



The Yukon Legislative Assembly

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HANSARD

Thursday, October 23, 1980 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council Office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Consumer & Corporate Affairs, Information Resources, Government Services and Workers' Compensation Board
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracy	Tatchun

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGulre	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon Territory
Thursday, October 23, 1980

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

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

DAILY ROUTINE

Mr. Speaker: Are there any Documents or Returns for Tabling?

Tabling or Documents

Hon. Mrs. McCall: I have for tabling the answer to Written Question 11, which the Honourable Member for Faro asked on October 21st.

Mr. Speaker: Are there any Reports of Special or Standing Committees?

REPORTS OF SPECIAL COMMITTEES

Mr. Penikett: I have the honour to present the Report of the Special Committee on Privileges.

Mr. Speaker: Petitions?
Reading or Receiving of Petitions?
Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Mr. MacKay: Mr. Speaker, I move, seconded by the Honourable Member for Kluane that a bill entitled *An Ordinance to Amend the Public Service Commission Ordinance*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Leader of the Opposition, seconded by the Honourable Member for Kluane, for leave to introduce a bill entitled *An Ordinance to Amend the Public Service Commission Ordinance*.

Motion agreed to

Mr. Speaker: Are there any further bills for Introduction?
Notices of Motion for the Production of Papers?
Notices of Motion?

NOTICES OF MOTION

Mr. Penikett: I move, seconded by the Member for Tatchun, that the Report of the Special Committee on Privileges be concurred.

Mr. Speaker: Are there any further Notices of Motion?
Are there any Statements by Ministers?
This then brings us to the Question Period. Do you have any questions?

QUESTION PERIOD

Question re: Resource Ownership.

Mr. MacKay: My question is to the Government Leader. In view of the current constitutional debates and the affirmation of provincial ownership of resources in that debate, can the Government Leader indicate whether he is satisfied with these recent changes to the package, which now include provincial rights to resources?

Hon. Mr. Pearson: Mr. Speaker, I am satisfied with the provision that the provinces will still be the owners of their resources, because of course it is always, and always will be, the objective of this Government, to become the legitimate owner of the resources in this Territory.

Mr. MacKay: I am sure that that aspiration is shared by many of us, Mr. Speaker; however, in the meantime, since the Yukon has put itself somewhat on the sidelines of this debate, can the Government Leader say whether he has been making any formal requests with respects to resource revenue-sharing with the Government of Canada?

Hon. Mr. Pearson: Oh, Mr. Speaker, I cannot let it be said that we have put ourselves on the sidelines of the debate. There can be no mistake about it, the Prime Minister of Canada has put us on the sidelines. No one else. The Prime Minister of Canada, only, has put us on the sidelines.

Mr. Speaker, we are in the process of putting together what we hope will be a good, sound, solid case for Yukon to enter into resource revenue-sharing agreements with the Government of Canada.

Mr. MacKay: Mr. Speaker, I do not wish to debate the process again; however, perhaps the Government Leader could tell the House, in the course of the research gone into making this package up, what is the Government's assessment of current resource revenue, from mineral resources and other natural resources from Yukon, that is available to the Government of Canada at this time?

Hon. Mr. Pearson: Mr. Speaker, they are multi-numbers; I am not in any position to say. But this Territory is the exporter of natural gas from the Kotaneelee field in southern Yukon. There are a large number of companies extracting hard rock minerals: lead, silver, zinc, molybdenum, copper. There is a tremendous amount of gold mined in this Territory by placer. We export timber as another resource. So we have a number of resources that, in the provincial sphere of things, are in the ownership of the provinces.

We are suggesting, Mr. Speaker, or we will be suggesting, to the Government of Canada that, as long as we are not a province, they are the rightful owners of those resources, but we are a legitimate government in Canada and, as such, we should be recognized; and we should be sharing in the resource revenue that derives from those resources.

Question re: Decentralization of Government

Mr. Penikett: I have a question, as well, of the Government Leader. Yesterday the Government Leader informed the House that he has a plan to decentralize the government here. I would like to ask if the Government Leader is now prepared to reveal any detail of this plan, by way of a Sessional Paper or Ministerial Statement?

Hon. Mr. Pearson: No, Mr. Speaker, because the decentralization is, of necessity, going to cost money, and we are not yet sure of the cost; we are not sure to what extent we are going to decentralize. That will be determined once we are in the process of putting our O&M Budget together for the spring. Mr. Speaker, I would respectfully suggest that that will be the time when any headway we are going to be able to make will be evident to all Members.

Mr. Penikett: Might I ask if this policy is based, to a great extent, on the November 1977 paper by the Economic Research and Planning Unit called *Decentralization of YTG offices from Whitehorse*, or a more recent investigation?

Hon. Mr. Pearson: Mr. Speaker, certainly that paper is one that is under serious consideration all the time. When we get down to the practicalities, that is what we are dealing with now. We have plans for organization and re-organization in this Government that would, of necessity, mean some relocation of employees and their jobs, and will be a step towards what we consider to be the desirable thing — decentralization.

Mr. Penikett: In that the Government Leader has said that the next budget may indicate the details of such a plan, but may not fully indicate the full dimensions of it; given the form of the budget, can the Government Leader indicate now if it is his intention to submit to the House for consideration some policy document — a statement, white paper, or so forth, on the intentions and the outline of the plan, prior to our considering that budget?

Hon. Mr. Pearson: No, Mr. Speaker. The Honourable Member does not seem to understand.

We have a responsibility for the organization and functioning of this Government. What we are trying to do, Mr. Speaker, is to encompass an expressed desire of our side of the House that there be decentralization.

If the Honourable Member wants to know whether there is a policy, that is it. We have a desire. There cannot be any more policy, as far as I am concerned, in respect to the organization and decentralization of this Government.

What I am saying is that in the organization of the government, and the reorganization of the government that goes on all of the time, we are attempting to meet some of our aspirations with respect to decentralization. I am also saying, Mr. Speaker, that I am confident that those attempts will be recognized in the forthcoming budget.

Question re: Pipeline Corridor through Ibx Pass

Mr. Fleming: Mr. Speaker, I have a question this afternoon for the Government Leader on the Ibx Pass, and the proposed pipeline through that route. As we all know, they have now cut the line on the proposed route. I would ask the Government Leader whether the Government approves, or does not approve, of the Ibx Pass route as opposed to the Alaska Highway route.

Hon. Mr. Pearson: Mr. Speaker, we advised the Northern Pipeline Agency that, with respect to the Ibx Pass, we thought it was more desirable than the north route that had been proposed originally, or as an alternate.

There were a number of reasons, some of them financial, but primarily ecological. We were convinced that the north route was going to do more ecological damage in this Territory than the Ibx route would. We did indicate to the Northern Pipeline Agency that we were not satisfied at that point in time that the proponents had done enough study and enough work with respect to where they might go through the Ibx Pass, to put the line in, with the minimum amount of damage. At the same time, we were aware, and we pointed out, that the Yukon Advisory Council to the Minister, should be consulted on this matter. That is where the matter rests at this time. There has not yet been a hard or firm decision on the route of the pipeline through the Ibx.

Mr. Fleming: Supplementary, Mr. Speaker: the Government Leader says there has been no route, it is just a proposed route, and I agree. Has the Government Leader been in consultation with the Yukon Advisory Council, and if so, what advice does he have from them on the subject?

Hon. Mr. Pearson: Mr. Speaker, the Yukon Advisory Council does not advise this Government. The Yukon Advisory Council is a creature of the Minister of Pipelines, and directly advises the Minister of Pipelines, the Honourable Senator Olson. It does not advise this Government at all.

Mr. Fleming: I am merely trying to find out if the proposal for the park is to save a pipeline from going through there, or to protect the pipeline after it is through there. Would the Government Leader know which is the case?

Hon. Mr. Pearson: I am sorry, Mr. Speaker, I did not know that there was a proposal for the park until I read last night's paper. As I say, we are not in daily contact with the Yukon Advisory Council. Mr. Speaker, I would suggest that they may be considering this as an alternative.

In fact Mr. Lang, who is the Minister responsible for Parks in the Territory, indicated to me this morning that he would be contacting the chairman of the Yukon Advisory Council to try and find out just what they are proposing, and whether we can be of any help to them.

Question re: Game Management

Mr. Byblow: I have a question for the Minister of Renewable Resources. With respect to the topic of Game Management, there has been some criticism over whether we are in fact getting enough remuneration from non-residents for the privileges of hunting, and whether offenses under the *Game Ordinance* are in fact treated strictly enough.

In light of this, Mr. Speaker, I would ask the Minister if he can say whether or not his department is reviewing the regulations and the areas perhaps pertinent, with the intent of revising them?

Hon. Mr. Lang: Mr. Speaker, just to give you some background with respect to the remuneration from the non-residents being allowed to hunt in the Territory under certain restrictions, there was a substantial increase in the fees, if you will recall, approximately one year ago.

It is an area that is definitely being looked at; in fact, the whole area is being reviewed at the present time. It would be my intention to meet with the Outfitting Association executive here, in the middle of November, to discuss various concerns that I have and the Department has. The converse is true, too; the industry will be able to bring some of the problems that they have, to my attention.

In respect to the revisions to the *Game Ordinance* — on offences, that is one area that is definitely being looked at. I have committed myself in this House to further amendments to the *Game Ordinance*, and probably next spring we will bring it forward. It is an area that is of concern.

It is of concern to the judiciary, I should point out, Mr. Speaker. Magistrate Stewart has contacted the Government that he has requested an opportunity to sit down with the departmental staff, to look at the whole area of game management and to get a better orientation with respect to what is expected of the judiciary, which I was very pleased to see, Mr. Speaker.

As you well know, there have been a number of cases in the last couple of months that have been appealed, and it is a very costly procedure. I think that just the reflection that this Government has appealed a number of court cases obviously indicates the concern that we have with respect to some of the offences that have been committed.

Mr. Byblow: I take it the Minister is confirming that we are expecting the introduction of revisions to the *Game Ordinance*, possibly by as early as next Session.

Hon. Mr. Lang: Mr. Speaker, I cannot say if it will be in the budget Session, but I am hopeful sometime early next year.

It is a major job, revising legislation, and this is an area of vital concern to at least this side of the House and, I am sure, to some Members opposite. The job has to be done well, and I am confident that we can have something together here fairly soon.

Mr. Byblow: I would further inquire with the Minister on a matter of policy. Can the Minister say if it is a position of his government that, in the area of game management, fiscal recoveries from the game resource should more closely parallel the administration of that resource?

Hon. Mr. Lang: Mr. Speaker, that is a pretty broad statement to make. It is like saying that all school children should pay for the cost of their own education. It is just not possible. I am not saying that perhaps the whole area of fees and that could not be reviewed, but I also recognize that the Government, over all, has a responsibility.

I would go further to say, Mr. Speaker, on this particular subject. As I said earlier, we did give a major increase in our fees and this type of thing over the course of the last year. But I think there is a more important thing here, Mr. Speaker, and I think all of us Members in this House, have a responsibility. Too often we give the impression that game is the responsibility of the Government and that individuals do not have a responsibility. I think the message that has to be presented, Mr. Speaker, is that game belongs to all of us. If there is an offence, people have a responsibility to ensure those offences are reported. We only have so much financing to put towards game management, and there are only so many hours in the day for employees of the Branch, so if the public is there to help, it definitely makes it a lot easier.

