



The Yukon Legislative Assembly

Number 26

3rd Session

24th Legislature

HANSARD

Tuesday, October 28, 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. McGuire	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

Tuesday, October 28, 1980 — 1:30 p.m.

Mr. Speaker: I will now 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**TABLING OF DOCUMENTS**

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

Hon. Mr. Pearson: Mr. Speaker, I would like to table a written reply to a verbal question asked by the Leader of the Opposition towards the end of our last Session, with respect to the investments of Workers' Compensation funds in Yukon.

Hon. Mrs. McCall: Mr. Speaker, I have for tabling the answer to Written Question Number 14, which the Honourable Member for Whitehorse West asked on October 23rd.

Mr. Speaker: Reports of Standing or Special Committees? Petitions?

Reading or Receiving of Petitions?

Is there any Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD**Question re: Pipeline Impact**

Mr. MacKay: My question today is to the Government Leader, Mr. Speaker. In answer to a question yesterday the Government Leader seemed to imply that the Northern Pipeline Agency was responsible for administering the socio-economic impacts of the Pipeline.

In view of this, can the Government Leader explain why Mitchell Sharp said in his speech and I quote, Mr. Speaker — it is several lines long but it is necessary to get the full quotation: "The governments through whose territory the pipeline passes will retain responsibility for undertaking any measures required to offset or minimize the impact of the project that are beyond the direct control of the company." Can the Government Leader explain this apparent contradiction?

Hon. Mr. Pearson: Yes, Mr. Speaker, and possibly Mr. Speaker, I did not take the opportunity to answer the question as fully as I should have yesterday. I did not anticipate the confusion. Mr. Speaker, the Northern Pipeline Agency is responsible for ensuring that the company, the proponent, meets the socio-economic terms and conditions that have been approved by the Parliament of Canada. As well, the Northern Pipeline Agency, in conjunction with this Government, will conduct the surveillance, during the course of construction of the pipeline, of socio-economic impacts; the NPA's responsibility is for the direct socio-economic impacts.

Mr. Speaker, I might say we have always maintained that it was this Government's responsibility for the indirect socio-economic impact. We do not want the federal government, the Pipeline Agency, nor anyone else to be responsible for those conditions; those are ours. We are responsible for social development, economic development in the Yukon Territory. We want to be responsible and we will be responsible.

Mr. MacKay: I presume when the Government Leader says "indirect", he is talking of things like social assistance, justice, police protection. In view of that, can the Government Leader tell us how far the plans of this Government are formulated in this

respect, and will he be publishing their plans to offset these impacts, in the near future?

Hon. Mr. Pearson: Well, Mr. Speaker, we have been working for three years now, that I am aware of. Our Pipeline Branch has been in operation for three years, working very hard at putting it together, trying to foresee what the impacts will be. We are working at mitigating those in every way we can. One of the perceived impacts, for instance, was the impact on education along the Alaskan Highway.

As a consequence we have had reconstruction and new construction of educational facilities in Watson Lake and Haines Junction: those being two of the centres we felt would be impacted on the hardest, in the education field.

We have been working all of the time towards mitigating these impacts and it is an on-going thing with us every day now.

Mr. MacKay: Obviously the matters mentioned by the Government Leader and others that are planned are very expensive items. Can the Government Leader tell us if there is any provision, other than the so-called Yukon property tax, for funding of these projects?

Hon. Mr. Pearson: Mr. Speaker, I have to use my memory. I believe it was about four years ago the Government of Canada of the day made available to the Government of Yukon a fund of I believe \$2 million that this Government could borrow against; against the taxation that is going to be charged on the pipeline to offset any of these socio-economic impacts that we might foresee.

It was the decision of the Yukon Government of the day, Mr. Speaker, that they would try to do the work that had to be done through the normal course of events without borrowing any of this money. It has also been our decision to continue that way; we have not really seen any reason to change that yet.

Question re: Land Availability

Mr. Penikett: I have a question for the Minister of Municipal Affairs. The Minister yesterday issued a release on the adoption of the Carcross Valley Land Management Report and its recommendations. About a year ago the government adopted a similar report for the northern boundary of Whitehorse and promised at that time that land would be available this year.

Can the Minister explain why no land has yet been made available in that area?

Hon. Mr. Lattin: I think the basic reason that no land has been made available is the fact that we have not received any land from the feds, up until now.

Mr. Penikett: Given that the Minister is burdened with the commitments made by the government on this question, would he be prepared to advise the House now exactly what steps he is making to fulfill this commitment for land in the area of the study at this moment?

Hon. Mr. Lattin: Yes, Mr. Speaker, we are pursuing the matter with the federal government to obtain some land, but in the meantime the reason is also partly that while the land is not available we are putting the regulations in place. That is why at this particular time we are going ahead with the regulations, so that when the land does become available we will be able to act post-haste.

Mr. Penikett: Regarding the opening up of land in the Carcross Road, can the Minister give the House some idea of the time-frame in which he would expect or hope to be followed, in opening up this rural land for sale to the public?

Hon. Mr. Lattin: Mr. Speaker, I am sorry I cannot because I do not know when the land is going to be available; I would be just guessing at this particular time if I said any date.

Question re: Ambulance Attendants

Mr. Fleming: My question this morning is for the Minister of Health and Human Resources. Is the Minister aware that in some cases ambulance attendants are liable, if some patient or person should pass away enroute to the hospital?

Hon. Mrs. McCall: Mr. Speaker, the ambulance services are under the Minister of Municipal Affairs.

Hon. Mr. Lattin: Mr. Speaker, could I ask him to repeat the question, I did not hear the original question.

Mr. Fleming: Is the Minister aware that in some cases, some persons who may be attendants in the ambulance are liable, if the person they are bringing into town in the ambulance passes away enroute?

Hon. Mr. Lattin: Mr. Speaker, I was not aware of that. I will take that particular question under advisement.

Question re: Pipeline Preparation Costs

Mr. MacKay: My question is to the Government Leader on Pipeline matters again. Recent statements by Foothills Pipe Line indicate they are prepared to reimburse the YTG over \$1,000,000, this being the cost incurred to date in preparing for the pipeline. Is the Government Leader prepared to accept this million dollar offer?

Hon. Mr. Pearson: I am not sure, Mr. Speaker, where the Honourable Leader of the Opposition is getting his information from. I have not heard from Foothills yet, Mr. Speaker.

Mr. MacKay: I can certainly recommend the reading of the *Pipeline Clippings* supplied by the Government in this regard. Mr. Speaker, the issue of the \$5,000,000 property tax is still unresolved. The last time I asked about it, the question had been referred to the Northern Pipeline Agency. Can the Government Leader tell us if he has received any reply back from his request for help?

Hon. Mr. Pearson: No, Mr. Speaker. I do not mean that I cannot tell him, I mean that I have not received a reply back yet.

Mr. MacKay: With respect to formulating the Government's position on the claim for \$5,000,000, has the Government Leader ever sought outside legal advice on this question?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Question re: Game Ordinance/Polar Bear Hunting

Mr. Penikett: I have a question for the Government Leader as well. Mr. Speaker, the Committee for Original People's Entitlement has publicly expressed serious misgivings about the administration of some provisions of the *Game Ordinance* which we passed last year. I wonder if, at this time, I can ask the Government Leader if he can confirm or deny their assertion about the need for the Inuit to have big game guides in order for them to hunt polar bear in northern Yukon?

Hon. Mr. Pearson: No, Mr. Speaker, I am sorry, I can neither confirm nor deny that. But I would say, Mr. Speaker, that we are now cognizant of the specific concerns that COPE has with our game legislation. We do have that under advisement at this moment.

Mr. Penikett: The Government Leader seems to be suggesting that this appraisal of these concerns is new. Can the Government Leader say if he was aware of these concerns, or if the government was aware of these concerns, at the time we were discussing these amendments this past year?

Hon. Mr. Pearson: Mr. Speaker, I am going to ask the Honourable Member to please desist from this line of questioning because he is going to get both he and I into a whole bunch of trouble pretty soon.

Mr. Penikett: I have no wish to get myself into trouble.

I do want to ask the Government Leader this question, though, without asking him to betray any confidentiality concerning the land claims discussions. Since the Government has widely publicized its concerns about lack of consultation in connection with the COPE Agreement, I would like to know if there is any truth to the assertion that the concerns by COPE about the *Game Ordinance* were not conveyed to us, and not the subject of consultation, prior to those amendments being brought to this House?

Hon. Mr. Pearson: Now, Mr. Speaker, there seems to be some implication, with respect to COPE, that we knew something and did not tell the House. I am going to deny that categorically.

Question re: Legal Protection for Hired Consultants

Mrs. McGuire: I have a question for the Minister of Justice. Mr. Speaker, yesterday I posed a question to the Minister of Human Resources, with regard to a possible libel suit being brought against a former hired consultant of this Government. The answer I received was informative but inadequate. I will now ask the Minister responsible what this government's policy is, regarding legal protection for hired consultants?

Hon. Mr. Graham: I am afraid, based on the information that I have been given, there is no possible way an answer could be formulated. At the present time we have no idea whether or not this hired consultant is going to be sued in a court of law, and if he is,

what the circumstances surrounding that action would be. Based on the information given, I am sorry I cannot answer.

Mrs. McGuire: Surely the Minister can answer a question in regard to policy. Do you have a set policy in this Government regarding protection of consultants, should they run into libel suits?

Hon. Mr. Graham: No, Mr. Speaker, we do not, not with consultants.

Question re: Yukon Heritage Fund

Mr. MacKay: I have another question for the Government Leader with respect to Pipeline-related matters. Can the Government Leader inform the House whether this Government is still preparing a proposal for a Yukon Heritage Fund?

Hon. Mr. Pearson: Mr. Speaker, we prepared a proposal for a Yukon Heritage Fund just about two years ago. That is the only proposal that we have in our possession at this time, the only one that we are considering at this point in time. We are negotiating with the Government of Canada in respect to the Yukon Heritage Fund.

Mr. MacKay: In passing, Mr. Speaker, I would like to say I do not recall that being published as a proposal; however, perhaps the Government Leader could comment on that when he answers the next question. In view of the problems experienced by the Alberta Heritage Fund in respect of competent management and the creation of envy from poorer Canadians and the rather interventionist nature of this type of funding, has the Government Leader requested any review of his previous studies, with respect to handling surplus revenue in a different way from the Heritage Fund?

Hon. Mr. Pearson: No, Mr. Speaker, not at all. I think that everybody has to recognize that we are talking about something quite a bit different, both in makeup and in magnitude of the Alberta Heritage Fund. Mr. Speaker, if we find it necessary to get outside assistance when the great day comes, I am pretty confident I know where I am going to go first.

Mr. MacKay: Would the Government Leader be prepared to review the concept of a heritage fund, in the light of the Alaska experience where each resident of that state now receives a dividend from surplus revenues, rather than accumulating the funds in the hands of the government?

