

*Yukon Act*

assumes the responsibility. The municipalities are gradually moving more toward accepting full responsibility for running their own communities.

**Mr. Nielsen:** With respect to the question asked by the hon. member for Kootenay West may I say that I have a certain amount of intimate knowledge of the area to which the bill will apply and perhaps the minister will allow me to say that while there is the power under the municipalities and taxation ordinance to create incorporated cities in three areas, namely Dawson, Whitehorse and Mayo, only Dawson and Whitehorse have taken advantage of the provision to create themselves municipalities within the provincial meaning of that term. The area of Mayo is still not governed by what is known provincially as a municipal council. The authority for the creation of municipalities comes initially from the powers contained in the Yukon Act which the bill purports to amend. The Yukon Act as it now stands may be compared almost in every respect with the relevant provisions of the British North America Act which delineate powers as between the provinces and the federal authority. That is where the constitutional power comes from for the creation of municipalities in the Yukon.

**Mr. Caron:** When a municipality wants to obtain a loan for public works does it have to ask the permission of the territorial authorities? If a municipality wants to borrow money for a municipal public works does it have to seek permission or authority from the territorial authorities?

**Mr. Hamilton (Qu'Appelle):** That is correct. The municipal governments and school boards when created are creatures of the territorial government. They go to the territorial government to borrow money and if the territorial government cannot provide them with sufficient money to meet their needs the territorial government then comes to us and sees what can be done.

Clause agreed to.

On clause 2—*Deputy police magistrates.*

**Mr. Pearson:** Mr. Chairman, as the minister knows, in the provinces appointments of magistrates are made by the provincial government. What is the reason behind the decision that has been taken to make appointments of deputy police magistrates in the Yukon by governor in council rather than by action of the territorial council?

**Mr. Hamilton (Qu'Appelle):** I am informed that under the Yukon Act the territorial government does not have jurisdiction in

[Mr. Hamilton (Qu'Appelle).]

relation to natural resources and justice, which are left under federal control.

**Mr. Pearson:** I wonder whether the minister or his parliamentary assistant would tell me whether it is contemplated that any action will be taken under this section with regard to these appointments?

**Mr. Hamilton (Qu'Appelle):** This same provision was placed in the Northwest Territories Act last year and at that time I promised the house that I would bring in a similar amendment to the Yukon Act. We have not given any consideration to the matter yet.

**Mr. Caron:** Clause 2 reads as follows:

The governor in council may appoint one or more persons who are barristers or advocates of at least three years' standing at the bar of any of the provinces of Canada to be deputy police magistrates—

Under this provision it would seem that a barrister who had been disbarred in a province would be eligible for the position. Would it not be wiser to say "lawyers, barristers or advocates in good standing at the bar of any of the provinces of Canada"? Otherwise you are liable to have a man who has been disbarred in one of the provinces because there is nothing to prevent it there.

**Mr. Hamilton (Qu'Appelle):** If any person has been admitted to the bar and has three years' standing I think the inference is that he would be considered to be in good standing. If a lawyer is not in good standing I understand he is disbarred. There is one thing I should like to mention while I am on my feet. Hon. members may have noticed that the word "provinces" is used which would seem to bar barristers or advocates from the territory. That does not hold. In Whitehorse there are several barristers resident there and they are not ineligible under this section because the definition of the word "province" in the Interpretation Act includes the territories.

**Mr. Cardin:** Can the minister tell me why provision is being made to appoint deputy police magistrates having the same power as police magistrates rather than increasing the number of police magistrates? Why do you have deputy police magistrates?

**Mr. Hamilton (Qu'Appelle):** At the present time I understand there is no necessity for additional magistrates. The purpose of the clause is simply to have the power to appoint a deputy police magistrate if the magistrate is not available. If you have just one magistrate in a big area and that is all that is needed it is fine if he is there 24 hours a day 365 days a year. You have to have the amendment, so if he is away or incapacitated you can move in another person to take over.