Hon. Mr. Pearson: Mr. Speaker, on October the 20th, the Honourable Member for Whitehorse West asked a series of questions in respect to vehicle licence plates. I would like to answer him now, Mr. Speaker. Licence plate stickers, instead of plates, will be issued in the spring of 1981 for the 1981-82 licence year. The renewal period for registration will be from February 1 to March 31, as in other years.

In answer to his second question, Mr. Speaker, there are no plans to allow the selection of special vehicle registration plate numbers by individuals, as is done in some other jurisdictions.

In answer to the third question — I cannot recall, Mr. Speaker, whether that question was raised by the Honourable Member for Whitehorse West, or whether it was from the Leader of the Opposition — but no matter which Member asked the question, if they really feel that the AA designation is not appropriate, I wonder whether BS might be a better one?

Mr. MacKay: If the Government Leader is looking for more suggestions, I can certainly provide them, Mr. Speaker.

Question re: Gold Royalty Rate

Mr. MacKay: In the previous answer today, Mr. Speaker, the

Government Leader alluded to gold placer mining, and resource revenue that may be derived from that. I would like to ask the Government Leader if he is aware that the grand sum of 22½ cents per ounce is the present royalty rate for gold being extracted from the Yukon.

Hon. Mr. Pearson: Yes, Mr. Speaker, I am aware of it and I am also very aware of who sets that royalty rate.

Mr. MacKay: In the course of Government's packaging of the resource revenue-sharing, have they made any recommendation, or are they going to make some recommendation, with respect to raising that royalty to a more reasonable amount?

Hon. Mr. Pearson: Mr. Speaker, I am quite confident that that will be a recommendation that we will make.

Mr. MacKay: Can the Government Leader tell the House what figure they are recommending?

Hon. Mr. Pearson: No, Mr. Speaker I cannot I am sorry.

Question re: Mineral Rights

Mr. Penikett: I have a question for the Minister of Municipal Affairs. The new Minister answers our questions in a very precise way, so I would like to ask him whether the Yukon Government has made any representations to the powers that be in Ottawa, to either have the *Quartz Mining Act* changed, or else have the Federal Government intercede in some other way, to resolve the apparent conflict between surface and subsurface rights in residential areas in this Territory.

Hon. Mr. Lattin: No, Mr. Speaker, we have not made any representation whatsoever.

Hon. Mr. Lang: Mr. Speaker, I think that there should be some clarification on the line of questions being raised. The Member knows full well that our legislation is very similar to the provinces, and I think that was very well explained at a public meeting with respect to the alleged or apparent conflict that the Member suggests.

Mr. Speaker, we have made it very clear to the public of the Territory that we will, if necessary, ensure that those people do have title property; that we will be going to the courts if necessary, if it were to be pushed to that extent.

Mr. Penikett: I thank both Ministers for their answers, and I appreciate them, and I just want to remind them that it is not me who is making the allegations, but certain legal gentlemen.

What I would like to know specifically is, what action will the Government be taking, to attain solid results to relieve any anxiety, when and if it arises again in the case of the new Hillcrest Subdivision; or, if the problem resurfaces, if I may use that word, in the case of the Wolf Creek Subdivision?

Mr. Speaker: Order, please. I would consider that the question is quite hypothetical. Perhaps the Honourable Member could restate his question.

Mr. Penikett: Certainly, Mr. Speaker. If you could see the caterpillars, you would realize that it was not hypothetical.

Mr. Speaker, what I am asking is this: the government may soon put some lots for sale in the new subdivision in my area. The apparent conflict between subsurface and surface rights has not been resolved in law. I would like to ask the Minister, specifically, if it is his intention to go to court to seek a ruling or a declaration from the court on this problem?

Hon. Mr. Lattin: Mr. Speaker, at this particular time there is no conflict evident.

Question re: Alcohol and Drug Programs

Mrs. McGuire: I have a question for the Minister of Human Resources. As the Minister is aware, it has been determined by evaluation that Y-Canada would not be re-funded for a continuation. Does the Minister and her department plan on funding similar projects for developing alcohol and drug education programs for Yukon schools?

Hon. Mrs. McCall: Mr. Speaker, I want to thank the Honourable Member for her question. I think it is a very important question.

I think that the solution to alcohol problems is not an easy one, but I think it begins in the schools. Our department, along with the Minister of Education, will be looking at programs, possibly in the schools. I am sure he will be interested in looking, as well.

Mr. Speaker, while I am on my feet, in response to questions and concern shown regarding Redi Enterprises, I have a bit of cheerful news for the House. All of the Redi Enterprises staff except two

have been placed in jobs, and there are excellent prospects for those two.

Question re: Lewes Group Home

Mr. MacKay: I appreciate the former speaker's concern, shared by this side.

I have a question for her, though; it has come to my attention that the Lewes Group Home in Whitehorse for young disabled people will close on November 24th. Can the Minister inform the House what steps her department is taking to replace that facility?

Hon. Mrs. McCall: Mr. Speaker, there are plans to have an alternate house for disabled people.

Mr. MacKay: In view of the fact that it is just a little over thirty days before its closure, can the Minister say for sure that this alternate plan will be ready to be implemented on November 25th?

Hon. Mrs. McCall: Mr. Speaker, there are definite plans to look after the people there, and plans for a more suitable home are in the works.

Question re: Brass Report/Critique of

Mr. Penikett: I have a question for the Government Leader, the Minister responsible for the Liquor Corporation, or the Minister of Health — I am not sure who is responsible in this case.

According to press reports, a fifteen page critique of the Brass Report on alcohol services in Yukon has been prepared by the Yukon Government. Will the government be tabling this report, as it has the Brass Report?

Hon. Mrs. McCall: Mr. Speaker, I think perhaps I can answer that. I have that critique in my possession. It is under consideration by Cabinet, and after those discussions, it is possible that it could be tabled.

Mr. Penikett: In view of the fact that this critique has been made public, I would like to ask if it is the official Government response to the Brass Report, or is it just an example of open government and open dialogue on an issue like this?

Hon. Mrs. McCall: Mr. Speaker, it was a critique that I asked for on the Brass Report, from my Department of Alcohol and Drug Services. It is a report to me.

Mr. Penikett: May I ask if the Minister is then telling the House that, pending her consideration or the Cabinet's consideration of this document, it may form the basis of a government response to the Brass Report, or there may be some other response coming forth in the near future?

Hon. Mrs. McCall: Mr. Speaker, I think that the points made in the critique may very well be the Government's answer, but it remains to be discussed.

Question re: Job Creation

Mr. Byblow: I have a short question for the Government Leader. In a very recent article in the *Vancouver Sun*, it was announced that over \$800,000 been made available to BC, the Yukon, and the federal government to create jobs in the technical and scientific labour force. Can the Government Leader say whether or not he has been made aware of the program and if his Government will be taking advantage of it?

Hon. Mr. Pearson: Mr. Speaker, I understand that this little article was in the *Vancouver Sun* yesterday. I have not been made aware of it before, but I have just recently read the article. It seems that all of a sudden the federal government is remembering that Yukon is part of Canada, because this grant of \$812,000 has been made available to employers in BC and the Yukon. It is for employers in the scientific and technical field, who hire unemployed post-secondary school graduates to work in research and development. Mr. Speaker, since reading the article I have been racking my brain to really try and figure out whether there are any employers in the Yukon who might come under such a scheme. If there are, we will certainly make sure that they know about it.

Mr. Byblow: Can the Government Leader then give me the assurance that he will fully investigate the possibilities of the use of this assistance in these specialized areas, perhaps even within his own Government?

Hon. Mr. Pearson: Mr. Speaker, if the Government of Canada wants to say that we are working in the scientific or technical field, I would be happy to take advantage of it. But, certainly, like all programs, we do look at them carefully, and we try to take advantage of all programs that are offered to us. More importantly, we try to make the people in the Territory aware of what programs are offered to them.

Question re: Employment of Handicapped

Mr. MacKay: I have a written question, Mr. Speaker, for the Government Leader. The question is: with respect to the Government Leader's statement yesterday that the Government does have an active affirmative action program of hiring from disadvantaged groups, will the Government Leader provide the following information to the House: (1) A description of the goals and activities of the affirmative action program. (2) The date of its implementation. (3) What groups of individuals fall under the term "disadvantaged groups". And (4) What steps the Government has taken to make this program well known in Yukon through public announcement, liaison with organizations representing disadvantaged groups, and with federal Manpower Centres?

Question re: Museums

Mr. Penikett: I have a question for the Minister of Tourism. The Minister, while in Dawson City early this month, told the Yukon Historical and Museum Society — perhaps it was not in Dawson — that he was preparing a Blue Paper on Yukon Museums Policy for next spring Session.

In view of the fact that he also said it might not be ready for another two years, can the Minister please clarify his plans and incidentally explain what a blue paper is?

Hon. Mr. Lang: I do not recall saying "blue paper" but I guess if it is printed in the media I must have said it. That answers the first question and I trust the Member will accept that.

In respect to the policy in this area, as the Member know, I am relatively new to the portfolio. It is an area of concern. We are looking at formative stages of the policy between myself and my colleague, the Minister of Education. Some areas of Archives come under him so there are overlapping responsibilities. I expect to have a discussion paper in the near future, so that the interest groups involved can have a look at them to give some input. I would suggest that there would probably be legislation presented in the fall of 1981 at the latest.

Mr. Penikett: I wonder if I could ask the Minister now if it is presently his intention to bring forward legislation which would encompass our physical heritage as well as our documentary heritage?

Hon. Mr. Lang: Mr. Speaker, I am sure that that is one aspect that is going to be considered for legislation, both aspects that the Member referred to. I will be looking for his constructive input when the time comes.

Mr. Penikett: I appreciate the Minister's statement about the process that he intends to follow in the development of this legislation, and the consultation that he has committed himself to. Can I ask the Minister if he has yet come to any policy conclusions about the types of things he is seeking to preserve: specifically is he inclined toward preserving buildings, or will there be more emphasis on the archival product which we already have?

Hon. Mr. Lang: Mr. Speaker, I have not quite gotten to that point, but the quicker we get through the business of this House and prorogue, the earlier in the year I can make decisions.

Question re: Teslin Airport

Mr. Fleming: I have a question for the Minister of Municipal Affairs; however, the Minister who was just speaking may answer if necessary, because he was in that position at that time. A question was raised at a public meeting of the Government and the citizens of Teslin regarding the status of the airport land transfer.

About the status of the airport land transfer. Mr. Restall of the MOT stated that Transport Canada will identify the land requirements, and will transfer the land to the Yukon Territorial Government. When this is done, the Yukon Territorial Government will be able to address the user needs.

I would ask the Minister what stage those negotiations are at at this time?

Hon. Mr. Lang: Mr. Speaker, I can just say that it took us seven or eight years to get thirteen acres at Haines Junction. I suspect that the situation in Teslin will be no different. We are in about the second year, so five years from now, when we are both getting Old Age Pension, we should be able to go to the airport and have a transfer done.

Mr. Fleming: I do not think there is any real supplement to that political, haymaking speech.

However, I have another question on the same line and it was brought up at the same meeting, which the same Minister knows about. The two radio-range sites in the area of Teslin were also to

be transferred after the towers were sold. Have there been any negotiations in this area?

Hon. Mr. Lang: Mr. Speaker, I will take that question under advisement.