Hon. Mr. Pearson: Mr. Speaker, I do not think that it is a case of reviewing the concept of the heritage fund at all. The first thing that we have to do is to establish the principle that there will be a heritage fund in the Yukon Territory. It is one, Mr. Speaker, that we want to establish very much on this side of the House, but Big Father up in the sky is watching us and we have not been able to get the necessary approbation from the Government of Canada in respect to this yet.

Question re: Workers' Compensation Board Make-up

Mr. Penikett: Back to basics, I have a question for the Minister of Everything. The Minister responsible for the Workers' Compensation Board has said that he had not given any consideration to increasing the number of workers' representatives on the Workers' Compensation Board. Can the Minister now tell the House whether he is satisfied, as a matter of policy, with the apparent arrangement whereby workers' representatives are only one-quarter of the membership on that body?

Hon. Mr. Graham: Mr. Speaker, under the current legislation we are entitled to appoint one member as a representative of the workers in the Territory; however I am quite confident that the other three members on that Workers' Compensation Board are also cognizant and very aware of the workers' desires in the Territory, and make every effort to meet those desires.

Mr. Penikett: It was a lovely answer, but it did not answer the question.

I would like to ask the Minister, since he also said in his comments the other day that he was looking at ways of reducing the premiums that employers in the Territory have to pay, can he assure the House that whatever the resolution of this issue, the rates of compensation paid to injured workers and the families of deceased workers will not be reduced as an economy measure?

Hon. Mr. Graham: Yes, Mr. Speaker, he has my assurance of that.

Mr. Penikett: I wonder if the Minister could also give his assurance, while he is being so reassuring, that he will actively encourage workers and their representatives to aid the Government, in the review of occupational health and safety legislation and labour

standards, by some formal process: which review and which legislation, I understand is now being drafted by the Minister and his officials.

Hon. Mr. Graham: Mr. Speaker, with the current review of the occupational health and safety legislation as well as the labour legislation being currently under review in the Territory, we are actively soliciting comments from labour-oriented organizations in the Territory.

Question re: Ross River Social Worker

Mr. Fleming: I have a question this afternoon for the Minister of Health and Human Resources. Since at this time the social worker in the area of Faro and Ross River is now stationed at Faro, and since there has been a request in Ross River for a permanent field worker, can the Minister inform the House as to whether this may or may not come into effect?

Hon. Mr. McCall: Mr. Speaker, the worker at Faro is to cover Ross River, as far as I know, I do not believe there are any plans for an individual worker at Ross River. I will investigate that further if he wishes.

Mr. Fleming: I am happy with the Minister's answer that she will investigate the matter. Is the Minister aware of the fact that Ross River has a considerable number of social problems, due to alcoholism and so forth?

Hon. Mrs. McCall: Yes, indeed I am, Mr. Speaker.

Mr. Fleming: I thank the Minister for her answer. I have a supplementary. Since the Minister, as quoted by my friend on my right at sometime, "taketh more away than giveth", I wonder if there is a possibility of the social worker's moving from Faro to Ross River?

Hon. Mrs. McCall: Mr. Speaker, I would hate to create bad feelings between Ross River and Faro or between the two Members opposite. No, along with our shift in the departments, with our reorganization, there are some changes. These are changes that are carefully looked at to see whether they are going to improve the quality of service, not to take away in any way at all. I am sure that Honourable Member will find that the service will not lessen, it will increase.

Question re: Y-Canada Program

Mrs. McGuire: I have a question for the Minister of Education. In view of the fact that Y-Canada's "Say When" program was turned down by this Government's Education Department and was then sold to, and is being used successfully by, Alaska schools, Mr. Speaker, I would like to ask the Minister: in his evaluation of this program, did he recognize that administration and directorship difficulties caused the failure in the deliverance of this educational program. Or what exactly was the Minister's assessment of this?

Hon. Mr. Graham: Mr. Speaker, I have already undertaken to table that evaluation in the House and I believe that when I do, those questions will be answered.

Question re: Elsa Work Stoppage

Mr. Penikett: I have a question for the Government Leader. In view of the prolonged industrial dispute at Elsa, can the Government Leader say what assessment, if any, his Government has made of the damage to the Territory's economy by this work stoppage, and whether he or his officials are taking daily account of the loss to the income of YTG and the Territory.

Hon. Mr. Pearson: Mr. Speaker, we have not done any detailed analysis like that but I think I can tell the Honourable Member without doing any detailed analysis. The impacts are severe and will be felt dearly by this Territory in the same way as when Cyprus Anvil was on strike, in that it must be having an impact on the revenue picture for the Northern Canada Power Commission.

Mr. Speaker, because of the hydro plant at Mayo, the revenue received for that very cheaply produced power at Mayo, for United Keno Hill by NCPC, has got to be offset. The only way it can be offset is by the rest of the customers in the Territory. So there are going to be severe impacts, but that impact will not be felt until NCPC is looking at future rate increases.

I am sure that everyone in the Territory has to realize that we all feel it one way or another when a company of this size goes on strike for this length of time in this Territory.

Mr. Penikett: In view of the hard and fast positions of both the company and the workers in this dispute, might I ask the Government Leader what efforts he has made to facilitate talks between

both sides; specifically, has he offered himself in any mediation role?

Hon. Mr. Pearson: Mr. Speaker, I can recall a mayor of Whitehorse once offering himself as a mediator in a labour dispute, but no, I have not, Mr. Speaker. This is something that is handled by the Canada Labour Relations Board.

I might say, Mr. Speaker, that I spoke with the general manager from United Keno Hill on Saturday and he expressed a hope to me that talks would be starting again fairly quickly.

Mr. Penikett: Should that optimistic assessment not come to pass, could I ask the Government Leader for his undertaking that he would personally attempt to communicate with both parties to this dispute in an effort to facilitate some kind of discussion, or at least apprise both parties of the Government's concern on this question, if the dispute continues?

Hon. Mr. Pearson: Mr. Speaker, certainly if the Honourable Member is looking for an expression of concern from this Government, that is one thing that I would undertake to do without hesitation, because we are very concerned.

Mr. Speaker, this is a collective bargaining process. It is laid down in law and I honestly would feel very uncomfortable trying to circumvent that process in any way at all.

Question re: Credit Union Building

Mr. MacKay: I have a question for the Minister of Consumer Affairs. Some time ago I requested him to provide the House with an explanation of why the Credit Union Building, which was purchased by this Government early in the year for \$450,000, has lain idle since that time, when the Government is leasing new space elsewhere.

Hon. Mr. Graham: Mr. Speaker, I believe at the time I informed the Honourable Member opposite that the building was purchased and then turned over to a separate department, which handles housing in the Territorial Government. However, I think that the answer has become clear to me in the last little while and the answer is that we will require \$500,000 to renovate that building to render it useable for government purposes, and we just simply do not have the money available at this time.

Mr. MacKay: Since it was that Minister's department who made the decision to purchase that building for \$450,000, can he explain, or at least acknowledge, that he had no idea that it would take \$500,000 additional money to make it usable?

Hon. Mr. Graham: Mr. Speaker, in the first place it was not my department that purchased the building, it was the Government who purchased the building. In the second place, we did not, technically, purchase the building. We absorbed that building or else we would have taken a \$450,000 loss, which seemed, at the time, quite irresponsible on our behalf. We took that asset instead of taking the \$450,000 loss.

As to the second part of the question: No, I did not know at the time it would cost us \$500,000 to renovate the building. But I am certain that, even had we known at that time, it would have been irresponsible of us not to take that asset instead of taking the \$450,000 loss.

Mr. MacKay: I am surprised at the lack of comprehension of the Minister about what he did. Would he not agree that had he not bought the building, somebody else would have bought the building and these funds would then have been available to offset that loss?

Mr. Speaker: Order, please. There is no question and the Honourable Member is becoming argumentative.

Question re: Drivers' Licences

Mr. Penikett: I have a question for the Minister of Consumer and Corporate Affairs. We were informed, while the Minister was away last week, that his department will be putting stickers on licence plates next year. My question is about driver's licences in connection with that. In view of the five-year validity for driver's licences and the fact that they are only paper and tend to wear out quickly, can the Minister say what plans there are, if any, to replace the current driver's licences with something that may last for a longer period of time?

Hon. Mr. Graham: Mr. Speaker, I believe that drivers' licences are only issued for three-year periods. However, I do agree with the Honourable Member opposite that the current paper drivers' licences do leave something to be desired. I would be only too happy to report to the Honourable Member opposite that we are looking into the possibility of some kind of plastic coated drivers' licences for the future.

Mr. Penikett: An attractive member of the public has also asked me to inquire if the Minister is contemplating the inclusion of persons' photographs on these drivers' licences to facilitate identification?

Hon. Mr. Graham: No, Mr. Speaker at this time we are not considering that.

Mr. Speaker: There being no further questions we will proceed to the Order Paper.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill Number 39, standing in the name of the Honourable Mr. Graham.

Bill Number 39: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 39, *An Ordinance to Amend the Defamation Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 39 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, at a meeting last year, the Uniform Law Conference of Canada amended the *Uniform Defamation Act* to provide a greater measure of protection to newspapers and other forms of news media, in relation to publication of letters to the editors and similar expressions of the opinions of others.

Under the existing law, the newspaper, radio station, or television station is not protected, if it does not share the opinion of the person writing the letter or making the comment. The reason for this is that in order to use the defence of fair comment, the newspaper or other medium must give evidence that the opinion was honestly held by the person whose opinion it was, which the newspaper could not ordinarily do unless the opinion was its own. A newspaper, therefore, is well advised not to publish controversial statements with which it disagrees, and this interferes with the freedom of expression or the freedom of dissemination of ideas.

The same rule probably applies to radio hot-line shows and television programs. A publisher or broadcaster should not be subject to any greater jeopardy for publishing the opinions of others than for publishing his or her own ideas. This proposed amendment to the *Defamation Ordinance* will rectify this situation.

Mr. MacKay: I appreciate the Minister's good explanation. I must admit, though, having read letters to the editor for the last ten years and listened to comments on *Talkback*, that I have never felt that anybody in Yukon has been constrained by the lack of having this amendment.

However, if it is going to make the odd publisher and the odd radio station owner a little happier, I will be happy to support it.

Mr. Penikett: I appreciate the Minister's remarks and I must share the concerns of the Leader of the Opposition in saying that I had not realized to what extent this might be a problem.

I might sometimes express concern about the publication of remarks made in this place from time to time, and the extent to which someone's character, including ours, might have been defamed. I guess that is another issue, Mr. Speaker.

I have a number of questions I may ask the Minister in Committee stage on this bill, but on the whole it seems to me worthy of support.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 53, standing in the name of the Honourable Mr. Graham.

Bill Number 53: Second Reading

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 53, *An Ordinance to Amend the Judicature Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Hootalinqua, that Bill Number 53 be now read a second time.

Hon. Mr. Graham: Mr. Speaker, under English law since 1066, as a general rule, property which has no owner and is worth the trouble of dealing with becomes the property of the Crown. Generally speaking that is still the law in Canada.

