 - summer language bursaries for 6-week French immersion programs. Last year, 7 Yukon students participated, and this year up to 20 bursaries are held for Yukon applicants, in expectation of increased demand.

These last two nation-wide programs became available to Yukon students last year, through the CMEC.

- (4) Provision of full-time Monitors - This federal pilot project, also sponsored by CMEC, will provide two full-time francophone monitors to work as aides in the French classrooms of the Territory, Sept. 78-June 79.
- (5) In-school activities - French clubs, special days, etc. provide enrichment, but depend upon the time, skill and enthusiasm of the classroom teachers, and vary from school to school.
- (6) Resource Centre and Teacher Training - The French Language Centre at F.H. Collins School provides:
 - resource materials (films, kits, readers, etc.) for loan to schools,
 - a periodical bulletin of teaching ideas for teachers,

The following Legislative Returns were Tabled April 17, 1978

78-1-18

Bilingual opportunities for Students
(Written Question No. 2)

78-1-19

Citadel on Wheels
(Oral Question - March 14, 1978 - Page 144)

The following Sessional Papers were tabled April 17, 1978

78-1-22

Brief from Dawson Health Committee

78-1-23

Green Paper on Proposals for a Motor Transport Ordinance

Yukon Schools Offering French (as of October /77)

- assistance to teachers, in-service sessions, etc.
 - a "seminar-room" to supplement facilities for senior French classes at F.H.Collins and encourage oral activities.
 - services of the co-ordinator and secretary of the Centre.
- (7) Program evaluation (elementary) - is now in its third and final year in the rural schools. A similar evaluation is planned for elementary French in the urban schools. Upon the findings we shall base plans for any changes and future developments.

Costs

The cost to the Yukon of the French program in the schools includes:

- (1) salaries of the teachers involved (see attached list).
- (2) provision (via the Professional Development Fund allocated to Y.T.A.) of substitute teachers required when French teachers attend in-services.
- (3) ongoing provision of student texts and teaching materials set forth in the new revised Yukon Curriculum Guide for French (grades 5-12).

All other costs are or have been met (since April 1/77) from grants through the Language Programmes Branch of the Department of the Secretary of State. These include:

- the co-ordinator's salary and travel costs
- secretarial help
- equipping and maintenance of the French Language Centre
- provision of teaching resource materials and equipment
- purchase of class sets of all materials, texts, etc. required to set up the new French program. Once proved suitable, ongoing provision of these becomes the responsibility of the Department of Education, as usual.
- in-service sessions and other training for teachers of French.
- two post-secondary bursaries (the others being funded through CMEC, as the full-time monitors will also be)
- some assistance to student travel and exchange projects, and to students attending immersion sessions.
- evaluation costs (elementary French program).

13 April, 1978

D. H. H.

Urban (Whitehorse)	Grades	Teachers	Students
1. F. H. Collins	9 - 12	2	273
2. G. A. Jeckell	8 - 9	2	359
3. C. K. H. S.	6 - 7	2	195
4. C. K. E. S.	5	1	53
5. J. Hulland	5 - 7	3	186
6. Selkirk	5 - 7	4	253
7. Takhini	5 - 7	1	112
8. Whitehorse Elementary	5 - 7	1	123
		<u>16</u>	<u>1,574</u>

Rural

1. Haines Junction	3 - 8	1	36
2. Robert Henderson, Clinton Creek	4 - 9	1	28
3. Robert Service, Dawson City	2 - 11	2	108
4. J. V. Clarke, Mayo	5 - 12	1	70
5. Elsa	1 - 3	1	12
6. Deil Van Gorder, Faro	2 - 12	1	222
7. Ross River	4 - 10	1	42
8. Carmacks	4 - 7	2	15
9. Teslin	5 - 10	2	30
10. Watson Lake	5 - 12	2	170
		<u>16</u>	<u>745</u>

Kluane Lake School, Distruction Bay - plans to offer French in April /78

No French is offered at:

- Pelly Crossing
- Chief Zzeh Gitlit School, Old Crow
- Carcross
- Beaver Creek

Salaries - Yukon French Teachers

F. H. Collins	\$ 33,361
G. A. Jeckell	38,671
C. K. H. S.	17,438
C. K. E. S.	1,912
W. E. S.	7,020
Selkirk	17,304
Jack Hlland	<u>19,667</u>
	\$ 135,353
9% fringe	<u>12,181</u>
	\$ 147,534 Urban Total
Mayo	\$ 13,910
Dawson City	10,080
Watson Lake	25,400
Carmacks	3,520
Faro	17,560
Teslin	1,705
Elsa	5,408
Clinton Creek	6,941
Haines Junction	4,963
Ross River	<u>4,636</u>
	\$ 97,353