Question re: Government Leader appearing on Vancouver Talk Show

Mr. Byblow: I have a question for the Government Leader. It is my understanding that the Government Leader is travelling to Vancouver this weekend to appear on the infamous Webster talk show. My curiosity is about whether or not this is a government-sponsored trip, or an excursion strictly on the invitation and at the expense of the TV company?

Hon. Mr. Pearson: Mr. Speaker, this is no excursion. I intend to go on an excursion at my own expense, Mr. Speaker, about the 14th of next month. But no, I am going to Vancouver on government business, quite a bit of it. My day, for the edification of the House, will start at twenty minutes to seven tomorrow morning. One of the things that I will be doing, and I am sure will be enjoying immensely, is appearing on the Jack Webster show.

Mr. Byblow: I have a further inquiry of the Government Leader. When the Government Leader was invited to the Alberta Heritage Conference last year he also invited the Leader of the Opposition to go with him. I would inquire of the Government Leader whether he is planning a similar invitation at this time, if perhaps for no other reason than to permit a couple of Scots to get together?

Mr. Speaker: I will rule that question out of order, as being frivolous.

Question re: Rural Residential Lots

Mr. Penikett: I have a question to the new Minister of Municipal Affairs, who seems further away from the airport than the former Minister of Municipal Affairs; the latter who, last fall, made a great to-do about the imminent release of large-acreage rural residential land for sale around the Whitehorse area. In view of the absence of any such land for sale yet, can the Minister state exactly what his present plans are for providing these acreages?

Hon. Mr. Lattin: As you know, we have had several postponements on this particular thing, and I am waiting for the people in Ottawa to give us a firm decision when they are prepared to transfer these recreational type lots over to us.

Mr. Penikett: No one can complain about the Minister's lengthy answers. I would like to ask the Minister, in view of past statements that the Government was wrestling with the problem of selling twenty-acre lots at either market value or at cost. When does the Minister expect the Government to reach a policy decision on this question or has it already?

Hon. Mr. Lattin: No, Mr. Speaker, we have not reached a decision. This is something we are actively discussing and considering at this particular time.

Mr. Penikett: In view of the fact that the Government, in the past, has, in areas like Wolf Creek and MacPherson, sold lots at development cost, is the Government seriously considering some other pricing policy in connection with future land sales?

Hon. Mr. Lattin: Yes, Mr. Speaker, at this particular time we are considering all the options that are open to us.

Question re: Government Leader's Trip to Vancouver

Mr. Byblow: Mr. Speaker, I have one supplement to my previous line of questioning. I would like to enquire of the Government Leader whether or not he is at liberty at this time to indicate the nature of Government business, on behalf of Yukon, that he will be addressing while in Vancouver?

Hon. Mr. Pearson: Well, Mr. Speaker, I am sure that the one thing that will be of most interest to the Honourable Member for Faro is that I will be meeting the president of Cyprus Anvil in his office tomorrow morning.

Question re: Wolf Creek Correctional Institute

Mr. MacKay: I would of course welcome an invitation to that meeting as well. I look forward to seeing the Government Leader on the plane tonight so we can discuss these things.

My question, however, is to the Minister of Health and Human Resources. Earlier in this Session, the Minister indicated that the Wolf Creek facility would be closed down. Can she tell the House what date this is projected for?

Hon. Mrs. McCall: Mr. Speaker, that date will be dependent upon how the additions and alterations to the new facilities come along. We have not fixed an exact date.

Mr. MacKay: Any month would have done, not an exact date, Mr. Speaker. Perhaps the Minister could bear that in mind in replying to my next question: Could you tell us how many employees may be laid off in the process of changing these facilities?

Hon. Mrs. McCall: I could, perhaps, give an approximate date of sometime in February. And, there will be no employees laid off.

Question re: Radio Service in Pelly Crossing and Old Crow

Mr. Penikett: Mr. Speaker, I have a question for the Government Leader, the Minister of Economic Development, or the Minister of Municipal Affairs, whoever can answer it. I am curious as to whether the Government is aware of an ARDA application for the purpose of supporting radio service in the communities of Pelly Crossing and Old Crow?

Hon. Mr. Lattin: Yes, Mr. Speaker, that is so, and I am aware of it.

Mr. Penikett: Can I then ask the Minister of Municipal Affairs if he is prepared to say at this time whether the Government is supporting this application?

Hon. Mr. Lattin: Yes, Mr. Speaker, we are certainly supporting it. We initiated it.

Mr. Penikett: I would ask the Minister, then, if he can explain why the DREE office in Whitehorse is apparently not aware of it?

Mr. Speaker: I believe the question would be out of order. I believe the question relating to another government really cannot be asked of this Government.

The time allotted for Question Period has now expired, and we will proceed on the Order Paper to Orders of the Day. May I have your further pleasure?

ORDERS OF THE DAY

Hon. Mr. Pearson: Mr. Speaker, I would beg the indulgence of the House to seek unanimous approval to withdraw Bill Number 56, *Third Appropriation Ordinance, 1979-80*.

Mr. Penikett: Yes, on a point of Order, Mr. Speaker, I raised a question in connection with this bill yesterday. I have no objection to the withdrawal, but I wonder if I could have some response to the question of order that I raised at that time.

Mr. Speaker: The Chair has no recollection of any points of order being made in the House respecting any bills, up to this point in time.

Does the Honourable Government Leader then have unanimous consent of the House to withdraw Bill Number 56?

Some Members Agreed.

Mr. Speaker: Consent is so granted.

May I have your further pleasure?

Hon. Mr. Lang: I would move, Mr. Speaker, seconded by the Member for Whitehorse West, that Mr. Speaker now leave the Chair and that the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Whitehorse West, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call the Committee of the Whole to order at this time.

We will call a short recess.

Recess

Mr. Chairman: I call Committee to order at this time.

Mr. Hibberd: Mr. Chairman, it has been brought to my attention that while I was in the Chair yesterday, the Member for Whitehorse West stated he had a point of order; I must admit that the recorders were more adept than I at picking up his statement, because I did not recognize it from the Chair, and I did not deal with it as such at the time.

So, I would clarify it now, if I may, Mr. Chairman. I will quote Mr. Penikett: "On a point of order, before we actually consider the substance of this bill, I must confess to having some confusion as to the amounts and the nature of what we are considering."

Mr. Chairman, that does not constitute a contravention of our rules of the Committee, and therefore he has no point of order.

I would further comment, Mr. Chairman, that such a matter, as a point of order, is to be resolved in Committee, and if Committee, as a majority, cannot deal with that point of order, then and only then is it to be referred to the House for a decision.

Mr. Chairman: Would the House like to deal with the point of order at this time?

I declare that the Honourable Member does not have a point of order.

Pursuant to Standing Order 48, the Committee has received notice from the Honourable Member, Mr. Lattin, requesting witnesses to appear in Committee of the Whole during discussion of this *Municipal Ordinance*.

The Chair will, at this time, put the Minister's request to the Committee. It has been moved by the Honourable Mr. Lattin, that Mr. Grant Livingston and Mr. Rob McWilliam appear before the Committee of the Whole to give evidence on Bill Number 57, *Municipal Ordinance*.

Motion agreed to

Mr. Chairman: At this time I would like to ask the witnesses to appear before the House.

Since we are in Committee of the Whole, I would ask the witnesses to put on their microphones, so that the recorders can pick up their voices.

I would ask the Committee to refer to Bill Number 57

I would like to inform the Members that questions put, in Committee, should be recognized by the Chair and directed to the Minister responsible; if the Minister, in responding, wishes to do so, he can use the witnesses for guidance on specific clauses.

On Clause 1(1)

Hon. Mr. Lattin: It is my contention that I have made the main policy statement in regard to this Ordinance. To rehash and to rework the same ground will serve no purpose. It would only be an exercise in redundancy. I am looking forward to getting down to the clause-by-clause discussion. I am confident that we will be able to alleviate a great majority of concerns expressed. I am sure, Mr. Chairman, that every one of the Members of this House is dedicated to producing the best possible *Municipal Ordinance*.

Mr. Chairman, with those few remarks I await all debate and suggestions on clause-by-clause consideration.

Mr. MacKay: With the permission of the Chair I would like to ask a few questions of a general nature, which I do not think would necessarily tie into any particular clause area — more in trying to fathom some of the underlying philosophies that went into this bill, so that we may better understand what the Government is driving at. I trust that the Minister concerned can give us some enlightenment on that.

I will just ask them one at a time, rather than list them all off.

The first question I would like to ask is in connection with the statements which have indicated that there is enough flexibility in this bill to provide for any level of responsibility to be devolved onto the communities. I would like to get some idea from the Minister as to how he sees that policy being effected: who initiates what level of responsibility. Is it going to be entirely coming from below, from the municipalities that are going to be formed — some automatically — by this Ordinance, or will this be a matter for discussion among the department? Does he have some preconceived ideas as to how much power will be devolved, for the sake of specifics, on to a city, on to a town, and on to a village?

Hon. Mr. Lattin: I envisage it as a two-fold proposition. Either the residents themselves could initiate the proposal, or we in the department could initiate the proposal; but I do not think it would be advisable, or that we should force anything upon the people. I think the people in the particular communities should have the opportunity to come forth and request that we move in this particular direction.

Mr. MacKay: I think the Minister answered some of my question with respect to how municipalities would be formed. Do they have a model, shall we say, in mind, as to how much responsibility a village would be expected to assume; how much would a town, and how much would a city be expected to assume, of the total responsibilities that seem to be outlined in this ordinance?

Hon. Mr. Lattin: I think, Mr. Chairman, that when we get into these particular clauses in the bill, the powers will be outlined there.

Mr. Chairman: It should be the decision of the Chair, at this time, that most of these questions, we will be going through the bill

for a week, has certain sections in there in relation to your question. I think, at this time, that the Chair would like you to have general discussion on this particular clause.

Mr. Penikett: Mr. Chairman, on a point of order, that is exactly what my friend to the right is doing. He is, in fact, asking general questions, and I would say with the greatest respect that the Chair is our servant, not our master, to tell us what we can and cannot ask questions about.

Mr. Chairman: Pursuant to the Standing Orders, I recognize your concern; but pursuant to the Standing Orders of the Committee, the purpose of Committee is to study the ordinance after the principle has been discussed in second reading, if you go through this clause by clause. It seems to me that the Honourable Member is now asking questions which may appear in Section 100 of this particular bill, for instance.

Shall we continue with general discussion?

Mr. MacKay: Mr. Chairman, I am not sure if I want to continue in the general discussion, if I am going to be restricted from asking general questions at this point. It seems to me that my ability to get to the bottom of this bill is being severely curtailed. I think, as the Minister said initially, that we are all dedicated to bringing forward the best legislation possible. I have been asking questions about the philosophy behind the bill, but I cannot see any section that says anything about philosophy. If the Chairman can point one out to me, I will be happy to wait until that section; but in the meantime, if I could continue to ask questions about philosophy, I would appreciate that.

Mr. Chairman: Continue.

Mr. MacKay: Thank you, Mr. Chairman. I conclude from what the Minister said previously that really you have no set model in mind for what a village, a town, or a city would assume? Is that correct?

Hon. Mr. Lattin: That is correct, Mr. Chairman. We do not have a model as such. One of the key differences, I would point out, between classes of municipalities, is, in most cases, the access to funds. I think that you will find, as we go through the bill, that this will be evident as we proceed.