In Canada this right to acquire property which has no owner is a form of revenue akin to the right to receive a royalty or tax. In the provinces which first joined Confederation, it was acknowledged that this right became an attribute of the provincial Crown. In the newer provinces, Canada retained the right until she consented to the provinces acquiring the right in 1929.

We believe that Canada is prepared at the present time to allow the Yukon Territory to acquire this right, if the Territory will administer the matter and pass the appropriate legislation. Historically, property covered by these rights is of two main kinds: personal property and real property. Real property is land and personal property comprises everything else of any value.

The distinction is no longer important, especially since Britain, in 1925, brought the two together and provided for a simple method of administration.

In Yukon we have in practice no distinction between the rules of inheritances, no distinction of real property, these having been, for all practical purposes, abolished, and upon death land is now treated as if it were personal property.

Our solution to the disposition of this onerous property, is to empower the Government, through the public administrator, to legally take over ownerless property and to hold it indefinitely. The obligation will continue to exist but if the true owner comes forward, we will have to give it back or give back the equivalent of the real property. Meanwhile the Government will have the use of that property. Because of this change, the legislation in front of you today is being put forward.

Mr. MacKay: As with many other bills that are appearing from the Department of Justice, I really cannot quarrel with this one either. The position of the Opposition is quite often embarrassing in this respect however when we see some reasonable legislation, it seems reasonable that we should support it.

I would say that while taking on this additional responsibility the Government should look at its department in which the Public Administrator is working, to assure that there is sufficient staff or that any additional burdens are not going to create any strain with respect to other duties that are presently being administered, that may well be experiencing some strain in that instance too, since we have quite an active department in that area and there is no private sector trust company that is taking on quite a few of the duties which would often seem to fall into the Public Administrator's purview.

I have no objections in principle. I hope that in practice this will not create a large amount of work, and if it does that the proceeds will be well worthwhile to the Government.

Mr. Penikett: I am not sure when I listen to the Minister talk about ownerless property whether the novels of Charles Dickens or Franz Kafka come more immediately to mind, but the bill does seem to make perfectly good sense: the kind of thing we come to expect from the Minister.

The one objection I would have to it and I would ask the Minister to listen to this criticism kindly is that everybody in this House seems to have problems pronouncing the title and perhaps in the course of the Committee stage consider amending it to something that slips more easily from the tongue.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Mr. Speaker do 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 Justice, seconded by the Honourable Member for Mayo, 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 call the Committee of the Whole to order at this time.

Before we take a break, I would like to inform the Members that the Committee will be dealing with Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*, and Bill Number 57, *Municipal Ordinance*.

I will call a short break at this time.

Recess

Mr. Chairman: I will now call Committee to order. The Committee will now consider Bill Number 40.

Hon. Mr. Graham: Mr. Chairman, I believe at the last time we considered this Bill, we set aside Section 8(1), I believe?

Mr. Chairman: Correct.

On Clause 8

Hon. Mr. Graham: Due to a concern expressed by a Member of the Opposition, I believe it was the Leader of the Opposition; his concern was that there was no appeal to the Workers' Compensation Board on questions of law.

After considering the Member's concern, we decided it was a very valid concern. I would like to present the proposed amendment.

Moved by myself, seconded by the Honourable Member for Tatchun, that Bill Number 40, entitled *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*, be amended by adding the following:

"Section 8.1(1) Section 21(1) of the Ordinance is repealed and the following is substituted for it:

21(1) Subject to subsection 19, a decision of the Board is final except that an appeal lies in the court from any decision of the Board on a question of law."

Mr. MacKay: I am pleased to see the amendment. The Minister has made the unfortunate error of making me appear smarter than I am though, Mr. Chairman. I rush to correct him on this. My original question was that the appeal seemed to be directed at the wrong court; however, out of all that seems to have come a very good amendment and I will be happy to support it.

Hon. Mr. Pearson: Mr. Chairman, the Honourable Member was right in his concerns, there is little doubt about that.

Mr. Chairman: Shall the amendment clear?

Some Members: Agreed.

Clause 8 agreed to

Mr. Chairman: I would refer Members to the title to the Bill. Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare that the bill has passed this House.

Hon. Mr. Graham: Mr. Chairman, I move that Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*, be now reported with amendment.

Mr. Chairman: It has been moved by the Honourable Member Mr. Graham that Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance*, be reported with amendment.

Motion agreed to

Mr. Chairman: I refer the Committee to Bill Number 57, *Municipal Ordinance*, at this time, the top of page 10.

I would like at this time to welcome the witnesses and to ask them to please take their seats.

On Clause 10(1)

Hon. Mr. Lattin: Mr. Chairman, the new criterion for determining the status of a community is based now on population. Assessment has been deleted, since it is no longer an important consideration in the change in the calculation.

In addition, communities have been provided with more flexibility to deal with local conditions, by the relation of overlapping population criteria.

Mr. Chairman: Any further discussion? The Chair would like to inform you now that we are only dealing with Clause 10(1) at this time.

Mr. MacKay: I would like to ask the Minister, in view of what I consider slightly questionable statistics given us yesterday on the sizes of populations, how the government proposes to arrive, in the future, at estimated population in order to determine the sizes?

Hon. Mr. Lattin: I take it you are asking me where we got, for instance, the 300 figure; where we arrive at that particular figure, is that right?

Mr. MacKay: No, Mr. Chairman, I am interested in knowing how the Department of Municipal Affairs is going to estimate population. Could he give us an example of what methods they will use to do that; is it going to be the Government Health Care records; is it going to be property tax assessment records? How are you going to tackle the problem because I still have difficulty

believing there are 347 voters in the L.I.D. of Carmacks.

Mr. Livingston: I think we would use various sources to arrive at the numbers; probably all records have some inaccuracies, therefore we could utilize things like Statistics Canada figures, Health Care records, perhaps a door-to-door count.

Clause 10(1) agreed to

On Clause 10(2)

Hon. Mr. Lattin: Mr. Chairman, this section has been changed to provide powers for the Commissioner to provide municipal authority over a Territorial park if it is deemed advisable. Previous legislation automatically excluded all such areas from municipal jurisdiction.

Mr. MacKay: I am interested in the cross-over of responsibilities here. I can certainly see being able to prescribe for a Territorial park or even, perhaps, a game reserve, but I am wondering about a National Park. Is it within the powers of this Government to be able to establish a municipality in a National Park?

Mr. Livingston: Mr. Chairman, perhaps the way Mr. MacKay put it, I would have to say "No" to establishing a municipality within a National Park. But perhaps we do have some jurisdiction in a National Park's being established within a municipality.

Mr. Penikett: There is a fair amount of area inside the City of Whitehorse which is identified as "park" — I am thinking of the Chadburn Lake Preserve — into which some Territorial money may go. I do not know whether, within the meaning of the law or within the meaning of the *Parks Ordinance*, any of that becomes a Territorial park. Just so I am perfectly clear on it, if the Chadburn Lake Preserve or area were to become a Territorial Park, that would mean it would be then essentially removed from the control of the municipal government of the City of Whitehorse. Is that correct?

Hon. Mr. Lattin: Mr. Chairman, no, not necessarily so. But I think Mr. Livingston has something else to say on that.

Mr. Livingston: This particular clause would allow the municipality to have some jurisdiction over that park, depending, of course, on the management regime established for it.

Mr. Penikett: At one time, Members of this body used to worry about giving the Commissioner all sorts of power to make regulations. Now that we have graduated from the concern, we are now talking about giving the Inspector of Municipalities power to do all sorts of things: draw Commissioner's Orders and — I cannot remember the term Mr. Livingston used, but I guess it was the particular agreement or the terms. I am not going to do so now, but sometime in the future somebody is going to start to get concerned; we are going to go through cycles in these things, and as we do, some people are going to start to worry that these things are not spelled out clearly enough in the bill. But I am not going to do that now.

Clause 10(2) agreed to

Clause 10 agreed to

On Clause 11(1)

Mr. Penikett: Mr. Chairman, is there a typo in line two there? Should that word "issued" read "issues"?

Hon. Mr. Lattin: Yes, I believe you are correct. It looks to me like it is a typo.

Mr. Chairman: Is it agreed that is a typo?

Some Members: Agreed.

Mr. MacKay: This is a concern which was raised in previous sections and again there is no timing prescribed in this section — either to do it expeditiously or to do it slowly or whatever. I wonder: throughout this legislation we seem not to set any deadlines and timing. Is this a new philosophy we are encountering for this bill only, or is it throughout all legislation that we are going to see?

Hon. Mr. Lattin: I think we are considering at this particular time, Mr. Chairman, the *Municipal Ordinance*. I do not think the philosophy would necessarily go to other ordinances. We felt that in this particular one we could not see any particular point in tying down everything done. Though we are doing it in this particular ordinance, I cannot vouch for other ordinances.

Mr. MacKay: I do not want to belabour it too much, but I would like to reserve comment perhaps to further sections, when we talk about the very tight time limits we are putting on the municipalities for doing certain things. I wonder if it is the double standard again.

Again, as my friend to the left mentioned, we seem to be allowing

all kinds of latitude to the government because it is no longer "the Commissioner"; it is the government. I think there has got to be more of a sense of reciprocal responsibility on these matters and I would be happier to see the Commissioner bound by certain time limits in many of these areas.

Clause 11(1) agreed to

Clause 11 agreed to

On Clause 12

Mr. Fleming: Clause 12(1) does interest me a little bit, where: "...the Commissioner may, by order incorporate the residents of any area of land into a municipality." I may be wrong but I take this to mean that, in the future, for instance, if the Territorial Government were to take over the management of all lands in the Yukon Territory, this section would allow the Government to create municipalities in totality so that there are no areas in between that are left out.

There could be a municipality half way to Teslin, from there to Swift River, and from there to Watson Lake would be another municipality as is done in some of the provinces. Is this true or not?

Hon. Mr. Lattin: This particular section 12(1) provides new authority for the Commissioner to establish municipalities in what was previously being referred to as company towns. Interest of the corporation can be protected by the conditions that are provided in the order to incorporate. The interest of the residents can be represented by the municipality in which it was created. I might add, Mr. Chairman, that this was included at the request of the AYC.

Mr. MacKay: I am pleased to hear the people's voice so loud and clear. I would hate the Government to make any slip-ups in this area, in considering the application of this section perhaps to the only existing mining town in the Yukon, the town of Elsa. Just take the example of what could happen in the future. It seems to me that you could, in the application of this section, form a town in which the natural resource development was within the boundaries of that town, such as would be the case in Elsa.

Would the government not be putting itself in the position of cutting itself off from maybe a substantial form of revenue in property taxes from that mine, and the putting onto the face of the Yukon map an extremely wealthy municipality that may very well wind up with its own heritage trust fund?

Mr. Livingston: Yes, Mr. Chairman, I would suggest in that case perhaps that the Government may wish to put forth an opinion to the inquirer, in the conduct of the incorporation inquiry.

Mr. MacKay: I am not sure if I understood the answer of the witness; perhaps through the Minister I could ask him if, as I understood it, in the Commissioner's Order to establish this municipality, no doubt they would draw the line so that the property tax revenue derived from that major industry would still flow to the Territorial coffers, rather than to the municipality.