\$ 97,353 Rural Total

\$ 244,887.00 Total Salaries

LEGISLATIVE RETURN #19
(1978 First Session)

Session Paper # 23



GREEN PAPER ON
PROPOSALS FOR A MOTOR TRANSPORT ORDINANCE

Mr. Speaker,
Members of the Assembly

On March 14, 1978 Mrs. Watson asked the following oral question:

Would the Minister of Education report to this House why the Government handled the situation as they did and would the Minister investigate to see whether in fact it would be possible to again open negotiations with Citadel on Wheels to see if we could establish a more realistic schedule?

The answer to the question is as follows:

In response to the question, the Recreation Branch regrets that the proposed tour of Citadel on Wheels has been cancelled by tour coordinator Margaret Mooney Wohlfarth. The Branch accepts responsibility for decisions that were made which have resulted in an inconvenience to the Yukon communities involved. However, it wishes at the same time to point out certain factors that have influenced the somewhat inflexible stance taken in handling the negotiations:

1. At the time that the Recreation Branch offered to co-ordinate the tour a great deal of correspondence had taken place between certain Yukon communities and Citadel, the exact nature of which we were not aware.
2. Because of past experience in co-ordinating Festival Concert tours, the Branch offered its services to provide Citadel with a realistic itinerary and other amenities as outlined in the letter of 2 February. (It should be noted that at one point in time Citadel was ready to fly by charter aircraft direct from Inuvik to Destruction Bay).
3. The itinerary provided by the Branch could be considered hectic but it was felt that as many communities as possible should be given a chance to see the Citadel Theatre. It might have been strenuous in certain cases but six Yukon communities (Beaver Creek, Destruction Bay, Haines Junction, Carcross, Teslin and Whitehorse) would receive the exposure.
4. After telephone conversations with Mrs. Wohlfarth of Citadel and upon receipt of Citadel's letter of 10 February the Branch became somewhat dismayed at the idea of union interference in the proposed tour, e.g. demands that one hour must be provided for lunch and unwillingness to tour more than ten hours per day. It was also felt that we would not be obtaining the services we were paying for. Overtime costs would have been \$1,350.00 in addition to the \$2,500.00 originally offered Citadel (including one evening Whitehorse concert).
5. It was felt that the communities involved should not have to pay more than the amount decided upon initially in addition to meals and accommodation for seven people. It was also felt that all of the communities mentioned should have the opportunity to see Citadel. A change in itinerary would have meant that a school performance would not have been possible in Teslin, that two P.H. Collins performances would have been crammed into one morning and that Whitehorse would not have an evening performance. Since the communities involved had agreed to certain days, the Branch felt that Citadel should be willing to accommodate them even at the expense of "invading Citadel's rest period".
6. The point, therefore, is that Citadel would have willingly agreed to the original proposed itinerary if overtime payment was made. Thus it would appear that the "strenuous" tour was not the question as was payment of overtime.

At no time did the Recreation Branch cancel the tour. Citadel did not wish to meet certain conditions and therefore broke off the negotiations.

The Yukon Arts Council informed the Recreation Branch that a letter had been sent to Citadel stating that the Arts Council would be interested in co-ordinating a tour. The letter also pointed out that the Arts Council had a good working relationship with the Recreation Branch in co-ordinating the Festival Concert series. Citadel was also asked to advise the Arts Council as soon as possible if interest still exists in a Yukon tour due to the fact that other groups will be touring in the fall and that efforts should be co-ordinated.

Citadel replied that they were uncertain at the present time in regard to their next season's commitments.

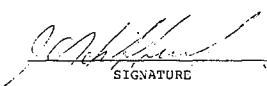
Mr. Speaker
Members of the Assembly

Attached is a discussion paper entitled "Proposals for a Motor Transport Ordinance".

The Transport Public Utilities Ordinance was enacted in 1971 to replace the provisions in the Motor Vehicles Ordinance which provided for the issuance of public service vehicle licenses.

In order to effectively regulate public service vehicles in the Yukon and to take into consideration the current requirements of the transportation industry and the increased economic activity in the Yukon it is necessary to re-write the legislation. The Ordinance should provide, amongst other requirements, for the filing of comprehensive information by the carriers to all the Government to monitor their activities and to regulate them where required for the benefit of the Yukon.