Hon. Mr. Lang: Mr. Chairman, I think what the Member is driving at is that there is a certain legislative framework that says "You shall do certain things". And that legislation, except in certain circumstances, is designed for the flexibility of a community: to assume, by by-law, authority delegated by the *Municipal Ordinance*.

I think it is Section 9(2) of the ordinance which brings in special circumstances which can be incorporated in the charter of a municipality. We recognize — and I think the Member opposite spoke of it the other day — the differences between all our communities. This is the reason that there has to be this flexibility in the legislation: outlining the powers that we, as the Legislature, are prepared to grant to the municipal councils. But they do not necessarily have to assume that responsibility, except in certain cases; there, as the Chairman has indicated, when going through the clause-by-clause reading, it will say "shall". There are areas where the authority is there, but has to be assumed, voluntarily, by the elected representatives in that area.

So it is a situation where you are fostering the responsibility of the community — they are assuming responsibility at the pace at which they choose to do it — and at the same time clearly delineating the areas in which they can assume responsibility. I think that is important.

This is one of the problems we had prior to this, Mr. Chairman, with the old municipal legislation. It was so restrictive that there was no flexibility for the communities, if they perhaps wanted to do something a little bit differently in one community as opposed to another — our system being what it is today, it was a great day for lawyers.

Mr. Byblow, if you will permit me, please. I do not mind being waved at, but three or four times? I wonder if I am doing something wrong.

The philosophy with respect to the bill is, I think, very clear. There are four steps to responsible government as opposed to the two levels of government we have had. We recognize the problems that we have had in that area. Along with that we are attempting to build in responsibility and accountability, which I like to think is consistent with all Members' aspirations.

Mr. Byblow: With respect to pursuing the line of discussion that the Member who just spoke precipitated, I would like to have

clarified whether his interpretation of what is being attempted, in terms of refining the responsibilities of power assigned to whatever municipal entity that comes into being, can really effectively mean thirteen different charters, if you will, thirteen different sets of regulations under the so-called Section 9 that he refers to?

Hon. Mr. Lang: No, I do not think that is the case. What you are looking at is incorporation. Within that incorporation there are certain authorities that will have to be followed; the remainder is flexible, as far as authority being delegated to the level of responsible government in that particular community.

There are circumstances in Section 9, as I referred to earlier, where special circumstances can be in the incorporation, as in the case of the community of Faro. There is going to have to be, within their charter, due to past commitments and whatever, certain provisions as far as their borrowing and taxing authority and whatever. You can get into that later on.

Basically you will have a charter for each community, but it will be fairly consistent throughout the Territory, except for those special circumstances.

Mr. MacKay: I am quite pleased with the debate thus far, Mr. Chairman; I hope you are too. The degree of flexibility that has been built into this is very good, and I hope that we can continue to have this flexibility all through the debate. I appreciate the former Minister's explanation, because no doubt a lot of his philosophies were in place before the present Minister came along, so we will probably be dealing with a dual Ministry here for a little while — without meaning to downgrade the present Minister.

I guess my concern is that — this is more of a general debate now than questions — the Government has elucidated that they are prepared to be flexible. I think it is more likely they are saying that we have set out a list of powers and responsibilities here. Perhaps you can go along, like a menu sort of thing, where you can pick out those things which you think are most suitable to your particular town or village or city, and from that we will develop enough responsibility government at the lower end, that the decision-making can be made at a local level — to the extent that they have the power to do so. I think that is a very fine philosophy to follow.

My point is that I would like to see it expanded somewhat in this regard. I am going to introduce the subject of land claims, hopefully not in an inflammatory way, but to try to address some of the issues that may arise through that.

I said in second reading debate that I hoped that this ordinance, Mr. Chairman, would not become a reason for any party to land claims to feel aggrieved, or not included in what we all are aiming for, and that is, a one-government system. So I think everybody in the House agrees that that is the desirable objective.

One of the ways of including a minority group in the stream of government is to allow them, at some level of government, to have quite full participation, and quite full say over things that affect them directly. The responsibilities that we have enumerated in this ordinance, generally speaking, fit into what a normal municipality of an urban or semi-urban society that is going up in North America would normally expect to have: sewer and water, planning, and very basic ingredients like that.

I am wondering if there is an opportunity missed here, Mr. Chairman, in regard to being a little more creative, a little more flexible, without giving up the ultimate responsibility for these things as to whether or not some powers that are not in here could be allowed to devolve into areas that may be requested by the local village or town. I do not want to get into too many specifics. I think that the kind of issues that we are talking about are very much the topics of land claims discussions. It is not just a question of money. It is a question of land. When you are talking about land, you are talking about towns, villages, you are talking about municipalities.

It has been my earnest hope, since the beginning of the land claims process, that Yukon Indian villages, almost exclusively populated by people who will be affected by land claims, will fall under and will voluntarily try to become municipalities in the normal sense of the word in Yukon, and will benefit from such things as per capita grants and from the services of the department of Local Affairs and will be in a position to feel much more a part of the general society that exists here, because they will have the same rights and responsibilities.

I am perhaps being a little idealistic in hoping that this is all going to happen in the course of the next six months, although it should be recognized that land claims have been in the negotiating process since 1973, and some of the ideas that I am expressing now

were expressed then. I would hope that some creative thought has gone into this ordinance with a view to trying to accommodate some of the special concerns that native people have, and that they are trying to enshrine or achieve, through a land claims settlement.

I am not criticizing the Government in any way. I think they have set up a framework that is perhaps flexible enough to encompass some of these concerns. I wonder if, having done that, they are prepared to go to the next step, and to see if there is some way of building some bridges to the native villages, either through the Band Council, the chiefs, or whatever, and having some dialogue with them. You could go talk to the leaders of the land claim negotiations, that is true, but there is also the responsibility of the government that in consulting with the Association of Yukon Municipalities, there are other towns and villages around, too, that should be consulted.

I wonder if the government feels that that would be a provocative thing to do, or if they would feel that this is something they would like to embark upon, as an education, a drawing-in to the whole process of the villages, that I think may have not been philosophically included in this ordinance at the time it was being drafted. Perhaps I could have a response from the Minister in charge of land claims on that particular issue, at this time.

Hon. Mr. Pearson: Mr. Chairman, I am confident that uppermost in everyone's mind, in the hours and hours of agonization over the drafting and the putting together of this piece of legislation, were the twelve Indian villages that exist in the Territory, and exactly how they might fit into a one-government system, once there is a land claims settlement.

We are convinced that there is enough flexibility that whatever is decided, whatever their wishes, we will have something to offer them at that point in time. But we have to be very careful, Mr. Chairman, that we are not perceived as circumventing the land claims process, or, for that matter, going around the CYI, in respect to what may or may not be in settlement legislation.

Mr. Chairman, we fully expect and are hopeful that there will be settlement legislation some day that will probably have a direct bearing and a direct effect on this legislation, as it will upon numerous pieces of legislation in our Territory.

We will have less trouble with the kind of legislation in this Bill than the kind in a lot of others, because I am confident, Mr. Chairman, we have got the flexibility built in so that we are going to be able to absorb whatever amount of absorption they are going to wish us to take at that point in time.

Mr. Chairman, I want to say to the Honourable Members opposite that it is very difficult to speak of this without getting into specifics. I am very reluctant to get into specifics, because then I feel that I am broaching the land claims negotiations. I just do not think we should do that. Suffice it to say that we are very conscious of the land claims negotiations. We are very conscious of the aspirations of the Indian people in the Yukon Territory, and hopefully, at some point in time, they, along with everyone else, will be availing themselves of this legislation.

Mr. MacKay: Perhaps I could ask one direct question on that issue. I hope it is not a breach of the process. Can the Government Leader say whether the issue of this ordinance has come up in negotiations; if in fact it has been resolved, and that we are not going to be perceived to be doing any sort of unilateral negotiations, by virtue of passing this legislation?

Hon. Mr. Pearson: No, Mr. Chairman, if the issue had come up, or if I thought for a moment it was going to be perceived as being any kind of unilateral legislation, it would not be here right now.

Hon. Mr. Lang: Mr. Chairman, I just wanted to proceed and emphasize this point: I get the impression that people are saying "There is really no philosophy behind this bill, in respect to our native people." Maybe we could even talk about the taxpayers for a while. You know, this legislation is designed for everybody in the Yukon Territory, in order to give the framework for people to have a responsible form of government in their communities.

The basic philosophy — and I want to emphasize it — is the four-tier approach, or four step approach to responsible municipal government, recognizing the difference in political maturities and financial situations of communities. The flexibility is there for them to grow and proceed, as opposed to what is presently in place.

I think that the most important underlying principle is to try to encourage more responsibility, and allow a framework where there is different levels of what we would call "responsible govern-

ment" in political circles.

I think that this is going to encourage people to run for office, to grow, and to further the evolution of responsible government and hopefully, we will have more people running for the Territorial Legislature and more representation in this House in the long run.

Clause 1(1) agreed to

Clause 1 agree to

On Clause 2(1)

Mr. Penikett: On the definition of "alderman" — I tend not to feel as strongly about some words as other people do, but I did notice that an alderman of the City of Whitehorse raised objection to this term in that they felt that it was sexist. Given that this body now uses the term "Members of the Legislative Assembly" rather than "Territorial Councillor", and so there is less opportunity for confusion than there once was, is there any particular reason why members of municipal councils could not be called councillors, which is a term which has no sexual character at all?

Hon. Mr. Lattin: Mr. Chairman, we do not consider that the word "alderman" denotes any particular sex, it denotes a position and, as such, we feel that we do not have to change it.

Mr. Byblow: Just further to that topic, I note that in the minutes of the AYC meeting of September 20 and 21, there was in fact a motion that was carried by the AYC to have this wording corrected, to eliminate the sexist implication of the word "alderman". I would further pursue this with the Minister, or perhaps with the witnesses, Mr. Chairman; what is the problem in converting that word to "councillor" or "alderperson"?

Hon. Mr. Pearson: Mr. Chairman, it is a rule of legislation that there is no difference between alderman and alderperson. But general usage throughout this country is that "alderman" is an accepted term, and is not sexist in any way, shape or form. In legislation it cannot be perceived to be sexist. In legislation "him" means "her", "she" means "he"; it is just an accepted rule that has always been there. I would suggest though, Mr. Chairman, that we should properly call Members of City Councils, "aldermen" as opposed to "councillors" just because of the confusion that will exist now and in the future, because it is going to be a long time before Members of this House are called anything other than councillors.

Hon. Mr. Lattin: Mr. Chairman, the definitions of "board" and "commission", are included, to provide clarification between the two. The key is that a board is strictly advisory to the council, while a commission can be delegated some authority.

Mr. Penikett: While we are engaged in this effort to avoid confusion, I would like to ask the Minister if he could explain the reason for not including in the Interpretation section the definition of the "municipal board". I understand that the proposal is contained in some detail throughout there. Given that this definition for "board" appears fairly prominently here — the meaning to me is very clear from my experience, but it may cause some confusion. I think I am right from my readings of the bill that the first reference to a board that appears, is to the proposed Yukon Municipal Board.

Hon. Mr. Pearson: Mr. Chairman, once again, it is drafting style, and certain drafting rules are being followed. There are only some words that go into a definition section. Those are the words deemed to be those that do turn up without definition and without clarity throughout the text of the legislation.