Hon. Mr. Lattin: Yes, I believe that would be in order. I will refer the question back to Mr. Livingston.

Mr. Livingston: Not necessarily, Mr. Chairman.

Mr. Byblow: I still am not too clear on this particular clause in terms of the implications.

In the instance where you do have a resource situated within the municipality, that may not have been within the municipality prior to this bill passing, my understanding is that then the property taxation would accrue to the municipality and not the Territory. Is that correct?

Mr. Livingston: Mr. Chairman, if the mill, for instance, were located within the municipal boundaries, then that land and that mill site would be taxable, subject to property tax, and it would be accrued to the municipality, but nothing to do with resource revenues.

Clause 12(1) agreed to

Clause 12 agreed to

On Clause 13(1)

Mr. Penikett: Mr. Chairman, I require some explanation of this clause. In reading the definitions, and listening to the discussion on Clause 2 of this bill, I had gleaned the impression that we were giving up the traditional plebiscites and referenda. Instead we were having submissions which were required to obtain the assent of the electors. Now assent, as I understand it, would mean permission; in other words it would not be like a referendum which as I understand it is an official test of public opinion. It would more appropriately resemble a plebiscite which is an approval or a legal

authority, but regarding which the constituents are only taxpayers.

This clause, it seems to me, says that the council of any municipality at any time may, by by-law, submit — and that word rang as the verb of the noun submission — for the opinion of the electors on the question. Again, opinion reminds me of the word "referendum" and referendum, it seems to me, is not binding. The referendum is just an official test of public opinion; whereas a submission, I thought, had more authority than that and more closely resembled the plebiscite, in the sense that you might be obtaining the permission rather than the opinion of the electors. Could I have that clarified?

Mr. McWilliam: Basically the submission is the general terminology that will be used, and the procedure outlining how that vote will be conducted is detailed in the submission procedures. If you are talking in terms of the effect of that vote, I think you have to go on to section 2 of this clause which indicates that where the approval has been attained the Commissioner may then proceed to revoke the old order. So it is not just an opinion that would perhaps be closer to the old referendum. There is a legal effect.

Mr. Penikett: Well, in that case, Mr. Chairman, so that it does not confuse the public, since we are, if you like, retiring the terms "plebiscite" and "referendum", and substituting this term "submission", I would respectfully submit that, so that there is no confusion on this score, the language in 13(1) and 13(2) should be the same. In fact the second line of 13(1) should, I submit, say that:

"...at any time may by by-law submit for the approval of the electorate ..." rather than "the opinion". If the Chair would consent, I would so move such an amendment, Mr. Chairman.

I don't have the form.

Mr. Chairman: Do you have appropriate forms for amendments there?

Mr. McWilliam: Mr. Chairman, basically, I do not believe that it is necessary. However, if it is a case of avoiding any possible confusion, I cannot see that it would have any negative effect.

Mr. Chairman: I want to advise Members of the Standing Order that witnesses should never make any statement to try to sway votes during time of amendments.

Hon. Mr. Lattin: What I suggest we do with that particular section 13(1) is ask that it be stood over to a particular time when we will again consider it. I suggest we go on with subsection (2).

Mr. Penikett: With that intervention by the Minister then, Mr. Chairman, I will simply submit my amendment as Notice.

Mr. Fleming: Before you pass that clause off, I have some questions on it which I have not had a chance to have answered.

Mr. Chairman: You may proceed.

Mr. Fleming: Thank you, Mr. Chairman. The Council in a municipality "...at any time may by by-law submit for the opinion of the electors the question of changing the status of the municipality to some other class of municipality that it is eligible for pursuant to section 10." Okay, I have a question on that. In the case of the section which is behind us now, in line four, where an L.I.D., for example, once this is brought into effect, is deemed to become a municipality, so therefore, they are a municipality;

In such a case, under this section, can they then, by by-law, submit for the opinion of the electorate a question of saying yes or no, or do we want a municipality or do we want to be a hamlet and so forth and so on?

Mr. McWilliam: If I understand the question correctly, I do not believe that is a problem. The reference in 9(4) to local improvement districts is for that section only. That is a transitional section, it does not relate to a question where a municipality, after having been established, may then feel that they have some reason to want to change their status.

Mr. Chairman: Order, please. The Honourable Member has asked the Chair if this section could be stood over. At this time I would like the consensus of the Committee.

Some Members: Agreed.

Mr. Fleming: Disagreed, Mr. Chairman, unless I can ask some questions on it. I have not had all my answers yet. I still have questions to ask.

Mr. Penikett: Mr. Chairman, on a point of order, the Minister having indicated his willingness to stand it over, it would seem to me not at all an irregular procedure or at all out of order to permit the Member to go on record with his questions, so that while the

Minister is looking at the clause he can take advice on those matters, as well.

Mr. Chairman: The Chair would like to know how long you are intending to stand this thing over? Are you going to look at it for two days?

Hon. Mr. Lattin: I would hate to commit myself, Mr. Chairman. I would like to look at it and I would respectfully submit that, rather than have it stood over again, that if the Honourable Member has some problems I would like to hear of the concerns now, so that we consider everything; then when we come back we can deal with it, with your indulgence.

Mr. Chairman: That is fine.

Mr. Fleming: My contention is, Mr. Chairman, that that L.I.D., for instance, is now a municipality and therefore they are, under this section, able to do this very thing because they are deemed to be a municipality, unless deemed to be a municipality does not mean that.

If that is the case, and they are not a municipality, they are just a nothing again; there is no area in here that I can find anywhere where there is an appeal for those people in a L.I.D., once they have been deemed to be a municipality. This is the only section where they might have that appeal.

I am wondering why they do not have. It says "...any municipality at any time may by by-law submit for the opinion of the electors..."

Mr. McWilliam: I will try to expand somewhat on my last reply, although basically, as I was indicating, the subsection that Mr. Fleming has referred to is dealing with a case where there is an incorporation; as was indicated yesterday when the debate was going on about that section, there was no indication that an L.I.D. was automatically deemed a municipality. It was for the purposes of that one section, that where we have an existing order incorporating an L.I.D. we would do away with that order in the same way that we would with any charter for an existing municipality.

We are dealing here with a case where once a municipality has been incorporated, at some future point they may want to have their status revised. This is the mechanism they would go through.

Hon. Mr. Lang: Mr. Chairman, it is obvious that it relates back to section 10 with respect to the numbers of peoples involved in a certain area, to whether or not they can revert back or go ahead in respect to municipal status. I do not think that the impression should be given here, or the Member should be left with the impression, that all of a sudden today it is an L.I.D. and it is not going to have any status tomorrow. There is going to be a transition stage and in that case they will be incorporated into one of the three steps that were indicated earlier in the legislation.

Mr. Fleming: That is exactly my point. Once you deem it to be a municipality, then is there any appeal there for them to no longer be a municipality?

Hon. Mr. Pearson: When we are dealing with this section, it is obvious that the Honourable Member is quite concerned with an area in the Territory being deemed to be a municipality.

Now, Mr. Chairman, all that is happening is that we are saying that in those areas that are now incorporated, for the purposes of the section that would allow them to become re-incorporated, if you wish, under the terms of this ordinance, they will all be deemed to be municipalities. We are not saying that they are municipalities.

There is a procedure that they have to go through; the procedure that is set up, is set up for municipalities. What we are saying is: we are assuming that they are municipalities for the purposes of the transition period, but only for that period. In other words, they have to take some definite actions before they will be municipalities.

Mr. MacKay: Yes, I think I can contribute a little bit. I got a clear understanding from the Government yesterday that there would be negotiations going on between existing L.I.D.s and this Government before the proclamation of this law. That seemed to take care of that particular problem.

Also, for the benefit of my friend back here, that section 13(1) only talks about changing one type of municipality to another type of municipality. You cannot opt out of being a municipality under this section.

However, that was not the reason I stood up, Mr. Chairman. The reason I had was that I am questioning the meaning of "electors" under this section. I look at the ordinance and go to the definitions,

and an elector is somebody who is defined as an elector under the ordinance. I go to division 1 and there electors are defined as Canadian citizens aged 19 and over and residing in a municipality for one year. Is that the meaning of elector for the purpose of this section?

Hon. Mr. Lattin: Yes, that is my understanding, that is so, Mr. Chairman.

Mr. Chairman: I would like to, at this time, inform the House that the Chair is a little confused as to how the section is being handled. Maybe I could read Section 5, page 21, of the Standing Orders to you and see if it says anything. "Should the government decide to consider making amendments to a certain clause, that clause may be stood. This means that the disposition of the clause is postponed and allows the Committee to continue its business of considering further clauses so that when the amendments come in the Chairman may call the clause which has been stood and the amendment is proposed and question put, decided, and clause carried as amended."

Shall we go to section (2) now, at this time?

Hon. Mr. Pearson: Mr. Chairman, I think that we had better have this out with you, at this point in time.

Mr. Chairman, we will run across clauses in dealing with this bill that possibly a Member from this side of the House, or a Member from the other side of the House, would like, for one reason or another, to see stood over.

Mr. Chairman, if it is stood over and then you arbitrarily stop all debate on that Section at that point in time, I submit to you that it would be doing everyone a disservice. It is very important, if a clause is going to be stood over, that we give it, as Government, the most serious consideration that we can, and we should therefore hear the concerns of everyone with respect to that clause, prior to going on to the next one. So that, Mr. Chairman, we can consider seriously the concerns that are expressed, so that we do not have to continually come back and forth with respect to one clause. Certainly, if we can deal with it all at one time, so much the better. If there are more concerns, then we should hear them now. I think that would be the best way to work it.

Mr. Chairman: Do I hear unanimous consent pursuant to Standing Orders to continue with Clause 13?

Some Members: Agreed.

Mr. Chairman: Continue then.

Mr. Penikett: Mr. Chairman, perhaps to assist you, it would be the appropriate time now if I could formally ask whether 13(1) could be stood over.

Mr. Chairman: May the Section be stood over at this time?

Some Members: Agreed.

Clause 13(1) stood over

On Clause 13(2)

Mr. MacKay: "Approval" is not defined here, but I presume that anything over 50 per cent is what is required. Or does it leave the municipality, in drafting its by-law, the right to set, say a sixty-six and two-thirds per cent?

Mr. McWilliam: It is my understanding, Mr. Chairman, that a simple majority would be sufficient, unless it is otherwise provided.

Hon. Mr. Pearson: Just for clarification, further on in the legislation, Mr. Chairman, we will run across requirements that are different from that, but approval should be read as a simple majority unless there is a specific.

Mr. MacKay: The reason I asked the question was that the old legislation did have that specific provision in it. It said that it shall be granted by Commissioner unless it has been approved by an affirmative vote at a plebiscite by a majority of those persons.

It seems to me that, by not defining that, the by-law could be drawn up. It is not really the rule of law in this ordinance that we are talking about, it is more what the municipality may do in drawing up its by-laws. We would not want the municipalities to draw up a by-law saying that they require 40 per cent or 60 per cent vote. I think if we are all agreed, it should have "a majority" there. It probably would not do any harm to set the words "a majority of electors".

