

Yukon Act

On section 14—*Governor in council may prescribe the qualifications of electors, candidates, etc.*

Mr. Black (Cumberland): This clause seems to grant very exceptional powers. I should like the minister to explain why they are necessary. The clause reads in part as follows:

—the commissioner in council may prescribe the qualifications of those entitled to vote at an election of members of the council and of those eligible for nomination and election as members of the council and the reasons for or matters by which an elected member may be or become disqualified from being or sitting as a member of the council.

Under our system of government it would seem to me that very autocratic powers are being granted to the commissioner in council. I should like the minister to explain why they are necessary and why the bill could not set out the qualifications required. I should like to know why this power should be left to the commissioner and his associates.

Mr. Winters: Hon. members will recall that when the Northwest Territories bill went through the same question was raised. It was considered at that time that if we were going to have what is in effect a local legislature they should have responsibility for and authority over those things that normally fall within the jurisdiction of a local legislature to the greatest extent possible. The qualifications of voters is one of them. The existing legislation reads as follows:

The commissioner in council may prescribe the qualifications of those entitled to vote at an election of members to the council . . .

And so on. We are seeking no powers that were not there before, nor are we seeking any powers that do not normally fall within the jurisdiction of a provincial legislature, or in fact a legislature of this kind which is an elected legislature for these purposes.

Section agreed to.

On section 15—*Sessional indemnity and expenses of members.*

Mr. Black (Cumberland): I see that fees up to \$50 per day are being provided for the remuneration of the members of the council. Under these circumstances that would seem to me to be a rather excessive allowance. I think most members would agree that if the commissioners have to travel any distance they should be reimbursed for their out of pocket expenses, but it would appear to me that \$50 a day is excessive.

Mr. Winters: As the hon. member knows, living expenses in the Yukon are perhaps higher than in other parts of Canada. This is simply bringing the allowance into line with that provided in the case of the Northwest

Territories bill which hon. members passed last year and which established a rate of \$50 per day for the Northwest Territories council.

Section agreed to.

On section 16—*Legislative powers.*

Mr. MacInnis: I notice that subsection (g) of clause 16 deals with the solemnization of marriage in the territory. Then subsection (n) deals with the conferring of jurisdiction in matters of alimony upon the court. How is the question of divorce dealt with in the Yukon Territory? The hon. member for Winnipeg North Centre suggests that possibly the law of the old days, when the other fellow was shot, would cover the situation. That might do, but that question must arise because provision is made for jurisdiction in matters of alimony.

Mr. Winters: I must confess that I am not clear on the full answer to that. There is no change from the existing legislation, and I have not gone into it very thoroughly with that in mind.

Mr. MacInnis: Would the minister see what information he can get?

Mr. Winters: I will do that.

Mr. Browne (St. John's West): Subsection (r) has an explanatory note saying there is no change in substance. Can the minister tell me what change has been made in subsection (r) from the former section 28?

Mr. Winters: The former section 28 reads as follows:

The commissioner in council shall pass all necessary ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the territory or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

Mr. MacInnis: Has the minister received any representations as to the ability or inability of the people in the territory to raise sufficient funds for educational purposes? How is secondary education handled, or is there any such thing as secondary education in the territory? Has the minister had any representations as to any difficulties experienced by the residents of the territories in providing adequate educational facilities?