I would assume, Mr. Chairman, if the definition of an "advisory board" is not here, it is because it is referred to all the way through in every instance as the advisory board. I would hope that that is true, or else there should be a definition of it in the definition section.

Mr. MacKay: I would take it then, and I did not look through the Ordinance for that particular point, but if in ensuing debate we find that is not the case, we can always come back and amend this.

Hon. Mr. Lattin: Mr. Chairman, this is a new term for the manager. The main emphasis here is that the reporting relationship to the council has been revised, and this new title recognizes this difference. The main difference, Mr. Chairman, is that the chief administrative officer takes his direction from the Mayor and Council.

Mr. MacKay: I am wondering about the definition of "Corporation". "Corporation" generally has a fairly distinct meaning, and a firm of partners has never, in my experience, ever been referred to as a "corporation" before. I wonder why this has to appear here.

Hon. Mr. Lattin: A corporation has been defined to permit all businesses that are taxpayers to have a voice on money bills.

Mr. MacKay: So this definition has some fairly serious implications, with respect to who may or may not vote on money matters, Mr. Chairman. I am wondering what distinction the Minister would make between the taxpayer who owns his own home, and the taxpayer who is the sole proprietor of a business downtown and owns his own property? Would that person be entitled to two votes?

Hon. Mr. Lattin: I will refer that answer, Mr. Chairman, over to the witness, Mr. Livingston.

Mr. Livingston: Yes, Mr. Chairman, Mr. MacKay's example is correct. The voter would get two votes in that case.

Mr. Penikett: Mr. Chairman, am I not correct in assuming that if a citizen, or even a non-citizen, has a sufficient number of corporate entities registered — at least they used to have to be registered, I do not know whether they still will be — then for the purpose of this ordinance they may have as many votes as they have corporations, even though they may not be a natural resident of this community?

Mr. Livingston: I believe, Mr. Chairman, that those companies will, of course, have to own land and be taxpayers.

Mr. MacKay: I am not trying to advocate any more votes for anybody, but I think that if the definition of a "corporation" is supposed to be all-inclusive and is supposed to include the business vote, it is not. A sole proprietor is not a firm of partners, he is not a society, he is not a company; he is a businessman who operates without being incorporated, and I think is therefore not included in this definition.

Hon. Mr. Pearson: I am surprised that I have to tell the Honourable Member this, because he would then be registered as a private taxpayer, and would have a vote exactly that way.

Mr. MacKay: I appreciate that I would have a vote owning my home, but I do not think I would have two votes.

Hon. Mr. Pearson: Mr. Chairman, if I own a home in Riverdale and I, as a private citizen, own a business or a building downtown, I am not a company, I am not a society, I am not a partner, I am simply Chris Pearson, who owns a building downtown; then I, under this legislation, have a vote with respect to my home in Riverdale and I have a vote with respect to my building downtown. I am registered.

Mr. Penikett: Mr. Chairman, it still seems to me there is a problem with the definition, in that, given the example that the Government Leader just gave, I accept that he would have one vote, but were there to be the unlikely circumstance where you would have a series of companies in town, called, perhaps, MacKay-Penikett Uranium, MacKay-Penikett Trucking, MacKay-Penikett Pizza, MacKay-Penikett Doldrums, and where each of them had property and each of them paid taxes, there is no doubt that, between us, we could assemble 100 votes if we so desired.

Hon. Mr. Pearson: Mr. Chairman, I believe that that is absolutely correct, providing each corporation has a piece of property registered in that corporate name.

Mr. MacKay: Thumbing my way through the back of this ordinance to see the voting provisions, doing that I fail to — maybe we are jumping ahead of where we should be, but I do not want to pass this if it means something different to the Members opposite than it means to me.

Carrying the Government Leader's example further, that if I own a house in Riverdale and I own a piece of property in Hillcrest and one in Porter Creek and one downtown, I have five votes at this point. I am not talking about the incorporation, I am talking about as a taxpayer. I have as many votes as I have properties, is that what the Government Leader is saying?

Hon. Mr. Pearson: I would like the witness to answer it. I think he could do it more clearly than I can.

Mr. Chairman: Would the Honourable Member, just for a matter of record, identify your witness?

Mr. Livingston: If you are a general taxpayer, and own four homes in Riverdale or wherever, you would be entitled to one vote as a taxpayer in that situation. If you also owned a corporation, or several corporations, each corporation could receive a vote, but only one vote per corporation, and you would have to delegate who would vote on that corporation's behalf.

Mr. MacKay: I fully follow the witness' explanation. Perhaps I could get clarification, then, that unless you incorporate your busi-

ness into a company, or into a firm of partners or into a society — unless you do that, you do not get your extra vote. Is that correct?

Mr. Livingston: Yes, Mr. Chairman, that is why we attempted to define what "corporation" means, and it means more than a simple corporation; it could mean a society or firm of partners.

Mrs. McGuire: Am I to understand that votes are based on a business, the pieces of land that you pay taxes on?

Is that right?

Mr. Livingston: Well, of course, the criterion is that the corporation would have to own property.

Mrs. McGuire: Right. What of the case, where for example, a person owns eight individual lots on which separate tax assessments are paid, and you have one separate business which sits on these eight lots?

Mr. Livingston: That would be considered, Mr. Chairman, as a single taxpayer, so that that corporation or individual would be entitled to one vote only.

Mr. Penikett: Mr. Chairman, I feel bound to ask what I think is the basic question. Given that — consider the worst case — someone could arrange their business or businesses in such a way that they had a number of corporations, potentially a large number of corporations within a community; a single person, a single citizen, might have the power to determine the outcome of municipal elections. I have been involved in enough of them to know that the margins are reasonably close. In fact I can remember one in which I participated in Whitehorse where, I think, the distance between the most successful candidate and the least successful candidate was in the range of a couple hundred votes.

I am not suggesting that someone of Mr. MacKay's wealth would really go out and create a hundred corporations for such a purpose, but it seems to me that somebody who had a couple of dozen would clearly have more impact on the electoral process than I believe they ought to. But, more importantly, someone like Mr. MacKay, who might chose to organize his affairs in such a way that he had a hundred sole proprietorships — and I am sure his wealth is something of that order — really still has only one vote, whereas the person who has legally split their concerns will have many more.

So my fundamental question is: did the Minister have reason to consider the wisdom and justice of the anachronism as I believe it to be? And, if he did, what conclusion did he reach?

Hon. Mr. Lattin: Mr. Chairman, I am very happy with it. I can see nothing wrong with it.

Mr. MacKay: I am very unhappy with it and I can see lots of things wrong with it. There are two things wrong with it — and I don't want to get too far into debate, because when we talk about who is eligible to vote later on, I will be discussing that — but it is just not fair, the way it is right now.

If what you are trying to do is to get every businessman a vote based upon owning property, then you fail to do that in this definition, and that is not fair. With all due respect, you are dictating the manner in which a man has to run his business in order to be able to qualify to vote. That does not seem to me to be a fair criterion to use to achieve that.

I say that either way you go, if you are a proponent of a businessman having a vote, then this is not fair, because it excludes the man who owns his own business without incorporating it or going through a firm of partnership.

I will argue, of course, very strongly, when we get to the taxpayer part, that a corporation should not have a vote in any event, but I think you should note the problem, the anachronism, the anomaly, or whatever it is that this section creates.

Mr. Fleming: I would like to thank the Leader of the Opposition for that statement, because it is exactly right, and in this case I happen to be one of the persons whom it would affect. Myself and many, many more people in the Yukon Territory, who own a home in a small town and who own a business in that small town at the same time — we are not a corporation. In other words, this is an unfair situation where you will allow another vote just because they are a corporation, when they are no more a taxpayer than I, as an individual, am a taxpayer, or other people like myself are taxpayers.

I think this is probably not the place to bring it up, but this is one of the areas I have problems with this ordinance, in that the qualifications of a voter, a taxpayer, being allowed to vote on money matters brings up quite a problem. This is one of my problems: I do not like that section written that way.

Mr. Tracey: Mr. Chairman, I would like clarification from the witness, Mr. Livingston; these individual taxpayers, these businesses, would they have to have a business licence in order to qualify as a separate taxpayer, or would it just be the fact that they own property?

Mr. Livingston: I would direct that to Mr. McWilliam.

Mr. McWilliam: Yes, Mr. Chairman, first of all I should preface my remarks by saying that this only deals with money by-laws: it is not related to general municipal elections. The definition "corporation", here, was arrived at to ensure that businesses, in general, would have a vote on a money by-law if they own property.

The reference to company is not a company as defined under the *Companies Ordinance*. That was my indication from our government solicitor, so that it is broad enough to deal with a single proprietor firm.

Mr. MacKay: I am afraid that this is another victim of "it does not mean what it says", a famous quote from the legal advisor of this Government. The witnesses have said that the "company" is supposed to encompass unincorporated businesses, holding business licenses and owning property, which is the definition of them. I am not a lawyer, but I just do not think that in a court of law when you say "company, society or firm of partners" that they would ever include an individual that was not incorporated as a company. "Company" has a general meaning to it. In business, the common usage is "limited company"; that is the general use of it. Perhaps I should not be advocating the betterment of this definition, because I am going to be arguing against the whole thing later on. But I think if you are going to be fair, you have to be fair.

Mr. Fleming: Before we clear this, if we are going to, I would like to comment again that if this is true, and if it means that a private citizen such as myself and possibly my wife, owns one business downtown, it still leaves quite a discrepancy; I may have half a dozen businesses downtown, and of course they could all have different names, and I could go down and get a half a dozen different votes, and I am still only one person in that town.

It leaves open quite a large area now you have said that it is private and it is the same with the corporations. You could have ten corporations downtown, you could get ten votes. I would presume that is right.

Mr. Byblow: Mr. Chairman, I certainly share some of the concerns with respect to this definition. Though I see also that probably an identical debate, but much more passionate, might come up in the section of the ordinance later, where this is applied to who can vote.

I think I see the possibility of abuse of this, just as it has been pointed out. You can have a dominating ownership of properties, and specifically arrange their holdings in such a manner as to gain quite a number of votes.

I think there is an example in my community. I would like to question the witness, Mr. McWilliam. Is the intent of this definition to put the responsibility of decision-making on a money vote solely to the people who are paying taxes?

I would qualify that, by saying that this is not a case of where there is an absence of ownership by people who are living there.

Hon. Mr. Lattin: I would say that has always been so, but I will ask Mr. McWilliam to add to that, please.

Mr. McWilliam: Mr. Chairman, I think that we are getting involved in a debate which really belongs to who votes on money by-laws. This is just to ensure that those people who are taxpayers are covered.

Hon. Mr. Pearson: Mr. Chairman, I regret to see this thing getting bogged down on an interpretation of something that we are going to be obviously debating at length in the proper context. Might I suggest, Mr. Chairman, that we set aside the definition of "corporation" for now, and come back to it at an appropriate time, after a discussion of that particular section of the legislation, because there might not even be a necessity for such a definition after that discussion?

Mr. MacKay: Before I agree to that I would just like to say that I would like to have the freedom, when we do come to discuss the latter section, to include the witness' definition of "company" in that discussion, so that we can discuss it all on the same basis. If that is agreeable, I am happy to stand this clause over.

Hon. Mr. Pearson: Mr. Chairman, the witness has made a statement and it is there. Discussion has always been open on all matters. I do not know whether there has to be any riders to get the

Honourable Member's agreement to stand this over. If he does not want it stood over, we will discuss the definition of "corporation" now.