This paper is presented for your consideration, comments and advice prior to the preparation of draft legislation to replace the existing Transport Public Utilities Ordinance.

April 13, 1978
DATE  SIGNATURE

PROPOSALS FOR A MOTOR TRANSPORT
ORDINANCE

PREAMBLE

The intent of the proposed Ordinance is to regulate the operation of for-hire type vehicles where they relate to the carrying of passengers or freight, or the gathering of freight for dispatch or transfer.

Motor vehicles used solely as an ambulance, hearse, for the transportation of Royal Mail, commercial vehicle delivering or providing a service respecting the commercial vehicle owner's products, will be exempted from the provisions of the Ordinance. The proposed Ordinance will have regulatory powers excluding other types of for-hire vehicles.

Therefore the types of vehicles or operation that will require approval of this Ordinance to operate will be as follows:

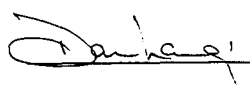
Persons operating taxis, rental or leasing vehicles, buses, the carrying of freight or other commodities or recovery vehicles, and the providing of Freight Depots.

The Motor Carrier Ordinance is to provide that no person shall operate a public service vehicle unless he holds a certificate issued by the Motor Transport Board authorizing such operation. A further provision will require that no person shall advertise or solicit transport for compensation unless he has a proper certificate or permit required by the Board.

There is to be a Board known as the Motor Transport Board consisting of not less than five members nor more than seven, appointed by Commissioner's Order on the recommendation of the Executive Committee. Two of the members are to be appointed to act as Chairman and Vice Chairman. An Executive Director is to be appointed to act as Secretary to the Board. Where a member of the Board is absent or unable to act, the remaining members shall concur in exercising powers of the Board. In the absence of the Chairman all orders, rules, regulations and other documents may be signed by any one member and when so signed shall have the same effect as if signed by the Chairman. Where a member of the Board other than the Chairman has acted for or in place of the Chairman it shall be presumed that he has so acted in the absence or disability of the Chairman.

Vacancies on the Board, caused by death or otherwise, may be filled by the Commissioner. Where there is a vacancy on the Board, the remaining members may exercise all the powers of the Board.

13 April, 1978



The Board must be in a position to act independently in the granting of authorities. Appeals to a decision of the Board are to be to the court on a question of jurisdiction or law, and the Board should be entitled to be heard by the court. It is required that the Board have perpetual succession other than through membership. It is therefore proposed that the Board be a body corporate with an authority to adopt a common seal.

The Board may under certain circumstances issue special certificates authorizing the operation of a public service vehicle in any area where the operation of a public service vehicle is otherwise prohibited by the Ordinance. These special certificates are to be issued by the Board as interim authorities in cases where an application has been made but not heard. The Board will be obliged to attach conditions to the special certificates and to specify the duration of the certificate.

The Board shall have the capacity to accept and exercise powers conferred upon it by the Motor Vehicle Transport Act of Canada and the National Transport Act of Canada.

The transportation of goods and passengers by motor vehicle connected by a province with any other provinces is a Federal Government responsibility pursuant to the Motor Vehicle Transport Act of Canada.

Subsection 3(2) of the Motor Vehicle Transport Act of Canada permits a provincial Transport Board to issue a licence to a carrier to operate an extra-provincial undertaking as if the extra-provincial undertaking operated in the province were a local undertaking.

This section then delegates the power to issue the authority pursuant to the Motor Vehicle Transport Act of Canada to the provincial Motor Carrier Boards so long as the laws of the province are not inconsistent with this Act. Presently, all provincial Boards act under this statute with respect to an extra-provincial authority application.

The Board shall also have the capacity to accept and appoint not more than two members to attend Joint Hearings with other Territorial or Provincial Motor Carrier Boards or their equivalent where it is determined that Joint Hearings are beneficial to the applicant, objectors and in the public interest of the Yukon. All costs incurred by members of the Board to attend Joint Hearings shall be borne by the applicant and the objectors.

The Commissioner, on the recommendation of the Executive Committee, will have the authority to make such regulations as are necessary to carry out the provisions of the Ordinance including:

- a. The amount or nature of any deposit, bond or insurance policy required to be deposited by the owner.
- b. The nature of livestock, liquids, goods or merchandise that may be carried.
- c. The route and nature of route, whether local or through the area within which public service vehicles may be operated.
- d. The passenger capacity of public service vehicles; the weight that may be carried on the top of passenger carrying public service vehicles; the nature and maximum weight of express freight; the tolls, express and freight rates and requiring the filing of rates to the Board; the commission chargeable for collecting on C.O.D.