Mr. Fleming: I also have a little trouble with this section; where it says, "Notwithstanding subsection (1)" is fine, but I am thinking it might say "notwithstanding subsection 10(1)", and I look at the 10 per cent there and 300 to 500. If you have 340 or 350 and

then you have a 10 per cent rise in that, you can change the status of that municipality. Over in Section 10(1) it says it may be 500 which may only be 360 or 370.

Mr. MacKay: Is the Minister prepared to look at inserting the words "a majority of electors" with approval of a majority?

Hon. Mr. Lattin: Mr. Chairman, in my mind there is no particular contentious issue but seeing as we will be looking at (1) again, I would be prepared at this particular time to grant the request and look at (2) also.

Clause 13(2) stood over

On Clause 13(3)

Hon. Mr. Lattin: Mr. Chairman, on this particular section the Commissioner may revise the status of the municipality, once it has reached the maximum level of the municipality. It provides that such action shall occur after the maximum population has been exceeded by 10 per cent. In this way, municipalities are well aware of when the Commissioner will act. In other words, it is giving them some notification that when they exceed the maximum population by 10 per cent, they will be subject to the next step up in municipal government.

Mr. Fleming: I must apologize, Mr. Chairman, for a moment ago. I was on the wrong section when I was speaking. This is the section I was referring to; I thought we were on (3).

This is where my question came in as to the 10 per cent rise here, and when you go back in the ordinance to the estimated population and the type of municipality being established, for instance, it goes from 300 to 500 before you change the status. Ten per cent of 300 is only 30 people, so there would be two different ways for you to change the status of a municipality.

Mr. MacKay: I was not sure what the previous Member meant, perhaps I am changing the subject here.

I am interested in the words "appears to the Commissioner". I am wondering why the word "deem" seems to be quite popular in other sections and why it is not said "Notwithstanding subsection (1) where the Commissioner deems that the population of a municipality has...". The "appears" seems awfully loose. It does not seem to put any teeth into the section.

Mr. Penikett: I am surprised Mr. MacKay referred to the teeth in this one; "deemed" sounds to me a much more gummy word than appeared. In fact, I was expecting my friend to the right to get up and support sections (3) and (4) with enthusiasm since, to me, (3) resembles a unilateral patriation and (4) seems to resemble closure.

Let me say that while I do not particularly have a problem with the word "appears" and a general sort of relaxed and friendly and comradely tone of this thing, I assume "appears" means — since we are not talking about "the Commissioner" anymore, we are probably talking about the inspector and I do not know where he has gone — that it probably just means that there is some evidence: whether it is the Medicare records, or counting the legs and dividing by two, as Mr. Pearson suggested, or the houses as someone else has suggested. I do not have a problem with that.

Hon. Mr. Pearson: Mr. Chairman, I am sure the Honourable Leader of the Opposition knows the difference between "deems" and "appears".

Mr. Chairman, there is an onus on the Commissioner or the Government. They have to be able to stand up and say, "It appears to us that there are more than this number of people in the community on the given day". Mr. Chairman, if we change it at all, if we make it any stiffer, then one day it could be a municipality of one magnitude, and the next day or two days later, because five families moved out or moved in, its designation could change. You are in the box, you are changing all the time. It is a consensus thing that has to be dealt with. So, again, you cannot lock the Commissioner, or Government — whichever, it is the same thing — you cannot lock them in to a definite number. But when it appears that it is likely to happen or that it should happen, then that is something where somebody can stand up and say, "Look, it must be obvious to everyone. This is what the size of the municipality is going to be". Something has happened to make it appear to be that way.

Mr. Fleming: Yes, I think I understand. The figures back in section 10 are to establish a village - 300, a town - 500, a city - 2,500 and, of course, there is a variation in there which we will not bother with. And in this section it says that the Commissioner can also change the status of that village, town or whatever, with a ten per cent rise in the population. I could be wrong, but if this were the

case, I could foresee us being, some day, a city with 360 people in it.

Hon. Mr. Pearson: Mr. Chairman, the Honourable Member is losing sight of the section in every way. Mr. Chairman, if a community has the status of a town, its population, when it is established, is between 500 and 3,000 people. Now, on a given day, Mr. Chairman, the Commissioner of the Yukon Territory, in all his wisdom says — or somebody says to him — "The population of that town is now 2,800 people. We should be considering changing the status from town to city."

The Commissioner says that it appears to him that the population is now 2,800, so he changes it. That is all there is to it. The 10 per cent refers back to those numbers. It is not that all that happens is that the population increases by 10 per cent; the population number has to be within 10 per cent of those numbers.

Mr. MacKay: It seems to me the Government Leader addressed the exact problem I was going to talk about. I am just a little concerned about the numbers we are talking about. The example he used said that when the town exceeded 2,500 and became 2,800, the Commissioner could then deem it to be a city. But according to section 10, as long it stays under 3,000 it is still a town. I appreciate that the overlap was to provide for some flexibility but I am not sure now which numbers in section 10 are going to be the baseline: is it the highest numbers, the 1,000, 3,000 for going up, the lowest number 300, 500 for going down.

Mr. McWilliam: Yes, that is basically correct. It is the highest number for going up and the lowest number for going down.

Clause 13(3) agreed to

On Clause 13(4)

Hon. Mr. Lattin: This, Mr. Chairman, just provides a period of six months' notice for a municipality to prepare for its transition.

Clause 13(4) agreed to

On Clause 13(5)

Mr. Penikett: Mr. Chairman, I know we are all being cool here and if it looks like a city it is going to be a city and if looks like a town it is going to be a town.

I would really like to know what the Minister had in mind, again, when he proposes "...shall improve provisions for the implementation as referred to in section 9 and such other matters as the Commissioner deems necessary to provide for a proper transition to a new class of municipality." I feel bound to ask what he has in mind here.

Mr. Livingston: This is basically intended to allow us to perhaps write a new charter of incorporation, if that is what it is referred to as, these days, because Clause 9 also mentions that you could specify such other provisions and conditions as were deemed necessary for that new municipality to operate.

Mr. Penikett: That is exactly why I was asking. It referred to Clause 9, which already included that general powers clause or extra powers clause, and I just wondered if it was really necessary there, but I have no problem with its being there.

Clause 13(5) agreed to

On Clause 13(6)

Hon. Mr. Lattin: Mr. Chairman, this is the particular section that was referred to yesterday, I believe it was, where a town could keep its name. I was thinking, at this particular time, of Keno City. It is part of a name and does not necessarily mean the status of that particular community.

Mr. Penikett: Just so I am correct, it could be the Village of Keno City.

Hon. Mr. Lattin: Yes, Mr. Chairman, that is correct. The "City" part of the name now is considered part of the name.

Mr. MacKay: Just so the Member from Dawson is not under any misapprehension, Dawson could easily be the Village of Dawson City. That will be its legal name.

Hon. Mr. Lattin: I do not want to seem evasive. That is correct, if it did go down to a village, that is correct. It could be referred to as the Village of Dawson City.

Mr. MacKay: The old ordinance seemed to have a very specific title when it talked about the corporation of the City of Dawson. In other words, it had that specific title given to it.

It seems to me that if this ordinance is going to change that title, it will no longer be known as the City of Dawson. It will have to be known, legally, as the Village of Dawson City or some such.

Hon. Mrs. McCall: It is not known as the City of Dawson City so

I doubt that we will be calling it the Village of Dawson City, in that way.

Hon. Mr. Pearson: We will be calling it Dawson City. This section is clear. It always has been Dawson City. That has been the name. You know, the name of the community is not "Dawson". The name of the community is Dawson City. Just as with the name "Keno", the community is not "Keno", it is Keno City.

Mr. MacKay: I would like to differ with the Government Leader. It is not known as Dawson City. The legal name is "The City of Dawson". That is what is on its seal and that is what is on its letterhead. What I want to be sure of is whether we know what we are doing. I do not think I really agree with it. I do not want to see the legal name become "The Village of Dawson City". I think that would be demeaning the history of the place and I really would not like to see that happen. The way I read it though is that it is going to be called "The Village of ..." unless there were a specific section exempting the City of Dawson from that general section.

Hon. Mr. Lang: Mr. Chairman, I think it is very clear, and I am sure that the witnesses will concur, that it will be the City of Dawson if that is the request of the city council, which, undoubtedly, it will be.

Mr. MacKay: Could I just have the opinion of the witnesses, as suggested by the previous speaker, that the legal name of the City of Dawson will not become "The Village of Dawson City", if they so request it?

Mr. McWilliam: Yes, Mr. Chairman, first of all, within the department, we have not yet presumed that there is going to be a change in status. That is part of the incorporation procedure that would go on. What (6) here deals with, is recognizing that where there is a traditional name, that "City" could become incorporated in the proper name of that community.

Mr. Penikett: I think the witness' point is well taken, Mr. Chairman, because it seems to me that Mr. Oliver was proposing a "Dawson and area" as the new municipal boundary. Presumably that area could be quite large and you might be able to catch up a few hundred more people if you did it at the right time of the year.

Clause 13(6) agreed to

On Clause 14(1)(a)

Hon. Mr. Lattin: Mr. Chairman, this particular section outlines the necessary procedures for the transition. It is very much similar to the legislation now in effect.

Mr. Fleming: This section interests me quite a bit: nothing exciting, but if the Government takes it into its hands to say that the mayor of the old municipality continues as mayor of the new municipality, I wonder if the jargon they have in there, why does it not say "may continue", because no mayor has to continue, and it carries on right through all of these sections in Clause 14, pretty well the same thing. Everything says that it is going to be that way. There is no give-or-take one way or the other and I wonder why the members of council and the mayor and so forth may not continue on, instead of having to continue on. Is there any reason for that?

Hon. Mr. Lattin: I do not share the Honourable Member's concern on it. If (unintelligible) the status of the new ordinance, they remain the same status. I cannot see where the problem is but I will refer the question over to Mr. McWilliam — maybe he has something to enlighten us with.

Mr. McWilliam: Basically when we are dealing with a change in status as is the case here, there is going to be a transitional period during which time things must go on, there must be some continuity. What we are providing here is that the existing officials remain in place. This certainly does not require that an individual who is mayor must remain in office if he, for some reason, has violent objections or is unable to complete his term. Life will go on, but it will be with the existing council.

So we are certainly not saying here that the mayor must continue.

Mr. Fleming: Mr. Chairman, I do realize this. I wonder why the word "may" was not used, in all these cases where he may or he may not want to continue, because I have had the instance myself where you say, "Oh, so that is what they say, that we will continue. Well, maybe we won't." There is a little contention sometimes, due to the fact that it is not giving him the right to say "may". They are not given the right to maybe or maybe not.

Mr. Chairman: Are you asking a question, Mr. Fleming?

Mr. Fleming: No.

Mr. Chairman: Are you merely making a statement for discussion on this section?