Mr. Chairman: According to the Standing Orders, the purpose of standing clauses over is so that this Committee can continue its business on further clauses. I would like the Members to understand that quite clearly now. Because the standing-over of this particular definition has been voted on already, and the Committee has agreed to stand it over, the Chair will now simply continue on with the definition of "council".

Mr. Penikett: I just have a question, Mr. Chairman, on the definition of "elector". In view of the discussion about "corporation" and the decision to stand it over, I wonder if I could ask the Minister whether these two definitions are linked in any way in a later section of the bill, that would require us to stand this clause over as well?

Hon. Mr. Lattin: Not that I am aware of, Mr. Chairman. I would ask one of my witnesses though, to ensure that I have given a correct answer.

Mr. Livingston: No, it would not, Mr. Chairman.

Mr. MacKay: "Fiscal year" is always a subject of interest to some auditors and people like that. Is there any particular reason for making it the calendar year? I think most of the L.I.D.'s go on a financial year related to the Government, the March 31st year-end. I am wondering what particular reason they had to go to the calendar year.

Mr. Livingston: Mr. Chairman, probably part of it is tradition; part of it is also the timing in which municipal elections are held: just prior to a calendar year as opposed to a fiscal year. Therefore that new council can have involvement in the new budget. In addition to that, the taxation year, in the *Assessment and Taxation Ordinance*, makes reference to a calendar year. Those are the basic reasons.

Mr. MacKay: I understand the first reason and the last reason, and it is a good point — the timing of the election, related to the fiscal responsibilities occurring. This ordinance contemplates the election being carried on a little earlier than presently. Is it the opinion of the witnesses that that period of time between the dates of the election and the finalization of the budget in the ensuing year will give the new council enough time to have some impact upon the policies?

Mr. Livingston: It could have an impact upon the policy of the next fiscal year, and that is exactly why the elections were backed up.

Mr. Penikett: We checked the definition of "hamlet" in the dictionary. I notice the definition there is, "a group of houses forming a small rural community", or, according to the British traditions, "a village without a church of its own". I do not know how well the communities that fall into this status qualify for that definition, but that is not the point. I wonder if the Minister could tell me briefly what reason, poetic or otherwise, there was for choosing this particular term. Is it a convention in some parts of the country that I am not aware of?

Hon. Mr. Lattin: I do not believe there is any particular reason to use this term in relation to any other term, that I am aware of. I would say that a hamlet provides an advisory function for an elected board, in a community that has no other municipal status. I suppose we could use some other word but I like the sound of "hamlet" and I hope the Member opposite does too.

Mr. MacKay: To be or not to be.

Mr. Penikett: The "to be or not to be" proposition for a hamlet is a matter of serious concern in this legislation.

Hon. Mr. Pearson: Mr. Chairman, may I interrupt for just a moment. We had a good discussion about the definition of the word "corporate", but if we are going to get into the philosophy of the establishment of a hamlet, we are talking about the definition as it is said here. It says "hamlet means a hamlet established under this Ordinance". Mr. Chairman, the Honourable Member is going to get his kick at the cat in respect to hamlets, when we get to the section in the ordinance, but not under the definition section.

Mr. Penikett: I wish the Government Leader would save his slings and arrows of outrageous fortune until such time as I finish my sentence.

I was simply going to ask if, since the communities have no doubt developed some affection for their present status as L.I.D.'s or settlements, there had not been some request from some quarters

to continue using, perhaps not the words "local improvement district" or L.I.D., because I think some people have felt that is clumsy, but some of our smaller communities have called themselves settlements or used that term, and that is a common term in the Northwest Territories, and I just wondered if that had been considered at all, or was this was the first favourite of the Minister and the YAC?

Mr. Chairman: I declare the definition of "hamlet" carried.

Mr. Penikett: I have a small problem with the definition of "highway", and I would like the Minister to elaborate a little bit, just because I understand there have been some disputes about the definition of highways in this Territory, which have landed in the courts.

This definition, it seems to me, would describe quite adequately some of the illegitimate thoroughfares that have been established across the green belts near where I live: some of the trails which, because of modern all-terrain vehicles, tend to get widened. It seems to me the definition, particularly the phrase "...any other way open to use by the public...", causes some concern.

Let me explain. You might have a green belt area or park area which might even be private property, or no-man's land, or Crown land or something, which suddenly becomes the responsibility of a community or a government of some level, simply because this definition would make it a highway, and thus bring it under the responsibility of either the local government or the Territory.

Mr. Livingston: All I can say, Mr. Chairman, is that I believe that this is the definition that is used in the *Highways Ordinance*, and perhaps that should be addressed at some time.

In addition to this, that would now give a municipality, by by-law, the right to close up and stop certain highways or roads or trails or whatever, and if you do not have this definition in, perhaps they would not have that capability.

Mr. Penikett: Mr. Chairman, Mr. Livingston almost gave us an undertaking to look at another definition, and I wish he would, because it seems to me that the power that might fall, not by design but by accident, to municipalities in this regard, presents them, I think, at the least, with some awful policing problems, problems which I think exist even in a community like Whitehorse. I can think of a road that was never meant to be a road, going across a green belt now.

Mr. Livingston is quite right that if it would give the municipality power to close it off, it is very good. It seems to me that, other than by simply physically impeding access across it by putting logs or dirt or something, it would be very hard to police activities on them, because there are so many of them around. I worry that if it becomes a highway, then activities of trail bikes and things, or illegal activities going on on those highways, which are not highways by common understanding but are highways in law, then nobody will be able to effectively police them, and we may have problems happening, such as accidents, which are not perhaps highway accidents within the meaning of other laws, but might be highway accidents within this definition.

Hon. Mr. Pearson: Mr. Chairman, it is one of the risks that a municipality, or a hamlet, or whatever, assumes. The definition of highways in the Territorial Government's legislation is all-encompassing. It literally means, I am confident, any road that exists, any by-way that exists. If you can travel over it, the legislation says that it can be termed a highway.

In order for a municipality to assume the responsibilities that they must assume and be able to do the work they must do, have the controls that they must have, you have to give them that kind of authority. If you have a restrictive definition of highways, it is restrictive; experience has dictated that that is when you really do run into troubles because all of a sudden you are making laws in respect to a by-way that you thought was a highway. The lawyers then have their fun and games.

It has been found that the wider you can make the definition of highway, the better off everyone is.

Mr. Penikett: Mr. Chairman, if you will permit me, just for a moment, I want to argue the point, because I to get clear in my own mind where we stand on this.

I accept much of what the Government Leader has just said. I accept the desirability of communities, or whatever form of local governing exists, being able to have authority over these highways. But it also seems to me that it would be a desirable principle that the community, or the legal government, ought to be able to establish what, when, and where legal highways are established;

where they are, what they are, who makes them, and where they go. It seems to me that under this definition, you could have roads created with no legal authority, except perhaps under a federal law such as the *Quartz Mining Act* or the *Placer Mining Act* or something, which then becomes the responsibility of the local government. I have not thought about it very carefully, Mr. Chairman, but that still gives me some problem.

Hon. Mr. Pearson: Mr. Chairman, I hope the Member continues his line of thought, because, in effect, I am sure that if he was an elected Member of a municipality and the federal government created a highway or a road in that community, whatever the community might be, that local government should have some control over that road. It does not matter who built it. That is the theory of the thing. Again, if you make them restrictive, then that theory goes out the window.

Mr. Penikett: I agree — and I do not want to waste the time of the Committee on this, Mr. Chairman — with what the Government Leader has said, I still have a problem, in feeling that the local government ought to have some say in where those roads are and where they go.

Hon. Mr. Lang: Mr. Chairman, that goes with the community planning.

Mr. Penikett: On the definition of "inspector", I am just curious. It does not affect the definition, but I am just wondering if this person already has a face or character, or if it is a position that already exists in the government?

Hon. Mr. Lang: A position is being created for myself upon retirement.

Mr. Penikett: I would like to congratulate the Member and thank him for this good news.

Mr. MacKay: On "municipal services", perhaps we are coming to the definition of primary, secondary, and tertiary services, but I am interested in having some idea of what the definition might also include when it says "any additional services and facilities". I read these definitions and I could not think of anything else. I am wondering what else there is.

Mr. Livingston: We do not have any examples at this time or we would have included them, but there may from time to time be new services that come along that are considered municipal services and therefore they could be categorized as a municipal service.

Mr. MacKay: Perhaps I could suggest day care as being something that the municipalities might be interested in.

On "municipality", perhaps I am jumping ahead a bit, but the omission of the word "hamlet" should perhaps be discussed at this point here. It seems to me when we get to "hamlet" that that "hamlet" could in fact have all the powers of a municipality if so deemed by the powers that be. Does that make it a municipality then?

Mr. Chairman: Mr. MacKay, I consider you out of order at this time. The definition of "hamlet" has already been carried through this Committee, so shall we discuss the definition of the word "municipality" at this time?

Mr. MacKay: I would like to discuss the word "municipality". Can the Minister explain why municipality does not include the word "hamlet"?

Hon. Mr. Lattin: Mr. Chairman, I believe the reason that the word "hamlet" is not in there is that "hamlet" is not the same category as the other three, like village, town and city. They only have very limited powers and actually they are not organized communities.

Mr. Livingston: Yes, Mr. Chairman, the reason it is not defined or included as part of a definition of municipality is because it is dealt with elsewhere, under "hamlet" above. Also a hamlet is not an incorporated municipality, as such, or community, as such, whereas city, town, and village is, as a municipal corporation.

Mr. MacKay: In the definition of "occupier", I am interested to note that the definition includes squatters. I suspect the reason for that is so that you can have no more squatters and can then deal with them under law. Is that the purpose? It is not to sanctify the legality of squatting.

Mr. Penikett: Mr. Chairman, I assume that that is not the case since the definition is the same as in the old ordinance, but, unlike some other legislation, I do notice that there is no other reference to "squatter" in the bill that I can find. I, therefore, for perhaps different reasons than my friend, wonder about its inclusions,

specifically as an extra phrase in that section only.

Hon. Mr. Pearson: We are discussing the definition of the word "occupier", not the definition of "squatter".

Mr. MacKay: Paraphrasing my friend before, why have the words also included "squatter", when they do not appear to be anywhere in the ordinance?

Mr. Livingston: Mr. Chairman, the basic reason this definition is in here is that when you get to the Building Standards Section, for example, there is a question perhaps as to whom you send enforcement orders and notices to, and who is the occupier in those cases. In that case we are saying that it may include a squatter as an occupier of that dwelling or that area.

Mr. MacKay: This raises the original question that if we are going to be sending building inspectors to look at squatters' buildings, are we not recognizing them, in law, as having some existence, which may cause us grief at some future point?

Hon. Mr. Pearson: Mr. Chairman, squatters, whether they are recognized or not, are a fact of life. I would suggest, Mr. Chairman, that we are recognizing a fact of life. I think there will always be squatters, per se. They are a known entity. They have been able, in some cases, to circumvent the law just because they were "squatters". We are making it as clear as we can; we are saying: "squatter is the occupier".

Mr. Penikett: I think I am correct that this definition really has not changed very much from the definition in the old ordinance. It is a long phrase, but it says here, "or if there is no resident occupier, the person entitled to the possession thereof, a lease-holder and a person having or enjoying in any way for any purpose whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is an unsurveyed area and also includes a squatter". When that is referring to a person entitled to possession, presuming he is the person who owns the land or the building, even if they are a squatter who is renting it from another squatter, it is trying to make sure that there is someone against whom you can proceed.