Further regulations may be made respecting the licensing, supervision, maintenance and location of depots, the filing of insurance or other security by a certificate holder, the schedules of public service vehicles operated on specified routes, the form, content and use of a Bill of Lading, classification of certificates, and the nature of containers.

Provisions are to be made for the Board to record the proceedings of all hearings to be retained for a period of one year. Application for an abstract or portion thereof will be made to the Executive Director by an applicant, objector, or their solicitor and by remitting the prescribed fee.

The Board shall have the authority to specify a route or highway, and to limit or restrict service to designated points on a route specified on a certificate.

The Board may require the filing of returns, reports and other data by holders of certificates and should be able to regulate and supervise holders of certificates and permits in matters affecting the relationship between such persons and the public.

The proposed application for a certificate is to be made on the appropriate form and accompanied by the prescribed fee, a financial statement and a tariff rate to be charged for the transportation of passengers, express and freight as the case may be. No certificate is to be issued unless the applicant files with the Board a policy of cargo insurance, C.O.D. bond, payment of fees or charges under this Ordinance.

Upon receipt of a complaint or on its own motion, the Board will have the authority to investigate, or cause to be investigated, the services provided by a person holding an authority. Before the investigation has commenced the Board shall notify the person as to whether the Board proposes to act upon the complaint or not and, where the Board does propose to act upon the complaint or on its own motion inform the person of such fact.

If the Board investigates the service provided by the holder of the authority it shall notify the person being investigated if the investigation is such that it may give cause for the Board to suspend the authority, the Board shall hold a public hearing.

The Board will have the authority for cause to suspend a certificate after giving at least 10 days notice to the holder so that he has an opportunity to be heard. If in the opinion of the Board, the holder of the certificate has not given convenient, efficient, or sufficient service, the Board shall allow him reasonable time to provide such service before cancelling or revoking his certificate or granting his certificate to some other person. Where a certificate has been issued, a person must exercise his authority before ninety (90) days has elapsed from the date of issuance of the authority. An authority may be cancelled if the authority holder fails to exercise his authority for a continuous period of 90 days. No certificate or permit or right or privilege shall be capital, leased, assigned, loaned, or transferred except with prior written approval of the Board.

A resident or non-resident who applies for a permit may obtain not more than four permits per fiscal year except where the owner is conveying passengers, goods, livestock, liquid or merchandise through the Yukon for delivery in another Province, State or Territory and not loading or unloading in the Yukon. In making an application for a permanent authority the Board will consider the number of permits obtained by the applicant; the objections of current authority holders, and the public need for the requested authority.

A holder of a certificate shall as far as reasonably possible operate in accordance with the approved schedule. Further, no holder of a certificate will without the authority of the Board abandon or discontinue a service established under such certificate except as provided in the regulations.

Each owner of a public service vehicle will be required to keep an accurate record of their business and permit inspection of the books, accounts and other records during business hours by the Board or an appointed representative thereof. An owner, on demand will be required to file with the Board a statement on the prescribed form such information as required respecting the operation of the owner. Every shipper or consignee shipping freight shall permit inspection during business hours of his books and accounts and other records pertaining to the shipping and the freight.

Every person who is licensed to operate a motor vehicle, trailer or motor trailer that in his opinion is being operated in contravention of the proposed Ordinance or the Regulations or Ordinances under the Ordinance and retain it in his custody until the case is disposed of. All costs incurred with respect to the seizure of lien on the vehicle may be recovered in the manner provided under a lien under the Garage Keeper's Lien Ordinance.

The Commissioner will have the authority to enter into reciprocal agreements on behalf of the government of the Yukon with any other Government respecting registration and licence fees of public service vehicles engaged in inter-provincial or international travel on the basis of miles travelled. Agreements respecting the pro-rating of licence fees have been entered into by other provinces and states and is a benefit to the industry. It precludes the necessity for a carrier who holds authorities in more than one jurisdiction to purchase registrations in all jurisdictions. The registration fee paid in his home jurisdiction is pro-rated to all jurisdictions in which he holds authorities based on the miles travelled in each.

This summary indicates highlights of the proposed Ordinance only. It is submitted to assess the reaction to such an Ordinance.