Clause 14(1)(a) agreed to

On Clause 14(1)(b)

Clause 14(1)(b) agreed to

On Clause 14(1)(c)

Mr. MacKay: I appreciate what the section is trying to do, ensuring that there is job security involved in the changing-over there. Maybe I am quibbling on the English, but when I read it at first, when it said "...until the council of the new municipality otherwise directs..." I wondered if that is allowing the new municipality to change the rights of the employee by virtue of being a new municipality. I may be splitting hairs here.

Let me put it another way. I think the meaning of the section is that it refers to the same duties as being the same until otherwise directed, but the way it is with the "same rights and duties", it sounds like the new council would have the power to change the rights that the employees had under the old municipality.

Am I splitting hairs on this?

Hon. Mr. Lattin: Mr. Chairman, I believe that the Honourable Member is splitting hairs, however, just for his edification, I will ask Mr. McWilliam.

Mr. McWilliam: I believe it is necessary to provide this type of paragraph with the wording in the manner in which it is laid out. There may very well be, because of change in status, some additional responsibilities which that municipality assumes. At that point in time, they may direct existing employees to assume additional responsibilities, so they need to be able to direct their employees as it provides.

Mr. MacKay: I appreciate that that was the concern. The section reads "each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same duties until..." I fully understand that. The qualifier of "...until council otherwise directs..." seems to apply to the rights that that employee has, as well as the duties he may have.

My question is, is the qualifier meant to apply to the same rights: can they be changed by the new council or is it merely the way the section is written that I am misinterpreting?

Mr. McWilliam: Yes, Mr. Chairman, this section does not override the other sections of this legislation which deal with the rights as well as the duties of employees. There is protection for those employees against arbitrary action by council. However, upon changing status, there may be some change in the rights of employees as well.

Clause 14(1)(c) agreed to

On Clause 14(1)(d)

Clause 14(1)(d) agreed to

On Clause 14(1)(e)

Mr. Penikett: Mr. Chairman, I apologize for having to answer a call of nature just a minute ago, because I had a question on the clause you have just cleared. I am going to have to find some other subversive way of getting my question in another section, Mr. Chairman.

Mr. Chairman: I would like to advise the Honourable Member if you would like to re-open the clause you need the unanimous consent of the Committee. If you do not request that, we will continue with subsection (e).

Clause 14(1)(e) agreed to

On Clause 14(1)(f)

Clause 14(1)(f) agreed to

On Clause 14(1)(g)

Clause 14(1)(g) agreed to

On Clause 14(1)(h)

Mr. Penikett: Under the old ordinance, it seems to me, and I cannot remember the exact phrasing, but where there was no chief administrative officer, "...where a manager has not been appointed pursuant to Section 43, the manager shall direct all administrative officers..." et cetera, et cetera, et cetera. I am referring to Clause 43(c) under the old ordinance. I see some smiles of delight on the witnesses' faces, maybe because we have covered this already, but let me ask it anyway.

I am asking about the rights, duties and functions, Mr. Chairman. It was possible, it seems to me, for an L.I.D., formerly, to

decide that the mayor, chairman or whatever, was going to direct the day-to-day activities of a small local government. Presumably the local government could then establish an appropriate indemnity for that person because they would be carrying on both executive and administrative functions. That kind of arrangement, it seems to me, is probably not possible under the present set-up.

There is also later on in here, and I cannot remember the exact section, some sleight-of-hand in connection with the constitutional set-up of local government, in that we seem to be, without much discussion, doing away with the council/manager system of government and going to the mayor/manager system.

Now, in my second reading speech, I mentioned that I had a couple of concerns about the council/manager system. The particular concerns I have, though, I do not think would be settled by going to a mayor/manager system. Now, my particular concern is that if these rights and duties and functions of officers are going to continue, and I presume this is only for a transitional period, but it seems to me that that could produce some difficulties, because the ordinance lays out different relationships and different duties for the new people or for the new officers, under the new than under the old.

I wonder if the Minister could just comment.

Mr. McWilliam: Mr. Chairman, if I understand Mr. Penikett's question correctly, I do not believe that is a problem. The reference he is making to the transitional period for bringing existing municipalities in under this ordinance have already been dealt with under the incorporation section. What we are dealing with here is any future change in municipal status that may occur.

Clause 14(1)(h) agreed to

Clause 14(1) agreed to

Clause 14 agreed to

Mr. Chairman: The Chair would like to take a short break at this time.

Recess

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

Hon. Mr. Lattin: Mr. Chairman, I would like clauses 15 to clause 29 stood over at this particular time, and I would like to start on page 19, Part III — Elections. I would ask whether I may have consent of the Committee to do that.

Some Members: Agreed.

Mr. Chairman: Then I refer the Committee to page 19, Part III — Elections.

Mr. Hibberd: I appreciate that there may be good reason for that, but there has been no explanation offered to Committee why these are being stood over.

Mr. Chairman: Does the Committee request an explanation as to why these clauses should be stood over?

Mr. Hibberd: Mr. Chairman, I think I am a member of this Committee and I have just requested that there be an explanation as to why these are being stood over.

Hon. Mr. Lattin: Mr. Chairman, I am very remiss in not so informing my colleagues: the rest of the Committee. We had some problems that started at clause 15, which relates to the Municipal Board. On this side of the House, we have a couple of proposals we would like to bring forward. Today we are not in a position to bring them, so that, rather than have hassles and repetition on it, we thought we should set that particular section aside and go on to Elections, with the understanding that we come back when the necessary amendments are prepared.

Mr. Hibberd: Indeed, there have been some good thoughts coming from Committee as to possible changes in this legislation, and a lot of this has flowed, through the ability of Members to participate in debate on these various sections before they are stood over.

If we are going to by-pass all these sections now, will Committee have opportunity to debate these further with the possibility of revision later; in other words, the normal process by which we have been going through now?

Hon. Mr. Lattin: Yes, Mr. Chairman, by all means. There was no intention on our part to deny anybody the full right of participation in debate on any particular section. That is definitely not what we were trying to do.

Mr. Chairman: Seeing that it is already agreed that these sections be stood over, I refer Committee to page 19.

On Clause 30(1)

Hon. Mr. Lattin: Mr. Chairman, the election procedures are consolidated into the *Municipal Ordinance* instead of there being a separate ordinance for the purpose of practical convenience of the users. A number of references to other parts of the ordinance refer to elections, and it is much quicker to be able to turn to that particular part of the ordinance, rather than to find it in another ordinance.

Due to the potential for legal action in controverted elections, this part contains considerable detail to clarify all legal requirements for elections. A number of major changes in election procedures have now been faced, resulting from the difficulties that have been experienced in conducting elections under the existing system.

You will note, Mr. Chairman, that the timing of elections has been moved forward to ensure that elections occur in sufficient time to permit a new council to deal with the preliminary budget, and to attempt to increase the election turn-out by holding elections in early November, instead of December.

Mr. Fleming: Yes, I have a little concern with 30(1) and of course, it is the age-old thing again. There is a Canadian citizen who has attained the age of 19 on the day in which the poll was taken, and has resided in the municipality for a period of one year immediately preceding the day on which the poll is taken. Now I have no contest with that whatsoever, that is fine. But just to sit right down and say that this is the municipality — and this is my problem — where you can say this is a municipality, and I am going to speak about a reserve. You cannot really say that; you may say that it is in the municipality, and I agree. I agree with the philosophy that those people should all vote, but we are going to be doing something that looks to me like possibly sometime in the future somebody may not like the way it is.

In so many instances you use the words "deemed to be". I wonder that if possibly right in this section, somewhere, it might not be something that the Government should think of, to put "may be". "Any area may be deemed to be in that municipality..."; this might work well in the case of a reserve or something like this where things may be a little one way or the other, which is a problem we cannot help. I am trying to think of an instance where it is possible that there may be some contention there one way or another. Of course it can be there because the fact is it is not really in that municipality even though it is more or less a fact that you think it is, or we feel it is — Whitehorse or Teslin or any of these areas. I am thinking you could come up with a little better explanation for this very thing: that the area could be deemed as being in the municipality whether it is really there or not.

Mr. Livingston: Mr. Chairman, I believe the section is quite clear. You either live in a municipality or do not live in a municipality. If you live on band lands, as an example, within the municipality, and you are resident for at least one year prior to the poll, you are entitled to vote like any other citizen. It has nothing to do with, or does not relate at all to, being a taxpayer. So, I think it is quite clear.

Mr. Fleming: The witness is right, it is quite clear, if you are living in a municipality; however, my contention is that although you are living maybe within the bounds of what you call the municipality, nevertheless it is true that the government cannot have administration over that area; therefore, it is not really a municipality.

Mr. MacKay: I just want to follow up on the point there. I guess the question is: if a municipal boundary surrounds, and contains within it, an Indian village, the purpose of this section would seem to be that every person within a municipal boundary, regardless of whether they live on Indian lands or otherwise, as long as they are within the boundary, have a vote. If that is the purpose, I have no problem with it.

If there is any other purpose or concern, I cannot see it. Everybody should have a vote if they are in the municipality.

Hon. Mr. Lattin: Mr. Chairman, you cannot be in or out of a municipality. I mean to say, if a village is a part of a municipality, they should be entitled to vote. If they are not part of a municipality, it seems to me it would be very clear that they would not have a vote. They could be in the boundaries, either they are part of it or they are not. If you are in Alberta you do not have a vote in BC, that type of thing and vice versa. That is my interpretation.

Mr. Fleming: I do not think I will bother pursuing this thing; however, I am going to make one comment, that I do not think I am

quite understood again, or if I am understood, nobody wants to stand up and say so. The fact remains that if you do not own the municipality, the reserve, you do not own it or you do not have any administration over it, therefore, to the Government, when they create a municipality it is in the reserve. I am thankful that these people can vote and all the rest of it.

The fact is still there that you do not have the administration over it, so therefore it is really not in the municipality.

Mr. Falle: I surely hope, Mr. Fleming, you are not suggesting that we have two types of people, one that can vote and one that cannot vote within the municipality.

Mr. Fleming: Absolutely not. That is one stand I have always taken, that we do not have two different types of people. But I am saying, as a true fact, that you just do not happen to have the administration of the reserve right now. If this Government can stand up and tell me they do have that, then I would cease my argument right there.

I am not arguing over whether the person can vote. I am not arguing at all. I am merely stating a fact of life, that this is the way it is, and thinking possibly the Government may have a little better way around it. Now I guess they do not because there has been nobody willing to — and I do not myself feel qualified to — make an amendment to this motion in that case. But the problem is there. I see it and I think some of the other Members see it as well.

Clause 30(1) agreed to

Clause 30 agreed to

On Clause 31(1)

Mr. Penikett: Mr. Chairman, my one question is — and I have not checked myself although, I guess I could have done so as easily as anybody — a committee of this House just recently made recommendations concerning the matter of residency, and the right to vote in elections, in connection with Territorial elections. I do not know whether this clause and others here are consistent with those recommendations, and perhaps it does not matter really that they are not perfectly consistent in either case since this House has not yet adopted, rejected, or done anything with that report.