Hon. Mr. Lattin: That is my understanding, Mr. Chairman. Is that not so, Mr. Livingston?

Mr. Livingston: Mr. Chairman, it also deals with persons who, perhaps, are under an agreement for sale with this Government.

Hon. Mr. Lattin: Mr. Chairman, "primary municipal services" includes those services and facilities which are considered essential for the operation of a municipality. Provision will be made to waive the taxpayer approval of capital expenditures for primary municipal services, with some restrictions.

Mr. MacKay: I was going to raise the point that was raised at the end there, and I am trying to look through what are defined as primary municipal services. I assume that the main purpose of defining it is merely a question of what has to go for a vote to the taxpayers and what does not.

When I first read it, I thought "Oh yes, that is what the villages are going to do and the towns are going to do — the secondary ones as well and the cities ones" — but life is not that simple. So, when I got ahead to Section 235(3)(c), I noticed that indeed you could go out and spend the money for these purposes, without consent of the taxpayers, subject to certain restrictions; i.e., I think it is something that the Inspector of Municipalities must approve.

But I am a little scared of this section, because it would permit, for example, under the last item, "and administrative office space", it would permit the City of Whitehorse, for example, to go out and build City Hall without having to go to the taxpayers. That could be a highly significant expenditure. I am wondering why they should not have to go to the taxpayers for something of that nature.

Mr. Livingston: First of all, Mr. Chairman, you would, in that case, have to get the approval of the inspector. So I assume that if the inspector considered that it was an unnecessary expenditure — it would have to go to Mr. Lang as inspector — that the inspector could direct that it go to the taxpayers.

I guess one of the considerations is that, in order to operate a municipality, you must have the municipal office. There is no doubt about that. And sometimes for those types of expenditures, it is very difficult to obtain taxpayer approval. So here you are, a municipality with an administration and a council, but they have nowhere to meet, because the taxpayers have turned down a borrowing by-law, so it is a practical consideration.

Mr. Penikett: I think maybe Mr. Livingston may be glad the

gallery is not packed, because I would suspect that there are all sorts of people in this Territory who would regard the present state of things as an excellent arrangement. And I fear that there may be people who found that, had they to approve this, they might not have done.

Let me ask Mr. Livingston: something I think is unusual for such a loyal public servant as himself, and something I am sure he would not do, but almost a political point in suggesting that taxpayers from time to time within a municipality might question the wisdom of housing their employees and providing accommodation for the council; let me ask the Minister, is that a realistic prospect, and is that not so basic that a vote of the taxpayers ought not to be necessary. I recognize that he said the inspector may order it, and presumably if, for example, the people of Dawson decided to house themselves in the manner to which the council in Hay River has become accustomed, or something, taxpayers might have a perfect right to object.

Was this done as an after-thought or is this a real problem that the department sees?

Mr. Livingston: It could be a possible problem. We have to keep in mind that this council and all councils are accountable, as well, to the people at the same time.

Mr. MacKay: I have a real problem with the inclusion of that in this section. Simply saying the inspector of municipalities would stop it, referring to one candidate who would totally approve of all these things, should he ever be in a position to do that.

I feel that the rationale behind this thing is a little faulty. It is sort of saying a "We know what is best for the people" attitude. I feel that that is contrary to what the whole philosophy of this bill is about; that is to say, we are trying to devolve the power, and ultimately, of course, the end result is that every voter has some say in major decisions.

I am wondering whether I should ask this to be stood over, at least until we get to the sections dealing with it, or what can be voted and how the inspector of municipalities is going to work.

Hon. Mr. Pearson: Mr. Chairman, what the section is saying and the object of the section, I thought Mr. Livingston made clear. The legislation is saying that a municipality, in order to function, has to have, and offer, some primary municipal services.

Those services and facilities that are necessary, these are the primary ones: to provide the sewage collection, water delivery, street and road maintenance with constructed gravel surfaces, garbage disposal facilities, fire protection and emergency services, sewage treatment facilities, street lighting and administrative offices. Now I thought that the witness made it clear that it was his opinion, and it is ours as well, that every municipality should have administrative offices, that they cannot function without them. That is really what it is saying. These are the primary services.

Mr. MacKay: I chose that one example because that seemed to be the most latent. It seems to me that the criteria for going to the public should not be based upon what the money is going to be spent for, but how much money is going to be spent. I could make an equally good case for saying a necessity for life or death is public cemeteries. If we had to build one of those, that should be a primary service, but it is listed as secondary service. Likewise, I think most small communities would find that animal impoundment facilities would probably be one of the primary reasons for having a local council to control dogs and so forth.

I find that the division is arbitrary from that point of view. I think we are using the wrong measurements to determine what should or should not go to the voters. I think the measurement should be money or something related to the revenue base or the existing data; these other things should not be related to the end use of the money.

I would propose an amendment to the bill, Mr. Chairman. It is moved by myself, to delete the words "and administrative office space" from the definition of "primary municipal services".

Hon. Mr. Lang: Mr. Chairman, I would like to indicate that I am very impressed with how things have been thought out so far in advance, writing the motion in the House.

Mr. MacKay: I appreciate the Member's comment. I had always assumed that my reasonable arguments would allow this to be stood over until such time as we got into discussion about how to borrow. Since it appears that we are not going to do that—?

Hon. Mr. Pearson: Mr. Chairman, I hope that the Honourable

Member did not interpret my input as being some sort of objection to the section being stood over. If my opinion had been asked, I would have suggested to him that if he has a major problem with it, possibly the thing to do is stand it over like we have the last definition, until we get to the substance of the discussion in the bill.

Some Members: Agreed.

Mr. Penikett: Mr. Chairman, may I also say at this point, just as a caution, and I say this with love and kindness to the Minister of Tourism, that if he were more divinely inspired, he would recognize that these revelations come to us quite suddenly and that we have not had the long intimate relationship with this particular piece of legislation that he has enjoyed and we, perhaps, suffer in this respect.

Hon. Mr. Lang: Must I respond?

Mr. Chairman: At this time, I think the Chair would like to discuss the situation at hand.

The Honourable Member for Riverdale South is quite in order in proposing an amendment during the time that the Committee is studying clause by clause. The amendment can be made after general debate. Seeing that the general debate is completed and we are discussing clause by clause now, the amendment is quite in order at this time.

I would like to call a short break at this time.

Recess

Mr. Chairman: I shall call the Committee of the Whole to order.

Mr. MacKay: I think just before the recess there was a proposed amendment on the floor, I would like to withdraw that now, if that is in order, Mr. Chairman.

Mr. Chairman: Does that have the consent of the Committee?

Some Members: Agreed.

Mr. Chairman: The motion is withdrawn. We have stood over "primary municipal services".

Mr. MacKay: I would like to congratulate the drafters of this bill for defining "regulating". I always knew I did not like the word, and now I know why.

On the definition of "secondary municipal services", — I think, the thrust of my proposed amendment was to be to try and move something from "primary" to "secondary". If we pass it now, it might make it a little more difficult later on to achieve that objective. So I would ask that perhaps this be stood over.

Hon. Mr. Lattin: Yes, Mr. Chairman, I agree to that, so we can proceed.

Mr. Chairman: Are you agreed that this definition of "secondary municipal services" be stood over?

Some Members: Agreed.

Hon. Mr. Lattin: "Submission"; it clearly defines what a council shall submit for the approval of the taxpayers or electorate, and which vote is binding.

Mr. MacKay: I take it that that means we are going to leave out things like plebiscites and referenda. These are not going to be used at all in municipal law.

Hon. Mr. Lattin: Yes, Mr. Chairman, that is correct.

Mr. Byblow: On the definition of "taxes", the entire time we have been going through the definitions relating to those kinds of services for which we are accountable by taxes for repayment, it has bothered me considerably, the provisions that are built into it to ensure that a municipal entity cannot tax itself out of sight, so to speak. I wonder if this is the appropriate time to have any reassurance of that.

Hon. Mr. Lattin: Mr. Chairman, I cannot quite get what you are asking me, Mr. Byblow. Will you please re-phrase it?

Mr. Byblow: Perhaps I could direct it to Mr. McWilliam, the witness. One of my major concerns in this entire legislation, and I am essentially waiting for a full explanation as we go through it, is the concern that we have not enough provision built-in to protect against a taxation level that is an impossibility or detriment to the operation of the municipal entity.

So perhaps I could inquire of the witness whether, in his judgment, this is adequately compensated for?

Hon. Mr. Lattin: Mr. Chairman, I believe we are discussing the definition of "taxes". I just cannot get it. I will ask if Mr. Livingston can add to it.

Mr. Livingston: Mr. Chairman, I am not certain of the question, either. It is just an attempt to define what taxes mean.

Mr. Byblow: I think what my query is more properly directed in later portions of the bill, where we have limitations set on the level of taxation, so I think I will defer the specifics of really what I am getting at to that point in the legislation.

Mr. Penikett: I have one concern about this definition and I have asked the Minister if he considered including in this definition, which seems to be markedly similar to the definition in the previous ordinance, a clause which will make it clear that business licences were not included in the definition of "tax".

I will explain why. When I was doing my reading on behalf of the City of Whitehorse in connection with the *Taxation Ordinance*, I discovered a fairly large body of expert opinion, which had grown up around the question of discriminatory business licences and business fees.

Of course, these fees and licence charges have, in some municipalities, become an extremely large percentage of their municipal revenue. That has caused a problem, especially if they get to be of the scale that they simply cannot be accepted as licence fees anymore and really are a form of taxation.

It may be covered elsewhere, but I would have preferred that that clarification, in the definition section, be made clear, either by a definition of licence fees or by an amendment, if it were possible, to the "taxes" definition to make the distinction very plain.

Mr. McWilliam: Yes, Mr. Chairman, I believe that the debate on this would come up under the sections dealing with business licences where that point is dealt with specifically, not in the definition of "taxes".

Hon. Mr. Pearson: Mr. Chairman, I do not think that that definition could include a business licence fee as a tax. I just do not think that you could include a business licence fee as being a tax in respect to that definition.

Mr. Penikett: Mr. Chairman, I am quite happy to forestall any comments if the witness could identify for my purposes, the relevant section, and then I am prepared to wait until that comes up.

Mr. McWilliam: Yes, Mr. Chairman. It will take me a moment to find the exact section, but if you look in Section 289(3), there is a reference there to a "business fee".

Mr. Penikett: Mr. Chairman, I think that is maybe where my problem first arose, in the phrase "reasonable tax", but I am prepared to wait and discuss it at the time it comes up.

Mr. MacKay: Mr. Chairman, sorry to butt in at the last minute, does it mean, as the Government Leader seems to suggest, that you cannot include a business tax under the definition of "taxes"? It seems to me that later on you are contemplating having a business tax, per se.

Hon. Mr. Pearson: No, Mr. Chairman, my comment was made specifically about the business licence fee, not a business tax, but to the business licence fee, the fee that a municipality may charge for a business licence. I understood that that was the concern that Mr. Penikett was referring to.

Mr. Penikett: I do not want to say anything more on this, I just want to make clear what my concern is, because the particular phrasing that Mr. McWilliam has addressed us to in Clause 289(3) says, "a licence fee may be in the nature of a reasonable tax". The word "tax" is used, and my understanding of the municipal theory, is that it is usually made very clear that it is not a tax, that it is in fact a licence fee.

Hon. Mr. Lattin: Maybe, Mr. Chairman, when we get to that section we can check the wording over.

I am not suggesting we stand this particular section over, I am saying we will address the particular topic under discussion when we are on the appropriate section.

Mr. Penikett: I do not wish to have this section held over, I am simply flagging 289 (3).

Mr. Penikett: On "taxpayer", let me ask the question I asked earlier, does this definition here: "taxpayer means a person qualified to vote on a money by-law pursuant to this ordinance" have any bearing on the definition of "corporation" that we stood over?

Hon. Mr. Lattin: Yes, Mr. Chairman it would have.

Mr. Penikett: Could I ask then that it be stood over as well?

Hon. Mr. Lattin: Since we are reviewing the definition of "corporation", I am quite agreeable to have this held over again.

Mr. Chairman: Is it the wishes of this House that we stand over

the definition of "taxpayer"?

Some Members: Agreed.

Mr. Chairman: I will refer you to the definition of "tertiary municipal services".

Mr. MacKay: I am not going to ask for it to be stood over. I failed to detect it when I was going through the bill, I was wondering why they have a segregation between secondary and tertiary services. I can see the reason for it between primary and secondary, but I was unclear, after I read the bill, as to why the third category.

Hon. Mr. Lattin: Mr. Chairman, these particular kinds of services are additional services which a municipality may wish to expend capital on, but which are subject to more conditions, and which may receive a lesser amount of financial support.

Mr. Tracey: I am just wondering why the definition of "town" just says "any town established", yet "village" means "any part of the Territory"? I am wondering why the difference in the definition is there?

Mr. Livingston: Mr. Chairman, I am not certain there was intended to be any significant difference at all between the two, in terms of the wording.

Clause 2(1) stood over

On Clause 3(1)

Mr. Penikett: I just assumed, Mr. Chairman, there was a typo in the second line, that it should read "regulations passed" and not "passes".

Mr. Chairman: The Honourable Member has detected a typo. Shall the typo be corrected at this time?

Some Members: Agreed.

Hon. Mr. Lattin: Mr. Chairman, I am just going to say that Clause 3 ensures clarification of the authority and ability to delegate and is added for the benefit of the users of this legislation. That is primarily what Clause 3 is about.

Clause 3(1) agreed to

Clause 3 agreed to

On Clause 4(1)

Hon. Mr. Lattin: Mr. Chairman, Clauses 4 and 5 are clarification of procedures dealing with timing restrictions.

Clause 4(1) agreed to

Clause 4 agreed to

On Clause 5(1)

Mr. Penikett: I would be curious to know whether there has been a problem in this regard in terms of understanding or of interpretation.

Hon. Mr. Lattin: Not that I am aware of, Mr. Chairman. But, Mr. Livingston, maybe you could expand on that?

Mr. Livingston: Yes, Mr. Chairman. From time to time in some municipalities, in the past, it has been a small problem. We thought we would take the opportunity to correct it.

Clause 5(1) agreed to

Clause 5 agreed to

On Clause 6(1)

Hon. Mr. Lattin: Mr. Chairman, Clause 6(1) clarifies the limits of jurisdiction for the council.

Mr. Penikett: To me, it does not, Mr. Chairman. "The jurisdiction of every council is confined to the the municipality the council represents,..." That is clear. I wonder about the next phrase:

"...except where authority beyond the same is expressly conferred by this or any other ordinance."

Now, I guess we can deal with what might be conferred in this ordinance, but what other things might be conferred by other ordinances that would give the municipal councils power beyond their boundaries? Civil emergencies, or what?

Hon. Mr. Lattin: Yes, that was my understanding, Mr. Chairman. If there were a disaster and they had to hold a meeting outside, then that would be deemed to be within the community. It would be in cases of emergency. That was my understanding. Is that not right, Mr. McWilliam?

Mr. McWilliam: That is one aspect where that could come in. There are several other ordinances which do affect the municipality. For example, area development regulations made under the *Area Development Ordinance* may have some bearing on a municipality.

Mr. Penikett: Forgive me, Mr. Chairman, I just want to be perfectly clear about this because I have some problem with the municipality having powers beyond its boundaries that I do not fully understand. Civil emergencies is clear. I assume that whatever form of government exists locally, has a need to exercise extraordinary powers in some circumstances like that. I wonder if the Minister or witness could give me an example of a way in which municipal power should be extended beyond its boundaries by virtue of something under the *Area Development Ordinance*? If I could just have an example so that I can understand.

Hon. Mr. Pearson: Mr. Chairman, I would like to mention two possibilities that come to mind immediately. One is fire protection and another is ambulance service.

Mr. Livingston: gm Mr. Chairman, the two subjects that Mr. Pearson brought up would be cases in which this would apply, and perhaps some other legislation, from time to time, the *Area Development Ordinance* or certain regulations thereunder, whereby we could perhaps give municipalities certain jurisdiction over, or participation in, regional planning or something of that nature.

Mr. Penikett: Mr. Chairman, forgive me if I dwell on this point a second. The examples given me so far are civil emergencies, fire, ambulance. They are very reasonable examples; I have no problem with any of them whatsoever.

The *Area Development Ordinance*, I know, has fascinated me for a long time and other people regard it as a more Draconian instrument. I did not realize, I was not thinking of those kinds of things when we were talking about fire and ambulance, I was wondering about something else.

Gravel pits is suggested. Now, I did not mention gravel pits in my second reading speech, but it occurs to me that that is the kind of thing that the Territory might give to a municipality that, from my experience, a municipality might not want. I just want to be sure of what we are doing here, that is all.

Clause 6(1) agreed to

On Clause 6(2)

Hon. Mr. Lattin: Mr. Chairman, (2) provides clarification of rules of the council voting, and primarily it says that any decision that is serious enough requires two-thirds of all members of the council to be present at the specific meeting.

Mr. Fleming: I am just wondering, how many are in a council? Five, I think? Further back in the ordinance it says, I think, five?

I wonder if two-thirds of five is three people or what?

Hon. Mr. Graham: It does not necessarily have to be five, it could be five, Mr. Chairman. There is a little bit of latitude in how many people can be on it.

Mr. Penikett: I understand, Mr. Chairman, when you are doing some constitutionally significant acts, that you require a two-thirds vote of a deliberative body, whether it is a town council or whatever.

I am curious as to why we had two-thirds of the whole body rather than two-thirds of those present and voting, or two-thirds of those present and voting beyond the quorum. It seems to me that if you had a council of six, it is not unusual in this community to have two of those six away on legitimate business at any given time. That would mean that you would have to have essentially a unanimous vote on any provision to take this kind of action. I can understand the need to protect the protection embodied in that, but I am really curious about the kind of things the Minister sees, I forget whether they are laid out here or not, as being necessary or requiring this kind of protection.

Hon. Mr. Lattin: Mr. Chairman, I was considering things that are quite serious and I could perhaps ask my witness for an example.

Mr. Livingston: One example in the ordinance where a two-thirds vote of all the members of the council would be required would be for the dismissal or release of an administrative officer. There are very few examples throughout the ordinance but that is one that comes to mind.

Mr. Chairman: Would the Honourable Members please recognize the Chair when they speak, that includes the witnesses.

Mr. Fleming: It still bothers me a little bit because I think there are five. Municipal, in this case, means municipal, what is considered an L.I.D. The number of trustees, you may call them councillors now, or whatever, but it still is five. Under that you would have to have even more than three to have your two-thirds. Therefore, you would have to have four there before you could even

vote at all and they would have to be in the affirmative to vote.

Hon. Mr. Lattin: That is correct, Mr. Chairman, but you must realize that we are only talking about some particular thing that we are voting on that has been designated as requiring two-thirds majority. This is not the general run of the mill resolutions or decisions.

Mr. Byblow: Just as a point of curiosity when you are actually calculating the two-thirds, as the Honourable Member to my left has brought up, do you follow the normal arithmetic pattern and round it off to the nearest whole. Then in that case it would be three out of five.

Hon. Mr. Pearson: Mr. Chairman, I sometimes wonder about the education system in this Territory and where it is going. Two-thirds of five has got to be four. It cannot be anything else.

Mr. MacKay: I would like to say that some aldermen might represent only .3 of an alderman; that is the only way that it would work.

I am concerned about this being a little bit unduly restrictive, and I appreciate there are very limited areas where it comes into play. Perhaps the Minister could tell me, in the event that you have a vacancy, even two vacancies, as can frequently happen in the smaller communities, on a council of five, would that preclude any such action from ever happening?

Hon. Mr. Lattin: I do not think it does, Mr. Chairman. I will ask my witness to answer that.

Mr. Livingston: Yes, Mr. Chairman, two-thirds would be required of the entire council. So, if you had a council of five, it would be two-thirds of five, not two-thirds of four in the case of a vacancy.

Hon. Mr. Pearson: Mr. Chairman, I would like the Honourable Member who asked the last question to just think about it a little bit. It is designed to be restrictive. The question is: should two people, because there are only three left out of five, should those two then have the right or the authority to make a decision that, really, what we are saying, it should take four of the five to make?

Mr. MacKay: I enjoy answering questions. It is much easier than asking them.

I sympathize with the problem. I am just trying to visualize the situation as it can happen. We are in a situation where we are putting councils who cannot act, are we not going to create some very difficult problems. I have not been able to suggest a solution, yet, so, other than voicing the problem, I am having some difficulty facing what else — unless we said two-thirds of those who were on council at that time.

Hon. Mr. Pearson: Mr. Chairman, that dilutes the objective of what that particular section is meant to do, if there is just two-thirds of the people who are at the meeting or two-thirds of the people on the council at the time. It is an entirely different intent in meaning than what this is.

It may well be a hindrance at times, but I submit that the protective feature for the taxpayers in the community is such that it should really be there.

Mr. Fleming: I think I understand the philosophy behind it and I may even agree a certain amount with it, because I have always figured that 51 is not a percentage over at all, it has to be 75 out of 100. I sort of agree with that philosophy: where there is five, you must have that four vote. If there are three, you can have a two vote and you are definitely over. However, I would be sure that the Government does warn all the local improvement members, whoever they are, because they will be going to three-two forevermore unless someone really tells them the situation.

Clause 6(2) agreed to

Clause 6 agreed to

Hon. Mr. Pearson: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair and that you report progress on Bill Number 57 and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Member for Riverdale North that Mr. Speaker do now resume the Chair, and that the Chairman report progress on Bill Number 57 and beg leave to sit again.

Motion agreed to

Mr. Chairman: ... At this time I would like to dismiss the witnesses.

Mr. Speaker: I will now call the House to Order.

May we have a report from the Chairman of Committees?

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered Bill Number 57, *Municipal Ordinance*, and directed me to report progress on same and beg leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure?

Hon. Mr. Lang: I move, Mr. Speaker, seconded by the Member for Kluane, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member for Kluane, that we do now adjourn.

Motion agreed to

Mr. Speaker: This House now stands adjourned.

The House adjourned at 5:07 o'clock p.m.

The following Legislative Return was tabled Thursday, October 23, 1980:

80-3-10

Medical Referrals

(Answer to Written Question Number 11)

The following Sessional Paper was tabled Thursday, October 23, 1980:

80-3-29

Report of the Special Committee on Privileges