However, I would ask the Minister's officials, if they have a chance, to consider, before we completely deal with this section, having a look at that, because it seems to me, if the House indicates it is going to go one way in terms of Territorial elections, it would be useful to have a parallel kind of standards at the municipal level.

Hon. Mr. Lattin: Mr. Chairman, this particular section provides clarification on what constitutes residency. It is in accordance with the Territorial Election terminology and will make it much easier for elected officials to determine the validity of an individual's claim to being a resident.

I would ask Mr. Livingston if he has anything to add to this at this particular time.

Mr. Livingston: I could also suggest that perhaps this clause is better than the other clauses being proposed by the other Committee.

What this clause is intended to do: as it exists under existing municipal ordinance, it simply says you have to be a resident for one year and that is where it ends. Of course, in all cases, a Returning Officer must make some judgment on things like temporary absences. There are no guidelines whatsoever for that Returning Officer to use. This is an attempt to capture more people who, in my opinion, should be entitled to vote. Therefore, it is not to narrow it at all; it is to give guidance to the Returning Officer. It is a subjective judgment decision that a Returning Officer must make on the day of the poll.

Mr. Penikett: Well perhaps, Mr. Chairman, following Mr. Livingston's representation I shall withdraw my petition and announce that whoever is drafting the *Territorial Elections Ordinance* might look at this one. In any case I think it would be useful if they were consistent.

Clause 31(1) agreed to

On Clause 31(2)

Clause 31(2) agreed to

On Clause 31(3)

Clause 31(3) agreed to

On Clause 31(4)

Clause 31(4) agreed to

On Clause 31(5)

Clause 31(5) agreed to

Clause 31 agreed to

On Clause 32(1)

Mr. MacKay: I think, as I have indicated at second reading, I have problems with 32(1) and (2). I appreciate that it really pursues what was in the existing ordinance.

That has never been any reason to say that it is right, because the whole reason for this ordinance now is that the previous ordinance was not satisfactory.

I would like to make the case, the strong case, I hope, that tenants who are electors, in other words who have lived there for a year, have as much right to vote on all matters as taxpayers, as defined in this ordinance. My reasoning for that is that the sources of revenue of a municipality are many and varied, and that tenants, while not contributing directly into the property taxes, will often be paying many of the other levies of the municipal government.

A municipal government budgets its revenues in total to match its expenditures and it could therefore quite easily be looking to raise revenues, for example, in the business tax area, which would have a direct effect upon somebody who just does not happen to own any property but would nevertheless be disenfranchised as far as voting on a money matter that would raise his taxes.

In addition to that, tenants pay rent to their landlord. The landlord, being no fool, looks at his property tax bill and decides, naturally, that he has to pass on the full cost of that property tax bill to his tenants. In essence, the tenants are directly affected by the levy of property taxes also.

Furthermore, another source of revenue of a municipality comes from senior governments. Senior governments obtain their revenue mostly from taxation of income. I submit that tenants pay as much income tax, on the whole, as any other citizen in the country. So the funds that they submit to the senior governments also come back in the form of revenue to the municipality.

So, when you consider these three factors, there is no logical reason — and I emphasize "logical" — no logical reason, it seems to me, for a tenant not to have a vote. I think that this provision is discriminatory against many people who have lived in this Territory for considerable lengths of time, who may, for one reason or another, never have been able to afford to buy, or choose not to buy, their own houses.

More and more, we may find, for example, older people who give up their homes, taking rental accommodation; these senior members of our society will be disenfranchised from matters that directly affect themselves. I think we should consider that very carefully. The popular conception seems to be that a tenant is a transient and therefore should have no vote. I do not think that holds water in these times. You know, there are many apartment buildings being built and they are being filled by people who have lived here for a considerable length of time and who have a stake in the community. I would urge the Government to reconsider the elimination of the tenant from such a vote.

I am probably thinking in terms of Whitehorse, but in doing so, you have to consider what happens in some of the smaller communities when you eliminate the tenants. I think, particularly since we have addressed the question before directly, what happens to a quasi-company town when you eliminate the tenants? Faro is probably the best example I can think of, but no doubt there will be others in the future, where, in a town of 2,000 people, there are 40 taxpayers and one of these taxpayers probably owns 80 per cent of the property. The argument I can hear coming from the other side is, "Well, it is only fair that that one taxpayer should have that very heavy say in how much is spent". But I think we will find that there are limits to what any municipality can borrow or spend, and that these are safeguards that are built in so that, in that respect, the major mining company is protected.

I would think that the citizens of Faro, who really do not have an opportunity to buy a home — sure, there are a few lots down the road for sale, but, you know, there is not a major residential subdivision being planned in there, it is really the company's policy to supply the housing; we are really putting that town, particularly, very much into the status of a company town when it comes to any major improvements. Everybody agrees, I think, that the company town is not the kind of town we want to develop, as a practice, in this Territory. We want to have independent municipalities where the people will be taking a very active part in the administration. Indeed, Faro is an excellent example of how well that kind

of policy can work, because I would say that we have a town full of very committed people. They have a very solid town council and they are working hard to make Faro the permanent residence of many, many people living there.

I think that it would be only fair that these same people who are residents there should have a vote on the matters that concern the long-term planning of the town.

Let me re-cap on these various counts a little. On the count that the tenant may be not only paying to that municipality in ways other than straight property tax, and so is paying money: on the count that through his rent he is paying property taxes; on the count that through his income taxes, he is contributing to senior governments which in turn put money back into municipalities, and so he is contributing to the municipality; on the count that in special circumstances of company towns, that is the very kind of situation where we want to encourage participation of the citizenry; for these four reasons, I would strongly urge the Government to reconsider the elimination of tenants from voting on money matters.

Hon. Mr. Lang: I just have a couple of comments to make. First of all, Mr. Chairman, the Member forgets that in respect to "company towns" — and it does not necessarily have to be company towns, it is also houses within Whitehorse, within Haines Junction, depending upon who their employers are — there are certain provisions under collective agreements, in which, if people are able to vote on a tax measure, it would directly go through to the property taxation; because, generally, in the area of municipal government, they accrue their financial remuneration or the financial obligations from the taxpayers for municipal services. Some of those collective agreements preclude an increase to the tenant, so as a result your argument does not wash that it would just be turned over directly to the tenant in particular situations. I can think of three or four different situations throughout the Territory.

I also feel very strongly that in cases like the small communities such as Haines Junction, where you have a limited tax base, the easiest thing in the world to do if one has not "permanently" put his roots down by building homes and whatever, is to go and vote for a recreation centre which, in the long term, is going to be paid, to some measure, through the property tax system. I think it would put a very difficult situation into a community such as Haines Junction or Teslin; I believe that the Member is being very naive if he does not see that there still is a certain amount of transiency among our population.

I will agree that there is a certain amount of permanency, more so than what there has been in the last decade, but I do not think that it has gotten to the point that the Member has indicated, and I do not intend to get personal with respect to it either.

My point, Mr. Chairman: I think that the provision that was in the present *Municipal Ordinance* should be carried through. Now perhaps ten years down the road it should maybe be examined further, with respect to the stability of the community. I do not think the Member really realizes what he could be doing to the smaller communities throughout the Territory, and it could be a very devastating situation if what he was advocating were to be accepted.

Mr. Tracey: I have to sympathize a bit with the Member across the floor, but I have to agree with Mr. Lang. Especially in a small community, we find that there are a lot of transient people. They do not have any roots in the community and it is very easy for them — take a school teacher or somebody or a government employee, he comes there and stays for a year or so, he has no intention of making that his home, but while he is there he would like to see a new community centre or a skating rink or a swimming pool, street lights on his street and everything. It is very easy for him to vote for it, but who is going to pay for it? It ends up being the taxpayers.

I have to go back to Faro again; the Member says that the people there should have the right to vote. The people there are in subsidized housing, they pay next to nothing and even if they did vote something in, how is it going to reflect back on their rent? That argument does not wash with me, especially with the Town of Faro.

Mr. Fleming: I agree with the two Government Members who have just risen, in the sense of what a taxpayer is, that I do agree with; however, this is sometimes a small-town situation, where there are not even 10 per cent of the people in that town who are taxpayers, and this is the area I worry about. I do worry about this

because I think, myself, that it is going to split the people in some small towns right smack down the middle.

I would like to, at this time, tell you of an incident in the L.I.D., in Teslin, where at one time some taxpayer, of course, at one of our annual general meetings, felt that the taxpayer should be the only person in that town to vote. Of course, bringing the motion to the floor was illegal because you could not do it through the L.I.D., but nevertheless, it was tried.

I was at that meeting and there was a good crowd there of 30 or 40 people and there were arguments both ways. The Department of Public Works people who work in that community, the school teachers, and the native people and everybody else were represented. At that time, I will tell you, Mr. Chairman, that vote went one for, and the remainder of the hall against.

My problem with this section is because of the very fact that those people who do work for government — and I very sincerely appreciate Mr. Tracey's remarks — but those people pay taxes and their argument was, at that time, "You may pay \$300 or \$400 property tax, Mr. Taxpayer, but we also pay to the government \$4,000 or \$5,000 in taxes every year, and we live in this community and we like to have a small say." So in that way I am a little worried as to whether this is really going to be good or bad. As I say, I have my doubts.

Take a taxpayer in just such a place as Teslin, now there are other places, I would go along with Whitehorse or maybe the bigger towns, fine and dandy. Some towns may be exactly the opposite, because people are people and they can go both ways. But I do have a problem with this and I think there possibly will be a problem with it in my area. The taxpayer will be happy, there is no question about that. But, as I say, we have ten to one, nine people against it and one for it, I am quite sure of that.

Hon. Mr. Lattin: Mr. Chairman, I think we are comparing apples and oranges when one minute we are talking about income tax and the next minute we are talking about property tax. I just do not see the relationship there at all. This principle was considered at great length by the Government and by the AYC. We felt it very necessary to restrict money votes to the taxpayer.

One thing we were taking into consideration is the high mobility in Yukon and the fact that tenants tend to be more mobile than the property owners. There is every reason to believe that the tenants would be in favour of the facilities that would enhance the community. But I submit to you, Mr. Chairman, that once the facilities are there and the people have left, the taxpayers are left with the burden of paying for them. I do not think that is the kind of thing we should be encouraging.

It should also be recognized that in the outlying communities there is not a significant amount of privately rented accommodation and therefore a higher percentage of the long-term residents own their own houses.

In answer to Mr. MacKay's concern, it should also be recognized that the owners of retail properties are in a market environment, and it is often impossible for them to pass on the increased cost of local improvement taxes to their tenants.

In reference to my colleague, Mr. Tracey, I think it is very indicative that if, in a place like Faro, and in other places it could, but Faro notably, where they have subsidized housing, I think anybody would be in favour of anything because you know that you are not going to be there long and it is not going to be reflected on your rates. So, naturally, you would be in favour of it.

But how about the poor guy who has to pay for it? I think we would be doing the community an injustice if we do not consider that the people who are paying taxes are the ones who should make the decisions on the money matters.

Mr. Byblow: I guess I have been more a listener than a debater in this particular bill, mainly because of the tremendous implications that this bill does have with respect to my community.

On the one hand, you have a taxpayer who owns upwards of 80 per cent of the assessable property in town. On the other hand, you have 39 other taxpayers who own their portions of property and pay taxes and then you have 800 other electors with no particular voice in money matters. That is an effective disenfranchisement.

It seems to me that provisions that exist in this bill, as existed in the present *Municipal Ordinance* that is in place now, held ceilings on the amount of debt that could be incurred by a municipality. The existing *Municipal Ordinance* has a section devoted exclusively to the Town of Faro that spelled out certain conditions with respect to borrowing and with respect to debt.

It would appear to me that if the true faith of this bill carries on as has been discussed over the past number of debates, then those same provisions are going to be carried over into the new charter of incorporation.

So, in effect, you have got the controls in place, is what I am saying. As I gather from what is being said from the other side, you have the controls in place to protect against abuse of over-expenditure.

I am having some serious difficulty with resolving that.

There have been a number of references to Faro and the subsidized housing situation, as if that disqualified those tenants from any say in any fiscal matter pertaining to the municipality. It seems to me that however you look at it, there is a connection between what that tenant pays in his subsidized housing and the ability of that municipality to manage its debt. It is part of a negotiating package. What you give up at one end, you put in place in another. Maybe a number of tenants do pay only \$55 or \$105 or whatever, substantially less than the average citizen or the average taxpayer. But for that reason they have less wages because of a negotiated package. It is all part of the package, it is all an inter-related matter.

I would certainly like to extend further debate on the whole concept of the taxpayer's being the only entitled person to vote with respect to these types of fiscal matters, in light of the ceilings that are in place and in light of the inter-relatedness with this privileged class of tenants.

Mr. Penikett: Most of the time that I am in this House I am content with the dominant feeling that I have, that my four years of studying Political Science at University were for the most part wasted. Every now and again, like right now, I realize that the expensive education that I consumed was not totally wasted. It seems to me that we could have a lot of emotional talk here, which is really a reflection of the attitudes of Members based on their status as tenants or taxpayers or residents of resource communities or service communities, residents of large cities or small communities.

However, there is not an awful lot of exchange of facts or information.

Let me say that from an economic point of view, the Member for Faro is absolutely right. The tenants, the residents of the Town of Faro, are not on welfare. They are not in social housing. They are not subsidized citizens. They are the people who are labouring to extract the resource wealth of this Territory and by doing something which I think all citizens do, combining their strength collectively, by bargaining collectively, by joining together, they have proven that they have more economic power in the economy than individuals do.

I will not comment on the Minister of Justice's interjection right now. I am not going to give you a lecture on my philosophy, but I am going to say that the total compensation package of the people at Faro, their social wage, if you like, is a reflection of their bargaining power and the financial position of that company.

Let me say, though, that that does not have a lot to do with this discussion. The point about those people in Faro is that they have bargained for themselves a really good income. They do not have all the services that we have in Whitehorse, but they have more services than many people in some of the other smaller communities. That should not deny them the right to a voice about the services they expect and the services they demand and the services they should receive in that community.

However, on the other side, we have, it seems to me, a perfectly reasonable objection from Mr. Tracey, based on a concern of a property taxpayer, in a place like Carmacks.

Now, I think if you were going to follow Mr. MacKay's market force argument all of the way through, you would argue that should the community citizens of Carmacks, for example, decide that they wanted some major new recreation facility and that Mr. Tracey was the only taxpayer there and he had to pay for it, that he might suffer some short-term cash flow problem, but no doubt, the laws of the market being what they were, he would pass on that increased cost to the residents of the community and, whether they were deluding themselves or not, they would end up paying for it one way or another.

That is not the point. It seems to me that what we have to be very clear-headed about when we are talking about municipal services is what kind of services they are, whether they are really municipal or whether they are some other kind.

I am a person who believes in a much more rational tax structure than we now have. It seems to me that we have a more rational system here than they do in many provinces, but as I have argued before in this House, I think it is fudged by a few things like the school tax and so forth.

Let me make this point. It seems to me that when you are talking about municipal services such as roads, sewers and street lighting, et cetera, it is perfectly appropriate that they should be financed by property taxes. The reason is that those services improve the value of that property and therefore a tax on that property is a perfectly legitimate way to pay for those services. I am not so sure that is the case with some of the other services that have been mentioned in this debate, such as a recreation centre. That is the kind of debate we had in Whitehorse here but it is the kind of debate that I do not doubt that would go on in other communities as well.

It is my view, and I have said this before, that certain kinds of services are universal, in the sense they are not very selective. You cannot very well chose who uses them or not. You cannot very well chose to limit that service only to people who pay for it in the way you can for a frontage charge for certain local improvements.

Furthermore, it seems to me that that borderline case if you like, like a recreation facility, is reflected in the fact that jurisdiction in that field is split, not only split between the city and the Territory but I understand that there is a Minister in Ottawa who has some interest in recreation as well. The Minister of Justice was consorting with him in Toronto last week.

My own view is, and I think this is an ongoing debate, that certain facilities like that should be paid for by universal forms of taxation like income tax revenue, and certain facts should much more be the responsibility of senior government, federal or Territorial, than they are municipal. If that were the case, you would not have so much heat about this kind of issue, about who should vote, because it is quite clear to me that you are always going to get citizens living in any community in the North where we do not have the recreation facilities, for example, that exist in any city in the south, and who are going to quite reasonably want more, the children and the families are going to want more. Whatever spouse is staying at home is going to want more and people who have had a hard day at some tough job are going to want good recreation. If they do not have to pay for it immediately out of their pockets, they may want to delude themselves as to whether the cost is really going to come to them. It will ultimately one way or another anyway. Mr. MacKay is right about that point. And it seems to me if those services were being provided or funded by the senior government, we would not have this kind of dispute.

Let me say in the case of other things though, when you are talking about the kind of municipal service which is whether you should have a big, new paved road for some area or something, that facility is going to improve the value of the property that faces it, and it is not unreasonable at all to ask the people who are going to appreciate or receive that value to pay for it through taxes and also to ask them, before the decision is made, whether they want to be burdened with that debt.

I do not want to appear to be agreeing with both sides of the question, but it seems to me that the reason we get into quandaries about this is because we are not very clear-headed sometimes about what are municipal service and what are not.

Hon. Mr. Lang: Mr. Chairman, I just have one more thing to add to the debate. It is unfortunate that we had to home in on one community because I do not think that is fair. I think the Member for Whitehorse West has made it perfectly clear that we are talking about Territorial legislation. It is not legislation that is going to apply to one community. I think that is important. That is the responsibility we have in this House, not, for example, just for me to worry about Porter Creek East. We have to worry about the Territory as a whole and how a piece of legislation is going to affect a community such as Haines Junction, Carmacks or Ross River. I think that is a very important principle that we should adhere to and pay careful attention to.

I just want to reiterate, Mr. Chairman, that I think the Member for Whitehorse West made pretty good sense with respect to the fact that the tax structure was dramatically changed. But it is not going to dramatically change. The fact of the matter is that the relationship with the Government of Canada would have to be revised considerably. It may well happen tonight, but I do not think it is going to giving, it is going to be taking. I suspect we have approximately 14 minutes in which to sit down and have a beer, or whatever, before the price goes up.

I would say, Mr. Chairman, because I consider myself a pragmatist, although not having four years of political science. I recognize the situation that would have to be addressed by the communities if we go the way the Liberal Party is advocating in this House. I think we have to look at the situation from a pragmatic point of view. I would be very surprised to see the Member from Klwane voting for the principles being espoused by the Party Leader at this time because it would definitely not be to the benefit of that particular area of the Territory, and, for that matter, a good number of the areas of the Territory. All I can say, Mr. Chairman, is that it will be interesting when you call for question on this particular section.

Mr. Fleming: I will not take up much of your time. I know you all want to go hear how poor you are, but, I cannot just drop the subject there. I think I would have some questions on this section if it went through. One of my questions would be: who, in the long run, is going to pay for some of the charges that the taxpayer decides upon? If he is one-tenth of the majority of that town and he decides, who is going to pay? I will tell you who is going to pay. It is going to be all the residents who will pay. They pay their water bills, and they pay for whatever services are given to them. They all pay.

The taxation on land is merely one item. Now, if the Government thinks for one moment that, because the taxpayer is going to pay, small towns such as Teslin or Carmacks or any of the rest of them, are going to be able to pay for all the goodies that are given to them just through the taxpayer, then they had better see that there is a lot more land sold in this country than there is today; otherwise it is not going to happen. I agree with the Member in front of me that this is exactly our problem in cases like this; the tax structure is not quite in the right place. We cannot expect ten people to pay for any municipality.

The Honourable Member, I do not think, really understands — whether he has had the big education or not, I do not know — but I live in one of these places and I know who pays the bill, it is everybody.

Consequently, I think I have been against this here right from the start, because of the very fact that there is a right of every human being to have his say in a community, whether he be a taxpayer or not. I feel for the taxpayer as much as anybody else, but I cannot agree with this section.

Mr. Tracey: Mr. Chairman, I have to stand up and attempt to rebut the previous speaker. As a taxpayer in any community, if the government comes or the people say that they would like water and sewer in such and such an area, it is going to go past my place: I am a taxpayer and all the rest of the residents, whether they are taxpayers or whether they are not, are going to vote on whether we are going to have water and sewer — I know what is going to happen. We are going to have water and sewer, but I am going to be the one who pays for it and I pay directly for it. It is added right on to my tax bill, whether I want that water and sewer or whether I do not.

If I am going to have that water and sewer, I want to be the one to vote on whether I am going to have it or not, not somebody who is renting a house from the government maybe at next to nothing, or in Faro where they are getting subsidized housing. I do not care whether the Member says it is not subsidized housing. I consider it to be subsidized housing. It is part of his wages and he has nothing to lose by voting for any increase or any improvement in his community.

I certainly have something to lose if somebody who has got nothing invested is going to vote for something that is going to cost me thousands of dollars.

Hon. Mr. Lattin: I move, Mr. Chairman, that you now report progress on Bill Number 57 and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Minister of Municipal Affairs that Mr. Chairman do now report progress on Bill Number 57 and beg leave to sit again.

Motion agreed to

Hon. Mr. Lattin: Mr. Chairman, I move that Mr. Speaker do now resume the Chair.

Mr. Chairman: It has been moved by the Honourable Member for Whitehorse North Centre that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Njootli: Mr. Speaker, the Committee of the Whole has considered Bill Number 40, *An Ordinance to Amend the Compensation for Victims of Crime Ordinance* and directed me to report the same with amendment.

Further, the Committee 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. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that we do now adjourn.

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

Motion agreed to

Mr. Speaker: This House now stands adjourned.

The House adjourned at 4:53 o'clock p.m.

The following Legislative Returns were tabled Tuesday, October 28, 1980:

80-3-15

Workers' Compensation Board (Oral Question - November 15, 1979 - Page 692)

80-3-16

Yukon Health Care Insurance (Medical) premiums (Written Question Number 14)